LAND AND PUBLIC WORKS LEGISLATION AMENDMENT BILL 2022

Second Reading

Resumed from 22 February.

MR J.N. CAREY (Perth — Minister for Lands) [10.51 am] — in reply: I appreciate all the contributions to the debate on this major reform bill. I would like to first of all acknowledge the opposition for being accommodating with yesterday's schedule. I wanted to sit in and listen to all the debate by opposition members, so I thank them for their flexibility. My office has also reached out and sought briefings and so forth for the opposition.

As we know, the central component of the Land and Public Works Legislation Amendment Bill 2022 is to introduce a new form of non-exclusive leasehold tenure known as a diversification lease. This is ultimately about allowing a more diverse range of land uses on the crown land estate. It is really also about modernising key sections of the Land Administration Act 1997 and the Public Works Act 1902 and, of course, making consequential changes to various other acts in order to facilitate these changes.

I thank all members for their comments, but I would like to respond, as I promised I would, to a number of matters that both the members for Roe and Cottesloe raised. I make all these comments to provide the constructive feedback that I can to some of their questions. The member for Roe made comments about the stakeholder feedback and said that it had been mixed. This has been a long time coming. I think we all agree that it has been a deeply exhaustive process. From the feedback that I have had—I have been in this position since March last year—I have found all the sectors to be really constructive and broadly supportive. The consultation has seen that we have listened and made changes when appropriate, and I think that is what government should do. I note that the pastoral industry has been asking for some of these changes for a very long time, such as the ability to extend pastoral leases up to 50 years and to provide a diversification lease opportunity as a way to diversify away from sole pastoral uses. This is really about enabling greater choice and the ability to explore other opportunities.

I want to be very clear on this, and I think I said it yesterday: anyone seeking a diversification lease will do so because they want to. I think Hon Neil Thomson suggested in the upper house that pastoralists are going to be forced to do this. That will not be the case at all. There will be no requirement for pastoralists to convert to this new form of tenure. It will be entirely voluntary. If a pastoral leaseholder wishes to convert to a diversification lease, they will need to negotiate an Indigenous land use agreement with native title parties, the same as any other proponent has to. That is now the reality of Western Australia, and it is the right thing to do. It is not foreign to many pastoral leaseholders, as they can already have ILUAs in place. As a government, we provide a number of supports to pastoral leaseholders to negotiate those agreements.

The member for Roe raised a question about how non-exclusive tenure will work. I want to put this on the record: there will be no change here, as pastoral leases are already non-exclusive land and already coexist with mining and native title, while obviously providing quiet enjoyment, so to speak, of the land for pastoral purposes. Pastoral leases are limited to, essentially, grazing animals, whereas the new diversification lease will not be so limited. This is why we are bringing in a diversification lease.

The member for Roe also raised a question about how any land management accreditation system will work. Again, this is about facilitating any future systems that may be developed or supported by the sector so that we can—this is what an accreditation system is about—acknowledge those pastoral leaders who are performing at the peak level and are doing high levels of sustainable beef or sheep production. Accreditation systems are not new in other industries. In fact, I think we will see savvy businesses seek accreditation to enhance their reputation and credentials in environmental and land management quality assurance. We know that the market can look at very rapid change, and we are seeing this now. Consumers right at the end are looking at the standards that companies and businesses, including pastoral leaseholders, are meeting. A broad example in another industry that is well versed is, of course, the Marine Stewardship Council, which provides certification and demonstrates best practice in fisheries. It is often held up in the fisheries industry and is quite critical in distinguishing particular products in the market. Should this industry develop and support the accreditation system, the act will enable the minister to improve it. But it will be voluntary. Ultimately, it is about assisting this industry to continue its social licence and to operate, as I have said, for consumers who are increasingly concerned about land management and environmental issues.

The member for Roe and the member for Cottesloe asked what a diversification lease could be used for. This legislation will not limit the uses, because we do want that flexibility. In a sense, this is trying to futureproof what a diversification lease could be used for. It has been designed for a large number of different uses. I know that the member for Cottesloe, and also many members of my government who spoke, talked about renewable energy, Aboriginal tourism, horticulture and other sectors that are growing, such as the hydrogen industry, which has a lot of attention right now, but were not even thought about a decade ago.

I do not know whether there was confusion on this, but members also related to the issue of local governments having to consult with interest holders when granting a diversification lease. I want to correct the record that that is not the case. As is the case with any lease, the Department of Planning, Lands and Heritage will undertake relevant consultation with stakeholder and government departments, including local governments. Let me be clear on this on the record: local governments will not undertake consultation on behalf of the state.

In relation to whether a pastoral lease will be responsible for ongoing land management—this has been very clear from the start—a diversification lease and a pastoral lease cannot exist at the same time. The pastoral lease will have to be surrendered in the first instance. Once that is surrendered, the pastoral lease obligations for land management over that part of the land will also cease.

The member for Roe raised the issue of rents, and he noted that this has been an area of much debate, I think harking back to former Minister for Lands Terry Redman's time. This act is ultimately about providing more certainty and reducing the risk of bill shock. The member for Roe is right: we do remember the 2019 rent review when there were some significant shocks for pastoralists. We want to avoid that, so this new system under this legislation will provide a clearer more predictable and transparent consumer price index rent methodology. The member asked this question and I want to make it very clear that the starting rent for all pastoral stations across the state will be lower than the current rent or the average rent calculated over the past 20 years. That is very clear. This means that no pastoralist will pay more rent than they currently are, and, actually, the advice that I have been given is that some pastoralists will pay less rent for the initial period, until, of course, the first CPI review.

One of the issues raised by members opposite was land grabs. I want to say this, which is really important, particularly in relation to diversification leases: agreement will have to be obtained from any existing interest holder, such as a pastoral lessee. There has been a bit of scaremongering about the leases, and the complexities and the cost of negotiations with proponents or native title holders. In this regard, we should not underestimate the business savvy of pastoralists. This industry has been a key narrative of our state. I deeply respect the hard work and commitment of many pastoralists across Western Australia, and I do not think we should make out that they are some uninformed stakeholders. They want us to create diversification leases; they have wanted it for a long time. This change has not been just foisted on them. It has not come out of the blue. I also recognise the expertise of pastoralists, as many of them have already undertaken this type of negotiation—for example, negotiating Indigenous land use agreements or permits. I have said before that there are already supports in place for anyone seeking to negotiate an ILUA. For example, a protocol by the Department of Planning, Lands and Heritage is to provide a template for an ILUA and guidance material. We are not just throwing it out there and saying, "Good luck; see you later when you come back." I can vouch for my agency—some of the officers are right here and they are brilliant—that as we have seen in consultation, it goes out of its way to try to assist and facilitate, because we know that we ultimately want pastoralists to do well, and we want to see diversification leases and opportunities. Again I come back to this: ultimately, diversification leases will be voluntary. We have to remember that. Those who want to carry on pastoralism can do that, and that is it.

