

STATE FORESTS 7, 14, 20 AND 56

Partial Revocation of Dedication — Motion

Resumed from 25 September on the following motion moved by Mr A.P. Jacob (Minister for Environment) —

That the proposal for the partial revocation of state forests 7, 14, 20 and 56, laid on the table of the Legislative Assembly on Tuesday, 24 September 2013, by command of His Excellency the Governor, be carried out.

MR C.J. TALLENTIRE (Gosnells) [10.19 am]: I rise to speak to this partial revocation of state forests 7, 14, 20 and 56. First and foremost, the process for partial revocation needs to be questioned, particularly the revocation of a portion of state forest 7. Members may note that the area involved is somewhere between nine and 20 hectares. I say “somewhere between”, and I will detail why I say there is a range there and why I really cannot be too specific about this matter.

This proposed excision was originally mentioned back in 2002. Members who have gone along Mundaring Weir Road in the past few years may have seen the development of this site that I see not infrequently when I cycle along there. Members who pass by it would be struck by the enormous size of construction work going on there; it is a massive project. Of course it is a necessary project; it is a water treatment plant that will improve or make potable water that is then sent out to the goldfields, to the agricultural water supply area and to some eastern metropolitan suburbs. It therefore has an enormous capacity and is a very impressive piece of infrastructure. I do not have a dollar figure for how much money has gone into it. I gather that it is a very expensive piece of infrastructure to build and I imagine it will be fit for service for many years. I therefore find it absolutely extraordinary that now in 2013, indeed in September 2013 after the plant is practically completed—I do not know how many weeks or months away from operation the plant is—the government is now asking for excision of the land and the handing of freehold title of the land to the Water Corporation. I find it extraordinary that we have had to wait from when the project was first talked about in 2002 until now for this excision to take place. I think this is an indication of poor process.

We have also seen this happen with other projects of the Barnett government. The James Price Point development—admittedly not in the environment portfolio but in the lands portfolio—had problems with the transfer of title and the procedures used for excision of land. This government is lax when it comes to the transfer of title. There may be legitimate reasons for the title transfer. I would say that there are perfectly legitimate reasons for the title transfer to take place for this water treatment plant. The problem is that it is happening without the correct process. That to me says that this government treats with laxness the important issue of land ownership. Members opposite like to talk about their strong commitment to property rights, but here we are seeing people in government agencies not fulfilling their responsibilities in a timely fashion.

I want to refer to a 2002 Environmental Protection Authority bulletin, which is the first documented piece of evidence I have on the excision. The EPA bulletin of 2002—almost 11 years ago—makes it clear that the excision is to take place. I will quote from EPA bulletin 1072 of October 2002, titled “Mundaring Water Treatment Plant and Sawyers Valley Water Storage Tanks”, which on page 10 states —

The proponent is seeking to excise the land (approx 20.6 ha) from the Water Reserve and the State Forest.

Elsewhere in the document are similar references to this excision. Another one is contained in the ministerial conditions. Obviously the current Minister for Environment was not the minister at the time. However, ministerial conditions were placed on this project and those conditions clearly state —

The proponent is seeking to excise the land from the Water Reserve and the State Forest and to acquire freehold title to the land in due course.

Of course “in due course” leaves it quite open on when that might occur. However, I think it is reasonable to expect that the excision would occur before the completion of the construction of a major piece of infrastructure on the site. It seems as though it is something that has been forgotten about. It is as though those who have been managing this project have been so focused on developing the project that they totally forgot about land tenure—the title applicable to the site. Now, in September 2013, this motion has come to the house.

I listened to the minister’s words when I heard him give notice of this motion earlier this week. If one had not listened carefully, one could have had the impression that the excision was happening in the context of a project about to be built. Instead, those of us who have real site knowledge of this area find that the project is almost completed. That raises some real concerns about the lightness with which this government treats the transfer of title. It also indicates some other concerns. What else went on here? Which other ministerial conditions associated with this site and the excision from state forest were committed to and have been forgotten about?

