PROPERTY RIGHTS REFORM

Motion

HON MARK LEWIS (Mining and Pastoral) [11.34 am]: — without notice: I move —

> That this government continues to pursue tenure, planning and property rights reform to enhance and support industry development and growth.

Firstly, I am pretty sure that members are all aware, but tenure is a fundamental pillar of a laissez-faire economy, particularly a democratic laissez-faire economy. Going along with that are also the planning frameworks and property rights that sit and underpin our society. Members would all know that growth requires capital, and capital requires a contemporary property rights system. Security of tenure is paramount in the in-flow of capital to WA. The other thing is that time is critical—time for investment. Time to put investment on the ground is critical. The planning and approvals framework, and the property rights that go around all that, are obviously paramount to that capital invested in WA. I refer to projects like Inpex and Oakajee, for example, when the planning framework bogged down and those projects went elsewhere. Even James Price Point was littered with issues with the planning and approvals process. In the context I will discuss today, even the rural arm of Macquarie, which would like to invest in WA, will not because of the tenure systems we have here, and I will talk about them a bit later. However, since 2008, I think, the government has said it will put in a reform process for the tenure system for something like 78 per cent of WA. More particularly, and I will focus on this, there is the 33 per cent that is the pastoral estate.

A green bill has been approved by cabinet and I think it is now sitting on internet and we can look at it. Although I have not had time to examine it in detail, I know that there are 44 proposed key amendments to the Land Administration Act specifically relating to the rangelands. The rangelands are defined in the legislation, but I have not had a chance to look at it. They are effectively everything outside the wheatbelt. There will be a consultation process done by the Department of Lands in the next month, and I hope it is a consultation process and not just an information process, that consideration is given to feedback and that there will be amendments on the amendments to the amendments. As I said, I would really like to concentrate on the pastoral estate, which is 33 per cent of the land. When I first came to WA 20 years ago, the pastoral state was at 38 per cent, so somehow or other there is five per cent less land comprising the pastoral estate and I suspect it has probably gone to conservation. Actually, I do not suspect, I know, because I was involved in some of the processes by which pastoral land was reallocated to the conservation estate. With what is left of the pastoral estate, we have to be very clear about what it is for. It is a production estate and we need to be very clear and upfront in the second reading speech to the amendment bill that that is what the pastoral estate is. It is not a conservation estate. It is not for mining company leases so they can have access to mines and prevent other miners doing what other miners might do—that is, pegging and working claims next to existing mines. It is not for Indigenous reserves. In fact, there are departments and acts that already cater for those sorts of needs. The Department of Parks and Wildlife cares for the conservation estate and the Aboriginal Lands Trust and the Indigenous Land Corporation care for Indigenous reserves and property. Mining companies are obviously big and ugly enough to look after themselves. We do not really need new legislation to protect those sorts of things, because there are already acts and departments doing that. I want to be very clear today that how we protect, work and get benefit from the pastoral state is of paramount importance.

Reform comes along every couple of decades. In fact, the Land Act first came into being in 1933 and it was not reformed until some 64 years later when an amendment bill was passed in 1997. It has been a couple of decades since that reform process in 1997. The point I am making is that we have to take the opportunity, when those reform processes come along, to make sure we get it right to the best of our ability at the time and to put in place a contemporary framework. It is also important to fix myriad problems—the contentious or recalcitrant issues or issues needing clarity—that have arisen since the implementation of the amendments made in the 1997 bill, of which there are a lot. Any act will require fixing, changes and amendments down the track. However, as I said, we only get an opportunity every couple of decades to do this, so we need to get it right.

Another point is that when the Land Administration Act was implemented in 1997, it was only a couple of years proceding the introduction of Native Title Act 1993, so there was not a lot of clarity around the native title framework when the Parliament debated the 1997 act. Since the commonwealth Native Title Amendment Act 2007, we have had significantly more clarity around the native title framework and that clarity needs to be embedded in the Land Administration Act processes. As I said, myriad other issues need to be done better for those involved in the game, and I will touch on some of those.

As I said, the amendment bill proposes 44 amendments to the act, and in my view some are very timely and fix a lot of the issues that we have; some may be worthwhile and some are not terribly worthwhile, but that often occurs in a reform or amendment process. I will touch on some of those later. I refer to the things I agree with

and that are very welcome, including the statutory right of renewal of a lease, and the pastoral lessee's right of appeal if a renewal is refused. We also need to increase the length of pastoral leases with a short time frame up to the maximum of 50 years, which is proposed in the bill. Importantly, the bill transfers a diversification permit to an incoming pastoralist and does not remain with the person, as currently. That is an important reform, and I will discuss the issue of permits later.

