

Division 48: Environment Regulation, \$3 723 000 —

Mr I.M. Britza, Chairman.

Mr A.P. Jacob, Minister for Environment.

Mr J.R. Banks, Director General.

Ms K. Faulkner, Executive Director, Licensing and Approvals.

Ms S.C. McEvoy, Executive Director, Strategic Policy and Programs.

Mr S. Hodges, Acting Executive Director, Compliance and Enforcement.

Mr G. Bayne, Acting Executive Director, Corporate Services.

[Witnesses introduced.]

The CHAIRMAN: The estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is the intention of the Chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. It will greatly assist Hansard if members can give details in the preface to their question.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. I ask the minister to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the principal clerk by Friday, 3 June 2016. I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office.

I give the call to the member for Gosnells.

Mr C.J. TALLENTIRE: I refer to page 548, under "Service Summary", the second line item "Environment Policy". This seems to be a renaming of what was formerly known as environmental sustainability and climate change. Can the minister advise what the 2016–17 budget provision is for climate change advice?

Mr A.P. JACOB: I think the member is referring to the full-time equivalent carried within that line item. From my recollection it is four plus one, but if the director general wants to give a specific answer there that would help with the detail.

Mr J.R. Banks: By way of context, yes, the agency's services changed from two in the previous period to these three services that are now listed; and, yes, it includes the former service of sustainability and climate change. There are four designated FTE as well as additional support through administration and also executive input into policy development. In addition to that we have expenditure on one of our LEED programs, which is actually called LEED.

Mr C.J. TALLENTIRE: What are those four FTEs for?

Mr J.R. Banks: For policy development, mainly around adaptation.

Mr C.J. TALLENTIRE: Is that on climate change?

Mr J.R. Banks: Yes, and there is also a LEED program, which has an officer.

[3.30 pm]

Mr C.J. TALLENTIRE: Can the minister indicate some of the major advice that those four full-time equivalents have been able to contribute to the development of policy in the agency or in other agencies?

Mr A.P. JACOB: Certainly, and I will pass that question over to the director general shortly. I touched on this in the previous division as well. The lion's share of climate change policy development and responsibility is, in our view, the responsibility of the federal government. Whatever its parameter settings, climate change is a global challenge, so the remit of authority of the federal government places it in the key area of responsibility to set targets for what Australia needs to achieve, to place the policy settings for Australia more generally, and also to pursue an international solution, because without international solutions, what Australia does will be relatively insignificant, and Western Australia increasingly more insignificant on that again. But we do have a climate change unit in the Department of Environment Regulation. I will pass to the director general to give some examples of the work to which it has been contributing.

Mr J.R. Banks: If a higher level of further detail is required, Ms McEvoy is well placed to respond. We certainly participate in national adaptation processes through the National Climate Change Adaptation Research Facility. It is also important that we maintain a strategic policy capability to advise the state about national emission mitigation reduction strategies and their implications.

Mr C.J. TALLENTIRE: The minister has made the judgement that it is not really for WA to worry about greenhouse gas emissions. Having made that judgement, and on the basis on which he made that judgement, what does he understand to be our current emissions in total and on a per capita basis?

Mr A.P. JACOB: I think the member for Gosnells is verballing me somewhat; that is not what I said. I said that the responsibility for the policy settings, given that it is a global challenge and requires a global response, are better placed within the remit of federal authority. Having said that, the federal government does not really run any utilities and it does not manage a lot of land. The heavy lifting of any climate change response and any carbon reduction response will always be delivered at a state level, and a lot of what we deliver at the state level is through our conservation estate and other measures we provide. In terms of answering the specific question, I will pass to the director general to give an update on how we are tracking.

Mr J.R. Banks: The most recent estimate we rely on for greenhouse gas emissions for Western Australia is at 86 144 million tonnes in terms of how —

Mr C.J. TALLENTIRE: Sorry, can the director general repeat that number?

Mr J.R. Banks: Sure; it was 86 144 million tonnes in 2014.

Mr C.J. TALLENTIRE: Is the director general sure that he has got that number right?

Mr J.R. Banks: I believe I have that number right.

Mr C.J. TALLENTIRE: Did the director general mean to say 86 million?

Mr J.R. Banks: I said 86 144 million tonnes.

Mr C.J. TALLENTIRE: Thousand million—so 86 billion? I think the director general needs to check his numbers.

Mr J.R. Banks: Okay. Ms McEvoy, do you have any comment on that?

Mr C.J. TALLENTIRE: Come on; this is ridiculous. The director general does not know how to read out numbers.

Mr J.R. Banks: That is the advice I have before me out of that unit.

The CHAIRMAN: Do you have a further question, member?