Another issue, raised by the member for Cottesloe, was time frames for the grant of the diversification lease. Again, each lease is bespoke. Each location, environment and diversification project, whether it is from tourism to agricultural industries, is different. It has its own context and settings. Further considerations will be given to native title and other interest holders and environmental issues. The idea is that we went down to one particular time frame, but we have to understand the context and all the different factors that can contribute to considering a diversification lease.

Regarding some of the statements by the member for Cottesloe and again by the member for Roe, there was a point about this affecting other bills and acts, but it is pretty common when driving legislation, as with the local government bill that I introduced today, that there will be substantial consequential amendments; it is not uncommon. I have to say on the record, member for Roe, that all of that was flagged in briefings that we provided, and I understand the member's staff were in attendance. I think the member for Cottesloe stated that we are concentrating powers in the Minister for Lands, but that is inaccurate for the simple reason that the Minister for Lands already has very broad powers. That is well documented under successive ministers. It may be criticised, but it is there and it is critically important in a range of issues in the Land Administration Act 1997. There is a broad range of issues to deal with a range of uses on the crown land estate. This is everything from significant projects right down to the leasing of sports fields. I strongly support the retaining of those broad powers that successive Labor and Liberal–National governments have drawn on.

I say this, member for Cottesloe: although we have a bit of spar in question time, the comments about how riverside land would be snapped up by private developers were disappointing. I refer to Tawarri Hot Springs, because if the member remembers, that lay before Parliament. It was not disallowed. This is not a pot shot—I say this genuinely—but at the time the opposition did not raise any objections. It lay before the Parliament as a class A reserve with clear transparency and accountability to the people of Western Australia. I make the point that a management order

held by a local government is not actually an interest in land. Crown land—that is what it is—belongs to the people of Western Australia. I do not think it is appropriate that a management body that has an order over that crown land, which the people hold, can veto or seek to frustrate a public work or a significant interest, frankly, often without any reasonable grounds. The member for Cottesloe took a peak alarmist position in the views he expressed yesterday, because when we look at this bill, we see that it will provide for more certainty by allowing the Minister for Lands to revoke a management order for a public work. What those public works are will be far more prescribed. The bill provides very modern definitions.

Dr D.J. Honey: Minister, would you take a clarifying question?

Mr J.N. CAREY: Sure.

Dr D.J. Honey: One of my questions, because I was not sure about this, was about examples of managed reserves. I pointedly asked about the Indiana site in Cottesloe. Is that a managed reserve that would be subject to this? I understand the public works—I think everyone here understands that—but would it apply to a private development on that land?

Mr J.N. CAREY: I will have to seek advice, and I will, on the level of the managed reserves. As the member knows, if it is an A-class managed reserve, it has to lay before Parliament, as happened with the Tawarri Hot Springs development. I think that is important. With A-class reserves, ultimate authority rests with the Parliament. I will have to get back to the member; I will seek clarification on that particular landholding. I am happy to get back to the member for Cottesloe on that during the consideration in detail stage.

Members also pointed to the issuing of section 91 licences. That was also alarmist and, again, I thought it was wrong. Section 91 is not about land grabs; they are non-exclusive licences. I want to put that on the record: they are non-exclusive licences. For the most part, as we know, they are used for feasibility—for example, with regard to solar or wind or other uses that require temporary access to land. It is not a permanent land grab; it is actually a non-exclusive licence.

Concerns were also raised about the transparency of diversification permits. I do not know whether members were referring yesterday to permits granted to a lessee, but they have a clear line of sight, which I think is an important point to make.

Members asked about the extinguishment of interests and caveats. This amendment will simply clarify that consent is not required when another section of the act enables the minister to effect an interest or caveat without consent. For example, section 55 of the act, as amended, will allow automatic extinguishment of an interest when revesting land for dedication as a road. Currently, all interests must be removed for dedicating land as a road. This amendment will, in effect, be an administrative process; it is about streamlining the process.

Reference was made to the elimination of the cattle industry in the Kimberley. I do not know where this comes from. As we know, we are talking about almost one-sixth of the state's landmass, so clearly not all that landmass is going to be taken up by, or is prospective for, hydrogen and renewable industries.

An issue was raised about competing uses on a diversification lease. I want to assure members that the department and the government already deal with competing uses on tenure grants; that is a normal part at play. Members may have seen this, but I previously released for public consultation a broader draft policy framework guiding the use of diversification leases on crown land. We will bring in the legislation, but we also have a policy framework. It takes into consideration that there can be sole or multiple uses. The policy is trying to provide some guidance on the considerations, but we have to remember that the policy is an organic document that will change over time as new diversification leases are granted.

The member for Cottesloe also raised issues relating to the composition of the board. It is not changing. The board currently has three pastoral interest members, a conservation interest member, an Aboriginal interest member and, of course, the chairman. I want to put on the record—I believe this was the same practice under Liberal governments—that the Minister for Lands has always sought advice from the Minister for Environment and the Minister for Aboriginal Affairs, but we are formalising the process. There were also issues raised by members about the removal of confidentiality provisions relating to Pastoral Lands Board members. I can confirm that more comprehensive information-sharing provisions are included in proposed part 10A. These provisions are similar to those being introduced in other pieces of legislation, in recognition that people who deal with government on all levels expect their communication, private or commercial, to be treated as confidential and their privacy protected.

The member for Cottesloe also talked about pastoral leases being for 99 years. We did some research on that. I am not trying to be a smart alec here, but my agency advises me that there have never been 99-year pastoral leases, and that the system of common expiry leases has been in place since the 1880s. I just put that on the record.

Dr D.J. Honey: I will sack my source.

Mr J.N. CAREY: That is right! When I raise these issues, I am not trying to knock the member, because I understand his interest and passion in this area. However, he should go back to his source. I have the benefit of having a government agency to support me!

In regard to concerns about the reduction of stock numbers, we do need this as a tool. It is about providing a practical approach versus reducing stock to a very minimum number. Compensation will not be provided because this is generally connected directly to the mismanagement of pastoral leases and overgrazing. If action has to be taken, there are clearly issues and problems, and we would argue that it is required.

