

SWAN AND CANNING RIVERS MANAGEMENT AMENDMENT BILL 2022

Introduction and First Reading

Bill introduced, on motion by **Mr R.R. Whitby (Minister for Environment)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR R.R. WHITBY (Baldivis — Minister for Environment) [12.44 pm]: I move —

That the bill be now read a second time.

The purpose of the Swan and Canning Rivers Management Amendment Bill 2022 is to amend the Swan and Canning Rivers Management Act 2006. It gives me great pleasure to introduce these amendments. The amendment bill will introduce regulatory reforms that are consistent with the McGowan government's Streamline WA initiative. Streamline WA was established by the government in December 2018 as part of a whole-of-government effort to drive regulatory reform. It seeks to make it easier to do business by improving regulation and regulatory practice. Currently, due to a lack of clarity in the act, commercial operators such as tourism businesses are granted both a licence and a permit to undertake activities on the Swan and Canning Rivers and adjacent lands. It is intended that the Department of Biodiversity, Conservation and Attractions will cease granting combined licences and permits so that commercial operators will only need a permit to undertake their business.

This duplication will be addressed in the amendment bill by amending section 32 to clarify that: licence agreements are only granted where they relate to approved development—that is, a licence is no longer needed to authorise acts and activities, provided that the act or activity is being conducted under the authority of a permit; licence agreements are contractual in nature, while permits, which are granted under the Swan and Canning Rivers Management Regulations 2007, are regulatory; and licence agreements authorise non-exclusive occupancy and use of the river reserve by the licence holder.

The rigorous assessment process undertaken by DBCA will not be diminished by these amendments. In fact, removing this duplicative process will mean that departmental resources and staff time can be redirected to protecting the special environmental values of the rivers. The amendments will recognise the validity of existing combined licences and permits, which will be transitioned as permits. The conditions that were applied to licences will be made conditions of the permits. Furthermore, the amendment bill will put in place transitional arrangements to ensure that the holders of two specific contractual licences, relating to the operation of the Swan River seaplane and the Matagarup Bridge zipline, will continue to operate under their existing licences.

The amendment bill also streamlines processes that apply when the development control area is changed. Consultation is typically undertaken by the Western Australian Planning Commission under the Planning and Development Act 2005 when an amendment is made to the metropolitan region scheme. The bill will amend section 13 to remove the requirement for the Minister for Environment to conduct further consultation on changes to the development control area, when that change relates to an amendment to the MRS that has already been approved under the Planning and Development Act and has either been subject to public consultation, or the amendment to the MRS is made by an act.

Other amendments that are to be made by the amendment bill will introduce a new regulation-making head power in section 136. This will enable the chief executive officer of DBCA, when granting permits, to include a condition that requires permit holders to take out and maintain insurance. Although the requirement to take out and maintain insurance is currently a standard licence condition for commercial operators using the development control area, currently such a condition cannot be applied to permits. With the issue of combined licences and permits ceasing and the transition to only permits being required for commercial operations, there will be a need for permits to require operators to have relevant insurances.

Lastly, the amendment bill will amend sections 38 and 133 to remove the requirement for delegation instruments to be published in the *Government Gazette*. This amendment was identified as a streamlining amendment following a department-wide review of delegations undertaken in 2021.

In summary, this amendment bill introduces important regulatory reforms that will support tourism businesses operating on the Swan and Canning Rivers. It will do this in such a way that the values of the Swan and Canning Rivers will not be placed at risk. The resulting regulatory reform will enable DBCA to focus regulatory effort on protecting the outstanding values of the Swan and Canning Rivers, which are so important to the people of Perth and Western Australia.

I commend the bill to the house.

Debate adjourned, on motion by **Mr P.J. Rundle**.