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The engineering companies, the construction firms and indeed the Water Corporation no doubt have been very focused on building this plant to a budget and to a deadline. I wonder whether they have been focused on other aspects of this project. I am referring to issues on the proposed offset package when the excision was first talked about. The offset package was to offset environmental loss to the state that would occur by excising a portion of land out of state forest 7. From my reading of it, the offset package has some merit. It may well be an offset package of a higher standard than that which the minister is insisting be applied to various proposals he is currently considering. I will read a brief summary of the purpose of the environmental offset package. It is again contained in the ministerial conditions and states —

To acquire land for salinity mitigation, provision of funding to establish a Biodiversity Trust and additional funding of the Cockatoo Care Program.

That was a commitment made back in 2002 and only now the excision is taking place. Where has this offset package gone? I am aware of the Water Corporation's cockatoo care program. That program may have come to an end, but certainly the Water Corporation was very active with that program during the time of the Gallop and Carpenter governments. Some excellent research work was done on the distribution of the two white-tailed black cockatoos, the Baudin's black cockatoo and the Carnaby's cockatoo, which are unique to this part of the world but are suffering because of a loss of habitat. The Water Corporation recognised that some of its works unfortunately required the destruction of black cockatoo habitat. Given the destruction of some state forest area for this particular project, it made a commitment for extra funding for the cockatoo care program. I am not sure that that transfer has taken place. My doubts are increased because of the shoddy handling of this excision process. It is incumbent on the government to assure us that all the commitments that were previously made around this project are being delivered on, not like this very important matter of excision which was forgotten about for so long and which we are now being asked to tick off on as though it were simply some sort of administrative arrangement. I do not think that is right.

I want to go a bit further into the issue of the offset package. I note that this package was proposed in 2002, when there was a lot more discussion about salinity problems. The offset package indicates that the aim is to acquire land for salinity mitigation. It seems that in recent times salinity problems in the catchments and also in the wheatbelt do not get talked about as often as they should as pressing issues on which we need to focus and to which the Minister for Environment needs to put his mind to ensure that the resources of government are in place and can solve the problems. Unfortunately, we have seen the disbandment of bodies such as the state Salinity Council. That body was created by Hon Hendy Cowan when he was Deputy Premier and he chaired it. No longer do we have the state Salinity Council. We have the Natural Resource Management Council, but I do not hear as much about that body as I once did. There has been a general eroding of government support for these important areas of responsibility. That is very sad. It is all very convenient if, perhaps, the media interest is not there. It is easy to let these things slide, and then special recognition can be sought from the Treasurer so that funding can be reduced in that area and the Swan River Trust can be merged with the Department of Parks and Wildlife, as we heard in Parliament today. The Swan River Trust is a vital asset for many Western Australians, especially those in the Perth metropolitan area. It recognises the fragility of that wonderful environmental asset, the Swan and Canning river system, and the fact that it is vulnerable to algal blooms because of the amount of nutrients that go into the rivers. There are problems with the management of the system that certainly justify the attention of a dedicated agency with aquatic science and marketing capability and the capacity to marshal volunteers, river guardians and the like who dedicate their time to contribute to the management of the Swan and Canning river system.

Mr A.P. Jacob interjected.

Mr C.J. TALLENTIRE: I hear the minister interjecting to say that he thinks that we will get a similar volunteer effort with the merging of the Swan River Trust and the Department of Parks and Wildlife.

Mr A.P. Jacob: A larger volunteer effort and a more dedicated conservation agency. Yes, that is the intent—one single dedicated conservation agency.

Mr C.J. TALLENTIRE: The minister will be aware that there are people at the Swan River Trust who have specific aquatic science capability. They are scientists who understand river ecology and they are specialists in that area. The minister wants them to be merged into a bigger department and he thinks that the same priority will be there. The minister thinks that the people who deal with matters or problems concerning the Swan River, such as erosion of the river foreshore, will be able to phone the Department of Parks and Wildlife in the same way that they have been able to contact the Swan River Trust.

Point of Order

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Mr A.P. JACOB: I am only too happy to have a debate on this, and I am sure that the opportunity will come, but I have allowed the debate to be very wide ranging before I have raised the point of order. Let us come back to the motion before us on the partial revocation, under standing order 97.

Dr A.D. Buti: You're the one who interjected!

Mrs M.H. ROBERTS: Further to that point of order, the minister himself interjected on the member for Gosnells and the member for Gosnells merely responded to that. That is what is usually expected in this place by way of debate.

