

**ENVIRONMENTAL PROTECTION (CLEARING OF NATIVE VEGETATION) AMENDMENT
REGULATIONS (NO. 2) 2013 — DISALLOWANCE**

Motion

MR C.J. TALLENTIRE (Gosnells) [4.02 pm]: I move —

That the Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 under the Environmental Protection Act 1986, a copy of which was laid upon the table of the house on Tuesday, 18 February 2014, be hereby disallowed.

It is important to note what the content of those regulatory changes involves. It involves permission for property owners to destroy five hectares of native vegetation per year per property and to destroy native vegetation if it can be claimed that that vegetation is up to 20 years old. The government would argue that it is a change of relatively minor proportions because previously the arrangement was that two hectares per property could be cleared per year without the need for a permit and that it could be claimed that vegetation to be destroyed was regrowth if it was up to 10 years old. However, I would say that in fact this is a very serious step when it comes to the conservation of biodiversity in Western Australia. We all know that native vegetation is the most accurate surrogate as an indicator of how our biodiversity is performing—that is, what sort of condition it is in. If we lose native vegetation, we lose habitat and we lose species. We lose habitat for those species and our natural heritage is put under threat. I do not think this change has great community support at all.

I know it came from the previous Minister for Environment attending a gathering in Esperance and being asked by some farmers in that area what he would do about land clearing controls. There was a lot of talk in the air about a gentleman who went to prison for a while, not because he was guilty of illegal land clearing, but because he defied a Supreme Court order. There was a lot of heat, but nevertheless the previous Minister for Environment, who is now Minister for Mines and Petroleum, said the government would do something. When the current Minister for Environment came in, he looked to a means of fulfilling that election promise. It was such a poor election promise from a biodiversity and conservation perspective, because what does it mean? It means that there is the option for people to legitimately apply for a permit to destroy native vegetation. We have the statistics on that; we know how many hectares of native vegetation are destroyed each year through the planning process.

My latest question on notice on this point shows that since the Barnett government came to power in September 2008, there has been the destruction of probably well over 100 000 hectares through the permitting process alone. My estimate would in fact be that we are closer to 120 000 hectares just due to the permitting arrangement alone. I point to question on notice 1234, which has some statistics supporting that point. That is the destruction of biodiversity through the permitting process. Then of course there is the illegal clearing that goes on. We do not have a very good estimate of how much native vegetation is destroyed through illegal clearing. That is something we can work on. We can get a figure through remote sensing. Through various satellite monitoring systems that have been interpreted it can be worked out whether there has been a net loss or a net gain of native vegetation cover. However, I will come to this point a bit more. We are not doing that job of remote sensing and the interpretation of it; we do not have those statistics.

The two categories of land clearing are the permit system and unauthorised clearing. Then there is the amount of vegetation being destroyed through these exemptions. As I have just outlined, the government has dramatically increased the scale of those exemptions. When we have debated this previously, the minister has said these property owners are people who have often had the property in the family for many years and they can be trusted to do the right thing and look after their properties. In many instances that is absolutely the case, bearing in mind, of course, that damage was perhaps done by previous generations or years ago. We also have to bear in mind that the destruction that occurs on one property may not have any damaging, deleterious impacts on that property. It is likely to be on a property further down in the catchment that the damage will occur. This idea that people will not damage their property does not really apply, because we are not talking at a property-to-property scale; we are talking a catchment scale. Someone who clears higher up in a catchment could cause serious land degradation problems further down the catchment. The minister's idea that there is a nice check in the system because people actually care about their own land does not really work. People who go forth and destroy, as they are entitled to do now, five hectares per year are not being accounted for in any way. There are no statistics to tell us how much destruction is occurring. We do not have the capacity to know because there is no funding of things like the land monitor system that was in place. There is none of that remote sensing work that tells us the extent of native vegetation loss on a year-by-year basis.

I attended a presentation by Professor Richard Hobbs to the Urban Bushland Council a week ago. Professor Hobbs is a distinguished fellow of the school of plant biology at the University of Western Australia and he was giving a talk on this very subject. The best statistics he could come up with about the extent of clearing dated back to the Gallop and Carpenter government days. He had to go back that far to get the really

robust statistics, because this government does not want to know how bad things are, so the monitoring is not being done. Similarly, on a broader scale when it comes to environmental matters, this government does not want to know how bad things are going so it is not producing a new state of the environment report. The last one was produced in 2007.

Ms M.M. Quirk: They're saving paper!

Mr C.J. TALLENTIRE: The government is perhaps saving paper, but nothing else, because we do not have any hard statistics on a whole range of environmental indicators. We do not know how much has been lost. We can perhaps pretend that nothing is going wrong, live in a state of denial and pretend that everything is fine, because we do not want to be faced with the hard statistics. That is the problem that this government has. The government does not want to face up to the extent of environmental loss. On the issue of native vegetation loss, that is certainly very clear.

