

BIODIVERSITY CONSERVATION BILL 2015

Second Reading

Resumed from 16 August.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.29 pm]: When we left off last night, I had been referring to the material provided by the Environmental Defender’s Office about the excessive ministerial discretion throughout the Biodiversity Conservation Bill 2015. I think I had listed a range of clauses in which that is demonstrated in the bill. The EDO report states that critical matters are committed to a broad discretion vested in the Minister for Environment or the department’s CEO and that with the highly discretionary nature of the powers that are granted, there is a lack of obligation to either undertake or avoid functions and provisions. Coupled with this discretion, the lack of public and parliamentary scrutiny for the majority of the provisions and public involvement in the implementation of the future act is of serious concern. The EDO states that these things, when combined, mean that the bill allows for avoidance of accountability and does not ensure the proactive protection and management of biodiversity through the necessary actions. It states that throughout the bill, critical elements of the process for assessing, listing and managing threatened species and ecological communities are left entirely to non-reviewable acts of discretion. For example, part 2 of the bill deals with the critically important process for listing specially protected species, extinct species, threatened species or ecological communities, threatening processes, critical habitat et cetera. Throughout the provisions of this part, the minister’s exercise of powers is universally framed in terms of “may” rather than “must” or “shall”. For example, clause 37 provides that for any listing decision made under part 2, the minister “may” obtain advice from any person considered by the minister to have expertise relevant to the matter to which the decision relates and provides that the minister is not bound to accept the advice obtained.

I want to turn in particular to the authorisation of taking or disturbing threatened species or ecological communities. The EDO refers to the provisions set out in part 3 of the bill, which provides powers to the minister to allow the taking or disturbance of threatened species and the modification of threatened ecological communities. The EDO report states —

Several provisions in the Bill appear to inappropriately allow the Minister to permit—even authorise—the condition of rare and threatened species/ecological communities to deteriorate and become extinct/collapsed. Such provisions have no place in legislation that seeks to protect such biodiversity assets.

Clauses 40 and 42 of the bill work together to allow the minister to authorise actions that would cause a species to become extinct. How this sits within a piece of legislation that should be about conserving, protecting and improving biodiversity in the state is, frankly, beyond me. Clause 40(1) empowers the minister to authorise any person, including a public authority, to take or disturb a threatened species. Clause 40(3) allows the minister to impose several conditions on authorisation. There are virtually no criteria governing the minister’s wide discretion to authorise such actions, except that clause 41(4) provides that the minister must not impose a condition unless he or she determines that it is necessary to mitigate or offset the impacts likely to occur to the species. If no determination is made, the authorisation cannot be made subject even to the conditions set forth in clause 41(3)—that is, an unconditional authorisation may be given.

Clause 42(1) provides that the minister may give an authorisation under clause 40 that would allow a threatened species to become extinct in the near future, provided that the Governor gives his or her approval. Similarly, clauses 45 and 46 empower and allow authorisation of a threatened ecological community to become collapsed. Approval of the Governor is required for extinction or authorisation of allowing a community to become collapsed. Under clauses 42 and 47, the minister must obtain the approval of the Governor before giving authority for disturbance modification that would allow a threatened species or a threatened ecological community to become eligible for listing as extinct or collapsed. There are no provisions in the bill for public consultation to take place prior to a decision being made by the minister for authorisation to take or modify a threatened species or ecological community or provisions allowing third party appeals. I note that in the debate in the other place, the minister made the point that the process of seeking the Governor’s approval made the exercise of these provisions of the bill public and therefore those people concerned that decisions would be made in secret should not worry about that because they would clearly be made in public as the Governor would make them. I think it is an extraordinary proposition that we want to drag the office of the Governor into a highly contentious public debate. That is not what we should be doing. The notion that we should take comfort in the fact that the Governor has to give, in this case, her approval and that it should satisfy our concerns about the transparency of this decision-making is a real worry.

