

STATE FORESTS 4 AND 65

Partial Revocation of Dedication — As to Committee Stage — Motion

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [7.45 pm]: I move —

That order of the day No 30, partial revocation of state forests 4 and 65, be now taken in Committee of the Whole House.

It is a slightly unusual procedure, but I think it will facilitate matters and enable us to deal with this matter a lot more quickly and in a more satisfactory way than otherwise would be available to us.

Question put and passed.

Committee

The Deputy Chairman of Committees (Hon Max Trenorden) in the chair.

The following motion moved by Hon Donna Faragher (Minister for Environment) now considered —

That the proposal for the partial revocation of state forests 4 and 65 laid on the table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and invite the Legislative Assembly to agree to a similar resolution.

Hon SALLY TALBOT: Labor is pleased to support this partial revocation. I note that we are dealing with two separate revocations. The item state forest 4 refers to the Shotts area near Collie, which is the area that we have taken a particular interest in because, as has been placed on the record previously in this place, we support the expansion of industry into that area. It is something the Labor government took a close interest in, and, of course, was always urged to do so by the excellent member for Collie-Preston, my colleague Mick Murray. We are very keen to see this progressed, as has always been the case. We want to see the industry that proposes to go into this area set up. I noticed that in part of the minister's speech earlier this afternoon, she indicated—I agree—that there is very wide support within the community, including the Shire of Collie, for this change.

I had an excellent briefing from LandCorp and the Department of Environment and Conservation a couple of weeks ago. I have just a couple of questions that I would like to put to the minister, which is why in this cooperative arrangement we have moved straight to the committee stage so that we can do so. I know that my colleague Hon Ken Travers also wants to raise a couple of points, I think probably more specifically in relation to state forest 65. A number of environmental assessments have to be carried out in connection with this partial revocation, and the list I have in front of me has seven flora and fauna surveys; endangered species—that is, the referral to the commonwealth department under the Environment Protection and Biodiversity Conservation Act; cumulative air quality modelling; noise modelling; contaminated sites, surface and groundwater strategy management plans; and impact assessment documentation for section 48 Environmental Protection Act approval.

I will start by asking for some details about the flora and fauna survey. What did that survey identify, and what strategies will be put into place to mitigate any damage to existing flora and fauna in that area?

Hon DONNA FARAGHER: This motion obviously deals with the revocation of a certain section of forest. With respect to what Hon Sally Talbot said—I am not trying to be difficult—these are matters that will be managed through the Environmental Protection Authority level of assessment for the entire park; what we are dealing with here is obviously a very small component of that. I appreciate the questions the member is asking. As I understand, the Shotts industrial park has been referred to the EPA for that level of assessment. The level of assessment has not been determined at this stage. All of the matters that the member has referred to will be dealt with in that context. This motion simply deals with the revocation of a certain section of forest to facilitate the industrial park.

Hon SALLY TALBOT: I thank the minister for that answer. My concern is particularly aroused because of several endangered species in the area. How can the minister ask us to approve the partial revocation without an assurance that flora and fauna surveys have been done, that the issues have been shown to be manageable, and, most particularly, that provision has been made for endangered species? A list of them has been provided to me by LandCorp, and they include Carnaby's black cockatoo, Baudin's black cockatoo, the forest red-tailed cockatoo and the chuditch. I assume that honourable members on both sides of the house would be very concerned at this partial revocation unless the minister can provide evidence of adequate consideration of those matters.

Hon DONNA FARAGHER: Flora and fauna surveys have been undertaken. The fauna surveys have identified that there may be some relocation of the chuditch. Further work will be undertaken as part of the Environmental Protection Authority assessment process. There will be requirements on LandCorp to do further surveys. That will be determined once the EPA determines its level of assessment. Furthermore, I think the member mentioned

the commonwealth Department of Environment, Water, Heritage and the Arts and the Environment Protection and Biodiversity Conservation Act. DEWHA will look at matters particularly in relation to cockatoos. That will obviously be looked at potentially in the context of offsets and the like. Obviously, that assessment will be done by the commonwealth.

Hon SALLY TALBOT: I thank the minister for that answer. Can I be absolutely clear: are these offsets yet to be determined, or are we considering offsets—I understand that they are not necessarily part of this revocation—that have already been determined?

Hon DONNA FARAGHER: The member is correct; the offsets have not been determined at this stage because it is still being assessed by the commonwealth. Obviously, when it has gone through the proper processes, I am happy to inform the member about that matter. Clearly, it is going through the commonwealth assessment processes under which the offsets will be determined. The commonwealth department has not completed its assessment at this stage.

Hon SALLY TALBOT: I move now to the issue of the contaminated sites. In the briefing that I had, there was reference to a site at the eastern end of the block that I understand is near some development; I think it is a couple of farms or a couple of farm blocks. The eastern portion was formerly used as unregulated landfill. Can the minister tell us what type of material is in that landfill and what the department is anticipating having to deal with? Will the site be remediated, or will the contaminants be removed? Will there be any onus on future industrial occupants of that land, and what advice will be made available to them about that eastern portion of the land?

