CONSERVATION LEGISLATION AMENDMENT BILL 2010

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Hon Brian Ellis) in the chair; Hon Helen Morton (Minister for Mental Health) in charge of the bill.

Clause 22: Section 57A inserted —

Committee was interrupted after the amendments moved by Hon Robin Chapple had been partly considered.

Hon ROBIN CHAPPLE: We were in the process of getting some responses from the minister. She referred to a time frame of 18 months. She said that the federal minister would have no role to play in this. I am surprised, given that the same land is covered by national heritage. Because the area is covered by the National Heritage List, the federal minister has a significant interest in the area. I am trying to find out why the federal minister would not be involved in this process.

Hon HELEN MORTON: There is no provision in the state legislation to involve the federal minister.

Hon ROBIN CHAPPLE: If an action was to take place under the joint management arrangement for the Burrup and Maitland Industrial Estates Agreement that impacted on the national heritage–listed area, because it is a nationally heritage–listed area, surely the federal minister would have an interest in that and would find in favour of or against those actions. I still cannot understand why the federal minister would not be involved in that process.

Hon HELEN MORTON: If an action is likely to impact on the national heritage values of an area, it would be referred to the commonwealth minister because we must comply with the commonwealth Environment Protection and Biodiversity Conservation Act as part of this process. That is like complying with the Native Title Act or whatever else. We are required to comply with those acts.

Amendments put and negatived.

Hon ROBIN CHAPPLE: Given that the previous amendments were defeated, unfortunately, there is no function for amendments 37/22, 38/22 and 39/22 because they were a corollary to the previous amendments. I will not move them because they were drafted for the same reason. Basically, I have no further amendments to clause 22.

Clause put and passed.

Clause 23: Section 57 amended —

Hon ROBIN CHAPPLE: I move —

> Page 28, after line 16 — To insert —
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> (2) After section 57(2)(d) insert:
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> (e) of a letter to the following groups, where applicable —
>
> (i) the relevant registered Native Title Representative Body;
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> (ii) the relevant registered Native Title Service Provider;
>
> (iii) the relevant registered Native Title Body Corporate;
>
> (iv) the relevant registered native title claim group.

By way of explanation, this amendment also relates to section 8A from the issues paper —

> Section 8A(2) provides that the section does not affect the operation of the Native Title Act. However, it is unclear whether a s8A agreement would trigger the future act process. Furthermore, registered native title claimants and non-exclusive native title holders can only exercise their rights under the future act regime if they are made aware of planned activities that may impact on their native title rights and interests.

Quite clearly here it is being "made aware of". The issues paper continues —

> As it stands, unless a management agreement or plan triggers the future act process and/or they are exclusive native title holders (because of the definition of 'persons responsible' … there is no mechanism within the Bill to ensure Traditional Owners are directly notified about proposed management agreements and plans on land within their claim or determination area.
>
> If the intention of the Bill is to increase opportunities for Aboriginal peoples' participation in land management (including employment), then appropriate measures should be put in place so that

> Traditional Owners are given maximum opportunity to contribute to the development of any proposed management agreement or plan (whether or not it constitutes a future act), even if – in the end – they don't choose to become a party to the agreement.
>
> Further, if the management agreement is not done pursuant to the future act processes under the Native Title Act, the management agreement will potentially be invalid to the extent that it affects native title. Arguably, native title holders, be they exclusive or non-exclusive, would not be bound by the invalid act and could continue to exercise their native title rights to their full extent. If the future act process is not followed, the consent of native title holders must be obtained for the act to validly affect them.

That quote is from the issues paper as presented to the Minister for Environment and to the minister representing the Minister for Environment in this place. I would like some comment from the minister on that and an indication of whether she supports the amendment.

Hon SALLY TALBOT: Before the minister comments, without in any sense foreshadowing a negative response from the minister, I want to say that one of the things the government has done very well during the debate on this bill is to make its position very clear; that is, the government is simply deaf to most of the concerns. I accept there have been a couple of amendments. I think the inclusion of the Minister for Indigenous Affairs as a consulting party to these joint management agreements has been an important step forward. However, most of the concerns raised by the opposition have been skirted around by the government. I indicate that the Labor Party supports this amendment for the same reasons that I gave for a similar amendment earlier in the debate. My efforts and my hopes are now focused not so much on any expectation that the government will accept these amendments in this chamber, but that at some point as the bill makes its way to the other place the government will revisit some of the points we have made. Indeed, the government does not even have to do that. If it does not want to be seen to be agreeing with the WA Labor Party or with the Greens, it needs to go no further than the excellent issues paper that has been provided to all of us. I hope the government will take these matters on board by the time this bill gets to the other place.