I want to touch a bit further on the other exemption area. That is to do with the definition of “regrowth vegetation”. Somehow, people have the idea that if vegetation has been knocked down, it does not really matter anymore, because the areas that have been cut down, perhaps as part of our state forestry system, will regenerate, and even though the structure of the vegetation will be significantly altered, the composition of the suite of flora and fauna in that area will come back just as it was before. That is the whole premise upon which we base our forestry industry. To say that even if something has been cut down, it is regrowth, and therefore it does not matter, is totally inconsistent with the view of foresters, yet we do not dispute the fact that we have a forestry industry that does have a regenerative capacity if it is correctly managed. Therefore, the idea that we should not care about regrowth because it is 19 years and 364 days old is completely false. How many hectares of vegetation is being knocked down every year simply because someone is claiming that it is land that was knocked down nearly 20 years ago? We do not know. We are in complete ignorance. For the government, it is a state of blissful ignorance. However, it is a totally unacceptable state of ignorance, because Australia has made significant commitments under the international Convention on Biological Diversity. We also have a National Strategy for the Protection of Australia's Biological Diversity. One of the key commitments in that strategy—which the Liberal Party signed off on under Premier Richard Court—is that government would maintain the accuracy of these sorts of statistics. One of the other commitments in that strategy is that there would be no net loss of native vegetation. We know that there has been a massive loss of native vegetation. However, members opposite cannot tell us how much loss of vegetation there has been. They do not want to know what the statistics are. That denial and blissful ignorance is just kidding everyone. It is like the frog in the saucepan situation. Eventually we find that another species has gone, because we have allowed all that vegetation to be destroyed, and now there is no more habitat for that species. There is no monitoring of it.

I note the presence in the chamber of the Leader of the House and Minister for Planning. The Minister for Planning is working towards a strategic assessment of the risks and threats that arise from urban development. A lot of that is focused on the Carnaby's Cockatoo. That initiative will give us a more solid base to know what is the extent of destruction, and what is the rate of decline—it is not going to be a rate of increase—in the Perth metropolitan area. However, the broader issue across the state is that we cannot produce the statistics, because the government is failing to get those statistics.

I also note the presence in the chamber of the member for Eyre, a man for whom I have the utmost respect. I know that some of the member for Eyre's constituents would be the people who were lobbying for the clearing laws, as they call them, to be changed and made more flexible. I think some of those people thought that there was a total ban on the clearing of native vegetation. That was not the case. It was simply that people had to apply for a permit. What could be wrong with that? We could then have an assessment by, hopefully, well-qualified and expert people, and where the proposal would cause a significant loss, it could be turned down, and where there would not be a problem, it could be permitted. We would then have the statistics and would know how much native vegetation we are losing, instead of being thrust into this situation of blissful ignorance.

Mr M.J. Cowper: Who is paying for the assessment?

Mr C.J. TALLENTIRE: The Department of Environment Regulation is paying for that at the moment. There was a theory that there should be some degree of cost recovery. I would support that. If people want to put in an application, why not ask them to pay for it? I think the member's side of politics generally supports the idea of cost recovery. What would be wrong with that?

The process was there, yet somehow members on the other side of politics let it be understood that the system was not working. In the government's first term in office, the system was working reasonably well. The statistics in the quarterly reports that are put out by the Department of Environment Regulation show the number of applications that went through. In 2009–10, 689 applications for clearing permits went through the system. That of course includes those that were done under delegation to the Department of Mines and Petroleum. In 2010–11, the number of applications increased to 758; in 2011–12, it went up to 833; and in 2012–13, it went down to

752. We need to bear in mind that the government changed these regulations towards the end of 2013. We were already seeing a decline in the number of applications by 2013. These regulations have done nothing to facilitate the rights of people who are legitimate applicants, and they have resulted in a situation in which we now do not have a clear indication of how much destruction of native vegetation is taking place, because we do not have the statistics that we need to have.

I refer again to the “State of the Environment Report Western Australia 2007”. At page 133 of that report, a priority rating is given to loss or degradation of native vegetation. Perhaps that is what the minister needs to address. The minister needs to look at that report so that he can understand the significance of this issue and see how dire the situation is in many areas. The report looks at the percentage of native vegetation that remains in the 10 most cleared local government areas in the south west. For example, in 2001, the Shire of Cunderdin had only 1.8 per cent of native vegetation remaining. The minister is saying that if farmers in the Shire of Cunderdin want to clear five hectares a year, or claim that although some bush was destroyed in the last 20 years, it has come back and is regrowth, they can go ahead and clear that land. How does that meet our commitment to turn around native vegetation loss and increase the amount of native vegetation cover? It does not do that at all. We need to acknowledge, of course, that there are people in the Shire of Cunderdin who are doing their utmost and are spending significant amounts of money to revegetate areas. However, the government is giving a free kick to people who want to destroy native vegetation.