The minister is also required to take independent technical advice before making an adverse decision on rangelands management. The bill proposes amendments to waive rents in certain circumstances, and also to increase the maximum size of a leasehold to 1.5 million hectares. All those proposals are tickety-boo and very welcome.

In the interests of time, because it is running away from me, I will summarise some of the things that I do not think the bill has taken on board and which we need to take the opportunity to address in this reform process. The first one of those is the terms used in a lease. Currently, the lease can be used for pastoral purposes. As I said, the term "pastoral purposes" was established when there was a bit of uncertainty around the native title regime, when the Land Administration Act was being constructed back in 1996. However, as I said, since 2008, the Native Title Amendment Act has given us absolute clarity around what is allowed on non–exclusive pastoral leases, which is what we have in Western Australia. I have been saying over and again to those who will listen—obviously they have not—that we need to align the uses allowed under the native title act regime to those of the Land Administration Act. If we did that, we would amend the pastoral purposes definition to reflect and mirror the primary production definition in section 24GA of the Native Title Act. That would open up and give clarity to what we can and cannot do on a pastoral lease. I am unsure why we are not doing that. The advice I have received previously from barristers is that it does not trigger a future act that requires the full veto regime on the right to negotiate; it does trigger the right to be informed of the native title process. That simply informs the prescribed body corporates that we are going to move from the definition of pastoral purposes in the current LAA to mirror the definition of primary production in the Native Title Act. To give members some idea of what I mean—I will labour this point because it is probably the most important reform that has not been undertaken—that allows for much broader use than that which we currently have and, as I said, is entirely consistent with the Native Title Act. Under the definition of "pastoral purposes", commercial grazing of stock is allowed. The Native Title Act allows lessees to maintain animals, and breeding—it's the same thing—and to leave fallow or destock; that can also be done by permit under the current LAA. The current LAA requires a permit to do agriculture. The Native Title Act definition of "primary production" allows for the cultivation of land. The current LAA requires a permit for horticulture. The equivalent "primary production" definition in the Native Title Act allows for horticultural activities, so why are we not aligning those uses that are allowed under the native title act to what we can do on a non–exclusive pastoral lease under the Land Administration Act?

I refer to other issues that go to the heart of the matter of permits. Unfortunately, I will not have time today, but my view is that if we aligned the definition of "primary production" in the LAA with the definition in the Native Title Act, we would not require the range of permits that are now required and we would be able to reduce red tape and the bureaucracy that goes with that, and there would be a lot more clarity and certainty around what we can and cannot do on a pastoral lease. We would not have all the red tape and the bureaucracy that goes with issuing permits for such things as selling fodder from a pastoral lease and those sorts of restrictive covenants that already exist. It is clear that if we aligned this definition in the LAA with that in the Native Title Act, we would not have all this red tape in place.

A range of other native title issues have not been considered, which I do not have time to go through today, but include things like right of entry. I want to make it clear that I am not arguing one way or the other, and I know that the right of entry of Indigenous people on pastoral leases is a given, but there are some uncertainties around how that works: Who has liability? Does the state have liability for Indigenous people undertaking their customary rights on pastoral leases? If there is a fire, or someone gets shot, or there is an accident or rollover while they are pursuing those customary rights, who is liable? Certainty it is not the pastoral lessee; it is the state, because the state has given them the right of entry. Having said all that, I am quickly running out of time, but I make the point that this is necessary in any laissez-faire economy, and for any capital that is required in an industry like ours. As I mentioned before, Macquarie Bank is uncertain about moving to WA because of its land tenure arrangements. This is the time for reform and we need to make sure we include all those things that will allow capital development and growth.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [11.49 am]: I wanted to make a few comments about Hon Mark Lewis's motion, the wording of which is broad enough that one could talk about anything. I would disagree with Hon Mark Lewis that this government has put any meat on the bone of real reform when it comes to property planning and industry development and growth. There is probably more uncertainty in a couple of areas now than there has ever been. If the government's job is to do nothing else, it ought to be to provide certainty to the key stakeholders. I think there is conflict and some confusion about how

we resolve issues around land use and biodiversity, for example. We could look at the environment portfolio and where it corresponds and crosses over with planning and land use portfolios. We see that in the most recent piece of legislation that the government has brought before the Parliament. There is an absence of strategic planning in infrastructure and how we use land for infrastructure. There is also an absence of a strategic framework for the development of industrial land.