I want to touch briefly on the issue of sandalwood, because it is an issue that members of this house have expressed concern about and, indeed, has been the subject of work done by a parliamentary committee. The

EDO's take on this is that, under the bill before the house now, no explicit principles or requirements are outlined for sandalwood management that would meet either national or international standards, but the long title of the bill states that it is an act to provide for the conservation and protection of biodiversity and biodiversity components in Western Australia, and the ecologically sustainable use of biodiversity components in Western Australia, and the repeal of the Wildlife Conservation Act 1950 and the Sandalwood Act 1929. The Sandalwood Act will be repealed, and to the extent that any provisions relate to the protection of sandalwood, they are supposedly in this bill. I invite the minister representing the Minister for Environment to tell me whether I have got that fundamentally wrong. The fact that no explicit principles or requirements are outlined in this bill for sandalwood management that would meet national or international standards and that this bill will repeal the only protection there is for sandalwood—that is, the 1929 act—is of concern.

On the sandalwood provisions, according to the EDO, the shortcomings of this bill relate to openness and accountability, including a lack of scrutiny of ministerial decision-making, especially in setting and repealing harvesting quotas; criteria for determining harvest levels; requirement for scientific advice and research underpinning decision-making and implementation; requirement for a sandalwood management plan and discretionary powers of the CEO in determining whether to develop a biodiversity conservation program and undertake a review; accountability of the CEO in implementing provisions relating to monitoring sandalwood harvesting; public reporting on harvesting of sandalwood and provision of appropriate information and research in relation to its ecological state and sustainable levels; and criteria for planning and determining management effectiveness. Under this bill, no provisions or responsibilities are assigned to either the minister or the CEO to determine and monitor the ecological state of sandalwood and establish rigorously sustainable and scientifically defensible harvest rates, taking into account such things as illegal sandalwood harvesting. I would welcome advice from the minister on how those concerns sit with the views of the committee that did the investigative work into the precarious nature of our sandalwood industry.

I want to briefly touch on the work done by the Leeuwin Group. I know that it has been referred to by Hon Lynn MacLaren and certainly by Hon Adele Farina. This is a group of eminent scientists who have come together to make comment from time to time on matters scientific. It is not a group related only to environmental science. It includes people such as Professor Fiona Stanley and a range of others. It is about the integrity of science, not about environmental science in particular. The point the Leeuwin Group makes is that the Biodiversity Conservation Bill 2016 contains some major improvements compared with those in the Wildlife Conservation Act 1950. It provides an explicit objects clause following current best practice and binds the Crown; whereas the Wildlife Conservation Act binds the Crown in relation only to threatened flora. It is acknowledged that this extended provision is included in the bill. However, this provision is weakened by the provision that the Crown and its employees cannot be prosecuted. This is the second time in a very short period that a bill has come before the house that contains issues about the extent to which the Crown can be held to account and the extent to which we can enforce the binding provisions.

Impacts on biodiversity caused by unlawful acts do not differ between public and private actions. The Leeuwin Group argues that this legislation must reflect this reality. The group makes a range of recommendations, which I think Hon Adele Farina went through. Along with the Environmental Defender's Office, a range of other organisations representative of the conservation movement are calling on Parliament not to pass this bill unless very significant amendments are made. The opposition's position is that when we eventually get to vote on the second reading, we will support the second reading of the bill, but in committee will seek to move the amendments that anyone who knows anything about this area says are needed to improve the legislation. However, if we are not successful, we will not vote for the bill at its third reading. However, before we get to that point, I think a case has been made that further scrutiny of this bill is required, given the lack of consultation and the serious and contentious issues raised by many eminent people about the flaws in this bill and the very wideranging discretionary powers that the bill gives the Minister for Environment. That is why I will move a referral motion and I look forward to getting support for that from across the house.

Referral to Standing Committee on Environment and Public Affairs — Motion

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [5.42 pm] — without notice:
I move —

That the Biodiversity Conservation Bill 2015 be discharged and referred to the Standing Committee on Environment and Public Affairs for consideration and report by no later than Friday, 4 November 2016.

The ACTING PRESIDENT (Hon Simon O'Brien): The question before the house is —

That —

- (1) The Biodiversity Conservation Bill 2015 be discharged and referred to the Standing Committee on Environment and Public Affairs for consideration and report by no later than Friday, 4 November 2016.
- (2) The committee has the power to inquire into and report on the policy of the bill.

HON DONNA FARAGHER (East Metropolitan — Minister for Planning) [5.43 pm]: I am happy to speak about the motion now before the house but I will obviously speak at the summing-up of the second reading.