Hon HELEN MORTON: The government does not support this amendment to clause 23 that would amend section 57 so that a proposed management plan is available for considerations and submissions. Section 57 already requires public notification by a notice —

> …
>
> (a) in the *Gazette*;
>
> (b) in 2 issues of a daily newspaper circulating throughout the State;
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> (c) in 2 issues of a local newspaper circulating within the area in which the land is situated; and
>
> (d) on such signs as the controlling body for that land may direct to be placed on or near the boundaries of the land;

I want to reiterate the process around native title that I have talked about and indicate that: firstly, the state must and will comply with the provisions of the commonwealth Native Title Act 1993; secondly, the state will comply with the procedural requirements for notification to native title holders, native title claimants and the native title representative bodies; and, more importantly, thirdly, the state acknowledges that registered native title claimants have the same procedural rights as determined native title holders in section 8A agreements that affects native title. Members are probably not aware that it is required under the Native Title Act that a management plan is referred to the registered native title claimants.

Amendment put and negatived.

Clause 23 put and passed.

Clause 24: Section 59 amended —

Hon ROBIN CHAPPLE: As with the amendment to clause 23 and the explanation quoted from the issues paper, I move —

> On page 29, after line 7 — To insert —
>
> (b) any person responsible, as defined in section 8A(1).

The issues paper identified a need to ensure people are informed, and inserting paragraph (b) at this point certainly fulfils that requirement. The amendment would ensure that any proposed management plan is referred to any "person responsible" as defined in section 8A.

Hon HELEN MORTON: The government does not support this amendment to clause 24 to amend section 59(3) of the Conservation and Land Management Act. A "person responsible" may become a party to a

section 8A agreement and, furthermore, may become a member of the joint management body for the section 8A land. Joint management bodies for section 8A land are responsible for the preparation of management plans. Therefore, the responsible body would be informing itself of the proposed management plan for which it was responsible for planning. If a person responsible for the land is not a party to that agreement, they would have an opportunity to comment on a proposed management plan through the public notification process provided for in existing section 57.

Amendment put and negatived.

Hon HELEN MORTON: There is an amendment in Hon Robin Chapple's name before my amendment. If he withdraws his amendment, I can deal with my amendment.

Hon ROBIN CHAPPLE: I take on board that the minister will move a parallel amendment. I have spoken to the interested parties on this, and I will pursue my amendment and give a reason for that. I move —

Page 29, after line 9 — To insert —

(c) If the land includes an Aboriginal site, as defined in sections 4 and 5 of the *Aboriginal Heritage Act 1972*, to the Minister for Indigenous Affairs.

We question why the bill lists just the Minister for Fisheries as someone for the responsible body to consult regarding the proposed management plan for proposed section 8A land, assuming, of course, the land is included in the intertidal zone. We welcome the government's indication that it will move a similar amendment, but we want to know why slightly different drafting is proposed. I will stick to my amendment for the moment, but if the minister comes up with a valid reason for why the drafting is different and what it deals with, I will be interested to hear it.

Hon HELEN MORTON: It is obvious that we support the intent of this amendment to make sure the proposed management plans for proposed section 8A land that include an Aboriginal site are referred to the Minister for Indigenous Affairs. It is unnecessary to refer to section 5 of the Aboriginal Heritage Act. That is the reason the government will oppose the amendment. I will move an amendment in my name at item 26/24 of the supplementary notice paper, which provides a similar provision.

Hon ROBIN CHAPPLE: Can the minister explain why it is unnecessary to refer to the Aboriginal Heritage Act?

Hon HELEN MORTON: I draw the member's attention to section 4, "Terms used in this Act", of the Aboriginal Heritage Act 1972, which reads —

Aboriginal site means a place to which this Act applies by the operation of section 5;

It cross-references to section 5.

Hon ROBIN CHAPPLE: On that basis I with withdraw my amendment and support the minister's amendment.

Amendment, by leave, withdrawn.

Hon HELEN MORTON: I move —

Page 29, after line 9 — To insert —

; and

(c) if the land includes an Aboriginal site, as defined in the *Aboriginal Heritage Act 1972* section 4, to the Minister for Indigenous Affairs.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 25 put and passed.