I also think that it is clear that the government has not brought the community and local government, in particular, along with it in the areas that it would claim it is trying to reform. I have a couple of examples of that. The upshot is that it has resulted in more confusion and less certainty for landowners and for local government. I will refer to two examples in particular. The government has released the draft "Perth and Peel Green Growth Plan for 3.5 million". As part of that, it released some maps so that people who own land can look at those maps and work out how or, indeed, whether they are affected at all by the areas that are included in the maps. The scale of the maps that have been published is 1:300 000. It is pretty hard for any landowner to understand whether their bit of land is covered at all. That draft Perth and Peel green growth plan shows that a northern services corridor is planned to travel through land in the vicinity of the Swan Valley's West Swan Road tourist route. Figure 23 is the relevant plan that would cover that area. There are no roads marked. As I said, the scale of the map that is out for public comment is 1:300 000. The community has advised one of my parliamentary colleagues that it hit brick walls when it tried to source larger labelled and more meaningful copies of that map in figure 23. The government has said that it released more detailed maps, I think, in the last week or so in response to the opposition raising it in the other house. However, those detailed maps shed no light at all on this or other proposed infrastructure. The public comment period was also extended to 13 May but that means nothing if people still cannot accurately use those maps to determine whether they are impacted at all or to what extent they are impacted by the things that are set out in the green growth plan. One of the constituents of my colleagues called the Premier's office in the last week or so and was told that the official position is that the more detailed infrastructure maps would not be released because the route is still debatable. The point of public comment is that people need to understand exactly what is being proposed—in this case, the detail of the roads that are proposed to have some impact on them—so they can make a public comment about whether they think that is a good thing or a bad thing or it needs to be amended in some way.

Constituents have also been told not to worry too much about the details of this proposed plan because nothing would happen for 20 to 30 years and the details would be sorted out by then. Surprisingly, that was not of any comfort to the constituent who was concerned. The map in figure 23 is a kind of stylised map. The northern services corridor is part of the draft plan that is expected to go before Parliament. There is real fear in the community that is covered by that area that it will go through because the public is not able to make a comment, as is expected, because the maps are just not in a form that they can accurately tell whether they will be impacted. I am not sure which minister in this house represents the minister who has responsibility for the draft Perth–Peel green paper.

Hon Donna Faragher: I am.

Hon SUE ELLERY: I would ask the Minister for Planning to give me an undertaking that she will talk to the relevant minister about making sure that a meaningful labelled and appropriately scaled version of figure 23, in particular, is released so that those property owners who are affected by that, whether they are landowners, tourist operators or council planners trying to work out how best to respond to that, can provide meaningful feedback.

The other area that has been brought to my attention by a colleague is that bit of land on Harrow Street in West Swan occupied by the old Culunga Aboriginal Community School, which was closed. The original approved land use was a school educational establishment for Aboriginal children at a state level. No information is available on whether that land use has been changed. The site has now been purchased for use as a heavy machinery training school. Apparently, residents have been told that that is consistent with existing approvals and therefore no additional approvals needed to be sought by the new user of the land. We understand that the land is owned and administered by the state and, therefore, if someone was purchasing privately, the normal government regulation and development processes do not apply. It is not clear what planning processes have taken place and why local residents have not been given the opportunity to express any concern or otherwise about the new use of the land. Local residents and businesses are concerned because the use of that land as a heavy machinery school is not consistent with the rural nature of the Swan Valley. The use of security fencing around the site is indicative of that. The parking and use of heavy machinery on the site is not compliant with the City of Swan's commercial vehicle parking policy. There are fears that the consistent and ongoing use of heavy machinery during the day will impact on local residents, with an increase in noise and dust pollution. It is not just residents who live there; local tourism businesses are concerned about the noise and the dust that will be generated by that kind of operation.

I think that this government has not done enough to bring the community and local government with it. In fact, I think we are now in a position in which the best we could say is that no additional certainty has been provided to landowners about these key strategic decisions. There is an argument that less certainty is available right now.