Hon Sue Ellery: If the minister speaks now on the referral, she will not be closing the debate on the referral because other members want to speak on it.

The ACTING PRESIDENT (Hon Simon O'Brien): The question before the house is the motion that has just been moved by Hon Sue Ellery. In that sense the minister has ownership of that. The only person to close the debate by then speaking on it will be Hon Sue Ellery. However, that will not happen because it is procedural and she will not have a right of reply, so that is fairly covered!

I have one point of advice because an issue is hanging in the air for certain members. The question before us is the motion for referral just moved by Hon Sue Ellery. We will resolve that question and, depending on that outcome, at some other time we will return one way or another to the second reading debate. No-one prejudices their opportunity to speak on the second reading debate by speaking on this referral motion now. To clarify the wording of the motion updated from an earlier copy, it reads —

That the Biodiversity Conservation Bill 2015 be discharged and referred to the Standing Committee on Environment and Public Affairs for consideration and report by no later than Friday, 4 November 2016.

The part about inquiring into the policy of the bill is now not part of the motion. To put it beyond doubt, an earlier motion without notice was circulated in a written form. That has now been supplanted by the motion just moved by Hon Sue Ellery. Although there is a change in the wording, obviously, if we decide to do that before the second reading is passed, the policy of the bill is referred to the committee.

Hon DONNA FARAGHER: I will confine my comments to the motion before us and make further comments at the end of the second reading debate in response to a number of matters raised by other members. I will be brief on this matter. The government will not support referral of the bill to the Standing Committee on Environment and Public Affairs for consideration and report by 4 November.

The simple fact is the notion of a Biodiversity Conservation Bill has been talked about for many, many years dating back—as has been said by other members in this place—to 1992, if not before. Consultation papers, discussions and briefings have occurred since that time, yet a bill has not been introduced into this Parliament until now. The Minister for Environment has reconfirmed for me that all the consultations on previous iterations and consultation papers, briefings and concepts have informed the bill before us now. There are but 10 weeks before the end of the parliamentary year. The government believes that by delaying this again we will miss an opportunity to reform legislation in this critical area. As I have said, this has been talked about for many, many years. Issues have been raised throughout this process, and I am sure there will be plenty of opportunity for members to raise their concerns through the committee of the whole stage. I understand from the minister that in the other place he offered for the opposition to take the bill to committee, which is not usual, but that offer was not taken up by the opposition.

Hon Sue Ellery: That is very different.

Hon DONNA FARAGHER: I appreciate that we are in our house and they are in their house, but for the record I am just letting people know, as I understand it, that that had been put to the shadow Minister for Environment. Having said that, there is now a clear opportunity to replace what is archaic, defective legislation that needs to be replaced. I will keep my comments to the motion before us. We believe that the consultation, briefings and all the discussions that have been had since 1992 and throughout that time have helped to inform the development of this bill, and for those reasons we will not support this motion.

HON SALLY TALBOT (South West) [5.50 pm]: This is an unusual sequence for a debate of this kind because we are in a rather unusual position. As Hon Sue Ellery outlined towards the end of her contribution to the debate, the Labor opposition is willing to support the bill if a number of amendments moved in this place by Hon Adele Farina are accepted by the government. Those amendments are on the notice paper. We would normally proceed to a stage at which we could at least begin to flag those amendments, and then we could talk about whether they were going to be accepted. I am a little unsure. I guess I could read the tea leaves. I have a fair idea of the way we are proceeding, because I have been following the debate in the other place. I am thinking that the government is not inclined to accept those amendments. We are being forced into a position in which we are in a sense being asked to treat this bill almost as a matter of urgency, with the government flagging its position that it is not prepared to accommodate any of the opposition's amendments, when the circumstances

of the debate on this bill seem to me to fail spectacularly to meet all the requirements for that kind of urgency provision.

I know that this particular moment in the debate has a very narrow term of relevance, so I am talking specifically about Hon Sue Ellery's motion to discharge the bill and refer it to committee. I would have thought to do things in this order, we would have had to be persuaded by the government that there was perhaps some sort of major financial consideration, as there has been in relation to other bills we have considered in this context. I remember some years ago we were talking about a bill that involved the government paying millions of dollars in compensation to people on the Burrup Peninsula in connection with some artefacts there if the bill did not go through. Of course, the opposition's viewpoint is that we are open to those arguments and discussions and accommodations to protect the interests of the state. I suggest that Hon Donna Faragher has used the wrong argument to establish the government's opposition to the referral of this bill to a committee.