Overall, I am deeply proud that our government is pursuing diversification leases, because it is about trying to create a lease that is flexible for the times and unlocks unutilised land for users and industries. I put on the record that it will support our state's efforts to transition to net zero by 2050 by working to open crown land for renewable energy proposals, while enabling the coexistence of mining and native title rights, as acknowledged by members opposite. I think it will encourage the greater utilisation of crown land and help us to diversify the state's economy. It can and will facilitate increased investment in pastoralism and other region-based industries. Ultimately—I think this is one of the best aspects—I believe that diversification leases will also unlock new economic opportunities for Aboriginal people. As I have said, they can be granted for any purpose and it is designed for broadscale use on the crown estate. To be very clear, it is similar to a pastoral lease in that there is a statutory right access for Aboriginal people over a diversification lease, which is the same as a pastoral lease, and native title rights and interests will not be extinguished. Again, like a pastoral lease, a diversification lessee will be responsible for land condition and the management of feral animal, pests and weeds. But the key difference—we come back to it—is that a pastoral lease can be used for only pastoral purposes, which is why we are bringing in a diversification lease.

A diversification lease will require a proponent to enter into an Indigenous land use agreement prior to a lease being granted to ensure that native title interests, where they exist, are appropriately addressed. This is the same requirement for any grant of tenure, not just a diversification lease. Why am I putting this on the record? It is because although we have done significant consultation and engagement—I have to say that the agency has done an extraordinary job—there has been some unfortunate fearmongering about native title rights, which the member for Kimberley will be aware of.

I want to again very clearly put on the record the benefits for pastoralists. The benefits include the extension of pastoral leases up to 50 years; the change of annual return dates to align with pastoral practices; allowing for the transfer, renewal and cancellation of permits, which previously did not exist; and improvements to the rental evaluation methodology, decreasing volatility, improving transparency and providing greater notice of any changes. I have said, but I say it again, that we recognise the critical role that the pastoral industry plays in our economy and the significant component it constitutes in the management of crown land across our state. This is a real opportunity for pastoralists to work with native title holders, the conservation sector, the renewable energy sector and mining industries to get the best outcomes we can from crown land.

Again, I will put on the record—I am sorry to bore some members, but I want to reinforce it—that this bill will modernise the operation of the act. It will streamline processes and cut red tape. The act will be updated to reflect modern terms. The bill has a range of amendments for greater procedural efficiencies in crown land transactions across Western Australia. I come back to this matter again because I know the member for Cottesloe raised it: any change to a class A reserve must still go through a parliamentary process; it will still have to be laid before both houses, so I do not see how any of the other changes that we will make will result in less transparency or accountability to all Western Australians. The idea that we will see these massive A-class reserves located on the river suddenly all going over to hoity-toity private development in some sneaky, dodgy way is simply not the case.

A member interjected.

Mr J.N. CAREY: All right; okay. Thank you. I am getting in trouble. I have been told to hurry up. I did warn the member that I am very thorough. I am getting in trouble! God, I did warn the member. I warned the member yesterday.

A member interjected.

Mr J.N. CAREY: I was dealing with it. All my staff in the ministerial office are probably blushing right now. I am sorry.

Finally, I want to recognise previous lands ministers Hon Terry Redman, Hon Ben Wyatt, Minister Saffioti, Minister Buti and their staff. This has been a long time in the making—thanks to my speech! This bill is a result of extensive consultation by my agency. The department has dealt with over 400 inquiries from industry and the public, which were individually responded to. I met a large number of stakeholders through this process and I acknowledge the Association of Mining and Exploration Companies, the Chamber of Minerals and Energy of Western Australia, the Pastoralists and Graziers Association of WA, the Kimberley Pilbara Cattlemen's Association, the Western Australian Local Government Association, Partnership for the Outback and the Indigenous Land and Sea Corporation.

I thank all members who spoke on the bill. I particularly commend the staff of the Department of Planning, Lands and Heritage. For some of them, this bill was an epic in the making. Some of them will probably retire after this! I thank the efforts of the incredible Alison Gibson, executive director; Matt Darcey, who blows me away with his expertise—I sound like they are all dying or retiring!—assistant director general; and Jacqueline Brienne, principal legal officer. I acknowledge my staff. I give a small shout-out to Claire Comrie, Eugene Carmody, Joanne Lim, Matthew O'Keeffe and Sam McLeod. It has taken a long time, but we have got here.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr P.J. RUNDLE: Thanks for the very comprehensive reply, minister. It was good because it answered some of the questions the member for Cottesloe and I raised. I will ask a few short, general questions on the short title of the bill in clause 1. If possible, the minister can answer and then I will move on to more detailed questions as we go through.

The minister answered pretty well the list of stakeholders that he consulted. He certainly outlined several of the main stakeholders. Does the minister have a list of all the stakeholders, or something to that effect, that he might table for us? I am happy to receive it in a table format if the minister likes.

Mr J.N. Carey: Member, may I suggest that rather than table it, I just need to verify and provide you a full list—you know I will—on a separate occasion. It is a huge list, as the member can see from the draft I have here, but I am happy to provide him with a list as full as I can. As I mentioned, there were 400 individual email inquiries, but I can list each organisation that had engagement.

Mr P.J. RUNDLE: Where hydrogen projects develop into something like a liquefied natural gas train, how will that be managed with the native title holders, pastoral leaseholders, diversification leaseholders and local governments?

Mr J.N. Carey: Member, my advice is that the only interests —

The ACTING SPEAKER (Ms C.M. Collins): Minister, can you please stand up?

Mr J.N. CAREY: Sorry, my apologies.

My advice is that the only interests that would be standing would be native title. To explain, an Indigenous land use agreement would have to be negotiated. As part of that, consideration would then be given to the conditions set by the native title owner. The ILUA needs to be negotiated and secured first, and it will then be used to inform the lease.

Mr P.J. RUNDLE: Is the Department of Planning, Lands and Heritage confident that it is adequately resourced to implement the legislation—both the act and any regulations?

Mr J.N. CAREY: As the member knows, the agency already does a substantial amount of work on all other leases granted. It operates a property and risk assessment unit. Our agency is confident. The broader issue, which I already made clear, is that our agency will continue to provide support at a broader level. As the member identified, we know that when change is made, there can always be some level of confusion or uncertainty, but we will roll out further information once the legislation has been passed. We are not just leaving space; there is a unit that already manages leasing.

Mr P.J. RUNDLE: I have a few questions down the line. Given the further complexities involved, will any FTE be allocated over and above what is allocated now or will it be business as usual?

Mr J.N. CAREY: I cannot say at this stage, for the simple reason that we do not know what the demand will be. Obviously, we would like to see people take up diversification leases. I do not want to oversell or undersell it. We believe that diversification leases are needed. It will be entirely dependent on the number of diversification leases that are submitted to government.

