

SOIL AND LAND CONSERVATION AMENDMENT BILL 2021

Second Reading

Resumed from an earlier stage of the sitting.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.08 pm] — in reply: I appreciate the support for the cause of soil and land conservation, and the support generally for the work the government has done in again bringing to life this statutory body and, indeed, the work that has been done with the Commissioner of Soil and Land Conservation, Cec McConnell, who is doing a very good job.

A couple of further issues were raised. We are very keen to hear that Hon Colin de Grussa understands the co-benefits that come from strategic alley plantings and integrated pest management. I note that that was an idea that he and his father understood back in the 1970s and 80s. The member has a little bit of education to do with a few prominent members of staff at a particular organisation who struggle with this notion that we could get the co-benefits of protection from wind and water erosion, the slowing down of the water and all the benefits and enhanced nutrients that that can have. Another important co-benefit is that those precincts are important areas for colonisation of the micro-rhizobia, protozoa and the beneficial bacteria that we want. Hon Dr Steve Thomas talked about the complexity of soil and reflected that an incredible combination of species exist in the soil. In fact, in terms of volume, 95 per cent of the world's species exist beneath the soil. The development of a strong micro-rhizobia can actually help a plant mine for the nutrients and the value in soils. How is it, with such depleted soils—supposedly valueless and gutless—that we can see great stands of jarrah growing on this marginal land? It all comes back to the capacity of micro-rhizobia to mine what exists in phosphorus et cetera.

Hon Dr Steve Thomas: Banksia country is usually the weakest.

Hon ALANNAH MacTIERNAN: Look at the amount of plant life that is on them.

Hon Dr Steve Thomas interjected.

Hon ALANNAH MacTIERNAN: Still, banksias have a lot of vegetative matter in them. The member is quite correct that we have so much to learn.

Having reinvigorated the position of the Commissioner of Soil and Land Conservation and the commission, we are seeing some more action. We prefer, obviously, to be educating farmers on soil and land conservation and promoting good practice but, from time to time, if we do not back that up with infringement when infringement has occurred, the system is too reliant on goodwill. It has a negative impact on those people doing the right thing. They often see their neighbours taking shortcuts and depleting the systems. The Leader of the Opposition mentioned Carnarvon, which is a bit of a case in point in that area. The latest review we did post the 2021 flood clearly indicated that quite a few growers in the area were affected at the town end of the plantations. The growers who really lost the most soil were planting in the areas where the guidelines on what should be planted where were being ignored. One of our responses to the flood has been to create a new position for the next three years, so a project officer will be out there ensuring that this practice is understood. It is simply unacceptable to not plant the right things in the right place and for the growers, who lose a lot of soil because they are on a floodplain and it floods, to insist that the government replace the soil. Of course, it is getting harder and harder to find the soil to replace. As I said, we are not being just punitive. We are going to employ a full-time officer in Carnarvon for the next couple of years to really ensure there is an absolute understanding of these guidelines. Unfortunately, one of the consequences of the hollowing out of much of Ag by previous administrations was that these things were not attended to. I am always very proud when I go to out to the Carnarvon research station now and see what was a dilapidated facility when we got into government is now thriving and prospering with a lot more staff. That process is underway.

It was important to bring this back into light, and it was important perhaps to ensure that we had the best skills available to do the job and give us sound advice. The format of the body is probably commensurate with practice when the legislation was developed in the 1940s. It was very much a board made up of representatives. We want to ensure that it is very much skill-based, and we have itemised the skill set areas that we want to see. Currently, the body is chaired by Dr Hayley Norman. I am sure members would know Dr Hayley Norman. She is a fantastic CSIRO research scientist. Are members familiar with her? She has done some extraordinary work with the Gillamii Centre and certainly is a leader on saltbush restoration. We have Dr Richard George, who is the principal research scientist in the department—a highly acclaimed scientist. We have Ms Natarsha Woods, who has a background in natural resource management, and Bob Nixon, a farmer from Kalannie who is a highly respected progressive representative of farming. We also have Mr Chris Wilkins, who is an agronomic farm adviser. They are the only ones who exist on the committee. If this legislation passes, it is my intention to add to that committee so that we have a great cross-section of pastoralists, farmers and scientists. I am hoping, if we can get the right person, perhaps from Main Roads, who has a real understanding of roads in the rural areas and the rain shadows that can be created in roadbuilding. I think that is a really important issue that we need to take into account. If we can get a person like that from Main Roads, we would like to appoint them.

Again, I thank the members for their support at least of the concepts of the Soil and Land Conservation Commission and their interest and support for the cause of understanding and protecting our soils more thoroughly.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Alannah MacTiernan (Minister for Agriculture and Food) in charge of the bill.