Mr C.J. TALLENTIRE: This is ridiculous. Carry on; the minister was going to give me the per capita figure as well.

Mr J.R. Banks: I do not have the per capita figure in front of me, but I have, I guess, representations of how it is tracking relative to GSPs in terms of an energy emissions intensity.

Mr C.J. TALLENTIRE: Can I just clarify: the director general was going to give me a figure of 86 000 million tonnes of CO₂ per annum for Western Australia.

Mr J.R. Banks: I said 86 144 metric tons of CO₂.

Mr C.J. TALLENTIRE: That is eighty-six thousand million tonnes.

Mr J.R. Banks: Yes.

Mr A.P. JACOB: Member for Gosnells, that is the advice. I can see the sheet in front of me. It could be a matter of it not having been put into the correct tabled format. The member could well be correct; it could be 86 million. We will clarify that for the member.

Mr C.J. TALLENTIRE: Thank you. I refer to the per capita issue. The minister has made a judgement that he does not want to focus on the policy area. He has four FTEs working on this, because he feels it is the responsibility of the federal government and the international community, but he is not able to tell me what our per capita standing is in raw terms and also relative to other nations.

Mr A.P. JACOB: I could give a fairly simple breakdown of 86 million tonnes divided by roughly 2.5 million or 2.55 million people and that would give the per capita basis. I think a per capita basis is a slightly unfair basis on which to count Western Australia's contribution, given the size of the state. We could just as equally calculate

the emissions for any given land mass according to the square kilometre—that is, how many tonnes are emitted from a state according to its land area is probably in many ways a more accurate way of measuring it.

Mr C.J. TALLENTIRE: Why is that more accurate?

Mr A.P. JACOB: Given that carbon reduction is not based on a per capita basis, but based on how many hectares of trees or vegetation contribute to the matter more generally.

Mr C.J. TALLENTIRE: Does the minister not accept that it is humans who output CO₂, so therefore it is useful to look at the per capita output?

Mr A.P. JACOB: Yes. But also Western Australia is a heavily-gearred resources economy, so on a per capita basis, it will compare less favourably with other states—but that is not related to the individual emissions of individual Western Australians; it is somewhat more related to the structural format of our economy and our relationship with the South-East Asian region. In many ways, emissions for individuals are not only spread over the area in which they live. One could just as easily calculate that the emissions for a tonne of iron ore in China are created here in Western Australia and then ultimately they are serving people in other regions of the world. That is why I think the best approach to broader policy response to climate change is clearly within the federal remit. It is something we take very seriously as a state government; I do not shy away from that for a second. But our responsibility is predominantly in the adaption space. Climate change as a theme is something that many people take seriously. What does that mean for Western Australia? In the south west, I would say first of all it means declining rainfall. I think that, in terms of its direct cause and concern, is what concerns us the most.

I listened with great interest to the member for Gosnells' budget-in-reply contribution during which he read out a range of polling figures on responses to climate change as a policy. The figures he read out quite shocked me. I thought they would be quite different from what he indicated. I think he said that some 45 per cent of people are accepting of climate change science, some seven or 10 per cent do not think that climate change is happening at all, and the rest in the middle think it is entirely a natural phenomenon. That surprised me. I have been giving that a fair bit of thought since the member's contribution. The other interesting point that the member made in his budget-reply contribution was the level of trust that is placed more broadly in government versus other people to lead debate in the community. Government instruments—it did not touch on politicians, but government more generally—were well down that list. Scientists, academics and people in universities are far more trusted within the community. I was quite surprised by those figures on the level of community engagement on the issue.

Mr C.J. TALLENTIRE: The minister is prepared to accept that Western Australians do have high per capita emissions, and he told me how to do that calculation, but he does not believe that we should be working with other states and looking at our respective state greenhouse gas emission budgets.

Mr A.P. JACOB: This is always one of the challenges. I will bring it back to the statistics that the member for Gosnells put out whereby 45 per cent of the community accept the science, but even within that 45 per cent, there is a real divergence of viewpoints. I think there needs to be an understanding that emissions intensity and emissions implications are averaged out across the global population. In many ways, a good contribution that Western Australia makes is expanding our natural gas industry because it is a far cleaner energy alternative than coal when looked at on a global scale. It is something that we take very seriously as a Western Australian state government.

[3.40 pm]

Mr C.J. TALLENTIRE: The minister's senior departmental official demonstrated today that he does not even know the numbers for greenhouse gas emissions. Anyone who tells me that the state is responsible for 86 000 million tonnes of CO₂ emissions does not know what they are talking about! That shows me where the minister's agency is headed on greenhouse gas emissions, surely.

Mr A.P. JACOB: Member for Gosnells, state environmental agencies are not the principal regulators of greenhouse gas emissions; that is run through the commonwealth department.