The ACTING SPEAKER (Ms L.L. Baker): Members! You are quite right. It is not a point of order. Member, would you please be relevant to the motion in front of us.

Debate Resumed

Mr C.J. TALLENTIRE: I certainly will return to the issue of the excision. It has been a botched process around this excision, similar to that for the excision of land that the Minister for Lands oversaw. He said during the estimates hearing that the excision of land process that he oversaw was not his finest hour. When he was asked during the estimates hearing about the land acquisition bungles associated with the Browse land acquisition process and the incorrect lodging of notices of intention, he said —

It was not one of my finest hours as lands minister. For the information of other members, when lodging a notice of intention to take with the National Native Tribunal, there is a requirement to advise different parties and there are some time frames on that notification. Our processes probably were not strong enough to ensure that that was happening.

I think we have a similar botched process going on here. How can many millions of dollars be invested in a site for the construction of important plant such as a water treatment plant, yet the government waits until the plant is at least three-quarters completed before excising that land from state forest? There is no way it could be argued that a water treatment plant is compatible with whatever the land use definition might be for state forest. There is no question about that. There is a serious botched process here. This government is proving that it treats these things lightly, and that is unacceptable. How can we have confidence in land management in this state if the government does not take these things seriously? How can we have confidence in effective delivery of the other commitments that were made around this project?

I was talking about the offsets package. I would also like to talk about the need for that offsets package. This excision of land from state forest 7 probably represents yet another cut to state forest 7. It occupies much of our peri-urban environment. I know that the member for Swan Hills and the Minister for Planning would have portions of state forest 7 in their electorates. Those members will be well aware that this state forest, which adjoins the metropolitan area and urban development, is very vulnerable to a host of problems in the Darling Range. That is why I think the excision process needed to work through some of those issues so that we could begin to develop a template for others who are looking to excise land from state forest, especially state forest 7.

Let us look at some of the problems that these state forests—that peri-urban environment—are facing. One of the major things is the fragmentation that occurs. As residential properties move further eastwards into the hills and as subdivisions go in, we see the fragmentation of existing pockets of bushland. What comes with that fragmentation? Obviously, the road infrastructure goes in there. Then there is the construction of additional firebreaks and the use of those firebreaks. There are problems with the uncontrolled use of trail bikes in state forests. There is the development of other tracks. There are problems with weeds and there are altered fire regimes. A succession of events leads to a general decline in the health of that forest ecology.

State forest 7 has certainly been subject to human impact over the years because of its proximity to Perth and residential development. It is a state forest area that is very vulnerable to things that result in it experiencing a high fire frequency. One of the causes of that is the number of weeds getting into that state forest. When we remove leaf litter that can suppress weed growth, we leave the area open to wild oats and other introduced grasses getting into the state forest environment. It is then a very flammable environment that needs additional fire control. We get in to this vicious cycle of a more fire prone environment, and that comes about through inappropriate land management.

The administrative legal side of this excision process has been botched, and this has exposed the issue of how we manage the state forest. An offsets package for the excision that is quite focused on the salinity mitigation issue has been mentioned. With the benefit of time—about 11 years have passed since this excision was first talked about—I believe that we could have looked at the option of ensuring that the excision offsets package dealt with the issue of managing fire-prone environments and weed control, so that we did not have this accelerated fire proneness in that forest area. The whole issue of weeds, fragmentation and vegetation loss comes together.

I recognise that the key proponent in this, the Water Corporation, does very good environmental work; it leads the way. Back in 2002, it saw that the leading way was around the cockatoo care program, and it was committed to funding that as well as some salinity mitigation programs. But now, in 2013, things have moved on. The proneness of that environment to fire and what have you has increased, so I think the time may have come for that offsets package to be broadened to include other things. However, I am not sure whether the original offsets package was ever delivered. Given that the whole process around the land transfer has been so botched and that now the Water Corporation is asking for the freehold title, it is unclear to me what was delivered and what could be delivered. That is why I raise these other issues that could be worked on.

When it comes to the fragmentation that occurs when we have these excisions, we could say that it is death by a thousand cuts as we keep chipping away at areas of bushland, increasing the edge effect. Ecologists have done a lot of work on the edge effect that occurs when we cut areas and increase the exposure of an area of native bushland or native forest to more and more threats from outside. I have talked about the weeds and the risks and the fire proneness that occurs.