Clause 1: Short title —

Hon COLIN de GRUSSA: In the second reading speech, the minister referred to the lapse of the Soil and Land Conservation Council between 2003 and 2019 and the subsequent re-establishment of the council. How was that lapse discovered in the first place? How did the minister realise that had happened and why did no-one see that before?

Hon ALANNAH MacTIERNAN: I had probably seen it a year or so before, because I was interested in the operations of the Commissioner of Soil and Land Conservation position, which, as I said, was occupied by a very worthy but relatively junior person given the powers of that commission. I wanted to have a look at how the commissioner was appointed and the status of the position in the legislation. As part of that, I was looking at strengthening our capability and whatever levers we could have in this area with the Soil and Land Conservation Council. In the short term, I set up a ministerial advisory body on soil and land conservation to go through the act and make some recommendations about what we should do. Coming out of that was a recommendation that we change the membership of the council and also the objects. We have not changed the objects in this bill, because my idea at the time was to get this bill through quickly—not that we can ever get anything through quickly—so we could at least get the new people on board. There will need to be a real modernisation of the legislation, but hopefully, once we have a really good skills-based council in place, we are more likely to get a good reflection of that. I want to thank those people who joined the ministerial soil advisory committee and effectively filled a role.

Hon Colin de Grussa: Who was on that advisory committee?

Hon ALANNAH MacTIERNAN: I remember that Bob Nixon was a member. I will make sure that we provide the member with a list of people on the council tomorrow.

Hon COLIN de GRUSSA: The minister referred to the ministerial soil advisory committee and that she will endeavour to get the names of committee members to us at some point, which I would appreciate. That committee made recommendations around the membership of the council, and the bill obviously attempts to bring into force those recommendations. What other recommendations did that committee make?

Hon ALANNAH MacTIERNAN: I am not sure I have all that information with me, but my recollection is that one of the recommendations was to modernise the objects of the act. The reason I have not gone down that path is twofold: firstly, I was very keen to get the new skills-based committee up and I thought it would be easier to do that if this bill was a relatively simple drafting task; and, secondly, there is also benefit in appointing this new body and getting it to make further recommendations.

Hon COLIN de GRUSSA: In terms of the time line for the implementation of this change, the minister mentioned that the existing members of the council will continue, and I note that provisions in the bill will allow that. They will continue on as members of the newly constituted committee and the minister will then appoint other members.

Hon ALANNAH MacTIERNAN: That is not quite correct. A number of members' positions lapsed in March, and I listed the members whose membership expires on 30 June. We will have to seek reappointment of a variety of people, but that has not been the subject of any final decision. They are not automatically kept on but obviously we anticipate that some of those people will be reappointed.

Hon COLIN de GRUSSA: Once this bill is passed, what does the minister anticipate the time line will be for everything to be in place and for that new committee to be appointed? Is the minister already looking for those members and how will she call for membership?

Hon ALANNAH MacTIERNAN: We have been doing some work and we are obviously keen to get this moving quite quickly as we want an element of continuity. We are conscious that we need to get moving on this. We do not want the thing to lapse again. An advertising process will take place seeking expressions of interest to serve as a member on the council. We will obviously also be talking to universities and grower organisations et cetera.

Clause put and passed.

Clauses 2 to 7 put and passed.

Clause 8: Sections 9, 9A and 10 replaced —

Hon COLIN de GRUSSA: The purpose of this clause is to replace sections 9, 9A and 10 in the existing act and to insert new provisions to establish the new council. Under proposed section 9A, “Membership of Council”, subsection (1) provides that the council will consist of up to 10 members.

Was other wording considered there, and why has “up to” been chosen to be used? Is that to indicate there can be fewer members on the committee? Why is that necessary?

Hon ALANNAH MacTIERNAN: It is very clearly up to nine members, plus the commissioner creates the tenth position. Probably in the first instance, we would not appoint that many members. Sometimes I find that it is probably better to have a tighter group in committees so that we are more likely to get a crisper decision-making process. It is likely that in the first instance we will look at perhaps having seven or eight appointees, but if from time to time a specialist need emerges or a specialist skill set makes itself known to us, I think it is a good idea to have some flexibility to add a person at that point.

Hon COLIN de GRUSSA: The minister just mentioned that the commissioner becomes a member of the council, so effectively there will be a maximum of 10 members on the council. Is there a requirement for the commissioner to have the experience mentioned in proposed section 9A(4) or to be experienced in any of those particular areas?