I know from previous discussions that the minister has put forward the argument that this is part of helping us to keep up with the advances in agricultural technology. I think it was in late 2013 that the minister first started to use those words. Any broadacre farmer would tell the minister that the size of headers and seeding equipment has not changed in recent times. The big increases in the size of headers and seeding implements—the member for Geraldton would know this as well as I do—would go back to probably the early 1990s.

Mr A.P. Jacob: Have they been using GPS since the 1990s?

Mr C.J. TALLENTIRE: GPS does not suit the minister’s argument; it does not support the need for bigger equipment. The minister’s argument is that he had to enable people to clear more so they could get bigger equipment around. Putting a GPS device in a header does not require the header to have a bigger area to get around. The header is not made bigger by putting in a GPS.

Mr D.C. Nalder: Did you say that equipment has not got bigger since the 1990s?

Mr C.J. TALLENTIRE: I do not think it has.

Mr D.C. Nalder: It has.

Mr C.J. TALLENTIRE: It has not. I have spoken to people at various machinery companies about this —
Several members interjected.

Mr C.J. TALLENTIRE: No, I am not taking the interjection from the member for Wagin. His farming background is way back.

Several members interjected.

The ACTING SPEAKER (Mr P. Abetz): Members! The member for Gosnells has requested no interjections and we need to honour that.

Mr C.J. TALLENTIRE: Take the argument that because the machinery has got bigger, we should be able to destroy more. That does not get around the fact that in a shire such as Dowerin, where 4.3 per cent of native vegetation remains, the member thinks more vegetation should be destroyed. What a disgrace! The member is not prepared to support people who are revegetating areas.

Mr D.C. Nalder interjected.

The ACTING SPEAKER: Member for Alfred Cove.

Mr C.J. TALLENTIRE: Members opposite just do not get it. If we are to protect the biodiversity heritage of Western Australia, the first task we have is to protect native vegetation. Allowing further unmonitored loss of native vegetation is a disastrous mistake. It means that we will see things dwindle away. We will not even realise that it has happened until it has all gone. As I said, it is the classic frog in boiling water situation. I think about people in areas such as the Shire of Bruce Rock, where 7.1 per cent of native vegetation remains. How can we imagine sustainable agriculture when only that amount of native vegetation remains? Who are we kidding? We have a problem not only with biodiversity loss, but also with land degradation. The hydrology has been totally changed by the removal of deep-rooted perennial native vegetation. We can try to remediate this and there are various plans. Replanting deep-rooted perennials is one excellent way to try to improve things. Members need only book themselves a window seat and fly over the wheatbelt and look out the window to see that the millions

and millions of dollars invested in revegetation programs has had some, but very limited, impact. Not a lot of revegetation is seen, but there is some. It is exceptional to see it from a plane. It needs to be seen on a much bigger scale to turn the problem of salinity around.

These days government members do not talk much about salinity. Under the Court government, with Deputy Premier Hendy Cowan, it was a topic very much to the fore. At one stage, it was probably considered the number one environmental issue in Western Australia, but somehow it has completely dropped off. That is simply a reaction perhaps from the media and an indication of the level it is discussed in this chamber, because the reality is that the Department of Agriculture and Food continues to produce reports on the direness of the situation. The Department of Agriculture and Food's 2013 report card on sustainable natural resource use in agriculture reveals that WA farmers already forgo \$344 million on land lost to salinity. That is \$344 million lost to salinity alone. The department's projection, which has been fairly consistent over the years, going back to the 1990s and the formation of the State Salinity Council—one of the Court government's initiatives—that turned into the Natural Resource Management Council, is that up to 4.5 million hectares of productive agricultural land is currently under threat to salinity. Bearing in mind that the actual figure for the wheatbelt is around 18 million hectares, 4.5 million hectares is a very sizeable chunk. We cannot afford to risk this stuff anymore. To allow the problem to be exacerbated through a very flimsy change to regulations, in the wheatbelt context, is an absolute disaster, because we do not know how much land we are losing.

What about other parts of the state, such as the areas the member for Murray–Wellington represents, where there are smaller properties? What is going on there? What is the situation there? Does it mean that people with a 20, 50 or 100 hectare property are entitled to clear and destroy five hectares per year per property? Proportionately, their level of destruction will be far greater. One would hope that people who have bought a property because they believe in sustainable agriculture would not want to destroy that amount of native vegetation in any one year, but I can guarantee that some people will do that, and we do not have a control checkpoint in the system to counter their ill-informed and poor plans. The minister has just made the whole situation so much worse. The same applies with the regrowth exemption that will have a far greater impact on smaller properties than on larger properties. Of course, for a typical wheat farm of perhaps 5 000 hectares, which has a five-hectare allowance, it will not be an enormous amount of land percentage-wise, but for a smaller property, such as those in the outer metropolitan area, this will have an enormous impact. It is such a shame, because there was such a good degree of community support for all kinds of initiatives to reverse the decline in the extent of native vegetation. The minister has opened up this exemption and enabled it to come into play, and it will just exacerbate the problem. I asked the minister a question on notice —

How many hectares of clearing of native vegetation have occurred where there is a claimed exemption from the requirement to obtain a clearing permit?