HON JACQUI BOYDELL (Mining and Pastoral) [11.58 am]: I thank Hon Mark Lewis for bringing the motion to the house today. It is a timely discussion given the release of community consultation on the Land Administration Act and the fact that we are starting community consultation on rangelands reform as well. The motion is broad-ranging. In my contribution today I am going to focus on the state government's rangelands reform agenda as a means to deliver land tenure reform and support the new investment opportunities in our rangelands that we continue to talk about—part of those rangelands is the pastoral estate—and measures to restore the productivity capacity of the rangelands because that has been difficult for landowners in some areas of the rangelands recently. As a member for Mining and Pastoral Region, I am particularly excited about this reform. The rangelands cover 87 per cent of the state's land mass, and include the regions of the Kimberley, Pilbara, Gascoyne, midwest and goldfields, which are all in my electorate. I share that electorate with other members of the Mining and Pastoral Region. The rangelands also cover the Nullarbor and the interior. We are talking about a large land mass in our state, so rightly this is crucial reform agenda.

I will provide some background and then talk about some issues that have been raised with me. Western Australia's rangelands are an absolutely important and valuable asset to the state and the nation with significant economic, social and community development potential. The rangelands reform agenda is about underpinning that potential and unlocking the opportunities that exist. Investment and diversification of the rangelands is critical for the future of Western Australia's agriculture and pastoral industries in particular. The reform also offers enormous potential for increased economic opportunities for private investors by diversification in business opportunities, improved land management and enhanced sustainability for industry. By unlocking the potential of the rangelands, we will stimulate investment and promote economic and Aboriginal development. Today we stand on the cusp of an extremely exciting proposal. Importantly, Aboriginal communities and businesses will also benefit from the reform and will play a critical role in the reform process.

Three main issues are raised with me all the time about the rangelands reform and changes to the Land Administration Act. The first is native title and the second is pastoralists' concern that they will be moved to a rangelands lease by stealth. I will talk about the fact that there is absolutely no agenda to move pastoralists to a rangelands lease by stealth; in fact, that cannot be done. Pastoralists can remain on their current lease with no change to their business if they choose to do that. If they want to move into a larger, broad-scale business for which they want to utilise the land, a rangelands lease will provide them an opportunity to do that. There is absolutely no agenda to have every pastoralist on a rangelands lease in 50 years. That will not work for the pastoral industry, for diversification in tourism, for conservation and for Aboriginal land management. This is about providing flexibility to the industry.

The third issue that is raised with me is pastoralists' concerns about the abolition of the Pastoral Lands Board. I will talk about that a little later in my contribution. Rangelands leases will offer greater flexibility than is possible with pastoral leases. The rangelands are not just about the pastoral industry, but the pastoral industry is an extremely important part of the rangelands—there is no doubt about that. Unlike existing pastoral leases, economic activity under rangelands leases will be supplementary to livestock grazing. Under a pastoral lease, a person's primary income and activity must be pastoral; under a rangelands lease, that can be diversified so that pastoral activity is not their primary activity. Land-use options under rangelands leases are almost unlimited if investors secure indigenous land use agreements and government approvals and, of course, investors must go through those processes. It is important to make sure that there are sustainable outcomes for Aboriginal communities and government interests. Rangelands leases will be able to be negotiated to suit the specific needs of an interested party so long as the proposed activity has a low impact on the rangelands resource; indeed, environmental management is still extremely important.

The potential land-use options and opportunities extend as far as one's imagination—tourism development; intensification of agricultural activity; conservation, as Hon Mark Lewis mentioned; and Aboriginal development. There is no limit to the opportunities that will exist under rangelands leases, which is exciting for the industry. I am attending as many community forums as I can and absolutely consulting with pastoralists, private investors and other land users who want to see the rangelands' productivity utilised to the best of its ability.

I am going to run out of time like other members, so I will now talk about the Pastoral Lands Board. The Pastoralists and Graziers Association of WA has said a lot about the PLB not being operational with the passing of amendments to the Land Administration Act. Provisions included in the legislation will require the minister to take advice from an independent panel of industry experts, and pastoralists will be included on that independent panel. The minister must consult with that panel, which should give the pastoral industry some confidence that

they must be consulted and that the minister cannot just dismiss their issues. Pastoralists are a stakeholder in the rangelands. There are varied key stakeholders in the rangelands and as a government it is our job to consult with and listen to all those land users. That will be the intent of the independent board and I defend absolutely the inclusion of pastoralists on the board. They will be included and the minister will need to consult with that board.