Mr C.J. TALLENTIRE: I thought department staff were supposed to be working on this policy area.

Mr A.P. JACOB: In a policy sense and, as was explained to the member earlier, in an adaption response sense, because that is a state government responsibility. One of my greatest bugbears in a policy sense and as a state member of Parliament generally, which we are seeing across this federal election, is how the federal government likes to spend most of its time, to my mind, talking about state policy matters.

Mr C.J. TALLENTIRE: The director general has to clarify his figures.

The CHAIRMAN: Hang on member, let the minister finish.

Mr A.P. JACOB: This policy responsibility most clearly sits within the federal government. The federal government has asked for support from the state as we seek to achieve reductions in Australia's greenhouse gas emissions. Both sides of politics are largely in agreement about the reduction targets—not so much about how they can be achieved—and, I might add, under the current federal government we are on track to achieve those reduction targets. We support that process.

Mr C.J. TALLENTIRE: The minister is thousands of orders of magnitude out on this issue. Let us hear the clarification from the director general.

Mr A.P. JACOB: If we want results, these things need to be achieved at an international level. If we want an outcome, that is how it can be achieved.

Mr C.J. TALLENTIRE: Let us hear from the director general.

The CHAIRMAN: Member, you cannot do that. You have to go through the minister every time.

Mr C.J. TALLENTIRE: Minister, can we please have a clarification?

Mr A.P. JACOB: Certainly, if the director general has one.

Mr J.R. Banks: Yes, the member is correct. I read an apostrophe when it was a full stop.

Mr C.J. TALLENTIRE: Let us hope that the minister gets some resourcing in this space so the state government can talk intelligently about the greenhouse gas emissions we are responsible for. Let us move on.

Mr D.A. TEMPLEMAN: I refer to waste matters at page 556. Payments from the waste avoidance and resource recovery account dropped from \$29 720 000 to \$17 334 000 in 2016–17. Why has that revenue dropped? I will get a response to that question and then I will ask my next question.

Mr A.P. JACOB: As the member for Mandurah would know, because the waste levy was introduced during his tenure, the levy applies to waste that is landfilled. It is collected through the state government. We introduced significant increases to the levy to drive recycling outcomes in this state, and those figures show a market response to that price mechanism, which is exactly what the levy was designed to do. The levy estimates were based previously on the assumption that landfilling would continue as usual and that all waste going to landfill would collect the new levy at the higher rate and be returned to the WARR account. What has happened is that the levy has driven a market response and we are not seeing the volumes of waste heading into landfill that we had anticipated. That is a tick for the instrument because that is what it was designed to do; it is just doing it quicker than we thought it would. We have revised the revenue rate that we will receive from the landfill levy.

Mr D.A. TEMPLEMAN: Does the minister have the percentage for the amount of waste to landfill for this year compared with last year and perhaps the year before that?

Mr A.P. JACOB: I can give the member the figures that we have, but they are not for this year because those figures are still being compiled. I have figures for the year before and the year before that. I do have the percentages; they are recorded in the table at page 549 of the budget papers. The percentages of construction and demolition waste and commercial and industrial waste have significantly increased. The percentage of municipal and solid waste has shifted backwards by a slight degree, but remember those reporting periods have a significant lag and that figure reflects not so much the reporting period 2015–16 but the reporting period 2014–15. I understand that the largest impact on that figure was that the City of Stirling had stopped recycling altogether and was simply landfilling its waste, which somewhat threw out the figures. But the City of Stirling has partnered well with us and it has implemented its Better Bins program and we expect that in the next reporting period we will see a marked increase in the percentage of municipal solid waste diverted from landfill.

Mr D.A. TEMPLEMAN: I refer to page 547 and the seventh dot point on the issue of controlled waste. Will the review of the regulations lead to us sending medical waste interstate, and is that already permitted under regulations?

Mr A.P. JACOB: On whether medical waste can be or is sent interstate, I understand that we have a couple of facilities in the state that deal with medical waste, but I will hand over to the director general to delegate who is best placed to talk about controlled waste tracking.

Mr J.R. Banks: There are specific provisions for interstate waste movements and tracking. I cannot answer specifically on medical waste per se. I am not aware that medical waste is treated any differently from other interstate transfers, other than that we consult with the Department of Health on the methodologies for its disposal and it is disposed of by a number of different methods within the state.

Mr D.A. TEMPLEMAN: Do the regulations currently permit medical waste to be transported interstate, even if it is not happening now?

Mr J.R. Banks: I would have to provide that as supplementary information.

Mr A.P. JACOB: I will provide information on whether under existing regulatory instruments medical waste can be transported out of Western Australia to other states.

