

Hon Ljiljanna Ravlich; Hon Norman Moore; Hon Paul Llewellyn; Hon Murray Criddle; Deputy Chairman; Hon Ray Halligan; Chairman; Hon Nigel Hallett; Hon Bruce Donaldson

SWAN AND CANNING RIVERS MANAGEMENT BILL 2005

Committee

Resumed from 30 August. The Deputy Chairman of Committees (Hon Graham Giffard) in the chair; Hon Ljiljanna Ravlich (Minister for Education and Training) in charge of the bill.

Progress was reported after clause 19 had been agreed to.

Clause 20: Constitution and proceedings -

Hon LJILJANNA RAVLICH: Yesterday during the debate Hon Norman Moore asked me a question on the availability of maps. It is difficult to work out the boundaries etc without the aid of maps, so I gave him an undertaking that I would provide them to the chamber. I will table draft copies of the deposited plans referred to in schedules 1 to 4 in response to the member's request. I made the point yesterday that this information is held digitally by the Department of Land Information. The approach taken ensures that information can be produced at an appropriate scale without the loss of accuracy. It also enables other information such as lot boundaries, waterways, road networks and other infrastructure to be overlaid. That is not as easy to achieve on conventional maps as it is on digital maps. The boundaries, lot numbers and reserve numbers on the conventional maps are final. However, I ask members to note that administrative details such as references to the act cannot be finalised on the plans until the passage of the bill has been completed through both houses. Holding this information as part of the state's electronic land information system ensures it is accessible and useful to anyone who needs it. The honourable member approached me about how to pin up the maps for members to reference. I explained to him that this might prove to be difficult for quite obvious reasons, least of which is the number of maps with which we are dealing.

Hon George Cash: You can hold them in your hands and swap them over every now and again!

Hon LJILJANNA RAVLICH: It is just as well the member did not suggest I hold them in my mouth because then I would really be stuck.

I am happy to provide the maps to members. They will be available to members for the rest of the debate. I do not know whether Hon Norman Moore will be satisfied if my advisor shows him how he can access the land information system so that he can reach a degree of certainty on the issue of accessing the maps. I seek leave to table the plans.

Leave granted. [See paper 1829.]

Hon NORMAN MOORE: I appreciate that this matter is not part of the clause that we are discussing, but as the minister tabled the documents during debate on this clause, I ask for the same liberty to comment on the matter. This is a very unsatisfactory situation. Somebody might explain to me in due course that this is the only way it can be done. However, this bill will become an act and anybody who accesses the act in the future and who wants to see what land we are talking about must trot off to the Department of Land Information to get a copy of a map that is referred to in the legislation. Indeed, it is a schedule to the bill and will become a schedule to the act. When someone who wants to know what the land is reads the Swan and Canning Rivers Management Act 2005, he will turn to the schedules and discover that it contains a deposited map. Where will people go to if they do not know what we now know? There might be a perfectly logical and legitimate explanation for this. Many bills that pass through this chamber contain maps and diagrams so that people can understand what the legislation means. I have a particular interest in this matter and I am sure that the thousands of people whose properties are located throughout the catchment area would love to know what the circumstances are concerning them. There must be a better way of dealing with it. I am not asking the minister to provide an answer now. When this bill becomes an act, somebody who wants to see what land is affected should not have to get a copy of the act and then trot down to the Department of Land Information to access the quantum of maps that the minister has tabled today to understand what the act is all about. There must be a better way to do it than that.

Hon LJILJANNA RAVLICH: This probably demonstrates where we have come from and where we are moving to. I am advised by my advisers that maps have historically been attached to schedules to bills but they have really been for illustrative purposes. There is no doubt that the amount of information that can be placed on a map of a size that can be folded into a half A4 sheet would not provide the level of detail that I think people would expect to be made available in an information age. Technology has advanced so much now that with modern technology and the availability of information we can place very fine, detailed data on maps. That detailed data has probably not been provided historically and can now be provided. The mode in which it can be provided is electronic, unfortunately, and not the old-style, hard-core, paper format. I have made public

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comments about the Google web site. Google demonstrates the impact of changes in technology and how the way that everyone does business has changed.

Hon NORMAN MOORE: With respect to the minister, we are dealing with areas of land that are contained within this bill, namely a catchment area, the Swan Canning Riverpark and the development control area. People who are contemplating this legislation need to know what land is involved in each of those three cases. The minister is saying that technology is such that the government cannot provide the information to Parliament. If members use Google or trot down to the Department of Land Information, they can have a look, but the Parliament will get only a schedule that indicates that there is a deposited plan. Maybe the bill should indicate that it is for illustrative purposes only and that people should check out Google if they want to find out where it is and when Australia was first settled, or that they should go to the Department of Land Information and ask for this document. It should at least give them some direction. The average bear reading this will read in schedule 1 -

All of the land and waters shown on Deposited Plan 47464.

The average bear would not have a clue what that means or where the plan is available. The bottom line is that it should be available to the members of Parliament who are making a decision about this. We need to know what land is involved in those three areas, because that is what the bill is all about. I thank the minister for bringing the maps to us, but it was only in response to our request; the maps were not provided as a matter of course. If we are going down this wonderful path of technology that the minister has just described, she should at least tell those people who will read the act in due course where to get the information, if the minister thinks that is the solution. There should be a far better solution than that. People should be able to access an act of Parliament. They should not have to rush off to the Internet to find out what it means.

Hon GEORGE CASH: It would be valuable if we were able to incorporate A4-sized indicative maps when we deal with the schedules much later in the bill. People going to the bill will look for a general outline to see whether they fall within that general region. They will get a clearer understanding, and if they are not sure, they can go to the department to find out the exact boundaries. The Perry Lakes Redevelopment Bill had some plans and surveys attached to it as part of a schedule. The minister may have the opportunity to consider the incorporation of indicative maps. It is not the case that every time we see a certificate of title mentioned that we see the certificate of title in a bill. It is not the case when we are legislating for building railway lines that we see maps of the entire area of the proposed carriageway. We often refer to a particular plan. However, in this case, because of the very special interest of so many people, it may be worth considering a map on an indicative basis only.

Hon LJILJANNA RAVLICH: I understand that illustrative maps could be included in this bill by way of amendment. It was not the intent that they be included, but they would be only illustrative maps and would not have that level of detail.

Clause put and passed.

Clauses 21 and 22 put and passed.

Clause 23: Functions of Trust -

Hon LJILJANNA RAVLICH: I move -

Page 24, line 4 - To delete "statements of planning policy" and insert instead -
State planning policies

The clause sets out the functions of the Swan River Trust, which include the protection and enhancement of ecological and community benefits and amenity of the Swan Canning Riverpark; planning and development in and adjacent to the rivers; carrying out works; providing public information; and assessing the state of the rivers and reporting to the minister. The amendment is a new provision that better reflects the terminology in the Planning and Development Act 2005, which was proclaimed on 9 April 2006. I have already specified that a number of amendments relating to this bill go to the heart of the changes that were made to the Planning and Development Act.

Hon PAUL LLEWELLYN: Clause 23(d) provides for establishing targets. How does clause 23(d) link with other clauses in the bill? Where are mechanisms for reporting and accountability of targets laid down?

Hon LJILJANNA RAVLICH: As usual, the member is ahead of himself. On page 41, clause 47 in part 4 provides for targets and strategic documents. Division 1 of part 4 deals with ecological and community benefit and amenity targets. Clause 47 provides that regulations may prescribe targets. Specific targets would not be set in a bill but more appropriately dealt with in regulations. That is what is proposed by this legislation.

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Amendment put and passed.

Clause, as amended, put and passed.

Clause 24 put and passed.

Clause 25: Consultation and matters to be considered -

Hon PAUL LLEWELLYN: The trust is to have regard for a number of matters. The people who have agricultural interests in the upper catchment need to be consulted. How will the Swan River Trust consult with people who have agricultural interests in the upper catchment? What mechanisms will be put in place for that to occur?

Hon LJILJANNA RAVLICH: Public comment is required to be sought on a number of points throughout this bill. That information will be sought through the general ways of seeking information from any member of the public, including advertising, on specific issues. For example, the setting of targets may require the input of the public. Mechanisms have been established that were used to develop this legislation, and this legislation had input from key organisations that have a very good relationship with the agency. Those mechanisms are definitely a positive. If individuals have a view on an issue, more traditional ways of communication will be employed.

Clause put and passed.

Clauses 26 to 46 put and passed.

Clause 47: Regulations may prescribe targets -

Hon PAUL LLEWELLYN: This division relates to the setting of targets, particularly ecological and community benefit targets. How will these targets be set administratively? What mechanism will be put in place for not only the targets but also setting the parameters that need to be measured to determine whether the targets have been achieved? What processes will be employed to negotiate them?

Hon LJILJANNA RAVLICH: I think this is a very good provision. It is a new provision. I am not sure that I have seen in this place too many other cases of legislation providing a clear capacity to set targets. This clause enables targets for the riverpark and targets for the catchment area relating to the riverpark targets, as well as the monitoring and reporting arrangement, to be prescribed by regulations. This is good because it will also enable the Parliament to scrutinise those targets. The targets will provide guidance in the development and management arrangements. The other thing is that it is not punitive. It will not be an offence if the targets are not met. As I said, this is a good provision. Clause 48 deals with consultation. Before regulations are made in relation to a matter referred to in clause 47, which is about the prescribing of targets, the trust must endeavour to consult with any public authority or person who appears to the minister to be likely to be affected in a material way by the regulations. Therefore, there is an obligation at law to ensure that the consultation is fairly broad at one level, but fairly targeted towards those who might be affected.