The board will provide strategic expertise on balanced business development that is independent from government. I think that is a good thing. In response to concerns raised by the pastoral industry about the abolition of the PLB, it is important to note that the advisory council will comprise 10 members, two of whom will be from the pastoral industry. As I said, as a government we have a responsibility to manage the interests of all stakeholders. Those stakeholders include Aboriginal interests, tourism, natural resource management, conservation and sustainability, and the mining industry with, of course, regional development being a key component. The issue of native title and a future act needs addressing. Hon Mark Lewis suggested that we stick with the parameters outlined in the Native Title Act. I think that is a potentially closed view, because it will limit the opportunity available to industry to invest but, yes, we need a process by which we engage with that. A futures act has never been tested with the diversification of land use. I think that will happen in the future. There is absolute excitement in the pastoral industry in particular about the rangelands reform process, and I welcome that.

HON DARREN WEST (Agricultural) [12.08 pm]: I, too, will make a contribution to this very important motion. I acknowledge Hon Mark Lewis for bringing forward another reasonable issue in this chamber, which is good to have on a Thursday when we discuss non-government and private members' business. Today's two motions have had regional relevance, which I always appreciate. I acknowledge the motion that this government continue to pursue tenure, planning and property rights reform to enhance and support industry development and growth.

I take it that we are talking about all lands—pastoral leases and freehold land. As many members would know, and as I noted recently, Hon Murray Nixon received an award on Australia Day. I wrote him a very nice letter acknowledging his award. One of the reasons he won the award was for his fearless pursuit of land clearing property rights and freehold land property rights.

I am going to address this motion on all those levels.

I have a farming–agricultural background; we operate on freehold land in the wheatbelt, as opposed to having leases. For members who are unaware, the pastoral estate is unallocated crown land, and areas are leased to pastoralists to operate pastoral industries. Really, the sole purpose of the lease is to allow for pastoralism. I will talk more later about the opportunities that may have been missed under those arrangements. My first exposure in any great detail to pastoralists and the pastoral industry was the 2006 Gascoyne Muster in Carnarvon. I remember arriving in Carnarvon—I was there as the master of ceremonies and to host the event—and meeting up with a group of delegates to the Gascoyne Muster at the hotel on the fascine at Carnarvon. That day I watched the then lands minister, Alannah MacTiernan, literally roll a cigarette in her coat pocket. She produced the cigarette out of her coat pocket, and Sandy McTaggart, who was then president of the Pastoralists and Graziers Association, pulled out an enormous gold cigarette lighter and lit it. I did a double-take to be sure of what I had seen, but it was a very memorable moment.

Hon Helen Morton: That's what she's famous for.

Hon DARREN WEST: I think the then lands minister, Alannah MacTiernan, is famous for a lot more than rolling a cigarette in her pocket at the 2006 Gascoyne Muster.

Hon Helen Morton: Yes, you're not wrong!

Hon DARREN WEST: Have any members had occasion to ride the train to Mandurah or go to Geraldton and look at the capacity of the port? I could talk about the achievements of Hon Alannah MacTiernan for hours! But I have digressed, because today we are talking about the motion of Hon Mark Lewis.

As I was saying, members —

Hon Paul Brown interjected.

The DEPUTY PRESIDENT: Order, members! Hon Darren West has the call.

Hon DARREN WEST: Goodness me!

Hon Paul Brown interjected.

Hon DARREN WEST: I am looking forward to private members' business next time, when we can talk all about that.

That was my first, enlightening exposure to the pastoral industry. Representatives of the PGA attended—many were people I had known through different capacities—and it was a really good get-together and issues were

able to be thrashed out for a really good outcome. The focus of that muster was the future of the young people in the pastoral industry. I can remember being extremely impressed by a young woman called Annabelle Coppin, the guest speaker, who spoke very eloquently about the future of pastoralism and how optimistic and enthusiastic she was and still is about the future of the pastoral industry. It was great to see young people with such vibrancy and enthusiasm for the industry.

Hon Col Holt: Then Joe Ludwig would come along.

Hon DARREN WEST: Okay; I do not remember seeing Joe Ludwig at that muster, but that is okay.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! Hon Darren West has the call.