Clause 26: Section 60 amended —

Hon ROBIN CHAPPLE: I move —

Page 31, after line 18 — To insert —

(5) After section 60(2b) insert:

(3A) The Minister shall not approve the proposed plan unless the relevant land has been the subject of at least a preliminary survey for potential new Aboriginal sites, as defined in sections 4 and 5 of the *Aboriginal Heritage Act 1972*.

The rationale behind this amendment is that if we are to have a management plan over an area established by the management body, it should not be based on just some cursory knowledge of the Aboriginal heritage values of the area or, indeed, just the conservation values; it must be based on at least some preliminary understanding of the heritage values under sections 4 and 5 of the Aboriginal Heritage Act. It would be inappropriate to say we need a full survey of the area because, in some cases, that would be quite unrealistic.

Hon HELEN MORTON: The government does not support this amendment to section 60. The government's view is that it is not appropriate to constrain the minister's power to approve a proposed management plan under section 60 by a requirement that a survey for Aboriginal sites be taken on the land subject to the proposed plan. The provision would apply to proposed plans for all managed lands and would require an extensive suite of surveys of existing managed land. In accordance with the act, such reviews are already undertaken by the department when a proposed operation may adversely impact on the land. It is therefore not considered appropriate to constrain the management planning and approvals process in this way. In relation to proposed section 8A land, the envisaged survey requirement for potential new Aboriginal sites may be cost prohibitive, particularly to private landowners or lessees who wish to enter into a joint management agreement, and would be likely to divert other management processes.

Hon SALLY TALBOT: In rejecting this amendment, will the minister inform the chamber whether section 60(2a) as amended will change existing arrangements, particularly in regard to the concurrence in place between the Minister for Environment and the Minister for Fisheries for areas such as Camden Sound?

Hon HELEN MORTON: It will be changed only by clause 26(3)(b), which provides that the Minister for Fisheries' views have to be taken into account for the management plan of intertidal zones.

Hon Sally Talbot: Can you explain the difference between the two?

Hon HELEN MORTON: I shall find out. Currently, there are no special arrangements for intertidal zones. The new arrangements under this amendment in proposed section 8A regarding intertidal zones mean that the Minister for Fisheries or the chief executive officer may be a party to a section 8A agreement for an intertidal zone; but, if not, the Minister for Fisheries must give approval for an intertidal zone under proposed section 8A(12).

Hon SALLY TALBOT: The minister will correct me if I am wrong, but it sounds to me like a major expansion of the power of the Minister for Fisheries if the Minister for Fisheries is to have the requirement for concurrence applied to intertidal zones where that does not currently apply.

Hon HELEN MORTON: The simple answer is yes.

Hon ROBIN CHAPPLE: I am glad that Hon Sally Talbot raised this point, because it enabled me to go back and look at something else. I refer to the Aboriginal Heritage Act. In section 60(2a), we are deleting "controlling body" and inserting "relevant responsible body". We know that that relevant responsible body can be a range of people. We are aware that in many areas of the state there are no recorded sites because no surveys have been done and no industry has provided reports. We have heard recently in this place that there is now no requirement on the mining industry to provide reports of sites that it finds, so in many areas of the state we do not know whether there are sites. Also, the minister may or may not be aware that when the sites data in the Aboriginal Heritage Act was transferred from imperial to metric, a right royal mess was made of it, so there are now a number of sites some 600 metres out in the ocean whereas they were on the land previously. The minister said previously that the Department of Indigenous Affairs would be able to provide data or investigate sites, but there is no role for that department to provide information about sites, and certainly not survey for them. As many areas of the state do not have any listed sites on them, yet they exist, unless we provide for some provisional assessment of an area, the relevant responsible body, which could be anyone from a pastoralist to a mining company, as we have already discovered, or, indeed, an Indigenous body, may or may not know whether there are any heritage sites or values in the area. Again I come back to the fact that there is no ability currently to identify whether there are sites in an area unless there has been a predetermined survey by a mining company or by an anthropologist who has lodged material with the department. Quite clearly, there are many areas where there is no lodged material.

Hon HELEN MORTON: As the honourable member is already aware, there is a register of Aboriginal sites, and that would be searched in the preparation of a management plan. That is the first thing to comment on. Secondly, in preparing —

Hon Robin Chapple: We know that that sites register is woefully inadequate, and in many cases no sites are listed.