The other area that I want to highlight is that as soon as there is proximity to the urban environment, there is the problem with feral animals. Certainly, this was talked about a lot yesterday regarding wild dogs in the Murchison area. I note that people who were involved in the various talkback discussions yesterday said that it would be only a matter of time before there would be wild dogs in areas such as state forest 7. Perhaps this is another clue to the sorts of things we should look at in the offsets package for this excision. We should perhaps be looking at wild dog control. We already know that we have fox problems and cat problems in the area. We now have legislation to deal with domestic cats, so it will be that much easier, I suppose, to deal with problems with feral cats and to recognise the damage that they do to the natural environment. We should also recognise that there is a very interesting linkage. I know that the former member for Kalgoorlie, John Bowler, used to talk about this issue; that is, once animals such as cats are in the woodland environment, there is a decline in a number of other animals such as woylies. The woylie, which is a small marsupial similar to a kangaroo, is brilliant at digging leaf litter into the soil, thereby reducing the volume of material that might be prone to fire. It could be said that with the introduction of the cat and the fox, we altered the fire regime in Western Australia, because animals such as the woylie were controlling the amount of leaf litter on the soil by digging it into the soil as they dug down for the fungi et cetera that live on the roots of the wandoo, the marri and the jarrah species. They would constantly turn the soil over, and in doing that they were naturally controlling the build-up of leaf litter and the flammability of that type of forest ecosystem. It just shows how we get this sequence of events with one action. The introduction of foxes, which has caused problems, was a response to the introduction of rabbits. We thought we could control rabbit problems by introducing foxes. The problem of feral cats has led to a decline in the number of woylies. Now, in the Perth hills area, where state forest 7 is located and where we are talking about offsets packages to counter this excision, if people want to see woylies, probably the only place they could go to see them with any certainty would be the Karakamia wildlife sanctuary in Chidlow. That marvellous establishment, which is an Australian Wildlife Conservancy sanctuary, was created by Martin Copley. It is a privately funded conservation initiative. I acknowledge that the Australian Wildlife Conservancy does some magnificent work, not only with the Karakamia wildlife sanctuary in the hills, but also with the Paruna wildlife sanctuary, where massive, very sophisticated fences have had to be built to keep out invasive species. Perhaps another offset could have been proposed to counter the loss that has occurred with this excision from the state forest. We could have expanded the area of land covered by the sort of fencing that keeps out those feral species that have been such a problem. That issue is one that could be tackled, perhaps as a result of this kind of excision.

I want to touch on one further feral species—again, it could be a part of the offsets package that we need to know more about for this project—and that is the wild pigs that are going through the hills area. Their numbers are expanding. I know that some great work has been done in the Denbarker region. A feral pig management group down there has done some fantastic work. It is not using just shooting; it is using a mixture of techniques such as trapping and baiting. Its use of shooting is, I think, very limited and precise. Nevertheless, it involves recreational shooters when necessary and when they can be helpful. Those sorts of supports could have come from this project. The proponents of this huge project could have been actively involved in all kinds of invasive species control. That would have been a very worthy offset from this project.

I know there is sometimes a temptation in government to say that this sort of land management issue is really the domain of local government, but, yet again, we see cost shifting and the idea that local governments should be the land managers. Today I heard from the chief executive officer of the City of Swan on this very point. When asked whether he thought it was the role of local government to ensure that people who are buying small holdings or property that might be zoned rural residential in the hills also be the body that polices good land management, he said no. He did not feel that the city had the capacity to do that; he felt that that was something it could do if it was approached by the landholder. An enthusiastic landholder—perhaps the consortium that is getting the freehold title of this portion of what was part of state forest 7 could be involved in this because it

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would be the sort of land manager that would want to be proactive—would ensure that there was no soil erosion or a sudden infestation of weeds like Paterson’s curse or serious problems with foxes in the nearby area. Unfortunately—I think the Swan CEO acknowledged this—there are plenty of people who buy small holdings and sometimes quite large properties who do not take an interest in the management of land they own. To drive a car on the road, you have to have a licence, but anyone can inherit or buy a property and manage or mismanage it; you just have to have the money to own it. This is a problem that we need to recognise and work towards fixing. A key to doing that is mechanisms such as offset packages.