Hon DARREN WEST: At that conference we talked a lot about the proposed changes to land tenure at that time. Yes, there was some discussion around rolling leases and the way pastoral leases may look into the future. The focus of the conference was the future.

There has since been a change of government. The leases were due to expire last year—we knew that in 2006 and that is why the discussion had begun—and it was 11.45 pm before we had a solution to the land tenure issue. It is interesting that this motion was moved during private members' business; it might have been more suitable for non-government business because it is about the debacle that ensued under this government on the renewal of the tenure of the pastoral leases.

Essentially, pastoralists were eventually given the option of two leases. Originally, they were offered a lease that could be terminated at any time at the minister's will. Understandably, that provoked great angst among the pastoralist community. The minister of the day could decide, at a moment's notice, whether someone had breached the conditions of their lease and whether their lease could be terminated. I think the lands minister at the time might have been Minister Grylls, and he certainly lost a lot of favour with the pastoralists. I understand there was a meeting between PGA representatives and some National Party representatives, and the issues were eventually resolved by pastoralists being able to keep their old leases. Those leases were written in the 1960s, and were so old that they did not even refer to goods and services tax. Pastoralists could choose between their old leases and the new, improved Minister Grylls' lease, and many pastoralists chose the former.

We are now seeing the intended undermining and abolishment of the Pastoral Lands Board. I do not see any reason to abolish the Pastoral Lands Board; I think it has certainly been an important organisation.

Hon Helen Morton: You've never had to work under it, have you?

Hon DARREN WEST: It is a worthwhile organisation. This government's problem is that if there is an issue, rather than deal with the issue it just abolishes the organisation. If the government wants a better outcome from an organisation such as the Pastoral Lands Board, it needs to work with the Pastoral Lands Board to achieve that outcome; do not threaten it with being abolished because it will not do everything the government says. The Pastoral Lands Board is a worthy organisation that should be retained. That is certainly the view of the PGA, and although I have had differences of opinion with the PGA, from which I do not shy away, we worked very, very closely with Rob Gillam and the PGA on that tenure debacle.

Hon Jacqui Boydell interjected.

The DEPUTY PRESIDENT: Order, members! Hon Darren West has the call.

Hon DARREN WEST: We worked very closely with Rob Gillam, then president of the PGA, on those tenure issues, and we will be working with the PGA on a way forward for the retention of the Pastoral Lands Board.

I and other members of this house were fortunate to serve on the pastoralists inquiry. We travelled around the state and learnt firsthand from pastoralists their concerns about the debacle that was the new tenure arrangements. During that inquiry it became very apparent that native title issues would always be challenging. We learnt that any change to that tenure or land use could, and most likely would, trigger a native title action. The government has grandiose plans for the diversification of the pastoral estate, and I think it is a good way to think. We should be exploring the tremendous opportunities for tourism, horticulture and other agricultural pursuits on pastoral land, but we cannot just run around ignoring the Native Title Act. I note Hon Jacqui Boydell said that the Native Title Act needs "some addressing"; I think Hon Jacqui Boydell will find that it needs a lot more than some addressing. It is an issue we have to work on to change tenure and the future of pastoralism in Western Australia. We can do that by working with Aboriginal groups and signing Indigenous land use agreements.

Hon Jacqui Boydell interjected.

Hon DARREN WEST: Hon Jacqui Boydell had her say, and I did not interrupt once. I rarely interrupt when Hon Jacqui Boydell speaks.

Hon Jacqui Boydell interjected.

The DEPUTY PRESIDENT: Order, members! The constant chatter is not recorded by Hansard, so it is of little value in putting your point of view across. If you want to make a contribution, stand and make it. If members who have already made a contribution would listen to the member with the call in silence, it would be appreciated.

Hon DARREN WEST: I acknowledge the motion of Hon Mark Lewis covers a very important issue that we all need to work on. We must work together to find the best solution for land tenure for farmers and pastoralists in WA.