Hon Donna Faragher interjected.

Hon SALLY TALBOT: I am engaging in an interesting point here. The government's argument is that this matter has been around for around 25 years and we have got to the stage now that it is so urgent that we cannot even discuss sending it to a committee. It does not make sense. If it has been around for 25 years —

Hon Robyn McSweeney: It's time to act.

Hon SALLY TALBOT: Of course it is time to act. But in that time frame, we are now in the middle of August, Hon Sue Ellery's proposal is for an inquiry in September and October—that is, an eight-week inquiry.

Hon Robyn McSweeney: After 20 years—come on!

Hon SALLY TALBOT: An eight-week inquiry after 24 years is not going to be the difference between a successful outcome and a compromised outcome. Were that the case, the government would be arguing that there was some financial penalty or legal provision that had to be —

Hon Robyn McSweeney: I think she is trying to gild the lily.

Hon SALLY TALBOT: There are no lilies to be gilded. There will not be any lilies in the state if the government passes this bill, because all the lilies will be declared extinct. Obviously, Hon Robyn McSweeney has been rostered on to sit in the chamber for the death-seat hour before we get up.

Hon Adele Farina: She is disappointed it is not going to the legislation committee.

Hon SALLY TALBOT: I think she probably is; I think that is what has upset her.

Hon Helen Morton interjected.

Hon SALLY TALBOT: I am watching what the government does. We are here because we are all engaged.

Hon Helen Morton: How embarrassing if you have to do that.

Hon SALLY TALBOT: No, of course we do not, but the government does. The government Whip has been caught out a number of times.

The ACTING PRESIDENT (Hon Brian Ellis): Order, members!

Hon SALLY TALBOT: The government Whip has been out hanging on to the boom gate in the car park to stop members going out at this time, because he knows —

Hon Helen Morton: I had to help you in the other day.

Hon SALLY TALBOT: Yes, the member did. I am very appreciative for that. When my swipe card would not work, Hon Helen Morton was so keen for me to get in here and make this speech that she removed herself from her car, in the rain, to make sure that that I could be here to make my contribution to this debate.

The ACTING PRESIDENT: Order! The question is that the motion be agree to.

Hon SALLY TALBOT: Like Hon Robyn McSweeney, I am little disappointed that we have changed the referral motions so that this bill will not be going to our committee; it will be going to the Standing Committee on Environment and Public Affairs. I see the member is sitting next to the chair of that committee, who is looking very excited by that proposition. Seriously, there is no merit to the proposition that after 24 years or 25 years that a few weeks' delay to get this right will be a matter of any real substance.

The other reason we are a little out of sync on the progress of the debate through this place is that we have had several bills come through this place that the opposition is clearly opposing and we have gone to considerable lengths to put our position on the record to explain why we are opposing the bills. The most recent one is the repeal of the genetically modified restrictions legislation, but there have been several over the last couple of years. We often get to this stage after a very lengthy second reading debate, but that is not the case today. We

started debating this bill only yesterday and we have only had, I think, three speakers before the motion to refer to a committee. I have not spoken on the second reading debate.

Hon Peter Collier interjected.

Hon SALLY TALBOT: I am sorry, Hon Peter Collier.

Hon Peter Collier: These ridiculous referral motions are an absolute waste of time.

Hon SALLY TALBOT: That is the point I am making, Hon Peter Collier. We are moving this referral motion early, because we are aware that things have to be wrapped up by the end of November. We want to get the legislation right and back into the house.

Hon Peter Collier: So you waste four or five hours on a referral motion.

Hon SALLY TALBOT: No, not at all. Hon Peter Collier, I have been speaking for less than 10 minutes so far and I have not got very much more to say.

Several members interjected.

The ACTING PRESIDENT: Order, members! Hon Sally Talbot has the call, but I will point out standing order 47 that we must get back to the point of the debate, which is the motion that states that the Biodiversity Conservation Bill 2015 be discharged and referred to the Standing Committee on Environment and Public Affairs for consideration and to report by not later than Friday, 4 November 2016.