Hon ALANNAH MacTIERNAN: We do not necessarily have people totally familiar with the act, so just one moment. Nothing in the legislation requires the commissioner to have specific skillsets, but it is a very senior appointment that is made by the Governor. The current Soil and Land Conservation Commissioner is Cec McConnell, who is a scientist very experienced in hydrology and salinity. Although those skill sets are not necessarily specified, I think the fact that the position requires going through the Executive Council tells the member that the position is considered to be very senior. One hopes that governments of the day will ensure that the persons whom they appoint have the power and authority to do a good job.

Hon COLIN de GRUSSA: Proposed section 9A(4) states that the “Minister must ensure that the Council members have, between them, expertise or experience in the following” and it lists various areas of expertise. Is it the intention that the collective committee would have experience in all those areas? Some members may have experience in one or two of those areas. Is it intended that the committee will then consist of people who consider those various areas completely or not necessarily, or might that be changed depending on what the council is considering at the time?

Hon ALANNAH MacTIERNAN: Some areas would be absolutely imperative, like having people with experience in agricultural production, soil science and environmental conservation. I think this was an inclusive class, and there are clearly some areas in which it would be completely nonsensical not to have some people with expertise. I refer to the degree to which local government and planning experience, for example, might be a necessary requirement or how that is interpreted. As I said, it seems to me that one of the biggest issues in local government is roadbuilding and its impact—whether it is done at a Main Roads level or a local government level—on the flow of water across the landscape can be quite extreme. I would be looking for someone who has some expertise in that area of road planning, not necessarily from a local government perspective. However, local government has an impact in that area of roadbuilding. If we can get people who have a diversity of skills that can cover a number of these requirements, that would be fantastic, but we are not going to go through and say “That person has that experience, that person has that experience” et cetera. We will look for people and, hopefully, we can get a number of them who can cover a few of these areas.

Hon COLIN de GRUSSA: Further, what will that process involve in terms of reviewing qualifications? What are the checks and balances there to make sure that the bases are all covered?

Hon ALANNAH MacTIERNAN: We will have an advertising process. We will also be talking to industry, talking to all our connections and look out for people of the highest quality. If the member has any suggestions of people who really would make a contribution, we will be looking for those people who have the ability to make smart and sensible contributions, rather than just occupying the crease—people who are genuinely interested in the issue and who we can take forward.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Part II Division 2 Subdivision 3 inserted —

Hon COLIN de GRUSSA: This is a very simple question. With regard to “Disclosure of material personal interests”, could the minister provide some examples of what council members must disclose when they are considering matters in which they have a material personal interest?

Hon ALANNAH MacTIERNAN: In respect of the issuing of soil and land conservation notices, that is not generally a determination by the council, but there may be reports to the council on those matters. If there is a potential conflict of interest for one of the members—for example, they may be the neighbour or cousin of someone who is being

considered for having a determination made—one would expect them to announce that. It may well be that someone has an interest in a particular project for which it falls within the role and functions of the council to supervise soil and land conservation programs. There might be someone on that body who is actively consulting. Potentially, any of those standard conflicts of interest in which information is being made available might affect the position of the commissioner. It is fairly standard stuff.

Hon COLIN de GRUSSA: These are obviously all new provisions being inserted into the act, and the reason for that is, as the minister said, that we are modernising the act so that it is more contemporary. It is now normal practice for such arrangements to have those clauses inserted.

Hon Alannah MacTiernan: Yes, that's right.

Clause put and passed.

Clauses 12 to 15 put and passed.

Clause 16: Part 7 inserted —

Hon COLIN de GRUSSA: This clause inserts part 7, which is transitional provisions related to the proposed Soil and Land Conservation Amendment Act 2021. For how long will these provisions be in place, and what is the purpose of them? It seems to me that it looks to continue the council in some respects. Perhaps the minister could explain how long it is intended for these provisions to be in force, and what they will effectively do.

Hon ALANNAH MacTIERNAN: This is a provision that would have had an impact had members' terms not been expiring in June. The idea was that if there were people who were on the board and had been appointed for a longer time, their appointments would continue over to the expiration of their tenure. As we have it at the moment, my understanding is that the tenure of all existing members will expire on 30 June, so in effect this will not have a practical impact.

Hon COLIN de GRUSSA: I thank the minister for that explanation. In that situation, are we going to arrive at a point at which we actually do not have a council for some period while we effectively find new members? We have only a couple of weeks until the end of June.

Hon ALANNAH MacTIERNAN: Obviously I will have to work out what decisions I am going to be able to make, but it may well be that we will be able to have a core of people appointed so that the work can continue.

Clause put and passed.

Clauses 17 to 22 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Alannah MacTiernan (Minister for Agriculture and Food)**, and passed.