Clause 49 refers to draft regulations being publicly notified so that people are aware of them and can have an input. The member will also note that clause 50 requires public submissions.

Clause put and passed.

Clauses 48 to 64 put and passed.

Clause 65: Compliance with strategic documents -

Hon LJILJANNA RAVLICH: I move -

Page 52, line 7 - To delete "72" and insert instead -

70

This is a technical amendment. The amendment will require the trust and the authorities listed in schedule 5 to perform their functions affecting the development control area and riverpark in accordance with the strategic document and the requirements of clause 70, except when the provisions of clause 6 apply. It is an adjustment because of the technical inaccuracy of the current wording.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 66 put and passed.

Clause 67: Definitions -

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Hon NORMAN MOORE: Clause 67 is the first clause in part 5, which relates to development in development control areas. Unfortunately, I have not had a chance to look at the development control area map yet. I hope to do that during the break. Members should understand that this part of the bill relates to any development that might take place within a development control area. It relates to the circumstances that surround that development. The definition of “development” in this clause states -

“development” means a development to which this Part applies by operation of section 69;

Clause 69, “Developments to which this Part applies”, does not tell us what a development is. What sorts of things constitute a development? We all see development as things that are created or built. Is there a definition somewhere in the legislation that will tell me what sorts of things constitute a development for the purposes of these development control areas so that people have a rough idea of what they can and cannot do by way of a development? I would be interested to know whether there is a definition of “development” that actually tells us what a development is.

Hon LJILJANNA RAVLICH: This is an existing provision, so there has been no change to the definition. “Development” is defined in clause 3(1) as meaning -

- (a) the erection, construction, demolition, alteration or carrying out of any building, excavation, or other works, in, on, over or under land or waters;
- (b) a material change in the use of land or waters; and
- (c) any other act or activity in relation to land or waters declared by the regulations to constitute development,

but does not include any work, act or activity declared by the regulations not to constitute development;

Clause put and passed.

Clauses 68 to 88 put and passed.

Clause 89: Compensation -

Hon LJILJANNA RAVLICH: I move -

Page 70, lines 29 and 30 - To delete “Metropolitan Scheme Act section 36(3)(b)” and insert instead -

Planning and Development Act 2005 section 177(1)(b)

Page 71, line 6 - To delete “Metropolitan Scheme Act section 36(3)(a)” and insert instead -

Planning and Development Act 2005 section 177(1)(a)

Page 71, lines 21 and 22 - To delete “Metropolitan Scheme Act section 36(2)(b), (2a), (2b), (7) and (8)” and insert instead -

Planning and Development Act 2005 sections 180, 187 and 188

These changes refer to the fact that the Planning and Development Act 2005 was proclaimed on 9 April 2006, so a number of the provisions relate to planning legislation and the fact that that act has now been assented to. We need to make these amendments to ensure consistency of reference.

Hon MURRAY CRIDDLE: Perhaps the minister could explain what is happening here, especially in relation to subclause (9).

Hon LJILJANNA RAVLICH: Part 6 deals with river protection notices, and the main thrust of this legislation is to collaboratively develop and implement the river protection strategy and its associated management program. This recognises the need for changes to protect the Swan and Canning Riverpark, and that will involve government, industry and the community in improving the management of activities that affect the riverpark.

All of these are simply consequential amendments to the Planning and Development Act 2005, which was proclaimed. Because we are trying to achieve consistency between legislation, we have to get rid of the old language and replace it with the technically accurate language or terms so that it is comparable with the act. They are technical amendments.

Hon MURRAY CRIDDLE: I understand the point. I was trying to get to grips with what is the technical information.

Hon LJILJANNA RAVLICH: The amendment to lines 21 and 22 on page 71 is to delete the “Metropolitan Scheme Act section 36” etc. The simple fact is that the act is no longer in existence. It has been abolished.

Hon Murray Criddle: That is not what I am asking.

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Hon LJILJANNA RAVLICH: I am sorry. If that is not what the member is asking, then obviously I do not understand the question.

Hon Murray Criddle: I want you to explain what you are doing.

Hon LJILJANNA RAVLICH: I am trying to explain what I am doing. We do not want to leave reference to the “Metropolitan Scheme Act” in this legislation in view of the fact that that act has been abolished.

The DEPUTY CHAIRMAN: I think the member is asking about the substantive clause, not the amendment. He is asking the minister to explain the effect of the substantive clause 89.

Hon Murray Criddle: That is exactly what I have asked, about four times.

Hon LJILJANNA RAVLICH: Clause 89 deals with the question of compensation. Subclause (9) deals specifically with the metropolitan scheme act sections that I have referred to. They apply for the purposes of clause 89 with all the necessary changes as if references in that section to the commission were references to the trust. Subclause (9) says that the processes for dealing with an application for compensation will be set out in the Planning and Development Act.

Amendments (words to be deleted) put and passed.

Hon MURRAY CRIDDLE: In the second reading debate I raised the issue of compensation. We have had extended debates about injurious affection and so forth. I asked where the money for compensation would come from. Can the minister indicate where it will come from, given that the budget is already set?

Hon LJILJANNA RAVLICH: The Crown’s preference would be to buy the land, rather than pay compensation. In those areas where there might be dispute or disagreement, the offer would be made to purchase the land. Compensation is not the way the Crown would do business in this case. The money for the purchase of such land would come from the metropolitan region improvement fund. I do not know the exact figure but apparently there is a substantial sum of money in that fund.

Hon MURRAY CRIDDLE: The compensation referred to in clause 89(2)(b) relates to an approved development in a modified form and paragraph (c) refers to “subject to any condition”. Will that come from the same fund?

Hon LJILJANNA RAVLICH: Whether we were dealing with compensation or outright purchase, the money would come from the same source.

Amendments (words to be inserted) put and passed.

Sitting suspended from 1.00 to 2.00 pm

Hon RAY HALLIGAN: I note that clause 89(2) states -

- (a) refuses approval of a development;
- (b) approves a development . . .

Of course, a short while ago the Leader of the Opposition asked where in the bill he might find a definition of the word “development”. He was rightly directed by the minister to the bottom of page 2 of the bill, where it succinctly sets out what “development” means. One would expect under normal circumstances that should the government for any reason want that definition to be changed, it would come back to this place with a bill that could be debated by the elected representatives of the people who are being asked to give their imprimatur to this bill so that it will become law. However, I note that following paragraph (c) of the definition of “development”, the provision goes on to say -

but does not include any work, act or activity declared by the regulations not to constitute development;

I wonder whether the minister can explain why the government has attached that Henry VIII provision to the word “development”, which of course is used throughout this bill.

Hon LJILJANNA RAVLICH: The definition is no different from that in the existing Swan River Trust Act. There is nothing new in this definition. The member referred to the last words of the definition -

but does not include any work, act or activity declared by the regulations not to constitute development;

That enables the definition to be changed by regulation. First of all, there is a clear definition -

Hon Norman Moore: Yes, but it can be changed by regulation.

Hon LJILJANNA RAVLICH: Okay; it can be changed, but that is not unprecedented. We can make those sorts of provisions, and we have made them before. It would be much harder to prescribe everything and lock it

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in under the existing definition of “development”. The use of the words “any work, act or activity declared by the regulations not to constitute development” gives us the option to define that by regulation.

Hon RAY HALLIGAN: I understand exactly what the words say and I understand exactly what the words mean. However, my question of the minister was: why are they included in the bill? The minister has answered that that is not unusual; they appear elsewhere.

Hon Ljiljanna Ravlich: More flexibility is the short answer.

Hon RAY HALLIGAN: That is fine, as long as the Parliament provides that flexibility. I would not suggest that this Parliament should be comfortable with Henry VIII clauses, even though it may well have happened in the past. I could use the old saying that two wrongs do not make a right. The fact that it has happened previously does not mean that it should happen in the future. There needs to be recognition of Henry VIII clauses. If there is a need for such a clause, I suggest that it must be argued for in this place very strongly. The minister should not just shrug her shoulders and say that we did it before so we will do it again. There must be a very good argument for why the clause should be in the bill; it must be good enough to convince members of this place that they should vote for its inclusion in the bill. If that argument is not able to be brought forward, I suggest that the clause should not be in the bill. Therefore, with its exclusion, the government, if it wanted to change the definition, would have to come back to this place and provide members with the opportunity of debating the rights or wrongs of any amendment. At this point I await an explanation that will convince me that it should remain in the bill.

The CHAIRMAN: Members, we are dealing with clause 89, as amended. Hon Ray Halligan has raised a question about the definition of “development” in clause 3. By way of procedure - I certainly do not want to interfere with the debate - if there is any requirement to amend clause 3, we will obviously have to recommit the bill, and Hon Ray Halligan is aware of that. However, at the moment he is asking some questions on clause 89, which deals with compensation as it relates to the word “development”.

Hon LJILJANNA RAVLICH: I am happy to answer that question. That provision basically aims to exclude from that control work of a minor nature or work that is urgently required to be done. I cite the case in which urgent work might need to be done to protect public safety; for example, to fix the corrosion of a fuel pipeline on a jetty. There are also times when maintenance work might need to be done. That maintenance work would not change the structure of the development, but it would still need to be done. I give those two examples, and I am sure there are others.