Hon SALLY TALBOT: This is not an attempt to prolong the debate. We have moved the referral motion relatively early in proceedings because we want to get on with this and we want to offer the government a way to facilitate the process, which is clearly, in my view, to refer the bill to committee and let the committee do its work, come back and then take it through the house on the basis of the committee report. That is the implicit undertaking the Leader of the Opposition is giving the house so that we can get to the end of November with this bill passed. I guarantee members that it will be a better bill if it goes to either the Standing Committee on Legislation or the Standing Committee on Environment and Public Affairs, because the record of those two committees is that they produce better legislation.

I have not already spoken in the second reading debate on the Biodiversity Conservation Bill 2015—I may not end up speaking in that debate because the opposition does not want this to be a protracted process—but I am going to confine my comments and will not speak on the substance of the bill. I will be speaking only about why my reading of the bill and the explanatory memorandum has suggested to me that the bill should be referred without further debate in the second reading. In that sense this is a timely referral.

In passing, I will refer to a matter I have raised several times in this house. I believe very strongly that we would work better if we had some kind of legislation management group that looked at bills and suggested that complicated and controversial bills such as this should go through the committee process before they came to this place for a second reading debate. I think that would streamline many of our processes and result in better legislation. It would result in a more productive use of the house's time. I know that subject was discussed in some detail when Hon Giz Watson managed the affairs of her party, and there are still many members in the chamber on both sides, from all parties, who believe that that would ultimately benefit the work of this place. Hon Sue Ellery has indicated she is in that camp. We can only hope that after March next year, when she is the Leader of the House, we will have a more efficient use of government time. I feel quite certain that that will be the case.

We are not trying to hold up the bill. It has been a long time coming. An enormous amount of work has been done. I fully acknowledge that consultation on this issue has been extensive over 24 years. That is not to say that I have reservations about the consultation on this specific bill, and I will come to that point in a minute. That is clear from the debate so far. As is quite proper, I do not have undue regard to what happened in the other place because it has its processes, but I am more interested in what happens in this place. I have listened to Hon Lynn MacLaren and Hon Adele Farina, who led the debate for the Greens and the Labor opposition respectively, and Hon Sue Ellery who again made a substantial contribution. As Leader of the Opposition she has unlimited speaking time. That debate has convinced me beyond a shadow of a doubt that this bill is both complex and controversial. I will outline some of the specific points of controversy in a moment, but when we consider legislation of this kind the problems can essentially boil down to drafting. The reality is that the drafters do not always get it right. In fact, if I had more time I would be interested in looking at the specific occasions the drafters have got it wrong. Council staff have laminated an article, and they have laid it out on the coffee tables in the members' lounge, which puts forward a conclusive argument about why upper houses are needed. We need upper houses partly because drafters often get it wrong.

It may be that when this bill goes to a committee, the process can be even more straightforward than it is in some other cases. It may be that once we start to examine this at the level of a committee inquiry we are looking at

some drafting errors or lack of clarity in the drafting that can be ironed out fairly quickly. I do not think, and it has certainly not been my experience in 11 and a bit years, that we get down to that level of detail when examining bills in the Committee of the Whole House, but it certainly can be done efficiently and effectively in select committees.

Apart from the complexity of the bill, I also make a point about the controversial nature of it. This is particularly interesting. Having been shadow environment minister for about four and a half years, I have a fair idea about the hurdles that one must jump. What do we do with hurdles? We must get over them without knocking them down. We have to be careful about the hurdles set in our way when dealing with myriad stakeholders in this portfolio. Hon Donna Faragher is looking at me and remembering very fondly her time in the portfolio because she knows exactly what I am talking about. It is not an easy job because a variety of interests must be considered and many of those interests are competing.

Hon Donna Faragher: I agree with you on that. It is not often I agree with you, but I will agree on that one.