A further point is that with this excision we could see the transfer of a portion of state forest to private ownership. I know the current government denies this, but it needs to be recognised, given the philosophical position of many of those opposite, that the Water Corporation may one day be privatised. I note that the Premier talks about selling some of the assets—not privatising the Water Corporation, but selling some of its assets—and they will probably be some of its most profitable assets. I do not know how profitable this water treatment plant will be. I recognise that it is not yet completed, but it is probably a state-of-the-art piece of technology. It will probably be one of the more profitable assets held by the Water Corporation and would be ripe for the kind of privatisation that the Premier has talked about. Through this botched excision process, a piece of state forest will eventually be handed over to a private entity and we will receive very little benefit for it. That is a further concern of mine about this whole process.

I have many concerns about this excision process. I think the government’s failure to do this in a timely fashion is quite unacceptable. We could have had this excision looked at three years ago without any problems. The clearing took place about two and a half years ago and the reports were already there then. The Water Corporation did extensive community consultations about this project when it was first talked about in 2002. In 2005, there was a round of public meetings with community members attending late in the evening during their own time to discuss where the site would be and how it would be managed. All this was discussed years ago, but somehow this very important matter of land excision was totally forgotten about, and now we are being asked to tick it off. While I accept that this excision has to take place, we need to have it clear on the public record that this was a botched process.

MR D.J. KELLY (Bassendean) [10.55 am]: I want to make a few comments on this matter. I thank the member for Gosnells for clearly outlining some of the environmental concerns that the community has about state forests being chipped away at, even though in this case it is only a number of hectares. I do not intend to go through those environmental issues, but I want to put on the record the questions that have been raised about the impact of the timing of this excision of state forest for the construction of the water treatment plant. The water treatment plant will provide improved water quality for the area from Mundaring to Kalgoorlie. I am sure people will agree that this is quite a significant part of the state. The budget papers tell us that the project will cost over \$328 million, with \$260 million spent on the project this year. It is a very substantial project with a very significant purpose.

The Water Corporation’s annual report, which was handed down this week, gives this particular project quite a lot of prominence and the report of the chairman, Ms Eva Skira, says that the plant is now moving towards commissioning; it is almost complete. It is stated further in the Water Corporation’s annual report that one of its major objectives is to complete and bring this water treatment plant online this year. The member for Gosnells raised a very good question: why has the land matter been left so late when such a substantial project is on the verge of completion? As the shadow Minister for Water, I want to put that question on the record again, this time from myself. It is a substantial project for the Water Corp and is obviously there to perform a very important function. It is part of a massive asset investment program for the Water Corp—\$3.6 billion over four years, with \$1 billion of that spent this financial year and over 25 per cent of that \$1 billion on this project.

I ask the government: Why has the excision of the land been left until this late stage, and is there any cause for concern? Is this project being put in jeopardy in any way by the late excision of the land? It seems that this sort of land matter should have been dealt with very early in the project’s history, not two minutes before the project is set to be completed and set to be brought online. It would be a disaster for the Water Corporation if a major project such as this were not to come online because a detail like making sure the land on which it is being built is in proper ownership had not been attended to. The member for Gosnells made reference to the James Price Point debacle that occurred because the government did not get its process of land acquisition attended to in an orderly and legal fashion. It would be an absolute disaster for the Water Corporation if a detail such as this—ensuring the land on which this treatment plant is being built is in proper ownership—were not attended to in a timely fashion. What would be the cost of an environmental challenge to this project on the ground that the land acquisition was not done under the proper process?

I want to put on record, from my shadow portfolio’s perspective, the questions about the impact on the Water Corp of this land acquisition detail being attended to earlier. I also want to raise a subset of that point, which is that this project is a public–private partnership. The annual report of the Water Corporation indicates —

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The new Mundaring Water Treatment Plant and Pump Station is being built and operated by the Helena Water consortium (comprising —

I will not list the three companies. The annual report continues —

... in what is Western Australia's first Public Private Partnership (PPP) in the water industry.