Mr P.J. RUNDLE: As the number of diversification leases racks up, will further staff be allocated to the department to support the whole package or the whole industry?

Mr J.N. CAREY: Another consideration we must give is that it is likely some pastoral leaseholders will surrender, as the member noted yesterday. We have to think about it like this: yes, there is likely to be an increase in diversification leases, but we are also likely to see a decline for the agency in processing pastoral leases because people will shift across, as we have identified, and because they would like to see these leases in place. I appreciate

that the member wants a clear commitment from me, but all the advice to date I am getting from the agency is that it has sound resources to be able to manage the expected number. We will wait and see.

Mr P.J. RUNDLE: What consultation occurred between the Department of Planning, Lands and Heritage and the Environmental Protection Authority on funding agreements and the like for the changes to be implemented by this bill?

Mr J.N. CAREY: Sorry, member; can I seek clarity on that? What is the member specifically referring to?

Mr P.J. RUNDLE: What consultation occurred between DPLH and the EPA on funding agreements?

Mr J.N. CAREY: I do not know about funding agreements. I will provide the member that list that the EPA was consulted on the legislation.

Mr P.J. RUNDLE: What kind of operations will now be allowed on pastoral land and crown land under these changes that would otherwise have not been possible? How many and what are they?

Mr J.N. CAREY: I want to clarify a confusion in that question. As the member would be aware, the dominant use for any pastoral lease must be pastoral purposes. There can be ancillary uses, but they cannot be the dominant use. The current ancillary uses at a pastoral lease could continue; just because a diversification lease has been created, it does not impact that. Also remember that diversification permits are currently available to pastoralists, which are for very specified purposes, but they are very different from a new diversification lease. I do not want to create any confusion between the diversification permit, which rests with the pastoral leaseholder, versus a new diversification lease.

Mr P.J. RUNDLE: To follow that up, we heard a variety of speeches in the debate and people talking about carbon trading, solar, wind and hydrogen. Those are four different uses. Do any others come to the minister's mind that he could name as potential purposes under a diversification lease?

Mr J.N. CAREY: Biodiversity conservation is one of the exciting areas. As we know, organisations that currently hold pastoral leases still have to have cattle, but their primary interest could be conservation. They have to ensure they maintain their pastoral lease by holding cattle. In that sense, someone could shift across so that they could just focus on conservation purposes. This is why we have flexibility in diversification leases because we do not know into the future what other new pathways or technologies will come up. Overall, I think many of the uses mentioned in debate in Parliament are probably the obvious ones.

Mr P.J. RUNDLE: I thank the minister. I have a couple of further questions before I move on to clause 5, which will be the next one.

Renewable energy projects such as solar might take up a large expanse of land, but the land could also potentially be a mine site. What would be the process to adequately transition industries or potentially co-locate industries? Let us say there is a large expanse of a solar farm, but then a discovery, I guess, with an adjoining mine site, how would that work?

Mr J.N. CAREY: I think there are two matters to consider. The intention is that different uses can coexist, as I said; however, obviously, any approval of a lease requires the Minister for Mines and Petroleum's approval, so there is that check and balance in place. The second matter is, as stipulated in the changes, we are creating buffer zones for significant structures. That seeks to address those potential conflicts by creating a buffer zone, which, I have to say, is the standard in other states.

Mr P.J. RUNDLE: My final question on this clause: has the minister sought advice on how this legislation interacts with the Warden's Court?

Mr J.N. CAREY: The advice is that it is limited and very similar to a pastoral lease, but it cannot interfere in situations in which it relates to, for example, a substantial structure like a homestead.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 3A inserted —

Mr P.J. RUNDLE: I have just one quick question. Why has the definition of "location or lot" been separated into proposed section 3A?

Mr J.N. CAREY: In effect, it is to enable the grant of different tenures over different layers of crown land—for example, when we have identified land that is adjacent to or above a sunken train line for the construction of a new university campus. It is really acknowledging that we can have different tenures over different lands.

Clause put and passed.

Clause 6: Section 9 replaced —

Mr P.J. RUNDLE: Will the chief executive officer of the department have to notify the minister when they delegate powers that were delegated to them?

Mr J.N. CAREY: They will not be required to, but we would expect that they would.

Mr P.J. RUNDLE: How far down the line can they delegate those powers?

Mr J.N. CAREY: Currently, as the member knows, there are delegations, but they are to level 4.

Mr P.J. RUNDLE: Why is the requirement to notify delegations through the *Government Gazette* being removed —

Several members interjected.

Mr J.N. Carey: Sorry, there were voices from the Leader of the House in the background.

Mr D.A. Templeman: I was blessing the member.

Mr J.N. Carey: Sorry, member; which clause?

Mr P.J. RUNDLE: We are still on clause 6. Why is the requirement to notify delegations through the *Government Gazette* being removed? Is it really that expensive, or is it inefficient?

Mr J.N. CAREY: Yes. The member is exactly right, spot on; congratulations, you have won bingo! It is expensive and slow.

Mr P.J. RUNDLE: What is the actual cost and time involved in that?

Mr J.N. CAREY: Delegations can be five to six pages and can cost anywhere between $2 000 and $5 000.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Sections 11A and 11B inserted —

Mr P.J. RUNDLE: Will the inclusion of proposed sections 11A and 11B change the intent or the ministerial responsibilities of the current Land Administration Act 1997; and, if so, what will change exactly?

Mr J.N. CAREY: I think the member should be aware that, currently, the Minister for Lands does not have powers to deal with land in freehold. To be very clear, if any land is held by the state in freehold and requires transfer or contracting actions to be undertaken, effectively it can be done only at significant cost and delay. Therefore, we really need the minister to be able to hold freehold land from time to time and to be able to do it effectively.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 14 replaced —

Mr P.J. RUNDLE: Obviously, this relates to consultation with local government—the minister's favourite subject. Why was the period of 42 days chosen?

Mr J.N. CAREY: There was a recognition that local governments can take time to consider matters, and, in consultation with the Western Australian Local Government Association, I am advised that 42 days was settled on.

Mr P.J. RUNDLE: Although local governments will need to be consulted, is there a reason local Aboriginal cultural heritage services will not be consulted? Is it expected that those groups will be consulted by local governments instead?

Mr J.N. CAREY: I am advised that the Aboriginal Cultural Heritage Act will apply and they will be consulted.

Mr P.J. RUNDLE: I want to follow this chain of consultation. The local government is the first priority. Will any other layers of consultation take place from there; and, if so, who and what are they?

Mr J.N. CAREY: Obviously, we would consult other relevant agencies, but in particular—this is also obvious—the Minister for Mines and Petroleum.