Hon SALLY TALBOT: It is fair to say that the environment portfolio is a very complex stakeholder minefield, but the problem is the government seems to have effectively put all of them offside. I ask whether that is really a sensible thing to do. It may be that a person has a particular political or ideological mindset that says that they do not particularly care about that and they might find that their interests are antithetical to the interests of the environmental stakeholders that they think it does not matter if they are offside. However, I was making the point that those interests are extremely diverse. On some matters we might be talking to people who are chaining themselves to trees or sitting up in trees, talking to people camped outside mine sites—real grassroots activists who have a pretty black and white view about the way the world operates. However, on the same subject, in the same hour, we can be dealing with people who are world-renowned and world-acknowledged experts in a particularly complicated area of ecology, biodiversity or environmental management. It is sometimes the case that we upset the people who are chaining themselves to trees because we are trying to implement something that has been recommended by experts, and vice versa. However, in this case everybody is upset; everybody in the environment stakeholder stable is saying that the government has got it wrong. That suggests to me that we have a problem of some kind.

Until a few minutes ago, I thought that I might be a member of the committee that would examine this bill and that I would need to keep an open mind about what the outcome might be. As I say, when the bill goes to committee we might find drafting errors and we might find that what the stakeholders are calling the God clause can be easily resolved. What do you do when you dismantle a God clause? I do not think we need to get into that; it is a bit theological for this stage of the week's proceedings. It may be that we can clear that up by fixing some of the terminology. It may be that we need more substantial amendments. However, we will not know that until we actually talk to the people who have raised objections. As I say, the people who have raised objections range from what one might colloquially call the dark greens to renowned academics like Professor John Bailey. I think Professor John Bailey might like to be called a dark green, but I am just making that contrast to point out how diverse the objections to this bill have turned out to be. It is offensive to a great many people.

Surely, one of the fundamental insights that we arrive at after a few years of being a member of this place is that one of the most important things we are able to offer our constituency, whether that constituency comprises local residents or major stakeholders in a portfolio area, is to listen to them, to give them a voice and to give them a sense that even if we end up disagreeing with them, they have at least been able to have their say and/or their voices heard. I put it to honourable members that that applies as equally to the person who is trying to get a crosswalk outside the school playground as to John Bailey who is saying to rewrite the God clause. People need to feel that they have been able to have their say and that they have been heard. In this case that is clearly not so; it clearly has not happened. People such as Hon Donna Faragher and I, having handled the portfolio, have more than an average understanding about what this portfolio comprises and for all that we hear about there having been extensive consultation going back for 24 years, every single stakeholder is telling us that they were not asked for their opinion on the specific clauses of this bill until the bill reached the Parliament of Western Australia.

Hon Adele Farina interjected.

Hon SALLY TALBOT: I think they were just offered it by way of being requested to provide commentary, perhaps, but they were certainly not asked for their input in drafting the clauses. That is a fundamental question about whether that happened or did not happen. We are not talking about being able to appease people by saying to someone, "In 2002 you were in a meeting in the office of Hon Judy Edwards"—whom it would have been in those days—"when you put forward your views about the definition of 'conservation' or rare species that live underground that have only been seen by 2.5 people in 100 years." It is not good enough to say to people, "You told us what you thought in 2002", when in 2016 the government walks in here with a bill that nobody has ever seen before that does not include many other points those people might well have raised in 2002. The minister did not have access to that conversation; he did not hear any of the nuances that were almost certainly raised. The government is trying to say to all these people, "You had your go. Now it is our turn. We are the

government. We are just going to march in here and this is what we want and this is what we get.” That has offended a great many people. The Liberal–National government may not become the Liberal–National opposition. There might be all sorts of different parties. It might end up being like New Zealand where there are 17 different parties all with a different name. Whatever the Liberal–National government ends up being after 11 March, it will still want to maintain its relationships with these people. I can tell the government that those people are very mightily upset by what it has done. I say to government members again: discharge this bill and let it go to a committee. Whether it is the committee chaired by Hon Robyn McSweeney or Hon Simon O’Brien, I can absolutely guarantee that those chairs will call in all those people who are unhappy and let them have their say, listen to their point of view and perhaps —

Hon Simon O’Brien: I’ll tell you what we’ll do, we’ll give them more than the seven days your lot gave them when you were doing your phony consultation.

Hon SALLY TALBOT: I think there will be plenty of opportunity for Hon Simon O’Brien to speak in support of the motion. He can outline exactly how he proposes to do it. I can absolutely feel —

Hon Simon O’Brien: When are we going to get a chance? You are obviously wasting time willy-nilly.

Several members interjected.