The minister answered —

There is not requirement to advise DER when clearing has occurred under an exemption.

The minister cannot tell me how many hectares are going down each year because of these exemptions. The minister could have justified allowing the exemption if he had said he would crank up the quality of remote sensing monitoring so that year in, year out we could get a very accurate figure of the decline or perhaps increase in the extent of native vegetation. If the minister had done that, he might have had some degree of justification for his actions, but the minister did not do that. No-one is doing this work and there are no accurate records; and what is more, the reports the minister puts out on permitted clearing and destruction are getting more and more hopeless. All those reports refer to is the turnaround times on the applications that come in to the department; they do not refer to hectares or whether some ecosystems are more valuable than others, as they just give a ridiculous overview of application timelines. That just entirely misses the point.

I really thought the Department of Environment Regulation would put out a document that gives an accurate quarterly reporting figure, not just on the processing time. The minister is not simply running a sausage machine; he is running an agency that is tasked with protecting our biodiversity. I thought we would be provided with some good statistics, ecosystem by ecosystem, vegetation complex by vegetation complex, right down to the smallest scale indicator of how much loss is occurring in some types and how much gain is occurring in others. That level of information should be provided. It would be valuable. It could be done in conjunction with federal scientific organisations such as the Commonwealth Scientific and Industrial Research Organisation. It could be done in conjunction with all those organisations that were partners to the land monitoring program, and in conjunction with universities. There is amazing capacity when it comes to using geographic information systems and remote-sensing technology. We are refining that. We are using it in so many other areas. Remote-sensing technology is used to predict annual wheat crop yields. Why can we not apply that to predictions about the protection of our native vegetation?

We have a very serious problem. It has been brought about because this government is happy to pretend there is nothing going wrong. The government has been quite cunning—it has worked out that the best way to pretend nothing is going wrong is to not produce any statistics or information. It is leaving us all in a state of blissful ignorance. That way we cannot actually argue with the Minister for Environment. We receive trite responses such as, “There is no information gathered. Currently, we can’t actually say how much is going down because there is no requirement to advise the DER when clearing has occurred under an exemption.” What the government is really saying is, “We don’t know; we don’t care.” Ultimately, the protection of our natural heritage comes down to the Liberal Party’s attitude towards not caring—not caring about the protection of our biodiversity.

Biodiversity is clearly a feature of this state. It is of outstanding global significance. It is unique in so many ways. Western Australia is so richly endowed. There are over 13 000 plant species. There are areas that have species diversity that is found nowhere else on earth. I could draw a square 10 metres by 10 metres and find 160 different plant species in one spot, and then immediately adjacent to it find another 160 species, but they will be 60 per cent different from the ones next to it. That level of species diversity is just unheard of. In many cases it exceeds those that can be found in any of the tropical rainforests. It is absolutely outstanding; yet the Minister for Environment is prepared to say to people who live near, say, Lesueur National Park and want to clear an extra five hectares on top of what was knocked down 19 years ago, “We don’t care, we’re not going to ask any questions. Just let it go down again. Just get rid of it and convert it to cropping.” Cropping is important—we need to feed the world—but there are very good ways to better use the land that we have. After all, cropping is not the highest value land use. There are far more efficient ways to produce food. It so happens that cropping in the wheatbelt is perhaps the region’s most likely economic activity at the moment. I do not believe that there is a shortage of cropping land in our wheatbelt. The world’s food needs can be met through the proper distribution of that food resource. In terms of the Western Australian economy, if we want to make a contribution to that and become a wheat producer, there is no shortage of farms for sharefarmers to access. Agricultural land can be accessed if people want to get into agriculture. People do not have to own the land; they can enter a business arrangement to access land.

I really feel that this whole issue has highlighted the government’s attitude towards the environment portfolio in general. Its attitude is one of not really wanting to know the facts—blissful ignorance—and deep down it just does not care.

MR I.C. BLAYNEY (Geraldton) [4.35 pm]: I would like to speak briefly on this motion. I speak mostly from representing part of the northern wheatbelt. Although I spend most of my time in the northern wheatbelt, I have friends and relations throughout the wheatbelt so I spend a bit of time in other parts. Driving around the wheatbelt over the last 10 years I cannot recall a time when I have seen evidence of recent clearing. That is entirely anecdotal. The increase in the amount allowed, from one hectare to five hectares each financial year, is something that I and a lot of other members of the Liberal Party were very keen to get in place. Also, increasing the period from 10 years to 20 years was something that we were keen to get in place. We wanted more than 20 years, but 20 years was all they would give us.