HON COL HOLT (South West — Minister for Housing) [12.19 pm]: I would like to thank Hon Mark Lewis for bringing this motion to the house. He, like me, has spent a fair amount of time working and living in the rangelands. As the minister representing the Minister for Lands, I am going to concentrate on rangelands reform. Having obviously enjoyed the vast expanses that the rangelands present as an opportunity, the pastoral industry has been through some ups and downs throughout its history. I did a lot of work in the southern rangelands with a quite unique group of pastoralists who work there, and I am sure Hon Mark Lewis would recognise how unique they are. They have a very strong voice in the pastoral industry and there are not that many of them—they are actually spread out pretty thin—but they are a very strong voice, they carry a lot of weight, and they are very passionate about what they do. However, since the time I worked there, even they have had to change their methods of using the rangelands, with a lot more diversification coming in, often on the back of a lot of hard work without any certainty of tenure. They have had to really muscle their way through some of the tenure options and lease restrictions to deliver on some of that. They have been through ups and downs, and it is a very fragile environment with very fragile economics. Sometimes when people in Canberra make decisions, they have massive repercussions across the rangelands in Western Australia. We saw that with the banning of the live export trade. Pastoralists are actually much better off looking at ways of diversifying their own businesses and their own economies to manage and buffer against some of those natural and economic peaks and troughs.

That is why the Liberal–National government has embarked on a comprehensive program to reform land tenure in Western Australia's rangelands. The rangelands represent 87 per cent of the land mass of Western Australia, which is an absolutely massive portion of our state. Not many people realise that is how big it is. When we talk about agricultural regions and certainty of tenure, we should note that the rangelands represent 87 per cent of WA. It is a vast area that already contributes in a very big way to the economy of our state. We know about the mining contributions and tourism opportunities that the wonderful natural and cultural attributes of those rangelands contribute to our state. But really, we need to do more to help people living in those areas to add more strings to their bow so they can survive and use that natural asset the best they can.

Previous reviews have shown that many parts of the rangelands would benefit from more diverse activity occurring than what is currently possible under a pastoral lease. Development is vital. We need to encourage investment and diversification. Rangelands development is crucial for the future of Western Australia because we want to pursue economic and employment opportunities for a number of people, including the Aboriginal people who inhabit those areas, to actually help them deliver more economic outcomes for themselves and their communities. They do have an opportunity to participate and make the most of it. What we are trying to do is to facilitate change and investment that will allow those opportunities to be fully pursued. Undoubtedly, Indigenous land use agreements will need be negotiated between the rangelands lessees and the traditional owners of the land, and that is nothing new. Again, it is an opportunity for Aboriginal people to put in their play for how they might get involved in any potential project or potential change in lease activity or rangelands activity. Undoubtedly, the mining industry will continue to have a powerful role to play in the economic development of the state and we need to ensure that that continues to provide opportunities for our community all the way along.

The Minister for Lands recently released a draft land administration amendment bill for consultation with industry, and Hon Mark Lewis touched on that. The changes proposed in the draft bill are designed to support pastoralists and deliver on a shared vision of prosperity and growth for Western Australia. A key element of the bill is the creation of a new form of tenure—a new rangelands lease—offering far better flexibility than is currently possible through a pastoral lease. For those wanting to do more on the land, or to use the land for multiple purposes, a rangelands lease can be negotiated to suit specific needs as long as the proposed activities are of low impact on the rangelands resource. A rangelands lease will be for non-exclusive use, meaning others can still access the land, much the same as occurs with a pastoral lease now. This includes mining and exploration companies. The rangelands lease is intended to be part of a suite of land tenure options available for those pursuing opportunities in the Western Australian rangelands. The lease will not replace pastoral leases or general leases on crown land, but it will offer proponents an additional form of tenure to consider, either within a pastoral property or across the broader rangelands footprint. Rangelands reform will provide pastoral businesses with greater security and allow for pastoral leases of a shorter term to be extended to a maximum

term of 50 years. It will also enable leases to be renewed as a statutory right for lessees who comply with lease conditions.

Alongside the rangelands reform process is a land tenure project contained within the Water for Food initiative. We have talked about the Water for Food program here before. It is a $40 million, four-year program that is part of the Seizing the Opportunity Agriculture initiative. We have talked about some of the specifics around that initiative in the Mowanjum community. Interestingly, part of the Mowanjum community has freehold title, but the area around it remains a pastoral lease. That is one of the key reasons Mowanjum has some real opportunities; it has a different land tenure set-up. The land tenure project with regard to irrigated agriculture is looking at ways to secure a higher land tenure outcome, such as freehold or longer-term lease, that can provide an opportunity for a proponent to attract investment and allow land use diversification into intensive irrigated agriculture. It is really about giving certainty of tenure to stimulate economic development and investment in those projects. Mowanjum is looking for partners in its project that can help it develop its skills in running an irrigated agricultural project. We really need to support it in that pursuit and in looking at how land tenure can bring that about with more certainty. That is just an example of what needs to happen in the Kimberley and the rangelands with regard to land tenure.