Hon RAY HALLIGAN: I am not totally convinced by the argument. I would have thought that the definition of “development” as it currently stands at the bottom of page 2 of the bill would cover most of those areas. The word “development” is used in many other clauses, including clause 89, and I am concerned about how I read the word “development” in clause 89, which we are now debating. I had to refer back to the definition to try to better understand what it is that the government is proposing to do. This legislation is a proposal to do something - to provide an outcome and look for not only the positives in going in that direction, but also any negatives that may be encountered along the way. After looking at the definition of the word “development” and reading that the regulations can, without the initial scrutiny of Parliament, be altered, I have concerns. I always have concerns. I continually hear the argument that it is in other acts and that it has been done before. I come back to the question: does that make it right? In my opinion it is not right. The government should put forward a very good explanation and not just say that this might happen, that might happen, we might have an earthquake or we might have an atomic explosion and, therefore, we need this flexibility. If the government wants that sort of flexibility, let us bring in a one-page bill that says the government can do anything.

Hon Norman Moore: The leader’s eyes lit up!

Hon Ljiljanna Ravlich: Not only his.

Hon RAY HALLIGAN: Why go through this farce if that is what the government is trying to achieve? With wording such as this, that is, in fact, what the government is achieving. It is abrogating the responsibility of this Parliament and giving it to executive government. Worse still, I suggest to you, Mr Chairman, it is giving that responsibility to not only the elected representatives of executive government, but also the bureaucrats - although the minister will have the ultimate responsibility. As we have found, unfortunately all too often the ministers do not know what is happening in their agencies. How can they be expected to know what regulations have gone through that they, admittedly, have signed off on?

I suggest to members that they think long and hard about this Henry VIII clause. Henry VIII clauses are not good in any sense and where we find them, we should excise them. I encourage members to do so. I foreshadow that I will seek to have the bill recommitted.

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The CHAIRMAN: The member can indicate that he will move in due course to have the bill recommitted.

Hon RAY HALLIGAN: I will give that indication.

The CHAIRMAN: The member has given that indication and I am sure the minister has taken it on board.

Hon RAY HALLIGAN: May I continue my comments on clause 89?

The CHAIRMAN: That leads me to the point I want to make. I am dealing with clause 89, as amended -

Hon RAY HALLIGAN: And I am dealing with that as well.

The CHAIRMAN: Yes, the member is and he correctly raised the matter about clause 3. I offer no objection to that, but for any change to be made to clause 3, the bill will need to be recommitted. I am back to the question that clause 89, as amended, be agreed to.

Hon RAY HALLIGAN: I refer to subclause (6)(a) and (b). Will the minister advise the house how the value of the land affected will be determined?

Hon LJILJANNA RAVLICH: In the same way as that value of land is usually valued; that is, through the Valuer General's Office.

Hon RAY HALLIGAN: I thank the minister for that answer. I could not find reference to that in the bill. The minister has now placed on record that the value will be determined by the Valuer General. That is fine and it is now in *Hansard*, but it is not in the bill.

It is obvious that this bill will give the minister enormous control. The bill is creating a trust. All manner of things will be done and this trust is expected to undertake certain tasks on behalf of the Parliament. The minister, by way of this bill, is able to do any manner of things, not the least of which is revoke any decisions of the trust. I hope that the government has thought this through and decided to go down a path that is in the best interests of everybody, from the perspective of not only controlling things but also accountability, which includes an audit trail. I would like the minister to provide me with that assurance.

Hon NORMAN MOORE: While the minister is contemplating that question, I will refer to clause 89(8) and to the minister's previous comment that the government would prefer to purchase the land rather than pay compensation. Bearing in mind that this clause relates to development in development control areas, has the government contemplated the notion of compulsory acquisition of land for this purpose? Does it meet the compulsory acquisition requirements of the Public Works Act?

Hon Ljiljanna Ravlich: No.

Hon NORMAN MOORE: The minister said no, and I thank her for her answer. I presume that any purchase will simply be an arrangement between the owner and the government. If an acceptable price is negotiated, the sale will take place.

Hon LJILJANNA RAVLICH: In reply to the question by Hon Ray Halligan, there are appropriate checks and balances in the bill.

In answer to Hon Norman Moore's question, no, they have not been contemplated nor, indeed, have they been provided for in this legislation. The member is correct in saying that it will be an arrangement between the landholder and the Swan River Trust.

Clause, as amended, put and passed.

Clause 90: General Manager may recommend issue of river protection notice -

Hon LJILJANNA RAVLICH: I move -

Page 72, line 5 - To delete "values" and insert instead -
benefits

I move this amendment to correct what is simply a drafting error.

Hon PAUL LLEWELLYN: I need a bit more explanation. Will the minister make the distinction between "values" and "benefits"?

Hon LJILJANNA RAVLICH: I am advised that this is about the symmetry of the bill. During the drafting of the bill, the word "values" was used in this clause but the word "benefits" was used throughout the rest of the bill. The last thing we want is to not get the symmetry of this bill right.

Hon Paul Llewellyn: Will the minister give me an example of that? I am all for symmetry, as the minister knows.

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Hon LJILJANNA RAVLICH: I know that Hon Paul Llewellyn is a very symmetrical type of person! Clause 5(1) reads, in part -

- (b) to provide for the management of activities that affect the ecological and community benefits and amenity of the development control area and the Riverpark;
- (c) to provide for the needs of future generations in relation to the ecological and community benefits and amenity of the development control area and the Riverpark;

Those paragraphs use the word “benefits”.

Hon Paul Llewellyn: Where is the word “values” used?

Hon LJILJANNA RAVLICH: That is the point - the reference to “values” occurs only in clause 90, and we want to get the symmetry right.

Hon NORMAN MOORE: Can the minister inform me whether I am correct in my understanding that river protection notices apply only to land that is part of the riverpark?

Hon LJILJANNA RAVLICH: That is not the case. River protection notices can apply to any land within the catchment area.

Hon NORMAN MOORE: I am a bit confused now, because clause 90(1) deals with the general manager issuing river protection notices, and it refers to the ecological and community benefits and the amenity of the riverpark. I would have thought that that would constrain the areas for which a river protection notice could be issued to the riverpark. The minister just told me that a river protection notice can apply to the whole catchment. The catchment is as shown on the map sitting on the table; it is an area that covers about half of Western Australia.

Hon Paul Llewellyn: That is a bit of an overstatement.

Hon NORMAN MOORE: It covers an area of about 600 kilometres by about 500 kilometres, stretching from Perth to the other side of Southern Cross. That is a vast area of the state. We are talking here about river protection notices, and what the government can and cannot do to people’s private property. If such notices could apply to every square inch of the catchment area, I would have a serious concern about them. If, however, they will apply only to the riverpark, I could probably live with that.

Amendment put and passed.

Hon LJILJANNA RAVLICH: River protection notices can be applied only if there is a direct causal link. Obviously it would depend on the circumstances, but there must be a causal link with the impact on the riverpark.

Hon NORMAN MOORE: The minister is telling me that a river protection notice can be issued over any area of land within the catchment area if the general manager believes that the activity on that area of land will affect the riverpark, even though the land is not within the riverpark. If I can get that clear, I will know what I am talking about.

Hon LJILJANNA RAVLICH: The member is correct, but first of all there must be a direct causal link, as I have already said, and there must also be reasonable grounds. As identified in clause 90(1), the onus would be on the general manager to make the case before the process could commence. The notice cannot be issued just on the basis of a hunch. There would need to be a fairly reasonable case that is worth pursuing. People seem to be unnecessarily spooked by this legislation.

Hon Norman Moore: You obviously did not take any notice of the last lot of environmental legislation the government passed through this place, which was about clearing of native vegetation. People have every reason to be concerned about this. Maybe if you acquired some property outside the metropolitan area, you would have the same concerns.

Hon LJILJANNA RAVLICH: Everybody wants the health of the rivers protected. Everybody wants a cleaner, greener environment. Everybody wants to achieve these great environmental objectives, which is very commendable, but nobody seems to want to give up anything to achieve them, and nobody wants to put any faith in the system that will assist in bringing about these outcomes. The legislation is before the Parliament and the clauses are clear.

Hon NORMAN MOORE: During the lunchbreak I had the great pleasure of looking at the maps that are available for members. The map referred to in schedule 1 of the bill shows the catchment area. As I said, it stretches from Perth to the other side of Southern Cross and is about 500 kilometres from north to south. It is not an inconsequential part of Western Australia; it encompasses virtually the whole wheatbelt. The map referred to in schedule 2 shows the Swan Canning Riverpark, and that referred to in schedule 3 relates to the development

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control area. The maps in schedules 2 and 3 show that the Swan Canning Riverpark and the development control area are virtually identical. There are a few variations, but that may be the result of the reproduction of the maps as much as anything else. The riverpark and the development control areas are closely related to where the rivers themselves are located. I would be reasonably satisfied with the bill provided that the river protection notice applied only to people carrying out activities within the riverpark land. I can also understand having some control over the development within the development control area. However, now we are told that if an activity in any part of the catchment is likely to affect the riverpark, a river protection notice can be issued. Even though the riverpark as it applies to the Swan and Avon Rivers stretches only to just beyond Walyunga National Park, and certainly does not extend into the wheatbelt, does this mean that if a farmer in Corrigin or Southern Cross carries out farming practices that lead to water running into the Yilgarn River or one of the other rivers, adding to the flow of the river in the riverpark, a river protection order can be slapped on him? How far away from the cause and effect does this bill provide for?