Mr C.J. Tallentire: But you just said there was not any clearing happening.

Mr I.C. BLAYNEY: That is the point I am trying to make. I think the member for Gosnells is making a mountain out of a molehill.

Mr C.J. Tallentire: We do not know because we do not have the stats!

Ms S.F. McGurk: Is that not the point?

Mr I.C. BLAYNEY: I just made the point that it is my observation; it is anecdotal. My experience is what is seen on the ground tends to be the most accurate thing of all. That is my experience.

Mr C.J. Tallentire: What about remote sensing? That can be accurate.

Mr I.C. BLAYNEY: I agree with the member. One of the reasons not many growers clear is, along with a lot of other reasons, they assume that they are being monitored by remote sensing. In every area that is farmed, people will say they are concerned that if they clear a fair bit of land, they will be picked up straightaway by satellites. People who police this generally produce the data to prove it. If the member for Eyre speaks, he will point out that people have been prosecuted. It is quite easy to do because people get the satellite images for those areas and it shows up straightaway. I have no arguments about the accuracy of remote sensing. It is incredibly accurate.

I have to confess that I did a little clearing as a young man at South Burracoppin in 1982. I think that would have been about when the last clearing was done in that area. I got permission to clear some land on my own farm in the late 1980s but we decided not to do it and it was never done. That is when the first clearing controls were brought in. We had to do what the member for Gosnells suggested—a land management person came out from

the local department of agriculture to look at it and agreed that what we wanted to do was okay. As I said, the family made the decision not to do it. It was only about 20 acres anyway.

I was quite fortunate on my own property. I had about 600 hectares of native scrub out of about 4 000 hectares. We have to recognise that sometimes native vegetation has to be cleared. It is quite amazing how quickly it comes back. We have to clear some native vegetation for fencing, sides of roads and fire control. It is also worth pointing out that a lot of the country still under native vegetation is probably the least valuable agricultural land. As a rule, when people clear land, the best land is cleared first. The stuff that is now left is the stuff most unlikely to ever be cleared anyway. Anecdotally, once again in my area, most farmers are not interested. I do not know anybody who has cleared any land on a commercial property in about the last 20 years.

A point was made about machinery. I think the member for Gosnells is perhaps a little off track there. There is a phenomenon in the wheatbelt that a lone tree in the middle of a paddock serves very little ecological purpose because it is just by itself. Farmers have often said to me that they would like to get rid of those lone trees. What has been said is correct—machinery is getting bigger and, with guidance, a lot more work is being done at night. That is when farmers want to get rid of lone trees. When there are less experienced workers working in the middle of the night, relying on guidance, there is a pretty good chance they will hit those lone trees.

Mr C.J. Tallentire: It is not five hectares, though.

Mr I.C. BLAYNEY: No, the member is absolutely right in that case. But I think the member for Gosnells will agree with me about the lone tree or just a few trees: if a farmer was prepared to get rid of them and revegetate or fence off another area as a trade-off—that is what most have indicated to me they are prepared to do—I think that, environmentally, that is a good thing.

I had experience with one farmer who came to see me; he was not in my electorate, he was next door. He had bought some land that had previously been cleared—this is one of the ones the member for Gosnells was talking about—and it had regrown. He went ahead and re-cleared that land. He was fined \$80 000 and had to leave it to return to native vegetation. He very nearly went to jail. I do not think there is an issue about the law not having teeth; they were very quick to jump on him for that.

I was also interested in what the member was saying about salinity. My understanding of the salinity situation in the wheatbelt is that a lot of the projections that were made in the 1980s, in particular, are now really being questioned because of the decline in rainfall. So, if we want to know what is happening with salinity—once again, the member is probably correct that these figures need to be updated—my understanding is that there is a lot less country now under threat from salinity purely because of the decline in rainfall. If we were to try to address salinity in some areas of the wheatbelt with revegetation, one that comes to mind is Dumbleyung. The estimate has been made that if we want to address salinity in Dumbleyung, we would have to revegetate, I think, 60 per cent of the shire. The member is sort of right in saying we need more vegetation there, but the scale of revegetation needed to address the watertable in that area is so vast that, quite honestly, it will not make any difference.

The point I want to make more than anything is that farmers have had a huge change in their mentality on this issue. I am sure the member for Gosnells would hate to see the footage of people clearing one million acres a year or whatever it was the 1960s, but they are long gone. Most farmers are now planting thousands of trees. But from the point of view of management of properties, there does have to be, I think, a right to, as part of farm management, get rid of trees in some places. As I said to the member, I think most landowners would agree that there should be a trade-off. If someone is clearing a few hectares in one place, they should revegetate somewhere else. In any property we can pick out pieces of land that, quite frankly, are useless for farming, but they are quite able to be revegetated. I sort of admire the member's sentiment, but I think, certainly as far as the wheatbelt and where I come from are concerned, he is probably a bit out of touch with the reality, but I will not speak for other regions in the state that I do not know as well.