This project has not been undertaken solely by government; it has been undertaken in partnership with the private sector. If the government does not attend to the land management issues in a timely fashion or if the project were to fall over for some reason because of the way it has been done, not only would the problem directly impact on government, but also, because this project is a PPP, the private sector partners would have some complaint and may well seek compensation for losses they incur because the government did not undertake its part of the project. That is just one of the problems that governments can run into when they undertake projects as PPPs. The Minister for Health, who is in the chamber, is currently dealing with some of the problems that have arisen at Fiona Stanley Hospital—a project for which the government contracted Serco to run a number of services. The project has run into problems not because of maladministration or the like, but for whatever reason that project is not on time and we are now up for potentially millions of dollars in compensation to the private company, Serco, because government, in its management of that project, has not fulfilled its end of the bargain by having it up and running in a timely fashion. In the same way this water treatment plant is a PPP, and it may well be the case that if there was a problem with the project running on time, the private sector partners would have a claim for compensation. The member for Gosnells raised a serious question, and I speak in support of it. It seems unusual that the issue of excising the land from the state forest has been left to this late stage, when the project is on the verge of completion. I simply put on record my concerns, and I look forward to hearing the explanations and, hopefully, assurances from the minister.

MR M.P. MURRAY (Collie–Preston) [11.05 am]: I will be very brief, minister. I see the minister is getting a bit fidgety over there, and when I see that I like to keep the minister in this place for another half an hour!

Dr K.D. Hames interjected.

Mr M.P. MURRAY: I will not; I will be very quick because an agreement has been made.

Firstly, I welcome all the excisions, to be quite honest, but I understand the concerns of other people. If we look at the Margaret River one, the road needs alignment, and people have been killed on that part of the road; I handed a question on notice in to the Minister for Transport just recently on that.

But I stood because the Coalfields highway excision is not shown on the plan. For many, many years the excuse has been used that that work cannot be done because we cannot have an excision of the forest to realign the road in a minor way. I just wonder whether the minister is playing political games here by not including it, and it concerns me. The minister can laugh as much as he likes, but in my time I have seen six people killed on that section of the road—six; the crosses are there if the minister wants to go up there and have a look. If he does, he may learn a lesson at his young age.

Point of Order

Mr A.P. JACOB: I have two issues. Under standing order 94, this has nothing to do with the revocations we are putting up; and the second issue is that I was not laughing, and I am not going to allow that to go into *Hansard* as a comment from the member.

Dr A.D. Buti: You were laughing! You always laugh when we talk.

The ACTING SPEAKER (Mr I.C. Blayney): Sorry, member for Armadale, it does not concern you.

Mrs M.H. ROBERTS: Further to that point of order, I understand that the member for Collie–Preston is certainly able to point out to the house the relevance of his comments to this particular debate.

The ACTING SPEAKER: Member for Collie–Preston, I will just ask you to stay directly relevant to the issue we are talking about, which is the excision of this land; it is not to do with the highway.

Debate Resumed

Mr M.P. MURRAY: Thank you. That is certainly what I was talking about—keeping on the roads through the forest. It is about the minister's preference to do some over others, although the issue has been in front of all environment ministers for quite some years. I really do believe that the minister is playing political games here, to try to stymie some of the work and the money needed for that work, which was an election promise. I have really, really great concerns. We are coming into the summer period again when we will have tourists on there, wheat trucks will be going down there by the hundreds, and the minister is holding up the project.

I said I would be very brief and I am up to two minutes. I just bring to the minister's attention—I must have hit a nerve because he called a point of order—that his office is starting to look incompetent, in my view. It is very

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incompetent because it is picking and choosing what it can and cannot do. Minister, take note that six people have been killed on that road while we wait for the excision of that land; please take note, and maybe he should hurry up his staff to get the job done so that Main Roads Western Australia can move on with its work.

MR A.P. JACOB (Ocean Reef — Minister for Environment) [11.09 am] — in reply: That was a particularly wideranging discussion on matters that did not have much to do with my portfolio or the motion before us. There is not an awful lot in the debate that I can address. It is important to note a couple of points. I am informed by one of the local members in that area that the location of the water treatment plant was decided after extensive consultation with the community. I also have it on good authority that the project is well advanced and, as far as I am aware, not in any jeopardy. As for addressing comments on feral pigs or matters that are not in the motion, I cannot speculate. I encourage members to support the motion.

Question put and passed.

Request for Council's Concurrence

On motion by **Mr A.P. Jacob (Minister for Environment)**, resolved —

That the resolution be transmitted to the Council and its concurrence desired therein.