Hon LJILJANNA RAVLICH: If a significant causal linkage can be established between the farmer's practices and the leaching of nutrients into the river, obviously those provisions will apply. The point of the bill is to deal with the impacts on the riverpark that arise externally from it. If the impacts on the riverpark are not considered, there is no point to the bill. Experience shows that what happens upstream often has an impact on the Swan or Canning River. However, a direct causal linkage must be established. There are appeal mechanisms in the legislation for a farmer who feels that he has been harshly dealt with. There are checks and balances in the legislation. We cannot exclude certain people from the requirements of the legislation, because everyone would have a compelling argument for why they should be excluded. The point is that this legislation is being put in place so that people will adhere to its provisions and do the right thing and, of course, reduce the activities that may have an adverse impact on the river system. If they do so, obviously there will be a better outcome for the health of the state's river system.

Hon NORMAN MOORE: There is no doubt that the government and its agencies know whether there is a causal link between farming activities in the wheatbelt and the state of the river, because if they do not know, I do not know what their problem is. Can the minister give me an indication of the sort of response that farmers will get if they use particular sorts of fertilisers or affect the salinity of the river on the basis of what is already known? It is not as though we are starting from scratch and must work out the relationship between farming activities and the river. We must already have some knowledge of that. Are there any activities that farmers within the catchment area are currently engaged in that the minister knows have a causal link to a detrimental impact on the riverpark?

Hon LJILJANNA RAVLICH: This provision does not target farmers as opposed to -

Hon Norman Moore: I used farmers as an example.

Hon LJILJANNA RAVLICH: Farmers might be impacted on by this legislation, but so will owners of industrial enterprises -

Hon Norman Moore: However, the question remains the same.

Hon LJILJANNA RAVLICH: There seems to be a focus on farmers -

Hon Norman Moore: Because that is what most of the land is. If you look at the map, you will see that it is mainly farming land.

Hon LJILJANNA RAVLICH: That is fine, but I am making the point that this is not limited to people in the agricultural sector.

Hon Norman Moore: Nobody said that it was.

Hon LJILJANNA RAVLICH: These matters will be considered on a property-by-property basis, rather than on the basis of involvement in the agriculture industry generally. The Pastoralists and Graziers Association and the Western Australian Farmers Federation have been consulted on these provisions. It is fair to say that they might have some concerns -

Hon Norman Moore: I don't care what their view is; I am telling you my view. I actually get a vote; they do not. Whether they think it is good, bad or indifferent is irrelevant to me.

Hon LJILJANNA RAVLICH: I am just making the point that they -

Hon Norman Moore: - don't like it, and you know that.

Hon LJILJANNA RAVLICH: They have the view that there are sufficient checks and balances within the legislation and they understand that it does not target them. They also understand that the legislation will lift the consciousness of people and improve the overall outcome by ensuring that everybody who contributes to the problem is accountable for improving their performance.

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Hon NORMAN MOORE: I am sorry to be pedantic, but I asked the minister whether she could give me an example of any causal links that already exist. The Environmental Protection Authority must know whether there are causal links that need to be addressed simply because this legislation has been introduced. What activities are farmers, industrialists or residential landowners engaging in that are affecting the riverpark that has required the government to bring in legislation that provides for protection notices to be issued? What are they doing that has provoked the introduction of this legislation?

Hon LJILJANNA RAVLICH: I referred to the most obvious activity during my response to the second reading debate; that is, the use of fertilisers, which leach into the river system and increase nutrient levels. That is the most obvious one. However, it is not restricted to farming activities. For example, golf courses are heavy users of fertiliser. The activities of a range of other industries may also have an impact through run-off and may increase nutrient levels in the rivers.

Hon MURRAY CRIDDLE: This relates to the points that I made yesterday, and I am pleased that Hon Norman Moore has picked up on them. I recall when we debated legislation to allow for land clearing, the result of which was that all the icon trees between here and Dandaragan were knocked down. Members need only drive up the road to see that.

Hon Paul Llewellyn: What was the result?

Hon MURRAY CRIDDLE: The result is that there are now no icon trees between here and Dandaragan. The member should go for a drive. Members in this place must make decisions that are practically applicable. Other legislation provides for soil conservation notices, and those notices have a direct impact on how people can - or cannot - farm. We do not want to be at cross-purposes on these matters. It is all very well to use some of the words that I read out the other day about environmental, social and economic impacts, but the people who will -

Hon Paul Llewellyn: I thought we gave you some clear examples of how you would measure those things in economic terms.

Hon MURRAY CRIDDLE: People need only be on a farm, making rational decisions about how to carry out those operations, to understand that they can have an enormous impact on a farming operation. If we reach that point, people simply will not carry out the operations that will have an environmental benefit. Most farmers are trying to do it; it is when their arms are bent behind their backs that they knock down icon trees. That was a stupid piece of legislation that was put in place and the impact was, unfortunately, very bad for the community. I do not want us to put in place legislation that will have all sorts of adverse impacts. I wonder whether we can again consider providing compensation for people who carry out some of the operations that will be required under this legislation.

Hon PAUL LLEWELLYN: I wish to confirm that the river protection notices can be issued only to individuals, not whole groups of people.

Hon Ljiljanna Ravlich: You're right.

Hon PAUL LLEWELLYN: So we are not talking about issuing a broad range -

Hon Ljiljanna Ravlich: One individual. Read subclause (2).

Hon PAUL LLEWELLYN: Could the minister give another example? We talked about the possibility of a resort on the side of the river which is using excessive fertilisers to grow things to please their customers, and causing excessive nitrates to feed into the river. Is that the kind of enterprise that might come under one of these notices?

Hon LJILJANNA RAVLICH: An example might be a resort on sandy soil with extensive grounds, including a golf course, which might be using large amounts of fertiliser. Another example might be orchards, once again using extensive quantities of fertiliser. I guess the member is asking for a case that does not involve fertiliser.

Hon Paul Llewellyn: A piggery, for example.

Hon Murray Criddle: Cattle feedlots.

Hon Paul Llewellyn: A fish farm.

Hon Murray Criddle: They are all issues.

Hon LJILJANNA RAVLICH: That is exactly right. Clause 90(2) outlines certain requirements when a recommendation is made for the issue of a protection notice. The recommendation must include a report setting out the reasons for the recommendation, the action proposed to be required or restrained under the river protection notice, and the person or persons to whom it is proposed to give the notice. It is not as though people will be hit with a major fine first up. Because the action is having a negative impact on the river, the person in

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question is advised of the course of remedial action. It is up to the person responsible to work with the authorities to make sure that that is attended to.

Hon Murray Criddle: What happens if people have a feedlot alongside the river and they are feeding nutrient into it? What's the first step? Do they stop the feedlot?

Hon Kim Chance: There are already environmental rules about feedlots.

Hon PAUL LLEWELLYN: I have another line of questioning. We have established that these river protection notices are specifically for individual property owners who might have a point source of emissions, whether it be cattle manure, pig manure or nitrates. Does the minister agree that more general powers also need to be in place across the broad landscape? I need to start again.

The CHAIRMAN: The question the member is asking does not relate to whether a general manager can issue a river protection notice. That question appears to relate to the next clause, clause 91, which deals with river protection notices.

Hon PAUL LLEWELLYN: The point I was driving at was that although the provisions for the issuing of a river protection notice serve to manage the point source impacts of individual property owners, which is the intent of this clause, there clearly need to be more general powers to set minimum standards across a broad range of landscapes. I understand that to some extent those powers are in other legislation. I want some clarification. I want an example of the other broad powers available in other legislation to achieve controls of emissions across the landscape.

Hon LJILJANNA RAVLICH: That debate is probably better had when we get to clause 136, which deals with regulations. The member is talking about establishing more general powers, which will not be included in the act.

Hon PAUL LLEWELLYN: I understand that there will be a subsequent debate on clause 136. We wrote to parliamentary counsel and to the minister's office, saying that there needs to be some recognition of broader powers across the landscape. We were given some assurance that these powers exist. I am simply asking the minister now to clarify where those powers lie.

Hon LJILJANNA RAVLICH: It will be at the point at which we pass clause 136, which deals with the regulation-making powers. That is when that will kick in. It has not been dealt with in clauses up to clause 90, because that is not the way the bill is structured.

Clause, as amended, put and passed.

Clause 91: River protection notice -

Hon NIGEL HALLETT: I plan to move to insert new subclause (4) -

- (4) The Trust must not issue a river protection notice under subsection (1) that will prevent an owner or occupier of land in the catchment area from carrying out normal agricultural practices as defined by the *Agricultural Practices (Disputes) Act 1995*.

The need to insert this subclause has been very evident during this recent exchange. Page 2 of the *Agricultural Practices (Disputes) Act* clearly sets out the agricultural practices. Page 6 outlines the disputes to which the act applies. The area that is encompassed by the Avon catchment area is huge. For anyone who does not know it, I would like that map to be held up to give them an idea of the area of land it encompasses.

Hon Paul Llewellyn: That is the nature of the catchment.

Hon NIGEL HALLETT: That is exactly right. That is what we are talking about. We need to show people the enormity of the catchment area in this legislation. Hon Paul Llewellyn probably does not understand this, but when there is a deluge of rain in those areas, it goes over hundreds of hectares of land. When that water recedes, it goes to the tributary that runs into it. An overzealous inspector might be a real rabid greenie.

Hon Paul Llewellyn interjected.

Hon NIGEL HALLETT: The member should get a life!

The CHAIRMAN: Order! If Hon Paul Llewellyn would let Hon Nigel Hallett make his point to the Chair, I will be able to hear.