Hon DONNA FARAGHER: The information that I have is that it is likely to have been mostly domestic waste. There will be a requirement for the site to be fully remediated in accordance with the Department of Environment and Conservation's contaminated sites management guidelines before being made available to the proponent. Obviously, that will be determined by DEC, but the site will be required to be remediated.

Hon SALLY TALBOT: My last question is about the area at the western end of the site, which I understand is pretty much degraded largely due to the sandpit there. I wonder whether any remediation needs to be done there.

Hon DONNA FARAGHER: I understand that there was no dumping at that site, so no remediation is required.

Hon GIZ WATSON: Hon Sally Talbot has addressed the key issues that I had an interest in, but I want to add my voice to the debate. It is always difficult when a number of processes are running in parallel. My interest is in the environmental assessment and the quality of the bush. Of course, tonight we are dealing with a motion to revoke part of the state forest. It seems to me that it would be ideal to know the quality of the area before it is revoked, because once the revocation is done, it is, I suggest, pretty much a foregone conclusion that it will be developed as an industrial site. Therefore, I argue that the environmental assessment should have been done earlier. However, I understand that that is happening in parallel. I am curious, minister, because I understand that there might be some activity on the site as early as March. I understand from the information I received in the briefing that there is an expectation to clear and develop that site as early as March 2010. Is that the case? Is it anticipated that the environmental assessment processes will be completed by then; and, if they are not, will that mean that there will be a delay in work starting on the site?

Hon DONNA FARAGHER: I am sorry; I cannot give the member an answer to that question. I suppose in part it is very much dependent on the EPA assessment. It has not yet determined a level of assessment, so I apologise that I cannot give an answer. Obviously, I am not the minister responsible for the entire project, but I am happy, if it assists the member, to speak to the minister and ask whether some further information and time lines can be provided in that regard. Obviously, as I have said, it is very much dependent on the assessment and the requirements of the EPA. As members know, the EPA will deal with matters as it does, but I am very happy to ask the minister whether further information can be provided.

Hon GIZ WATSON: The minister will also have seen the briefing material provided by LandCorp in which it is suggested that that is a very short time frame within which to meet the target date. I am seeking an assurance that no work will commence on the site before the environmental assessment process has been completed; I am not suggesting that it would, but such things happen from time to time. Certainly I know that there are community members who will be interested in making submissions to the environmental assessment process, and they will need time to do that. As we know, the period between December and January is not a good time for proper community engagement because many people will be away in January, or else not looking for notices in newspapers. If there is to be a call for public submissions, I ask the minister to ensure that it does not happen in January.

Hon DONNA FARAGHER: As I said before, I am happy to speak to the minister about it. If there is some further information we can provide the member with, we will certainly do so.

Hon KEN TRAVERS: I want to make four quick points, three of which are about process. Firstly, I hope I can get some commitment to future changes to some of the revocation processes. It would be a good idea to change the process so that the minister can make the formal speech fairly soon after moving the motion, so it can sit on the record. That way, members who have an interest can go away and have a look at the reasons for the revocation. I suspect that they would be fine with most of them, and we could move on without even attending the briefing. I want to make it clear that I do not blame the minister for this; I realise this occurred before she took over.

Secondly, when I realised that state forest 65 was part of the revocation after hearing the minister's speech earlier today, I went away and googled the site to have a look at it. To be honest, I was quite astounded to realise that there was a water plant there. The purpose of this revocation is to allow a water plant to be built on the site. I understand the history of it from the briefing we received, but I wonder at the purpose of this revocation. I realise it may sound like a small concern, but there is not much remnant native vegetation left in the Gngalara pine plantation; it is virtually all pine trees, and it is slowly being cleared. I have dealt with issues concerning power stations and the like, such as edging effects. In this case, I think there was only about a third of an acre or 1 300 square metres of native vegetation to be cleared. That is nevertheless quite a significant area, and I would have liked the Parliament to have a debate about whether this is the best location. It may be that the end result of such a debate is that it is the best location. On this occasion, we could have moved the pumping station a bit further down to maintain that last bit of remnant native vegetation, regardless of its quality, because such vegetation is very rare on the north side of Gngalara Road. I am not trying to suggest that it is the minister's fault, but if we are serious about the revocation process, the Parliament should at least be given the opportunity to debate such matters.

The third area I want to touch on is the issue of grouping and the way in which grouping is chosen. Again, I am advised that we cannot move to disallow one and not the other, and the opposition will not be doing so tonight. It is probably now a good time to have that debate rather than at a time when the opposition may want to move a disallowance. We do not want to be put in the position of being forced to disallow something that we want because there is something in the revocation that we do not want. That strikes me as interesting. It seems as though the process is simply one of grouping things in a chronological order. In the past we have debated metropolitan region scheme amendments. I ask the minister to take on board those suggestions for improving the process in the future.