Hon HELEN MORTON: The second part of the answer is that in the preparation of the management plan, consulting with the relevant parties is absolutely necessary, and in that process it is necessary for Aboriginal people to determine whether further surveys need to be taken for Aboriginal heritage and cultural requirements.

Hon ROBIN CHAPPLE: That is exactly what my amendment seeks to do, so I hope that the minister's answer means that the government will support the amendment.

Hon HELEN MORTON: No, the government does not support that proposed new provision for section 60; I think I have already mentioned that. That is because the member's amendment does not allow the issue to be managed on a case-by-case basis, which is what we propose is necessary. The government's view is that it is not appropriate to constrain the minister's power to approve a proposed management plan under section 60 by a requirement that a survey of the land for Aboriginal sites be taken, subject to the proposed plan. The proposed provision would apply to proposed plans for all managed lands and require an extensive suite of surveys of existing managed land, as I have mentioned. Such reviews are already undertaken by the department when a proposed operation may impact adversely on the land in accordance with the Aboriginal Heritage Act. It is therefore not considered appropriate to constrain the management planning and approval process in that way. I reiterate that for section 8A land, the envisaged survey requirement for potential new Aboriginal sites may be cost prohibitive, particularly to private landowners or lessees who wish to enter into a joint management agreement, and would be likely to divert other management planning resources.

Hon ROBIN CHAPPLE: The Aboriginal Heritage Act 1972 currently requires proponents of any development, whether it be Main Roads, a mining company or, indeed, the Department of Conservation and Land Management, if they are going to use land for certain purposes, to do a survey. The Aboriginal Heritage Act applies in full to this form of management, so there would be a requirement under the Aboriginal Heritage Act 1972 to understand what was on that land before a management plan would be agreed to.

Sitting suspended from 6.00 to 7.30 pm

Hon ROBIN CHAPPLE: I am waiting on an answer from the minister, who was just about to give me her illustrious words when we had to break for dinner.

Hon HELEN MORTON: In response to the information the member sought, it is not the intent of the bill to constrain the minister's power to approve a proposed management plan. The provisions of section 16 and 18 of the Aboriginal Heritage Act 1972 for the protection of Aboriginal sites applies to all Conservation and Land Management Act lands and section 8A agreement lands.

Hon ROBIN CHAPPLE: To clarify, if a management plan is established for a given area, it will then have to be referred to the Aboriginal Heritage Act under, if I remember rightly, section 15. Section 16 is for when someone makes an application to have impact.

Hon HELEN MORTON: The intent is to refer the management plan to the Minister for Indigenous Affairs.

Amendment put and negatived.

Clause put and passed.

Clause 27: Section 62 amended —

Hon ROBIN CHAPPLE: I move —

Page 32, after line 21 — To insert —

(i) an Aboriginal site as defined in sections 4 and 5 of the *Aboriginal Heritage Act 1972*.

Section 62 of the principal act provides the capacity for the minister to create certain classifications of land commonly referred to as management zones and in particular, for our purposes, prohibited, limited access and temporary control areas. Clause 27(2) inserts new section 62(1aaa), which is designed to identify the land that may be classified under section 62(1). The proposition in this amendment is that in addition to land managed under new section 8A(5)(b), which may include land jointly managed with Indigenous groups, the minister should be able to act in relation to particular sites under the Aboriginal Heritage Act 1972. We argue that this is consistent with the extension by this bill of the Conservation and Land Management Act into matters of Indigenous heritage.

Hon HELEN MORTON: The government does not support the insertion of this additional paragraph in new section 62(1aaa). The proposed amendment adds a new category of land, an Aboriginal site, to those listed in new section 62(1aaa). New section 62(1aaa) applies to all the land that is either a reserve vested in the Conservation Commission of Western Australia or the Marine Parks and Reserves Authority, section 8A land that is agreed to be managed as if it is a reserve, or section 8A land managed for a public purpose. The provision proposed to be inserted in clause 27(2) identifies the categories of CALM act–managed land to which classified

areas can be applied, whereas proposed subparagraph (i) applies to Aboriginal sites and effectively stands alone as a description of neither a CALM act reserve nor section 8A land. I advise the member that there is no inhibition under the CALM act to Aboriginal sites being classified areas for their protection under the land categories listed in new section 62(1aaa). However, the protection of Aboriginal sites per se under the Aboriginal Heritage Act principally lies with the department administering that act and it is not appropriate for a provision such as that proposed to be enacted in the CALM act as it would cut across the protective measures in the Aboriginal Heritage Act.