Hon NIGEL HALLETT: As farmers from those regions, we are not encouraging bad farming practices; we are encouraging commonsense. Hon Bruce Donaldson told us about an instance in Geraldton in which a gentleman's normal farming practices were delayed for more than 12 months because a particular plant was discovered on his property and then heaps more were discovered elsewhere. That is not unusual. Hon Paul

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Llewellyn might close his eyes and switch off, but his difference of opinion is no excuse for arrogance. The bill covers an area of 125 000 square metres.

Reference has been made to feedlots on riverside properties. Current legislation provides licences for feedlots that are not situated near rivers; they are situated so that the chances of nutrients leaching into the river are minimal. Farmers are often at the mercy of mother nature. Will an inspector be allowed to issue a notice to a farmer for something that is beyond his control when he holds a licence issued by another authority? The potential for that scenario is why the opposition is seeking this amendment. The opposition is not asking the government to condone farmers being irresponsible with their land. We do not know how many inspectors will be appointed. The riverpark is exempt from protection notices. An instance was cited yesterday of acid from buildings leaching into Lake Gwelup. Are the individuals who own those buildings facing prosecution? Of course not; the acid is a consequence of materials used previously in the buildings. Why is the government seeking to differentiate between that situation and the Avon catchment area? Can Hon Paul Llewellyn answer that? I will wait for him to do so.

The CHAIRMAN: Order! Hon Nigel Hallett should formally move his amendment and I will put the question. It is not question time between him and Hon Paul Llewellyn.

Hon NIGEL HALLETT: I move -

Page 74, after line 22 - To insert -

- (4) The Trust must not issue a river protection notice under subsection (1) that will prevent an owner or occupier of land in the catchment area from carrying out normal agricultural practices as defined by the *Agricultural Practices (Disputes) Act 1995*.

Hon NORMAN MOORE: I very strongly support this amendment moved by Hon Nigel Hallett and I congratulate him for bringing it forward. It gives us at least some prospect of dealing with some of the consequences of this legislation in the agricultural areas of Western Australia. In the debate on clause 90 we established that, in the view of the general manager, any activity carried out in the catchment that has an adverse effect on the riverpark can be the subject of a river protection notice. A river protection notice can have all sorts of implications for that activity, even to the extent of a memorial being lodged with the Registrar of Titles. Ninety-nine per cent of land used in the catchment area is farming land. The effect of farming practices on the Swan Canning Riverpark as a result of this legislation is very important to the future of the agricultural industry. There are zealous people who have the view that farmers should not exist, or certainly that pastoralists should not exist, but that is another story for another day. I guess that will be when we debate a Gascoyne River protection bill.

Hon Paul Llewellyn: Some people believe that farmers don't exist; they've all died because they stopped eating ages ago.

Hon NORMAN MOORE: Heaven help us. This amendment is a commonsense proposal and seeks to ensure that a river protection notice should not be issued if the owner of the land in the catchment is carrying out standard agricultural practices as defined by the *Agricultural Practices (Disputes) Act 1995*. That act defines an agricultural practice and informs farmers what they can and cannot do. Restrictions on the farmer's property are not left to the subjective view of the general manager's agents.

As an aside, I have checked out my own property at Toodyay and I am pleased to say that it is not located within the riverpark; however, it is in the catchment area. I guess this legislation will prevent me from fertilising my front lawn. I will wait and see whether a general manager turns up. This legislation will certainly stop me building a golf course on my property, which I once thought about doing. That restriction is a dreadful infringement on my liberties as a landowner.

Hon Jon Ford interjected.

Hon NORMAN MOORE: I do not know what the member means by that. Putting aside my golf course, the most serious concern is the effect clause 91 might have on the practices of farmers throughout the catchment. The point should be made that most farmers these days take the view that their long-term viability and that of their families and grandchildren is contingent upon how they look after their land. There is an increasing understanding by the farming community of good environmental practices. We do not need this great sledgehammer, which could descend upon farmers if a zealous general manager decided that the use of superphosphate was a bad thing for the Walyunga National Park. Hon Nigel Hallett's amendment would cover most people's concerns. I would have thought that the government would support the amendment in light of its support for the agricultural industry. If it does not think normal agricultural practice as defined in the *Agricultural Practices (Disputes) Act* is adequate, it could amend that act. The bottom line is that this amendment is a very sensible proposition and the committee should agree to it.

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Hon MURRAY CRIDDLE: I support this amendment. I have read through the relevant sections of the Agricultural Practices (Disputes) Act. They clearly outline what I consider to be normal farming practice. I therefore encourage the committee to agree to this amendment.

Hon NIGEL HALLETT: The fertiliser issue is the sticking point with the legislation. Some people see the practice of fertilising farming land as irresponsible. The technology and steps being taken by major companies such as CSBP Ltd in addressing this issue are very good. How long will a river protection notice hold up the landholder's business for? In some instances under other legislation, a business has ceased for 12 months. No business can withstand not receiving an income for 12 months. This amendment will protect the rural landholder from that situation. It will work in addition to the Agricultural Practices (Disputes) Act to give farmers confidence to go about their farming in a responsible way.

Hon BRUCE DONALDSON: For many very good reasons I also support Hon Nigel Hallett's amendment. As has been discussed, it is a sensible amendment. If the government is not prepared to support this recommendation, what normal agricultural practices does the government envisage being targeted by this legislation? Does it accept agricultural practices as set out in other acts? The Soil and Land Conservation Act is another relevant act. By not supporting this amendment, the government is saying that it is concerned about certain agricultural practices and that this is what it will target. I ask the minister and members to consider that very fact. Acts and regulations in this state already have checks and balances that protect many issues that have been alleged to occur in that huge catchment area.

Hon LJILJANNA RAVLICH: We oppose this amendment. I cannot help coming to the conclusion that there seems to be a degree of denial about this issue. Hon Norman Moore says that this area is so big that it basically captures all the farmers.

Hon Bruce Donaldson: It does.

Hon LJILJANNA RAVLICH: That is one argument. The other argument is that farmers are not ecological and environmental vandals; they have modern farming practices, are very environmentally aware and are conscious of the state of waterways. That is funny, because it does not add up to a particularly good picture; it does not add up to very healthy waterways, and it certainly does not add up to a healthy Swan and Canning river system. Years ago I was in Northam as a second or third-year teacher. When I returned to Northam about 20 years later and went for a walk to the river, I was amazed - in fact, I was appalled - at the state of that river.

Hon Norman Moore: Did it not have any water?

Hon LJILJANNA RAVLICH: It was just algae.

Hon Norman Moore: Does the minister know how long it has been like that?

Hon LJILJANNA RAVLICH: No, I do not.

Hon Norman Moore: Since it was created. I walked over it every day for five years; it did not even need a bridge.

Hon LJILJANNA RAVLICH: The point that I am making is that if farmers on agricultural land were environmentally conscious and did the right thing, we would not need this legislation. I state up front that we will not support the amendment. Under the proposed amendment, a river protection notice could not be issued to reduce the amount of nutrients leaching into the river from agricultural activities, which we know is a major problem. However, a notice could be issued if nutrients were actually leaching from tourist facilities, sporting venues or other commercial operations where fertilisers are used. We would have one set of rules for the farmers, who apparently are most impacted by this legislation, and another set of rules for everybody else, who, according to the landholders here, are probably affected by this legislation. This legislation does not have to impact anyone.

Hon Bruce Donaldson: If you are not going to use this legislation, why introduce it in the first place?

Hon LJILJANNA RAVLICH: If everybody is doing the right thing and there is no leaching of fertiliser into the waterways, why is Hon Bruce Donaldson so upset? Clause 91(2) makes it clear that the provisions of this bill are very specific; they do not apply generally. The clause is about specific individuals who do not do the right thing, and it provides for independent review. A farmer or a landholder who is dissatisfied at being issued with a river protection notice has two opportunities to object to the notice, and a third opportunity through appeal to the State Administrative Tribunal. In the first instance, he or she can appeal to the general manager, in the second instance to the Swan River Trust and in the third instance to the State Administrative Tribunal. At the State Administrative Tribunal level the onus is on the trust to prove that the farmer has done the wrong thing - has been negligent in some way - and is therefore directly responsible for the adverse impact on the river.

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The view seems to be that during this whole process a farmer cannot get on with his or her normal activities, which would be a problem. That is not the situation. Until the case is heard by the State Administrative Tribunal, and until the Swan River Trust has won the case, the farmer, or the guy operating the golf course, can carry on with normal business. The onus is on the trust to prove that wrongdoing has occurred. Until the appeal is heard and dealt with, farming activity goes on as usual. It is not the same as the orchid case cited by Hon Bruce Donaldson. That concern is unfounded. The individual farmer may not like wasting time being engaged in this process. However, there will be no problem if he or she does the right thing by addressing any shortcomings and taking the actions that are recommended by the notice. I understand that if that happened, the notice would be dropped; that would be the end of the story. Someone would say that someone is not doing the right thing and state what has to be done to rectify the problem. No-one will be saying that a person cannot get on with his farming business. People will be told, "This is what you have to do to rectify it. You have been a good farmer - or golf course owner; if you go off and do all those things, there will be no problem." However, if the response of the landowner is to ask who are the people issuing the notice to tell him what he can do on his land and to keep polluting, and the trust does not think the owner has done the right thing, it will be dealt with by the tribunal. The claim that people will have to stop farming is just a fallacy.