Clause put and passed.

Clauses 11 to 13 put and passed.

Clause 14: Section 27 amended —

Mr P.J. RUNDLE: Can the minister confirm that section 28 will be deleted because the intent is captured by the proposed amendments to section 27?

Mr J.N. CAREY: Yes.

Mr P.J. RUNDLE: Can the minister provide an example of where it is deemed impractical to consult local government?

Mr J.N. CAREY: Sorry, member. I am slightly confused by that question. We always consult local government.

Mr P.J. RUNDLE: The minister cannot see any example; regardless, will there always be consultation with local government?

Mr J.N. CAREY: Yes.

Clause put and passed.

Clauses 15 and 16 put and passed.

Clause 17: Section 30 amended —

Mr P.J. RUNDLE: Why is the requirement to notify by *Government Gazette* the appointed surveyor being removed?

Mr J.N. CAREY: This is a very simple one; it is to modernise the terminology.

Clause put and passed.

Clauses 18 to 21 put and passed.

Clause 22: Section 46A inserted —

Mr P.J. RUNDLE: Further to debate on clause 10, why was the period of 42 days chosen?

Mr J.N. CAREY: It is an issue of consistency.

Clause put and passed.

Clause 23 put and passed.

Clause 24: Section 51 amended —

Mr P.J. RUNDLE: Although I understand the rationale behind excising land necessary for the purpose of public works, can the minister provide examples of when land would be excised in the public interest?

Mr J.N. CAREY: To be very clear, I already have that power. It would be based on the considerations that it is a use that is in the best interests of the broader Western Australian state. It could be for a number of different uses. It is a good question. That is why we also have a number of public works that are clearly defined and have been modernised and that give a very clear intent about the type of public works.

Clause put and passed.

Clauses 25 and 26 put and passed.

Clause 27: Section 55 amended —

Mr P.J. RUNDLE: Why has the Dampier to Bunbury natural gas pipeline corridor been singled out under new section 55(4)?

Mr J.N. CAREY: In short, this is to ensure that roads can be created over the Dampier to Bunbury natural gas pipeline corridor without affecting the corridor or other associated rights.

Clause put and passed.

Clauses 28 and 29 put and passed.

Clause 30: Section 58 replaced —

Mr P.J. RUNDLE: Will the new sections 58 and 58A place the Minister for Lands in conflict with the Minister for Transport as the minister responsible for Main Roads WA?

Mr J.N. CAREY: No, because this will apply only to local roads; it will not apply to main roads.

Mr P.J. RUNDLE: Can the minister see any examples of where there might be a potential conflict between those two ministers?

Mr J.N. CAREY: We do not believe so, because the minister responsible for main roads would consult the Minister for Lands about anything that relates to land tenure.

Mr P.J. RUNDLE: Is the minister very confident that in the state's best interests both those ministers would consult? Does the minister not see any occasion in which there might be a conflict between ministerial departments or the like?

Mr J.N. CAREY: No, I do not.

Clause put and passed.

Clauses 31 to 33 put and passed.

Clause 34: Section 75 amended —

Mr P.J. RUNDLE: Proposed section 75(4A) provides that if the minister considers that the failure of a holder to use land for the specified use is unreasonable in all the circumstances, subsection (4) will apply as though the failure were a breach of conditions. What would count as "unreasonable in all the circumstances"?

Mr J.N. CAREY: We have faced scenarios in which conditional freehold land has remained unused for years and years; in fact, I think we have had an example of one that was for decades. This provision seeks to rectify that kind of scenario.

Mr P.J. RUNDLE: Would a pandemic resulting in lack of land management count as unreasonable?

Mr J.N. CAREY: No, it would not.

Mr P.J. RUNDLE: Can the minister see whether this proposed subsection could be misused or abused at all?

Mr J.N. CAREY: Under the current act and under any changes that we make to the act, as the Minister for Lands, I must always act reasonably in my decision-making. I think the suggestion the member is making is that it could be abused, but the minister has a clear responsibility under the act to have reasonable and considered decision-making processes.

Clause put and passed.

Clauses 35 and 36 put and passed.

Clause 37: Section 81A inserted —

Mr P.J. RUNDLE: This clause relates to the removal of expired registered leases from the certificate of crown land title. How will the new process differ from the current process under the Land Administration Act 1997?

Mr J.N. CAREY: The simple reality is that Landgate requires a significant amount of information, including signed statutory declarations. Of course, that is extremely difficult if, for example, a party is no longer in existence or is uncontactable, which does occur from time to time. This is about streamlining the process.

Mr P.J. RUNDLE: The minister has identified one particular example. Noting that he is obviously streamlining the process, what other examples or risks have been identified due to the change?

Mr J.N. CAREY: One is similar to the example I have just given. If identified land has sat vacant over a period of time, the lease has expired and no rent is being paid, and we have identified that that land is important to a significant project, the expired lease must be removed from the title before the tenure can be granted. The former lessee, for example, will probably be deregistered. In that scenario, departmental staff would have no way of contacting the former directors, so that can create quite a burdensome process. In order to have the lease in that scenario removed from the land title, the department must prepare and lodge a statement with the Registrar of Titles outlining the circumstances of the expired lease removal. We are saying that the preparation of this statement currently is very burdensome and time consuming.

Mr P.J. RUNDLE: Does the minister have concerns that some sort of legal or court challenge might come from some long-lost relatives?

Mr J.N. CAREY: No. The advice that I have been provided is that the Registrar of Titles is very satisfied with this proposed new process.

Clause put and passed.

Clauses 38 to 40 put and passed.

Clause 41: Part 6A inserted —

Mr P.J. RUNDLE: Does the minister acknowledge that there are big differences between ecotourism, aged-care provision and mining, yet all these could be allowed under a diversification lease?

Mr J.N. CAREY: The intention is that a diversification lease will be broad scale. I suggest that a highly intensive use, if that is what the member is talking about, would fall under another lease application.

Mr P.J. RUNDLE: What sort of lease application is the minister referring to? What other arrangement could be put in place?

Mr J.N. CAREY: An example in point would be a renewable hydrogen project. The actual production facility would fall under section 79. That would be separate from the rest of the diversification lease.

Mr P.J. RUNDLE: That is getting to it. It is a bit like the potential LNG train or the hydrogen train that I referred to. Is the minister envisaging that section 79 will be used quite a bit down the track as hydrogen comes more to the fore?

Mr J.N. CAREY: Let us be clear on the record: hydrogen proponents would seek a section 79 lease if they were proposing intensive use, but a diversification lease would offer a broadscale contribution to their project.