Hon SALLY TALBOT: What I understand the minister to be saying is that the government rejects this amendment because it would actually disadvantage people with an interest in that land. If I am right in understanding that is the response, the minister has given that response to a couple of other points raised by people on this side of the chamber. Can the minister describe how it would disadvantage people with an interest in that land? If I have understood the minister correctly, why is it not better to answer the concerns of the stakeholders who are anxious that that has been left off the list? Would it not be better to put it in the list? There is no problem with belt and braces, if that is the government's difficulty with it. Surely there is no problem with belt and braces as a matter of principle.

Hon HELEN MORTON: I do not think I used the word "disadvantage", and I did not mean to imply disadvantage. The Aboriginal Heritage Act is the appropriate place for that kind of amendment to be inserted. We are dealing right now with a list of Conservation and Land Management Act lands.

Hon SALLY TALBOT: I cannot quite see how it could be inserted into the Aboriginal Heritage Act because it cross-references to the Aboriginal Heritage Act. I think the minister has made her position clear.

Hon ROBIN CHAPPLE: I make the point that this is the first time we have actually established the process of having joint management with Indigenous stakeholders and other stakeholders, as we have identified. As far as I am concerned, there is a need to define what an Aboriginal site is as defined under the Aboriginal Heritage Act because in this very instance we are dealing with an amendment to the CALM act that facilitates the embodiment and/or management of Indigenous people. Therefore, I thought it would be incumbent on the Department of Environment and Conservation to take those interests on board.

Hon HELEN MORTON: I reiterate that clause 27(2) identifies the categories of CALM act–managed land to which classified areas can be applied. An Aboriginal site does not fit under that category of CALM act land.

Amendment put and negatived.

Hon ROBIN CHAPPLE: I move —

Page 33, after line 3 — To insert —

(iv) protecting the scientific values of the land;

(v) the educational values of the land;

I will save the minister hearing me repeat why it needs to go in there; she knows full well. I hope this time she accepts my motion.

Hon HELEN MORTON: Unfortunately, I do not. The government does not support this amendment to proposed section 62(2). Extending the scope of areas that may be classified as temporary control areas to protect scientific or educational values goes beyond the scope of the bill. The breadth of interpretation that can be given to scientific and educational values of land poses difficulties in how or when temporary control areas for scientific or educational values can be appropriately applied.

Amendment put and negatived.

Clause put and passed.

Clause 28: Section 64 amended —

Hon ROBIN CHAPPLE: Clause 28 concerns the ability of the CEO to seek remuneration. According to DEC, this relates to revenue from licensing and would vary according to the joint management agreement. Could the minister spell out exactly what is intended by this clause?

Hon HELEN MORTON: It does not actually change the effect; it simply brings the terminology into line with the Land Administration Act.

Hon ROBIN CHAPPLE: I need to go back to that. Whilst it brings it into line, I am really seeking what the level of licensing remuneration may be and whether it varies according to the joint management agreement.

Firstly, what sort of licensing; secondly, the dollars and cents associated with that licensing; and thirdly, is it correct that a joint management arrangement would accrue back to DEC and not the joint management parties?

Hon HELEN MORTON: I have been advised that it really depends on the nature of the licences. It does accrue back to DEC, to answer the first part of the question. What is the licence cost? I am advised that it could be up to $250 a year, that kind of amount. There are some elements of it which can be commercial, such as a tourist venture, but I am assured that the licensing fee is at a maximum level of about $250.

Hon ROBIN CHAPPLE: In relation to a licence that might be forthcoming out of a joint management arrangement—for example, the joint management body has sought to put in a kiosk or overnight stay accommodation, or whatever—is it correct that licensing for that would accrue back to DEC as opposed to accruing back to the joint management group?

Hon HELEN MORTON: In terms of a kiosk, it is more likely to be a lease rather than a licence. The lease would be issued by the landowner. The revenue or the fees for the lease payment would go back to the landowner.

Clause put and passed.

Clause 29: Part VIII Division 1A inserted —

Hon ROBIN CHAPPLE: I move —

Page 34, line 27 — To insert after "protects and conserves" —

the scientific values of the land, the educational values of the land, and

We have already talked significantly on that, so I will not reiterate my comments because I will get the same comments from the minister.