The ACTING PRESIDENT: Order!

Hon SALLY TALBOT: I am always very, very happy when Hon Simon O’Brien is here when I am speaking because he is an immense help, I can tell him. I am looking forward to hearing the way that Hon Simon O’Brien proposes to conduct the inquiry. I think that is very important. My reading of the numbers in here is that we only need an extra one or two members.

Hon Simon O’Brien: You can’t count very well, can you?

Hon SALLY TALBOT: I think I can in this particular case.

Referring the bill to a committee opens up possibilities for consultation. Obviously, we have had inquiries. I spoke earlier today on the inquiry conducted by the Joint Standing Committee on the Commissioner for Children and Young People, which took a couple of years, as Hon Robyn McSweeney knows because she is the deputy chair of that committee. This will obviously not be an inquiry of that dimension; nevertheless, committees can work extremely effectively over short periods and produce very good results. I am suggesting that we should refer the bill because surprising things happen when bills are referred to committees. We have had a number of examples in this Parliament, in the thirty-ninth Parliament, probably the most notable of which was the Standing Committee on Public Administration inquiry into recreational hunting in national parks, which came down with a majority report and a minority report. The government adopted the minority report and we now have settled that issue. What I am saying is that surprising things happen when matters are referred to committees—outcomes that I think have almost always been better than what was being proposed originally. What might we get from a consideration of this bill by the Standing Committee on Environment and Public Affairs? We might get support for the current bill. We might get that, but if we are sitting here after 4 November with a majority committee report that says to pass the bill in its current form, it would add enormously to the weight of the government’s argument. It is just an indisputable fact that any minister, any member of the government parties, whether it be the Liberal Party or the National Party, who can stand up in support of the bill waving a substantial committee report that recommends that it be passed in its current form will have a good, strong argument. I think that is indisputable. If the committee does not recommend support for the current bill, we will certainly—I would like to hear somebody dispute this—end up with a better bill as a result of it going to a committee. We are not going to end up with anything worse, we might end up with the same thing and if not, we will end up with something better.

There is a precedent for referring this kind of legislation and it goes to the process that I flagged at the beginning of my remarks and that Hon Sue Ellery was supporting by her gestures; that is, if we had some kind of legislation management group, things could be handled more efficiently. Labor put this into practice during our years in government with the Environmental Protection Act, which was read into this place and immediately referred to the Standing Committee on Legislation. I think maybe Hon Adele Farina was a member of that committee at that stage. I know she was at one stage during that thirty-sixth Parliament. Certainly, the Standing Committee on Legislation in the thirty-sixth Parliament did an extensive review of the Environmental Protection Act and came back to the house with amendments that I believe—from memory, although I was not a member of this place at the time—were couched in statutory form, which could then simply be transferred onto a supplementary notice paper. We ended up with a very time-efficient debate in this place on a bill that was even longer than the bill we are considering today. It makes sense on all those criteria to refer the bill at this stage.

In closing, let me refer to the extent of the disagreement that has become evident just in the three speakers we have had so far. I was listening very closely to the interjections by Hon Donna Faragher. We on this side of the house were talking about sanctioning the extinction of species, to which the government's response by interjection was, "You cannot say that; that is over the top." I think that is the expression Hon Donna Faragher used; she was saying that was over the top. We have a very clear claim —

Hon Donna Faragher: I think you're actually verballing me. I was actually referring to the notion of what was being put that we were just going to go and do something without even any thought of taking it to a scientific committee or obtaining scientific thought about it at all. That is what I was actually referring to. What was being put forward was in fact that the minister would just wake up one morning, have his Weeties and make a decision. I mean, that is effectively the way it was coming across and that is what I meant.

Hon SALLY TALBOT: Hon Donna Faragher may well be right that that was also referred to and I think she was indicating that that was something Hon Adele Farina had said. I actually made my note when Hon Lynn MacLaren was speaking. She did say "sanctioning the extinction of species" and that was when Hon Donna Faragher interjected that that was over the top.

Hon Donna Faragher interjected.

Hon SALLY TALBOT: I am really just painting a general picture about the way the debate was going. We say that the Liberal–National government has not consulted with stakeholders and the government says it has.

Debate adjourned, pursuant to standing orders.

House adjourned at 6.20 pm