Other projects include the Knowsley agricultural area water investigation and the Fitzroy Valley groundwater investigation. A lot of work is being done in investigating and shoring up water availability in the rangelands. Once we know what potential lies below the rangelands, we will have an opportunity to look at how land tenure can promote and give some certainty to investment in those projects. We need those projects. We have talked a lot about irrigated agriculture in this state; it has a very low take-up rate, and we need to work on land tenure to facilitate that more openly.

I will very quickly touch on my own portfolio and housing options for Aboriginal communities; there are a lot of them. They have aspirations of homeownership, and we should be encouraging aspirations of homeownership in Aboriginal communities. Again, one of the underlying critical issues is that those homes are mostly built on pastoral lease lands. When people have aspirations that cannot be met under the current tenure arrangements, we need to work hard to ensure that we can solve those tenure arrangements and give them an opportunity to be homeowners, have some equity in their own homes, and provide some certainty and the pride that goes with it. As part of the rangelands reform process, the government will be looking at these sorts of opportunities. As I said, this is 87 per cent of the state, and we need to work on these rangelands reforms and tenure options to provide more opportunities for the state.

HON MARK LEWIS (Mining and Pastoral) [12.29 pm] — in reply: I would firstly like to thank members for contributing to the debate on this motion. This debate was by no means supposed to be restricted to the tenure debate around pastoral leases, but I am happy that we had that debate because, as other speakers have pointed out, it is timely to have that debate now when the consultation and the green bill processes are in place and to bring out some of the issues. As I have said, I commend that process. I guess my point today is to try to add some value to that process and to recognise some of the issues that I have been involved with over the past 20 years in the rangelands.

I was on the Pastoral Lands Board. I am not sure whether that was an edifying experience, but at least I was on the board and I understand the processes that go on there. I also understand the processes with the rangelands leases, because I was in charge of the rangelands development officers and the rangelands lease people who went out and did all the inspections, so I am very familiar with that. I am also very familiar with the industry issues that they have. Obviously, since 1997 myriad issues have built up and they have consistently been brought to our attention. I guess the point I am making is that those issues need to be captured in any reform process. Yes, we have the Indigenous Land Use Agreement nature of a rangelands lease. However, we also have some very mechanical issues that we need to deal with, as I have said, that have built up since 1977. As Hon Jacqui Boydell and others have said, a lot of those issues are around the way we engage and work with the native title regime. There is an opportunity to now look at what can and cannot be done under the Native Title Act, because there is now a lot more clarity around that act because of the 2008 amendment act. That amendment act went to the heart of what is meant by non-exclusive pastoral leases and agricultural leases. This is the time to try to deal with those alignments and myriad issues that have been bugging us over the years. I have alluded to some of those issues, and I will add a few others that I did not have time to mention earlier.

One issue is native title. I know I cannot deal with that issue in two minutes and 20 seconds, but I will quickly summarise some of the issues. One of the things that is very obvious and is critical in an ILUA process going forward, if people want to go from a pastoral lease to a rangelands lease, is the starting base around what we need to do under an ILUA. Everybody has to understand the existing rights that sit on a pastoral lease now. It is a partial extinguishment. There are five existing rights that are not extinguished on a pastoral lease. They are the right to enter and gather sustenance; the right to water supply for customary purposes; the right to undertake customary law; the right to erect temporary shelter; and the right to take ochre and ceremonial products. It is not

well understood that those five rights sit there, but the pastoral rights prevail. Therefore, we need to clearly understand the current regime that sits on a non–exclusive pastoral lease, and we can then negotiate forward on a new lease.

The problem is that people on all sides of the debate think there are more rights than that. They think they can negotiate in the same way as people who negotiate a mining lease-type arrangement with a mining company. That is not the case. We need to be very careful about that. There needs to be a major education program about the existing rights so that we can all agree on what they are, and we can then move forward through the ILUA process, whether it is a rangelands lease, a general lease, a conditional purchase lease, or whatever. We need to be very clear about that. This reform process needs to make it very clear what the current rights are and where we can start from as a base, and we can then move forward and get the growth and the capital that we talked about earlier into this vast tract of area.

Motion lapsed, pursuant to standing orders.