MR M.J. COWPER (Murray–Wellington) [4.43 pm]: The Murray–Wellington electorate, in my view, is arguably the most important electorate in Western Australia. I say that, apart from being parochial, because we provide 40 per cent of the power generated in Western Australia that is sent to Perth, we provide 60 per cent of the water used in the city, given the desalination plants and dams and the like, and we also produce something like 40 per cent of the food eaten domestically in Western Australia when we take into consideration the market gardens of Myalup, Harvey Fresh and Harvey Beef. We fight above our weight when it comes to contributing to this state's great wealth. On top of that, we are also the third-largest mining region, so for the royalties returned to the state, the area I represent plays a pivotal role in keeping the wheels of this state rolling.

Mr D.A. Templeman: We don't get our fair share of royalties for regions, I might add.

Mr M.J. COWPER: That is another issue for another day, member, that we might have to go into bat on.

The issue here is the notion that the member for Gosnells has that smaller landholders are going to go out and clear land for the sake of clearing land. Although I understand what he is trying to say, I think it is a little nonsensical because people do not do that.

Mr C.J. Tallentire: But it could happen, member, and there is no control.

Mr M.J. COWPER: I would be interested to know from the member for Gosnells' book how much of the vegetation is in the Shire of Murray, the Shire of Waroona and the Shire of Harvey. I think the member would probably find that more than 50 per cent of those shires contain natural vegetation.

Mr C.J. Tallentire: It depends if you're on the scarp; if you're on the flat it is really low.

Mr M.J. COWPER: The Murray shire does go some 25 kilometres into the stove of the hill, towards Boddington and beyond Dwellingup.

Mr C.J. Tallentire: Once you're on the flats the percentage is terrible.

Mr M.J. COWPER: I will put it this way: there is still a fair swathe of natural vegetation, given the rainfall and the climate we have.

The point the member was trying to make is that the one-hectare permit system is sufficient to do what landowners might want to do from time to time, but let me say that many of the landowners in my electorate are still, notwithstanding some clarity around this issue, concerned about what they can and cannot do on their own land. It comes down to the issue of the rights of the landowners or leaseholders of particular land and what they can or cannot do. That was made even more evident just recently down in Waroona, where members may recall there was a serious bushfire. Some of the people had, for their lifestyle choices, bought small acreages on the escarpment, and when the fire came charging over the hill they found themselves in a perilous position. There were some near misses, and we did unfortunately lose one house; I do not think people in this place really understand how close we came to losing 80 per cent of the Waroona township—a rather large town that was under threat from fire.

It could be argued that this is a phenomenon that is Australian, and certainly Western Australian, but one of the points I wanted to raise is that I spoke to a lady called Mrs Penetta who lives up on the scarp rock, behind where the water tanks are in Waroona. She asked what her rights are in respect to removing trees close to her home. I have since taken that up with the relevant minister, who came down on the day of the bushfire; I have also taken it up with the Premier and told him we need some clarity around this issue. I know that a committee I am part of has been looking at the recommendations that should be made in relation to the new legislation that I expect—I hope—will come to this place sometime this year, and I hope that will provide some clarity. There are conflicting standards reported in our statutes. Whether it is fire suppression or fire management or bushfire acts, so many different pieces of legislation wash across this particular area, and some are outdated or not contemporary. We really need a consolidated piece of legislation that people can read and have certainty on; where things sit with the Environmental Protection Act, what has precedence over what, and which plants can and cannot be removed has people in such a state. When they go to build a house on their property and they need to remove a tree of some description, they are not sure whether they have the right and authority to do so. They often go to their local government authority and say, "Am I able to remove this Tasmanian blue gum that was planted some years ago, without a permit?" Some authorities would say that they can remove it without a permit and some would say they need a permit. It depends who they happen to speak to on the day. This point is that this government is trying to address this area of uncertainty—grey areas, if you like—that has a lot of people perplexed as to their rights as landowners.

A particular issue down my way is the interference by various pieces of legislation on the rights of landowners. I am hoping that later this year we will address that issue on another level, but in recent years we have had a number of plans, including the Swan coastal plan, Bush Forever plan, Peel region scheme and greater Bunbury region scheme. Aerial surveillance of proposed wetlands has been done and they have blighted all that land. A lot of privately owned land has been set aside, without any compensation, that the landowners still have to fence, keep weed-free and pay rates on, yet they are not allowed to enjoy the benefit of running stock or any other enterprise on their own land.