I would like an answer to my fourth and final point. I note that the revocation order was signed by the Governor on 11 August 2009. Some three months later, on 11 November, the revocation was actually tabled in the house. Why did it take three months from the time it was signed off by the Executive Council for it to come into this house on 11 November? That was, in theory, only one week before the last sitting day. I will probably return to the same theme over the next couple of days, but there is a large amount of legislation coming into this Parliament and I am concerned about that for two reasons. Firstly, I am concerned about the growing use of regulations. Secondly, we are getting all this work at the end of the parliamentary session. There was a day earlier in the year when we did not have any work to do; I do not know whether that was after 11 August, but if this matter had been before the house then, we could have dealt with it three months ago. I would certainly like an explanation for that. Is there a procedural matter that caused it to take so long? If not, we need a better process. I do not think I am the first member to raise this matter; in fact, I suspect Hon Peter Foss would probably give the same speech if he were still sitting in this seat. Last week, legislation was going through the other place before the opposition even had an opportunity to take it to the party room because it had been brought on so late by the government. I am not having a go at the minister, but that displays the government's incompetence in managing its legislation. I do not understand why this could not have been brought on earlier. I ask the minister for an explanation as to why it took from 11 August to 11 November for this motion to be introduced to the house, and perhaps to make some comments about the other points I have raised.

Hon DONNA FARAGHER: I take on board Hon Ken Travers' comments about process. We had a number of discussions about how to deal with the revocation proposal. There have been previous occasions when a motion has been moved and the minister has immediately spoken to it, as I did today. I admit that I also thought it was a strange sort of process. I sought advice, and I think we may have to go back and have a look at how it has been done in the past; it does not happen all that often. The process often starts in the other place rather than in the Legislative Council. I do not disagree with the member; I think that improvements can be made, and that we can learn from this process. It is fair to say that my office made a number of phone calls to make sure that we were doing things correctly, but I take on board what the member has said. I am guided by advice, but it is an unusual situation.

With regard to the time frame, the department has combined all the revocation proposals for the sake of efficiency. There are three motions, but within each of those there are 13 proposals in total.

Hon Ken Travers: Another 11.

Hon DONNA FARAGHER: Yes, in total. They were all combined for the sake of efficiency so that I could move each of the motions at the same time. The department also had to prepare and provide all the necessary documentation for Parliament. I hear what Hon Ken Travers is saying; I suppose they were all brought in for the sake of efficiency, and it is up to the house to deal with them. I take Hon Ken Travers' comments on board. For the remaining three motions I will take some advice from the Clerk as to when we might be able to deal with the speeches relating to them so that the opposition will have some more time to examine them. We will, hopefully, be able to deal with them speedily in the new year.

Hon GIZ WATSON: I realise there is a time frame on the two revocation motions that we are dealing with today, but from the briefing I received, the remainder of the revocations seem pretty non-controversial as they have already been acted upon. They are already roads, road widening and these things.

Hon Ken Travers: I have not googled them, but I suspect the roads are already there.

Hon GIZ WATSON: They are already there, and some have been there for years. For what it is worth, I am happy to put those through before we finish this year, otherwise they will hang around for another several years. I was going to talk about the remaining revocation motions, but I cannot until they are before us. It seems to be a strange way to do business—to approve roads several years after they have come into existence.

Hon DONNA FARAGHER: I thank Hon Giz Watson for her comments. Far be it for me to speak to the Leader of the House about getting all those through. This is the key motion that we wanted to get through. Obviously, the government is seeking to get through a number of pieces of legislation before we rise this year. However, I thank the member for her support in advance of our dealing with them.

Hon SALLY TALBOT: It is good to have this degree of cooperation between all of us. That being the case, I will very quickly ask the minister about revocation of state forests 1 and 4, which I understand I moved in the house in 2007. When we get to those, it would be helpful if the minister could indicate whether there has been any variance between the partial revocations that I moved on behalf of the Labor government and those moved by the minister.

Hon DONNA FARAGHER: There is no difference.

Hon GIZ WATSON: This has been a useful conversation. These categories of legislative changes are generally non-controversial and can be dealt with quite quickly. Rather than dealing with these just before we are rising for the end of the year, we could have dealt with them a month ago and got them out of the way. With the briefing and subsequent conversations, we could almost put these through in 10 minutes. I am suggesting that with motions of this category it is a shame that they bank up and then everybody gets anxious because they come on just before Christmas. As I said to the minister's advisers, if anything is brought on at short notice before Christmas everybody—well, I will, and probably the opposition—will get anxious, because it is an old trick but a good one. The minister might as well have brought these on earlier and they could have gone through pretty smoothly and with not a great deal of debate.

Hon DONNA FARAGHER: It was determined for efficiency that we would wait and introduce all of them at the same time, but I take on board the comments by Hon Giz Watson and I am happy to move individual motions as soon as they come up. I understand that it has been normal practice in the past to wait, but clearly there is a view that we might be able to deal with this differently. I am a very open minister in that regard and happy to look at how we might be able to do that.

Question put and passed.

Report Resolution reported, the report adopted, and a message accordingly sent to the Assembly.