Mr P.J. RUNDLE: If I owned a pastoral lease and a hydrogen company came along, at what stage would it progress from a diversification lease to a section 79 lease? Would it be when the buildings were being built?

Mr J.N. CAREY: This is an example in which the agency would work with the proponents. It would sit down and identify the required leases or licences and, through that process, they would be submitted at the same time.

Mr P.J. RUNDLE: There is reference to mining not occurring within 100 metres of any land that is in actual occupation. Why was the 100-metre radius chosen and what feedback on this clause has been received over the past few years? I am obviously looking at concerns about shearing sheds, houses and the like.

Mr J.N. CAREY: We have selected the smallest current buffer, as is the case with pastoral leases in relation to the Mining Act.

Mr P.J. RUNDLE: Does the minister think that buffer may be changed at any stage under the Mining Act? The minister is obviously looking at the Mining Act.

Mr J.N. CAREY: I am not second-guessing future changes to the Mining Act.

Mr P.J. RUNDLE: Proposed section 92B states —

> (2) A diversification lease may be granted for any purpose or purposes.

What would count as a purpose? Would temporary accommodation, for instance, count as a purpose?

Mr J.N. CAREY: Again, I respectfully refer to my previous comments. I suggest that does not constitute a broadscale use.

Mr P.J. RUNDLE: I thank the minister. How will biosecurity be managed in this instance?

Mr J.N. CAREY: By lease condition.

Mr P.J. RUNDLE: Proposed section 92E relates —

> Aboriginal persons may at all times enter upon any unenclosed and unimproved parts of the land under a diversification lease to seek their sustenance in their accustomed manner.

Does this clause already exist under the current Land Administration Act?

Mr J.N. CAREY: It does exist but only for pastoral leases. Clearly, we should also then apply it to diversification leases.

Mr P.J. RUNDLE: What protections for pastoralists' stock exist in relation to this clause?

Mr J.N. CAREY: They are the conditions if it is enclosed or improved.

Mr P.J. RUNDLE: Can the minister explain that to me a little bit further? What does he mean by that?

Mr J.N. CAREY: If it is enclosed or improved, like a homestead, they cannot access it.

Mr P.J. RUNDLE: This comes back to my subject earlier about full-time employees and navigating the whole scenario at low cost or no cost or whatever. Does the minister have plans to set up some sort of support base or the like to assist pastoralists with this?

Mr J.N. CAREY: I know the member is stressing this point, but I look to the record of the department in its preparation of this bill—to its level of engagement, respectful consultation and responsiveness. For example, I cited in my response that the agency provides support for negotiating an Indigenous land use agreement, noting that many pastoralists are already familiar with these processes.

Mr P.J. RUNDLE: As I said in my second reading contribution, we could envisage that a pastoralist could potentially be looking at five to seven years of negotiations with three, four or five different parties, and the pastoralist might end up with a legal bill running into hundreds of thousands of dollars in this sort of scenario. I can understand the disquiet among our pastoral community about that. Obviously, diversification leases are potentially a good thing, economically and socially, but I am very worried about pastoralists' potential capacity to deal with Indigenous land use agreements, hydrogen companies, mining companies or whatever. It could be a broad scale.

Mr J.N. CAREY: I come back to this point respectfully. Ultimately, this is voluntary. We will not be forcing any pastoralists to decide to move or shift to a diversification lease. Ultimately, it will be a commercial decision, and that decision and negotiation will be left to pastoralists. I have noted in my engagement with pastoralists that they already have a significant level of expertise and understanding. I disagree, in part, with the member's assessment. Ultimately, this is a commercial decision, and they will factor in the costs, the processes, the negotiations and the financial return, and decide whether they want to shift from a pastoralist's lease to a diversification lease.

Mr P.J. RUNDLE: As I brought up in my second reading contribution, does the minister envisage something like the Small Business Development Corporation or something of that nature playing a role in assisting?

Mr J.N. CAREY: People can seek advice and support from anybody, but I note that the member organisations already provide support services. This has not happened in a vacuum, and this is not something that has just popped up out of the blue. As the member acknowledged, this reform process has been going since Hon Terry Redman was

the responsible minister. I really believe that there is a level of education, but I understand that we will still have to provide future education and support.

Dr D.J. HONEY: I go back to the "Minister's powers as to grant of diversification lease" under proposed section 92B, but I have a more general point. In granting those leases, will the minister have any test of the likelihood that the proponent is serious in developing the project it seeks the lease for? I ask this because considerable concern has been expressed in the Kimberley and Gascoyne regions that parties are coming in that may, in fact, not be genuine project developers but simply want to gain control of land. Once they gain the change of use for the land, they will sell that interest on to another party and another proponent. I am concerned about that because, if that occurred, it would significantly decrease the potential economic viability of renewable energy projects, for example. Will the minister apply any test to determine whether these are serious proponents that have the capacity to carry out the development they are applying for and not simply speculators seeking to take the value of the land, potentially interfering with the success of a subsequent project?

Mr J.N. CAREY: I thank the member for Cottesloe. He makes a valid inquiry. Obviously, it would be a consideration for the Minister for Lands, but the Minister for Lands would seek advice, for example, from the Minister for Hydrogen Industry about the seriousness of the proposal.

I noted in the answer I gave the member during the second reading debate—I am sorry; I will get the correct naming of the policy—that we have put out a draft policy document that goes into further detail about the considerations and the framework by which a diversification lease might be issued. For the record, the document is *Proposed policy framework guiding the use of diversification leases on crown land under the Land Administration Act 1997*. If the member has not seen that, I will get a copy for him. It is our intention that that will develop over time. Actually, I have just been told the document is available on the website, which the member can go to. Yes, a consideration will be the level of seriousness of the proposal.

Clause put and passed.

Clauses 42 to 44 put and passed.

Clause 45: Part 7 Division 2A inserted —

Mr P.J. RUNDLE: I want to go back to voluntary accreditation systems. Why are they being included in the act rather than in subsidiary legislation?

Mr J.N. CAREY: We thought it was important that they be placed in the act, given, like I said in fisheries, we have seen a push for more sustainable land management across Australia.

Mr P.J. RUNDLE: Have any accreditation system providers been approached by the government ahead of the bill being introduced; and, if so, who?

Mr J.N. CAREY: The advice that I have been provided is no. This is to be an industry-led process.

Mr P.J. RUNDLE: I note that the minister raised it in his second reading reply, but have any concerns been raised about introducing these accreditation systems, and what concerns were raised?

Mr J.N. CAREY: No, because, in short, they will be voluntary.

Clause put and passed.

Clause 46 put and passed.