Hon HELEN MORTON: Nor shall I.

Amendment put and negatived.

Clause put and passed.

Clause 30: Section 87 amended —

Hon ROBIN CHAPPLE: I would like to ask the minister a theoretical question, although I have been advised that it is actually happening in an area of relevance to one of the native title representative bodies. Under proposed section 8C(2) of the Conservation and Land Management Act, does the practice of clearing vegetation by chaining or farm management impact on native title rights and interests? Should such an act be treated as a future act under the Native Title Act? The point of the question is that it would seem from this debate that for land under proposed section 8C, the chief executive officer of the Department of Environment and Conservation decides whether the Native Title Act will apply. I am trying to draw out explicitly whether that is so.

Hon HELEN MORTON: Under the Native Title Act vegetation is able to be cleared, but whatever was undertaken would have to comply with the provisions of that act.

Clause put and passed.

Clauses 31 to 45 put and passed.

Clause 46: Act amended —

Hon ROBIN CHAPPLE: I thank the minister for following up on my proposal to insert new clause 46 with her own amendment. I need to identify the reason for this type of provision in the context of the bill. There is a special need for this approach, as the lack of consultation means there may be problems as the legislation rolls out. We should now create a commitment to review these provisions after we have seen them in operation for a reasonable time. The Greens welcome the fact that the government has indicated it will move a similar amendment, and we are prepared to withdraw our amendment and support the government's version. I thank the government for having adopted the stakeholders' proposal.

Hon SALLY TALBOT: Labor will also support the amendment to insert new clause 46 as proposed by the government. As a member of the Standing Committee on Legislation, there is a lot to be said for the practice of referring bills for review to that committee. I took part recently in a very long and thorough review of the State Administrative Tribunal legislation. A review by that committee is probably a better, more thorough way to review legislation than a ministerial review. However, in the context of this bill, the minister's proposed new clause 46 is a worthy clause to insert and therefore the opposition will be supporting it.

The DEPUTY CHAIRMAN (Hon Max Trenorden): It will suffice if Hon Robin Chapple does not move his amendment. I messed up here. I need to ask the chamber whether it will adopt as printed clauses 46 to 48, unless members want to speak to one of those clauses. I am advised that the new clause will be dealt with after we have dealt with clauses 46 to 48.

Hon Robin Chapple: I have some inquiries about part 3 of the bill, clauses 46 to 48. I want to talk generally to clauses 46 through to 48.

The DEPUTY CHAIRMAN: Let us say that Hon Robin Chapple is talking to clause 46.

Hon ROBIN CHAPPLE: Amendments to the Wildlife Conservation Act 1950 relate to the right to take food and extend protection to a list of species subject to the development of appropriate regulations. I would like to know when this will be done, what measures will be taken to enforce protection until this can be done, and whether someone can be prosecuted for taking a protected animal during this period.

Hon HELEN MORTON: There are some elements of fauna and flora that Aboriginal people cannot take. They cannot take declared rare flora or declared specially protected fauna, except for those nine that have been identified. Turtles are one example. We have indicated that the time frame will be as soon as possible and that we are working towards a six-month time frame for the consultation process. The department has given an assurance that absolutely no prosecutions will occur in this area during that time.

Clause put and passed.

Clauses 47 and 48 put and passed.

New Clause 46A —

Hon HELEN MORTON: I move —

Page 45, after line 22 — To insert —

46A. Section 143 inserted

At the end of Part XI insert:

143. Review of amendments made by *Conservation Legislation Amendment Act 2010*

(1) The Minister must review the operation of the amendments made to this Act by the *Conservation Legislation Amendment Act 2010* (the ***amendment Act***) as soon as is practicable after 5 years after the date on which the amendment Act receives the Royal Assent.

(2) When doing the review the Minister must consider —

(a) whether the policy objectives upon which the amendments made to this Act by the amendment Act were based remain valid; and

(b) whether those amendments remain appropriate to achieve those objectives.

(3) The Minister must prepare a report based on the review and, as soon as practicable after the report is prepared and in any event not more than 2 years after the expiry of the period referred to in subsection (1), cause it to be laid before each House of Parliament.

Hon ROBIN CHAPPLE: I thank the minister for this version of the amendment. We certainly support it.

New clause put and passed.

Title put and passed.

Bill reported, with amendments.