Hon NORMAN MOORE: The amendment moved by Hon Nigel Hallett simply states that if a farmer is carrying out normal agricultural practices, as defined in legislation, he will not be issued with a river protection notice. Therefore, a farmer who is carrying out normal agricultural practices should not be issued with a river protection notice. What normal agricultural practices are not acceptable to the government in the context of this bill? If the minister believes that normal agricultural practices are okay, why will she not agree with the amendment? There must be something about normal agricultural practices that worries the minister. Which normal agricultural practices does the minister find are not acceptable in the context of the protection of these rivers? The farmers of Western Australia need to know what normal agricultural practice they will not be able to carry out in the future.

Hon MURRAY CRIDDLE: I thought it might be useful to read out section 5, "Normal farm practices", of the Agricultural Practices (Disputes) Act 1995. It states -

For the purpose of this Act an agricultural practice -

- (a) shall be taken to be a normal farm practice if -
 - (i) it is carried out and managed in a manner consistent with proper and accepted customs and standards, as established and followed in similar agricultural operations under similar circumstances; or
 - (ii) it complies with the requirements of a Code of Practice relating to an operation of that kind, being a Code of Practice that has been made or approved by the Department of Environmental Protection or under any written law,

but it may include the use of innovative technology and management practices;

That clearly outlines what an agricultural practice is.

Hon NIGEL HALLETT: I endorse Hon Murray Criddle's comments. Agriculture is covered in several acts, such as those dealing with chemicals, transport and so on. If those acts are acceptable, the insertion of this amendment should be just commonsense. A minister in the other place has realised that several acts cover the wetlands, so he reversed his position. We have a normal farming practices act, but the minister is saying no, that is not right; she has a problem. We want to know what that problem is.

Hon PAUL LLEWELLYN: With due respect, I read and examined the amendment put forward by Hon Nigel Hallett. I am simply not persuaded by the argument.

Hon Nigel Hallett: I wouldn't expect you to be.

Hon PAUL LLEWELLYN: Let me see if I can unpack this in an orderly way. I will give an example. Forty-five years ago, it was normal agricultural practice to clear land. It was expected; in fact, it was a necessary practice.

Hon Ljiljanna Ravlich: You got money for doing it.

Hon PAUL LLEWELLYN: Not only that; a person could not own the land -

Hon Murray Criddle: It was a government initiative.

Hon PAUL LLEWELLYN: That is right. It was normal. In the fullness of time, it became clear that overclearing land was deleterious to the health and wellbeing of the river system, and, indeed, to the land. Therefore, overclearing land became a deleterious practice. It is normal today to use fairly high levels of

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nitrate, phosphate, pesticide and herbicide. As a consequence of that, we are experiencing a reduction in the amenity, quality and ecological and physical integrity of river systems. Norms change. However, there is no need to insert this amendment in the bill. People have heard it said many times that if they are not doing anything wrong, there is nothing to worry about.

Hon Norman Moore: We're trying to find out what's wrong and what's not wrong. We are trying to find out what is meant by wrong behaviour. If somebody could tell us, it might help.

Hon PAUL LLEWELLYN: Okay. We understand that 30 years ago it did not seem - some people believe it even today - that clearing of land would be deleterious and damaging to the environment. It did not seem wrong. It seemed like the right -

Hon Murray Criddle: It is not a normal farming practice now, though.

Hon PAUL LLEWELLYN: That is exactly right. Therefore, norms change. Normal farming practice must adapt and change with the times. Nowadays, Hon Norman Moore can fertilise the front garden of his exclusive home. Where is his home?

Hon Jon Ford: Toodyay.

Hon PAUL LLEWELLYN: However, he cannot over-fertilise it, because by over-fertilising it he will export the nutrients into the river. That is what we are dealing with. Although I respect the intent of Hon Nigel Hallett to quarantine, to some extent, some farmers from the intent of this legislation, it is not necessary. It does not contribute anything to the bill. I have read the Agricultural Practices (Disputes) Act. Section 3 states -

“agricultural practice”, in relation to an agricultural operation, means the method by which, or the manner in which -

- (a) an agricultural purpose is carried out; or

That is very general. It is just the method by which it is carried out. It does not say anything about the qualitative or quantitative aspects of carrying out that activity. It continues -

- (b) agricultural activities are managed,

In other words, a person can manage his land, but he could be doing damage inadvertently, just as in the past people cleared land and inadvertently caused damage. We have given up the notion that it was bad to do that. That is what happened, and now we have cleared land and impacted rivers. To manage the river so that it will recover those natural values, we need to adapt and manage our land differently. We need to adapt, and we are doing that on a day-to-day basis. We do it all the time. The act goes on to state -

there, and **“practice”** shall be construed accordingly;

In other words, normal agricultural practice is just what is going on. However, what is going on may be proved - it must be proved - to be deleterious or damaging. The amendment excludes everything. It does not provide any meaningful basis for management. I am sorry; the Greens' construction of this is that it does not provide -

Hon Murray Criddle: You should actually get on a farm and see what you can do.

Hon PAUL LLEWELLYN: I actually live on a little farm. I have been growing things all my life, as a matter of fact. I will not go there.

The CHAIRMAN: Order, members! The member was just drawing his comments to a close.

Hon PAUL LLEWELLYN: I was, as a matter of fact. The proposal is not as clearly thought out as it needs to be to provide a meaningful contribution to this bill. If in doubt, leave it out. It will not make a major contribution. I understand the intent and the need to ensure that genuinely responsible agricultural practice is not prejudiced in any way. However, I do not think that this bill will do it, and I do not think that this amendment will contribute to making it any clearer.

Hon NORMAN MOORE: I look forward to the minister explaining to us - I hope she will in due course - what those normal farming practices are which the government finds unacceptable and which cause it to not be able to support the amendment. Secondly, I would be interested to know the views of the Department of Agriculture and Food on this matter. Has the Department of Agriculture and Food made its position on this known to the government and does it support this legislation? I acknowledge that the Minister for Agriculture and Food is required to implement decisions of cabinet. However, I would be interested to know what his views are, if he felt the need to give them to us. In the event that that does not happen, I would be interested to know whether his department has made any submissions to government about this legislation; and, if it has, what the input was of the department.

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Hon BRUCE DONALDSON: The normal agricultural practices and the catchment areas that have been outlined in the deposit plans equate to \$1 billion worth of production in a given year. How many kilometres of river are worth \$1 billion? Regardless of what action is taken, natural salt encroachment takes place and it will continue. It is the nature of our topography. The Canning River and especially the Swan River, through the Avon River, are subjected to summer storms and rains. Even in winter these rivers are subjected to heavy rains. Quite often after heavy rains the flat bottom, low-level wine cruise boats cannot be taken up the Swan River because the bridges are too low. There is a staging point where the tides come up and salt water comes up the Swan River.

During the summer months, when there is no flow of fresh water in the river system, we find, with our high temperatures, that there is an algal bloom. How do we get rid of that algal bloom? Salt is actually sprayed on the algal bloom by the Swan River Trust. People may shake their heads, but it was done.

This bill deals with agricultural practices, and reference has been made to a notice being issued to an individual holding. I would like the minister to go into the Beverley area and tell one farmer that a notice will be put on his land and he will not be able to use any fertiliser. Thirty neighbouring farms may abut or be upstream or downstream of that property on which the notice has been served. The minister said that the notices would not be issued on a collective basis, but an individual basis - farm by farm, business by business, golf course by golf course and oval by oval.

Many local authorities mix the effluent from sewage ponds with dam water, chlorinate the water and then water their ovals with it. A lot of recreation ovals, including tennis courts, hockey grounds or whatever are watered in this way. What will happen to these sporting facilities?

Hon Paul Llewellyn interjected.

Hon BRUCE DONALDSON: I listened to the member in silence. I was going to give him a history lesson on trees, but I will leave that until later. The Toodyay oval is very close to the river. I would like the minister to tell the Shire of Toodyay that there is every chance that when this bill is passed, it will have a notice slapped on it. The bill gets worse. The following clauses deal with bonds and the financial assurances that will be required. It is the most draconian piece of legislation I have seen.

I said yesterday that the people involved in drawing up this bill are off the planet. It is indicative of the way in which, unfortunately, our society is degenerating. In my years in this place I have noticed that for every kilometre a bureaucrat travels from the central business district, his power increases substantially. Some years ago they almost bankrupted a farmer in Geraldton over a single flower. After several years they were found to be wrong and the government gave the farmer an ex gratia payment, but it was too late. That man was denied a farming opportunity. I cannot understand why the government will not pick up this amendment. The amendment will not cause any problems to the government. The checks and balances of these farming practices are well and truly covered by other statutes.

We were delighted when Mr Mark McGowan, the Minister for the Environment, scrapped the wetlands policy. It was not this government's fault, because certain bureaucrats tried to influence ministers in the Court government not to take that action. I take my hat off to him because he had the commonsense to say, "Enough is enough; it is out." It is a shame that he will not be able to step in and say that this bill is rubbish. The wheel is turning and it has turned halfway around to the very worst scenario that one could envisage.

I am looking forward to cutting out from *Hansard* the minister's comments. I will keep them. I hope that one day I will be able to ring the minister and say, "Minister" - she will probably be sitting on the opposition benches then - "Hon Ljiljanna Ravlich, I would love to meet you and have a cup of coffee with you because I have something that I would like to show you", and I will bring this out.

Hon Ljiljanna Ravlich: Honourable member, this is an honourable place!