Clause 47: Section 102 amended —

Mr P.J. RUNDLE: Although alternative modes of publication will be prescribed in regulations, what are the intended modes of publication separate to publishing in the daily newspaper?

Mr J.N. CAREY: A website.

Mr P.J. RUNDLE: Is that the only mode of publication that the minister is aware of?

Mr J.N. CAREY: The advice is that they would still advertise in *The West Australian*. It could be any relevant publication, but I do not think we should underestimate that websites and online sources have become the pivotal way that people obtain information.

Mr P.J. RUNDLE: If someone is 500 kilometres out the back of Kalgoorlie or Meekatharra with no internet coverage, how will that work with a website being the only potential form of information?

Mr J.N. CAREY: I want to be clear that we will keep traditional methods. This will be in addition to that.

Dr D.J. HONEY: Would an extension of a lease trigger the requirement for new negotiations with native title holders or, for example, would it trigger any requirement under the Aboriginal Cultural Heritage Act for negotiations before that lease could be extended?

Mr J.N. Carey: The member is referring to a diversification lease?

Dr D.J. HONEY: Yes. We were talking about clause 46 around extensions. Would an extension trigger a new round of negotiations or would existing arrangements stay in place?

Mr J.N. CAREY: If someone extends a lease, they would need to have an Indigenous land use agreement in place.

Dr D.J. Honey: They would have to go through a new one?

Mr J.N. CAREY: I will clarify.

Dr D.J. Honey: To be clear, minister, if one was in place, would it just continue?

Mr J.N. CAREY: The advice is that a number of pastoralists already have an ILUA in place that would also permit an extension.

Clause put and passed.

Clause 48 put and passed.

Clause 49: Sections 105A and 105B inserted —

Mr P.J. RUNDLE: This section enables the term of a pastoral lease to be increased to a maximum of 50 years by extension or re-grant. Can the minister outline why the maximum of 50 years was chosen?

Mr J.N. CAREY: Terms of 50 years have been a historical feature of current and previous legislation. To change it would impact on future statewide acts.

Clause put and passed.

Clauses 50 and 51 put and passed.

Clause 52: Sections 108A to 108C inserted —

Mr P.J. RUNDLE: This relates to submitting a management plan. How will this differ from current methods and what concerns were raised by stakeholders on proposed sections 108A to 108C?

Mr J.N. CAREY: The key difference is that the current development plan only deals with physical infrastructure on a lease. It does not deal with any land management issues. As the member would be aware, the Auditor General's report identified failures in terms of pastoral land management and the ability of agencies to respond to those issues.

Mr P.J. RUNDLE: What steps would be taken if, as the minister suggested, a management plan was not being adhered to?

Mr J.N. CAREY: Obviously, there will be a carrot-and-stick approach. If they breach a condition, the Pastoral Lands Board, not the minister, would be able to serve a default notice.

Mr P.J. RUNDLE: I notice that we have fines and other scenarios, but how far will the PLB go as far as the management plan? Will there be a three-strikes policy, or will it send someone out to help with the management plan? How will that pan out?

Mr J.N. CAREY: It would ultimately be dependent on the PLB. We recognise the expertise in the role of the PLB. Ultimately, it could recommend forfeiture to the minister.

Clause put and passed.

Clause 53 put and passed.

Clause 54: Sections 111A and 111B inserted —

Mr P.J. RUNDLE: This relates to determinations on the number and distribution of stock. This clause will allow the board to determine the number of stock on land, which may mean that pastoral businesses become unviable. For example, if the board were to say a lease could hold a maximum of only 50 head of cattle and that was unviable due to market economics, that pastoral leaseholder would have to diversify their holdings. Does the minister have any comments on that? I find that quite concerning.

Mr J.N. CAREY: As I stated in my formal response, this tool will be used only if there is a land management issue. If a pastoral lease is being managed well and there are no concerns, no action will be taken by the PLB to issue a notice to destock.

Mr P.J. RUNDLE: Is the minister comfortable that there will be no situation in which the PLB will determine that even though a management plan is not looking too bad, there is not enough stock? One scenario is that a pastoralist might want to run a low number of stock to have more leisurely activity, if you like. Is the minister comfortable with the scenario as it stands in the legislation?

Mr J.N. CAREY: As the member for Perth, it is obvious that I do not share significant regional experience, although I get out to the regions a lot and I worked for six years as a conservation advocate and went to the Kimberley a lot.

I provide that context because I deeply respect and acknowledge the expertise and experience of the PLB. I suppose my concern is with the member's suggestion that the PLB will somehow act improperly or abuse its powers, when in fact a key function of the PLB is to make sure that the industry prospers. It will take action only if there are land management issues. Of course, the board will be provided with advice on the state of land, including from the Commissioner of Soil and Land Conservation. I really want to stress that I think we all—the opposition and the government—want the pastoral industry to be successful, but it is acknowledged, including by the Auditor General, that we need better powers for the PLB to take action in cases involving serious mismanagement.

Mr P.J. RUNDLE: I fully agree with what the minister is saying. I respect the PLB. As I said in my contribution to the second reading debate, I respect Tim Shackleton very much. As I raised in my contribution to the second reading debate, my question concerns fire risk and the like. Where will liability for that lie if the PLB says that a pastoralist cannot run stock on 50 per cent of their property, or some other example? Where will liability reside in that case?

Mr J.N. CAREY: I respectfully say to the member that the liability will remain with the pastoral leaseholder, as it does now.

Clause put and passed.

Clause 55 put and passed.

Clause 56: Section 113 replaced —

Mr P.J. RUNDLE: One of the proposed provisions relates to the potential for rent to be reduced if stock numbers are reduced. The wording is that the minister may reduce the rent. My first question is: why was "may" used rather than "must"? There obviously will be an economic impact on pastoralists if they have to reduce stock numbers and the like.

Mr J.N. CAREY: The word "may" was chosen because it is dependent on the destocking required. For example, if it is a reduction by as little as 100, one could argue that that will have a limited impact on the financial viability of the pastoral lease.

Mr P.J. RUNDLE: Would the minister consider amending the word to "must"? I guess we are looking for the justification for this to ensure that pastoralists will not be worse off in the event that a change of conditions is imposed on them.

Mr J.N. CAREY: For the reasons that I stated previously, we believe "may" gives some flexibility, because there could be circumstances in which it is not appropriate to provide rental relief, particularly in cases when a very small amount of destocking is required.

Mr P.J. RUNDLE: I will not move an amendment on this occasion, because I suspect it would be as successful as every other amendment that has been moved since March 2021. Nonetheless, there is a requirement for an annual return. Proposed section 113(4) refers to a reasonable excuse being a valid exemption for failing to provide the annual return within the time frame. Can the minister outline what reasonable excuses would be considered by the board and explain why this is not in the legislation?