Of course, this goes to the issue of whether there should be proper compensation, and I do not think that anyone would disagree that in the Murray–Wellington electorate there are areas of significant environmental value that should be set aside in perpetuity for future generations. There is no question about that. However, some of the areas that have been encapsulated in the Peel and Bunbury region schemes in particular are somewhat ambit claims made by bureaucrats sitting in their eyries in St Georges Terrace looking at satellite imaging. When they go to ground level, what they encounter is not what appears in their satellite imagery. There is still the issue that what is a farmer's summer pasture is perhaps a wetland from an environmental perspective. Some of those areas need to be worked through at the appropriate time. The notion that the amount of native vegetation is reducing is

interesting because in all those various schemes, the amount of native vegetation that has been set aside, much of it on privately owned land, is phenomenal. We heard the member say that there have been X number of applications over the years, but it does not really tell us a great deal about the number of trees that has been planted. My Rotary club and the Rotary clubs of Collie and Harvey have been involved in rejuvenation and doing various projects. North Dandalup Primary School is a wonderful school run by Meryl, who has installed a very strong environmental sense in the kids. The kids at North Dandalup have done a number of projects and gone out and planted trees and vegetation. I spent a number of days with Men of the Trees WA and members of our community planting native trees for future generations. The notion that people are not interested and want to go and start mowing down trees *carte blanche* is simply not true. When it gets to a situation in which people are too frightened or afraid or unsure about what they are legally able to do, we need the government to step forward to create some clarity and put in place some understandable information in plain English that people can go away and deal with.

I refer to the issue of the five hectares. I take the point that the member makes about five hectares. In a broadacre farm—let us say, Lake King or Varley or one of those massive farms out there the other side of Hyden—five hectares is only a small portion compared with the size of their holdings. However, members might appreciate that if someone was to clear the edge of the road from the main bitumen road to the homestead, it may be over a kilometre. Someone clearing an area at the edge of their driveway for the purposes of drainage, fire suppression, cleaning the fences or whatever it might be, might already have gone over their five-hectare limit because they have to travel so far. I take that particular point that what is applicable in one area may not be applicable in another. That would certainly be the case with pastoral leases. Going back to my time in the Kimberley, I remember that to go from Great Northern Highway to Lamboo station was 10 kilometres. If someone were to put the grader through there and grade the edges of the road, technically speaking they could be in breach of the legislation. Like I said, this is a great opportunity to speak on this issue. I respect the member from the other side's decision. I do not believe he has made his case in this instance and I fully support the minister in this situation.

DR G.G. JACOBS (Eyre) [4.54 pm]: I take the opportunity to speak briefly to the motion that the member for Gosnells has moved in this place. I commend his passion and some of the points that he brought forward. However, I think there needs to be some balance and he must recognise that I represent a significant number of farming food producers in this state. To go back in history, when my dad was granted a block of land under conditional purchase, the condition of that purchase was that he was to clear so much of that land a year; otherwise, he gave up his right to the property. He also had a 14-foot Chamberlain plough. The farming situation today is very much changed. There are not only pressures of economies of scale in farming today, but also concerns and issues with the environment. That is the balance. I do not believe there is a lot of balance in this motion because the member for Gosnells is suggesting that there be no more clearing.

Mr C.J. Tallentire: No, I am saying you could still get a permit.

Dr G.G. JACOBS: I will get to the permit process in a moment and the impediments it has created for some of my constituents. It is not about all the food producers packing up and going to town and switching off all the lights and saying, “No, it should never have been cleared. It is all marginal country east of Merredin and I represent large swathes of land in the Yilgarn.” I convened the meeting in Esperance with the previous minister, to which the member for Gosnells referred, but it was about, as the member for Murray–Wellington was describing, the confusion and lack of clarity in some of the regulations. The present minister would concede that the issue is the clarity of clearing and cleaning up. When I say “cleaning up”, I mean when some bush is left inside the fence on a farmer's freehold for a windbreak or whatever and over time it has degraded to such an extent that it needs cleaning up and replanting. Again, that is in the context of these farmers using their commonsense by offsetting some of that by addressing salinity issues with the creek and reforesting and planting trees, for example. Perhaps that is other work to be done. The issue of cleaning up versus clearing needed clarifying, and that was one of the reasons for the meeting.

Another reason for the meeting was the issue of clearing regrowth vegetation. The member for Gosnells has talked about the 10-year rule now being a 20-year rule. In reality, it will not make a lot of difference, because it has been 10 years coming. We have been talking about the 10-year revegetation rule for 10 years and now we make it 20. I have to tell members, my cockies are saying that I have not changed anything. They say, “You go back to the minister because you have not changed anything.” I tell them that at least we have made a start by recognising the concern for regrowth and revegetation.

The member for Gosnells commented on a permit system and letting the experts do their work. I have to tell members that many of the farmers and landholders who have come to me have been given by the Department of Environment Regulation a description of clearing principles, the biodiversity value of the particular area in question—whether it be two hectares or whatever—and the whole machination of what is represented in the biodiversity of that area inside the fence on their freehold lot. They do this radial work, with the epicentre being the

area in question for a potential clearing permit and then move out. In that radial pattern, they describe other biodiversity areas in proximity to the area in question. This is far from a perfect science. There is the predictive modelling of what is there or what could have been there. In fact, a farmer may have done some clearing or cleaning up and then the Department of Environment Regulation can say, “You have a vegetation clearing notice. You have breached the clearing regulations.” A certain biodiversity was there before. That biodiversity is predicated by these radial principles, which suggests that in proximity to this or that, there was something there so that means what a farmer cleared was terribly biodiverse and clearing regulations have certainly been breached.