Hon BRUCE DONALDSON: This illustrates how our society is degenerating. I made an innocent remark and members have taken it the wrong way; for goodness sake. When Hon Paul Llewellyn came into this house I thought that he was a man with some commonsense. He is half capitalist and half green, and a small farmer who likes the sound of "whoosh, whoosh" all the time. I thought the half capitalist part was quite good. I ask him to think very seriously about this amendment. The longer he spoke in his contribution to this amendment the more he defeated his argument, and he ended up agreeing with Hon Nigel Hallett's proposal for this amendment. I ask all members to think seriously about this amendment.

Hon LJILJANNA RAVLICH: I thank members for their comments. What is normal and what is abnormal, depends on a range of things. In agriculture, normal farm practice would be defined by region, geography and climatic conditions. For example, farming in clay soils may be different from farming in sandy soils. It is one of

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the problems in trying to define normal versus abnormal. We can spend a lot of time going in circles in relation to that. The general manager will be one person who will be approved by the trust to issue the river protection notices. That role cannot be delegated. Therefore, there will not be thousands of people floating around issuing these notices. That one general manager will have an area of 125 000 square metres to cover.

Hon Norman Moore: Surely he is not the only person to investigate it.

Hon LJILJANNA RAVLICH: He is the only person who can initiate the report.

Hon Norman Moore: Of course, and he will have thousands of helpers running around doing his bidding.

Hon LJILJANNA RAVLICH: Is the Leader of the Opposition saying that he has no confidence in the state public service?

Hon Norman Moore: I have no confidence in you.

Hon LJILJANNA RAVLICH: I am not in the public service.

Hon Norman Moore: You are in charge of the bill.

Hon LJILJANNA RAVLICH: The Department of Agriculture and Food was part of the interdepartmental working committee and, yes, it did support the cabinet submission. In terms of asking the Minister for Agriculture and Food to comment on these matters, he is away on urgent private business. We will oppose this amendment - make no mistake about it.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Murray Criddle

Hon Donna Faragher
Hon Nigel Hallett
Hon Ray Halligan
Hon Robyn McSweeney

Hon Norman Moore
Hon Simon O'Brien
Hon Margaret Rowe
Hon Barbara Scott

Hon Bruce Donaldson (*Teller*)

Noes (14)

Hon Shelley Archer
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust

Hon Sue Ellery
Hon Jon Ford
Hon Graham Giffard
Hon Paul Llewellyn

Hon Sheila Mills
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Ken Travers

Hon Giz Watson
Hon Matt Benson-Lidholm (*Teller*)

Pairs

Hon Barry House
Hon Helen Morton
Hon Anthony Fels

Hon Ed Dermer
Hon Adele Farina
Hon Sally Talbot

Amendment thus negated.

Clause put and a division taken with the following result -

Ayes (14)

Hon Shelley Archer
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust

Hon Sue Ellery
Hon Jon Ford
Hon Graham Giffard
Hon Paul Llewellyn

Hon Sheila Mills
Hon Louise Pratt
Hon Ljiljanna Ravlich
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Noes (13)

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Hon Simon O'Brien
Hon Margaret Rowe
Hon Barbara Scott

Hon Bruce Donaldson (*Teller*)

Hon Ljiljanna Ravlich; Hon Norman Moore; Hon Paul Llewellyn; Hon Murray Criddle; Deputy Chairman; Hon Ray Halligan; Chairman; Hon Nigel Hallett; Hon Bruce Donaldson

Pairs

Hon Adele Farina
Hon Ed Dermer
Hon Sally Talbot

Hon Barry House
Hon Anthony Fels
Hon Helen Morton

Clause thus passed.

Clauses 92 and 93 put and passed.

Clause 94: Memorial may be lodged if river protection notice given -

Hon NORMAN MOORE: This clause provides for memorials to be registered against titles for which river protection notices are issued. I am not the slightest bit enthused about this sort of thing, but who will pay the relevant fees mentioned in subclauses (3) and (4)?

Hon LJILJANNA RAVLICH: The general manager would pay the fee, because he is lodging the memorial. I move -

Page 76, lines 5 and 6 - To delete "*Town Planning and Development Act 1928* section 20" and insert instead -

Planning and Development Act 2005 section 135

Amendment put and passed.

Clause, as amended, put and passed.

Clause 95: Duty of outgoing owner or occupier to notify Trust and successor in ownership or occupation -

Hon BRUCE DONALDSON: This is a very interesting clause. There is a normal legal procedure when a person sells land or property. The clause provides that the owner must -

... notify in writing -

- (a) the Trust of the fact that the person has ceased to be the owner or occupier of the land, and of the name and address of each person who succeeds that person in the ownership or occupation or both, as the case requires, of that land; and
- (b) each person who succeeds that person in the ownership or occupation or both, as the case requires, of that land of the content of the river protection notice and of the fact that the river protection notice is binding on that person.

The penalty for failing to do so is a fine of \$5 000. The real estate industry and settlement agents may want to learn from the government. People can find out from the titles office whether there are any caveats over land. I do not know why it should be the responsibility of the owner or occupier to advise the trust of these details, and if the owner or occupier fails to do so, he or she could be fined \$5 000. It is a simple legal procedure that normally happens automatically.

Hon Paul Llewellyn interjected.

Hon BRUCE DONALDSON: Of course it happens. We are setting up another regime in Western Australia that is outside the legal procedures that normally occur when land titles are transferred. I believe that this clause should be deleted from the bill.

Hon LJILJANNA RAVLICH: This clause is a new provision. It requires an owner or occupier of land that is the subject of a protection notice to notify the trust when that person ceases to be the owner or occupier. It also requires the new owner or occupier to be fully advised by the outgoing owner or occupier of the content and effect of the river protection notice. The member is right. In part, the provision will ensure that the incoming owner is aware of the liability.

Hon Bruce Donaldson: But they normally are when there is a transfer of land.

Hon LJILJANNA RAVLICH: Obviously people are not required to advise the trust of these details under the current arrangements; otherwise, this provision would not be in the bill. Currently, there is no obligation for the owner or occupier of the land to advise the trust that the land has been sold and is the subject of a river protection notice, because there is no such thing as a river protection notice until this legislation is assented to. If somebody buys property, there is a legal obligation for an owner or occupier to address a number of issues -

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Hon Bruce Donaldson: With a \$5 000 fine?

Hon LJILJANNA RAVLICH: The member might argue about the fine, but the bottom line is that the provision will ensure that the incoming owner is aware of the liability, is happy to accept the liability and will act to rectify it.

Clause put and passed.

Clauses 96 and 97 put and passed.

Clause 98: Financial assurance requirement in river protection notice -

Hon BRUCE DONALDSON: This clause is really draconian. People who are issued with a river protection notice will be bound by the legislation and must do the right and proper thing; otherwise, penalties will apply. Under this provision, the situation that applies in the mining industry will apply in this area. Mining companies must allocate X number of dollars to provide for the rehabilitation of the mine sites when the mining operations have ceased. An owner who has been issued with a river protection notice may be required to give a financial assurance in one or more of the following forms: a bank guarantee, a bond, an insurance policy or another form of security that the trust specifies. A person's shares in Wesfarmers, BHP, Rio Tinto - I do not think Telstra shares would be much good at the moment - Woodside or Alinta would be very good security. The trust could probably commandeer all those shares. This provision is absolutely over the top. I do not know what the government is trying to prove. I would like the minister to spell out clearly why this clause has been included in the bill, because people will be subject to penalties if they do not comply with the protection notice that has been issued.

Hon LJILJANNA RAVLICH: Penalties do not provide for remediation. I am advised that this provision will kick in only in fairly extreme circumstances. It would be a determination of the State Administrative Tribunal that a financial assurance was required to be given in one of the four forms outlined in clause 98(2). I am advised that it would be in extreme cases in which there was a need for remediation.

Hon BRUCE DONALDSON: The minister seems to think that the State Administrative Tribunal is a you-beaut, efficient organisation that has a fast turnaround on hearing appeals. I have news for the minister: it is not. Okay; let us issue more river protection notices and have more people lodge appeals. Will the government properly resource the State Administrative Tribunal with staff and other resources to ensure that people do not have to wait 12 months before their appeals are heard by the tribunal, because that can occur?

Hon LJILJANNA RAVLICH: I have already made the point that nothing will affect the landholder until such time as the State Administrative Tribunal makes a determination. In other words, the trust must demonstrate that there has been a breach of the legislation. Until such time as the State Administrative Tribunal makes a determination, the landholder will go about his normal business. I have already made that point.

Hon NORMAN MOORE: I want to ask a quick question of the minister. Hon Bruce Donaldson raised a very important issue. The minister mentioned in her response that these financial assurances would only be required should remediation be necessary. Is that the only set of circumstances or is it just one of them? If it is the only one or just one of them, why is this provision included in this bill when we have contaminated sites legislation, which provides for all sorts of circumstances in the event that a previous owner may have contaminated the site as opposed to the current owner? Why is it necessary to have this provision in this bill when another act covers these matters?

Hon LJILJANNA RAVLICH: The circumstance in which the financial assurance may be required to be given in one or more forms is where fault was determined and the trust ended up with a responsibility to implement the remediation.

Hon Norman Moore: What do you mean by "fault was determined"? Determined by whom?

Hon LJILJANNA RAVLICH: The State Administrative Tribunal.

Hon Norman Moore: It just hears the appeals; it doesn't make the decisions.

Hon LJILJANNA RAVLICH: That is my mistake. It would be where there was a default on the protection notice by the owner.