Mr J.N. CAREY: The advice is that it could be a significant medical issue affecting a pastoralist—for example, being diagnosed with terminal cancer—or it could be a flood, and the immediate priority of the pastoral lease is to deal with the significant challenges it faces.

Clause put and passed.

Clause 57 put and passed.

Clause 58: Section 117 replaced —

Mr P.J. RUNDLE: Will pastoral lessees be notified of, and given the chance to rectify, any failure to meet any environmental conservation requirements?

Mr J.N. CAREY: Yes.

Clause put and passed.

Clause 59: Sections 122B to 122F inserted —

Mr P.J. RUNDLE: I refer to the board's power to amend permits and the like. Can the minister outline the steps the board will be expected to take when issuing a suspension or cancellation?

Mr J.N. CAREY: Proposed section 122D, "Suspension of permit", makes it clear —

> (2) Before suspending a permit, the Board must —
>
> (a) give written notice to the permit holder of the grounds on which the Board intends to suspend the permit; and

(b) give the permit holder a reasonable opportunity to provide any information that the permit holder thinks is relevant to the decision to suspend the permit.

Mr P.J. RUNDLE: If a permit is suspended, will all the stock need to be immediately removed from the property?

Mr J.N. CAREY: This is where I think there was some confusion. This is the diversification permit. It relates only to the functions of the diversification permit, which is auxiliary to the main purpose.

Mr P.J. RUNDLE: Thanks, minister. Regardless of that, what is the definition of "reasonable opportunity" in proposed section 122D(2)(b)? Similarly, is there a minimum notice for permit cancellation?

Mr J.N. CAREY: It will depend on the circumstances, but, in short, depending on what needs to be rectified, the permit holder will be given a reasonable opportunity to respond and try to address the issue of concern and rectify the situation.

Mr P.J. RUNDLE: The second part of that question was: is there a minimum notice for permit cancellation?

Mr J.N. CAREY: No, there is not.

Clause put and passed.

Clause 60: Section 123 replaced —

Mr P.J. RUNDLE: This clause is about determining the annual rent. Can the minister tell me how the mathematics in the proposed section differs from existing procedures?

Mr J.N. CAREY: I think the member did this to deliberately challenge me. Member for Roe, I actually really like you, and for you to do this to me, I think, is a deliberate strategy!

As we know, at the moment, valuations of pastoral leases are determined by the Auditor General—sorry; Valuer-General. Sorry. I am jumping a bit; I have the Auditor General on my mind at the moment. My apologies. It is not for any particular reason; it is just that I have referred to the Auditor General previously. As we know, the Valuer-General currently sets the annual rent, but this clause clearly sets out and articulates a formula. I am happy to go through that formula in detail. Would the member like me to do that?

Mr P.J. Rundle: I think a broad explanation will be fine.

Mr J.N. CAREY: The formula is based on the consumer price index. Again, as a minister, I do not pretend to be an expert on all matters; however, I am well briefed on the clear intention, as I have said, to avoid the significant spikes that were previously seen and that the member himself has identified. The formula is set out in this clause. I could read through the formula. But there is a difference, and this clause clearly articulates what that formula will be.

Mr P.J. RUNDLE: I was heartened by the minister's comments about rent potentially dropping, which is promising. Were many concerns raised about the new rent determinations, and what has the Department of Planning, Lands and Heritage done to address those concerns?

Mr J.N. CAREY: It is important to put on the record that the changes to the methodology were discussed at a working group comprising representatives from the Pastoralists and Grazers Association of WA, the Kimberley Pilbara Cattlemen's Association, the Valuer-General and the Department of Planning, Lands and Heritage, so a serious effort was made and consideration given. My understanding is that there was broad support. As the member and we have identified, we are trying to avoid those significant spikes that we saw, and this new methodology will provide greater transparency and certainty to pastoralists.

Clause put and passed.

Clauses 61 to 65 put and passed.

Clause 66: Section 128A inserted —

Mr P.J. RUNDLE: Will there be a penalty for failing to comply with a direction of the board?

Mr J.N. CAREY: Yes, there will be. It will be a default provision under the pastoral lease.

Clause put and passed.

Clauses 67 and 68 put and passed.

Clause 69: Section 134A inserted —

Mr P.J. RUNDLE: I think the minister and I both agree that the transferring of permits is a good element of this bill. Does the government anticipate a cost for transferring permits from one holder to another?

Mr J.N. CAREY: What I can say is that it will be much less than the cost of applying for a new permit.

Mr P.J. RUNDLE: Can the minister provide any more clarity than "much less"?

Mr J.N. CAREY: Clearly, applying for a new permit is a far more exhaustive process than extending a permit, but we have not set the fees as yet.

Clause put and passed.

Clauses 70 to 72 put and passed.

Clause 73: Section 146 replaced —

Mr P.J. RUNDLE: What is the notice period for permit holders in the event an easement is granted?

Mr J.N. CAREY: Permit holders cannot have an easement, only a pastoral lease can.

Mr P.J. RUNDLE: I have a further extension to that. What is the notice period for a lessee?

Mr J.N. CAREY: My apologies, member. Can the member clarify what he is asking again?

Mr P.J. RUNDLE: I asked about the notice period for lessees in the event that an easement is granted.

Mr J.N. CAREY: A pastoral lessee must give consent and then notify once an application has been submitted and their consent is sought.

Clause put and passed.

Clauses 74 to 81 put and passed.

Clause 82: Part 10A inserted —

Mr P.J. RUNDLE: This clause relates to the sharing of relevant information with the board, department and different agencies. Were any of these changes made in relation to the incidents at Yandeyarra and Noonkanbah stations?

Mr J.N. CAREY: The advice is no.

Mr P.J. RUNDLE: Did the minister consult with the Attorney General and the State Solicitor's Office over the interactions between proposed part 10A and the new privacy act that is expected later this year?

Mr J.N. CAREY: We consulted with both the State Solicitor's Office and the Department of the Premier and Cabinet.

Mr P.J. RUNDLE: This clause is fairly comprehensive. Is the minister comfortable that he has covered all the relevant authorities relating to the sharing of information? After we saw the incidents at Yandeyarra and Noonkanbah stations, is the minister comfortable that all relevant agencies will be covered under this legislation?

Mr J.N. CAREY: Yes, and additional agencies can be added under regulations into the future.

Clause put and passed.

Clauses 83 to 89 put and passed.

Debate interrupted, pursuant to standing orders.

[Continued on page 748.]