Mr C.J. Tallentire: It’s statistical analysis of the value of vegetation that is remaining in an area.

Dr G.G. JACOBS: I know but there are issues with the predictive biodiversity in a particular area when a farmer is faced with the concern about what he has cleared and what he has not cleared.

I will conclude with the allegation that the member for Gosnells made that we have no statistics and we basically have not done enough work on the statistics on clearing areas and the implications of these clearing regulations. One of the major questions that my constituents, farmers and landowners have is: what key outcomes are we achieving with the present clearing regulations? They are told about the effects on the planet by what they are doing but we see good farmers who have the environment at heart doing work to offset those effects. For instance, they are creating a nature belt and reforesting creek beds and degraded areas. A lot of my farmers were supposedly in breach of the clearing regulations but what they put back on their land is more beneficial to the environment than what was there. The vegetation is lush and contributes much more to the environment than the degraded vegetation that was there. I am saying that we need some balance but I think it is really important not to have a blanket no, no, no.

The member for Gosnells talked about one hectare having increased to five hectares and that being destructive. He used the word “destructive” quite a few times in his presentation. He talked about the fact that the GPS did not matter and that machines are not that much bigger than they were in the 1990s. The machines are huge. My father is not farming anymore. I am not a farmer. I have family members and friends in farming. The member can say that the machines are bigger, but my father could go around a patch of land with a 14-foot Chamberlain plough. With the implements we have today, we could say that is terrible but I am telling the member that economies of scale are needed in broadacre farming to make it sustainable. As I have said in this place before, we cannot eat iron ore. We have to support our food producers. I will briefly talk about the comment made that there is plenty of land and we do not have to clear that bit. It is important to recognise that we have economies of scale in farming. The implements are very big. We are talking about patches of land; some of it is already degraded. It is left isolated. Sometimes the stock has got onto it and degraded it or it has not been sufficiently protected. There are patches within big paddocks that the big machinery of today cannot go around. If the member does not believe that, he should come with me to look at a farm. I am sure he has been there.

I turn to the point that the member for Gosnells made about access to land, saying that there is plenty of land. I occasionally visit areas north east of Southern Cross. I sometimes get the following comments from the Department of Agriculture and Food as well, so I will be up-front. Some people who may be in a similar position to the member for Gosnells say, “This area should never have been farmed. It is marginal country. Because of climate change, it will never rain again.” After what I have seen over the past seven years, I have to agree. What do we do? Some of the farmers in those areas are second and third generation farmers. In the past a huge amount of high premium, high protein wheat has come from that Yilgarn region. The contribution to this state has been huge. If it is now marginal and it will continue to be marginal and, due to climate change, those farmers will struggle, what will the state do? We might say that they are private farmers and, by attrition, as their farms become unsustainable, they will just drift off and go to town. We have had some involvement with land in Esperance that was gazetted but had never been opened up. I do not mean marginal land. Members might think this is a harebrained idea but we have to have some positives rather than just say that certain areas are marginal and they are finished, farmers out there should never have cleared the land and they should not be there. What are we going to do with those farmers because they need access to some land? Is there some arable land that is not marginal that is available for resettlement in a better region within the Esperance zone? That is all we are asking. We are not talking about a blanket 250 000 hectares and we are not talking about big farms getting bigger. We are talking about bona fide genuine farmers—family farmers. We are not necessarily talking about big foreign investment either, which is taking land en masse. I am tossing around the issue of whether a resettlement plan is viable, one that will be a positive for farmers, a positive for the state, a positive for the country and a positive for the environment.

I think there needs to be balance in this debate. I think the changes in the amendment regulations to go from one hectare to five hectares are environmentally responsible considering the economies of scale in farming today, the necessity to do it without destroying the environment and the issue of the 10-year rule and the 20-year rule for regrowth vegetation.

Mrs G.J. Godfrey: What about permits?

Extract from *Hansard*

[ASSEMBLY — Wednesday, 11 March 2015]

p1049b-1058a

Mr Chris Tallentire; Mr Ian Blayney; Mr Murray Cowper; Dr Graham Jacobs

Dr G.G. JACOBS: I am going to get into trouble from the Whip. One day I will address the whole issue of the permit system because there are some serious concerns in and around that for farmers in my region. I will not support the disallowance. I think these regulations should go through. They are positive for my constituents and they are not destructive to the environment.

Debate adjourned, on motion by **Mr D.A. Templeman.**