Hon BRUCE DONALDSON: I would like to put a hypothetical situation to the minister. For argument's sake, say I am selling my little golf course that abuts the Avon River and a notice is slapped on me. That notice does not have any carry until I appeal. Is that the way I read it? I can keep getting all my colleagues and the few friends I have left to play a game of golf. It is a tourist venture. Along comes one of these very good entrepreneurial people who says to me, "I would like to buy it." I would have to turn around and say, "I have a notice on this but I have appealed to the State Administrative Tribunal." That person could say, "There's a bit of

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a problem because we would like to pay you good money for it. We were going to offer you \$2 million. Now we will give you \$500 000 because we may lose the appeal.” Is there any compensation available for that delay? For argument’s sake, if the money changed hands and I was in a financial situation where I had to accept the \$500 000, the new owner could win the appeal, take over the golfing business from me and turn around and sell it for \$2.5 million. We could be putting people in a very invidious position because of the sheer uncertainty of normal business practices and dealings. I could relate that to a whole lot of other industries.

I do not want to harp on about farming but, after all, we have had these you-beaut green ideologists who have said over the years that the farmers are the cause of the problems with the Swan River. I have news for them. That is not the reason at all. We could be putting in jeopardy normal business arrangements because of this hang-up that may occur by the delays with the State Administrative Tribunal that happen in this day and age.

Hon LJILJANNA RAVLICH: I am trying hard to grapple with the member’s inconsistent arguments. On the one hand, he tells me that landowners who are involved principally in agricultural activity are very conscientious when it comes to the environment. If that is the case, there will not be a problem. There would be a long process before a river protection notice was given. If a landowner did get a river protection notice, that notice would specify that they would need to do two or three things to remediate the situation. A good landowner would work within the best interests to ensure that that was done. Only very extreme cases would end up involved with the State Administrative Tribunal. The member paints this picture of landholders predominantly involved in agriculture as being really conscientious while, on the other hand, he paints a picture of how everybody will be financially worse off as a result. I am hoping that no landholder will be caught by this. It is like the argument about speeding fines. People get fined for speeding. I used to speed and I used to get pinned. As I get older, I find that I do not speed.

Hon Norman Moore: Because someone else is driving you!

Hon LJILJANNA RAVLICH: No, that is not true. I actually drive myself most of the time. I just find that it is easier not to speed. It is easier to do the right thing. Quite frankly, if we do the right thing, we can save ourselves enormous heartache and a lot of worries.

Hon Bruce Donaldson can put up hypotheticals but unless he is going to delete or amend the clause or whatever, we can spend a lot of time going around in circles with hypotheticals.

Hon NORMAN MOORE: Besides clause 98, there is another clause that has similar financial assurance conditions, namely, clause 81. All that needs to be said is that people who are carrying out land use activities in the catchment area that we have discussed can already expect the possibility of at least providing a bond or bank guarantee, insurance policy or some other form of security to meet obligations imposed upon them by the general manager. As we sit here today, nobody knows how much money we are talking about.

The minister has not responded to my question about why we are not using the contaminated sites legislation instead of this. As long as people who have land in the catchment area understand what the government has in mind for them and once the general manager and his assistants determine that some remediation is needed on somebody’s property in relation to the effect that that is having on the river, they may be required to fund the remediation. Does the minister know what sort of money we are talking about or what sort of circumstances might arise in this respect? It is potentially an open slather situation where vast amounts of money may be required of landholders.

A while ago I asked a question about the causal relationship about the use of fertilisers in agriculture or the effect of salinity created by farming practices on the river. It would cost billions to remediate the Swan and Avon Rivers. How will the government work out that Joe Blow’s farm at Wongan Hills has contributed to that damage and that he has to pay remediation? He will have to lodge an assurance. The whole thing is wide open to all sorts of interpretations. I am putting the worst possible interpretation on it and the minister is putting the least concerning interpretation on it. The bottom line is that this clause provides an open chequebook for the trust to seek a financial assurance from the landowner to pay for remediation. Will the minister tell me why the contaminated sites legislation does not cover this sort of thing?

Hon LJILJANNA RAVLICH: If a case cannot be established that breaches of the act have occurred, a notice will not be issued. I suspect that the contaminated sites legislation cannot be used because the objects and the intent of that legislation are quite different from the objects and intent of this legislation, which specifically targets Swan and Canning river management. I do not know that broad-based legislation dealing with contaminated sites would serve the same purpose as this legislation. That is the best I can say in response to that question. The honourable member has been here for a long time. I would have thought that he could apply some commonsense to the question of why contaminated sites legislation does not apply. If we follow his logic, we might bundle together all the acts and ensure there is no discrimination against anything.

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Hon NORMAN MOORE: One of the reasons I continue to ask these questions that the minister considers to be inane is because I have been here a long time.

Hon Ljiljanna Ravlich: Do you know the answer?

Hon NORMAN MOORE: No, I do not. I want to know where in the bill it explains what happens to financial assurance money that is to be utilised.

Hon Ljiljanna Ravlich: Clause 118 deals with it.

Clause put and passed.

Clauses 99 to 117 put and passed.

Clause 118: Claim on or realising of financial assurance -

Hon NORMAN MOORE: This is the clause that the minister advised a moment ago determines how any funds held under these financial assurances will be expended. Will the minister explain how the clause will work?

Hon LJILJANNA RAVLICH: Subclause (8) specifically states that any costs recovered under this section become a part of the funds of the trust. This clause enables the trust to recover costs where it has incurred the costs taking actions in circumstances covered by a financial assurance.

Hon NORMAN MOORE: I gather from the minister's comments that the financial assurance - the bond put up by the landholder - will be used by the trust to carry out remediation and it will then recover its costs from that bond.

Hon LJILJANNA RAVLICH: It will be used to do the work as specified under the protection notice.

Hon NORMAN MOORE: Is it conceivable that the trust itself will carry out the work or will the owner be required to carry out the work? It is important to know who will do the job.

Hon LJILJANNA RAVLICH: I am told that the trust will work on the assumption that the work identified on the notice will be carried out by the landholder. Therefore, the security will not be required. The security will be used only in those cases in which the work is not carried out by the landowner and remediation must be paid for because the work is done by someone other than the landowner.

Hon NORMAN MOORE: I am asking these questions because I am very aware of the bond conditions that apply to the mining industry. When a mining licence is issued, the miner must pay a bond, which he can then use to remediate the mining operation. If the miner does not do that, the government will take the money and do the work. I am asking who will do the remediation because many people in the mining industry, for example, say that when the government carries out the remediation, it generally costs far more than if they do it themselves. I gather the chain of events might be as follows: an order will be placed on a landholder, the landholder will be required to carry out a certain amount of remediation and the notice will contain a requirement for a bond. I will use that word because it makes it clear. I presume that the landowner is required to provide the financial assurance if it is contained in the notice and then carry out the remediation himself. In the event he does that to the satisfaction of the general manager, the bond will then be removed. If he does not do the remediation, the general manager will use the bond to carry out the remediation. Is that the process?

Hon LJILJANNA RAVLICH: That is correct. Only when the landowner is in default will the trust take on the responsibility for the remediation and use the funds to pay for the remediation work to be done. The member is correct that, if the landholder does the work, it will more than likely be less costly than if the services are being paid for.

Clause put and passed.

Clause 119: Proceedings -

Hon BRUCE DONALDSON: Subclause (1) states -

A prosecution for an offence against this Act may be commenced and conducted by -

- (a) a police officer; or
- (b) a person authorised in writing by the Trust for the purpose of the proposed proceedings.

It is a prescribed offence. If a person was convicted, would that lead to a criminal conviction?

Hon LJILJANNA RAVLICH: It is no different from a person being convicted of any other offence.

Clause put and passed.

Clauses 120 to 135 put and passed.

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Clause 136: Regulations -

Hon NORMAN MOORE: This clause relates to the making of regulations. This is one of the most classic Henry VIII clauses I have ever come across. Clause 136(2) states -

Without limiting subsection (1) regulations may -

- (a) amend Schedules 1, 2, 3, 4, 5, 7 or 8;

The schedules will be part of the act, and this clause provides for regulations to amend those schedules. The schedules themselves, for example, contain the deposited maps that outline the catchment area, the no-development area, which is what this is about, and the riverpark itself. They are just some of the things contained within those schedules. All the schedules are, as I said, very important parts of the legislation. They will be parts of the act. This is just like saying that without limiting subsection (1), regulations may amend any clause we like in the bill. It is just not acceptable. I will seek to move an amendment so that that the Henry VIII clause can be removed. However, the problem that I have is that I discovered this only about five minutes ago, and I have not had a chance to look at the consequences of removing subclause (2)(a) and the effect that that might have on the rest of the clause. To keep us going for another couple of minutes -

The CHAIRMAN: Is the member referring to clause 136(2)(a)?

Hon NORMAN MOORE: Yes. That is the bit that sticks out as an obvious Henry VIII clause. However, I am not sure about paragraphs (b), (c), (d), (e) and (f) yet, because I have not had a chance to read all those. Because we are nearly ready to knock off for question time, it might be a good opportunity for somebody to fill in the couple of minutes until we can look at this more carefully.

The CHAIRMAN: There is probably no need to just fill in. I say that because one member has indicated to me that there is the possibility that he may want to recommit the bill, and it is precisely on this area. There may be an opportunity for the minister to discuss some matters. If I leave the chair now, given the time, we will then move to question time, so we will probably not deal with this bill again until just after five o'clock. If there can be some discussion, we may be able to continue to make progress, but that is up to members. Having regard to the time, I will leave the chair until the ringing of the bells.

Debate interrupted, pursuant to sessional orders.

[Continued on page 5556.]

Sitting suspended from 4.14 to 4.30 pm