Mr D.A. TEMPLEMAN: If it is allowed to happen now, when was that provision introduced?

The CHAIRMAN: Is the minister happy with that?

Mr A.P. JACOB: Yes.

[*Supplementary Information No A81.*]

Mr D.A. TEMPLEMAN: I refer to the fifth dot point about the illegal dumping program at page 547. How many prosecutions has the department progressed on illegal dumping in the year to date and in the last three years?

Mr A.P. JACOB: In order to tackle illegal dumping we amended the Environmental Protection Act in 2010 to introduce a significant new offence of illegal dumping of waste, which carries a maximum fine of \$125 000 for corporations and up to \$62 500 for individuals. This issue was raised at last year's budget estimates hearings. In order to deal with this emerging issue, we determined to establish a dedicated illegal dumping unit and a dedicated illegal dumping program, which are funded through the Waste Authority WA and housed within the Department of Environment Regulation's compliance and enforcement area. We have a team of five officers that comprises a manager and four investigators that came to full strength in February this year. The team has been very active working in partnerships with the community, local government and other state government agencies to reduce the incidence of illegal dumping in Western Australia through the following strategies: by presenting a strong deterrence through the investigation of complaints and issuing sanctions, including commencement for prosecutions for illegal dumping in accordance with the agency's enforcement and prosecution policy; and by seeking to effect a change in behaviour and undertaking proactive measures such as using media—print and internet—and the community to promote enforcement outcomes and reinforce appropriate avenues for the disposal of waste. A lot of work has been done on proactive partnerships. A key partnership we have focused on in the last six months has been with charitable recyclers and the community to tackle illegal dumping. We have improved detection of illegal dumping, predominantly through the use of strategically placed electronic surveillance monitors at known illegal dumping sites in places like Geraldton, Bullsbrook, Carabooda, Pinjar, Nowergup, Cockburn, East Rockingham, Southern River, Armadale, Forrestdale, Hilbert, Northam, Pickering Brook and Canning Mills. By conducting productive, overt and covert surveillance and patrolling known dumping hot spots, we have had a number of relatively high profile and successful prosecutions.

[3.50 pm]

Mr D.A. TEMPLEMAN: How many?

Mr A.P. JACOB: I will get a specific number. I imagine that some would still be in train. To date this financial year, there have been 11 successful convictions—remember, the team came to full strength only in February—and two modified penalty notices. One of the best known ones was the Big Mac man involving illegal dumping. In searching through the waste that he had dumped, we found a receipt for a Big Mac. The team went back to the McDonalds and asked for the CCTV footage. That footage identified the individual. From my recollection, it identified the truck with the waste in it and conveniently gave us his numberplate. That is a very proactive team. It is very strongly engaged. The use of remote covert cameras has drastically increased our ability to enforce illegal dumping.

Mr D.A. TEMPLEMAN: So, there have been 11 convictions since the team was established. Prior to that, illegal dumping has still been illegal for some time. How many successful prosecutions were pursued in the last calendar year—2015—and in 2014 and 2013 as well?

Mr A.P. JACOB: I am happy to see whether we have that information at hand. If not, we might have to get previous years' figures for context. We will have to take that as a supplementary.

The CHAIRMAN: Let us just confirm again, minister, what you are going to do.

Mr A.P. JACOB: We will provide as supplementary information the number of successful convictions.

Mr D.A. TEMPLEMAN: How many prosecutions were pursued and what were the outcomes?

Mr A.P. JACOB: We will provide figures on how many prosecutions were pursued and the conviction outcomes for those prosecutions going back to 2013, so, 2012–13, 2013–14 and 2014–15.

[*Supplementary Information No A82.*]

Mr F.A. ALBAN: I refer to the first line item, “Environmental Regulation”, in the service summary at the bottom of page 548 of the *Budget Statements*. What is the department doing to ensure compliance with environmental licences and regulations?

Mr A.P. JACOB: I thank the member for Swan Hills for the question. The Department of Environment Regulation commenced a proactive compliance program in industry regulation in 2009. These programs have evolved into a risk-based multifaceted compliance program that targets emerging environmental issues and also, in particular, high-risk industries. Our 2015–16 annual compliance program targets various industrial activities, which are regulated under the Environmental Protection Act—namely, prescribed premises; controlled waste transportation; waste industry, in particular, on landfill levy compliance; and specific industry sectors as well as native vegetation clearing. A total of 1 206 inspections were planned for 2015–16, including 384 prescribed premises, 200 controlled waste inspections, 300 waste industry inspections, 40 environmental risk reduction inspections and 250 light industry inspections. Industry engagement has been positive throughout the 2015–16 program. As at 31 March this year, the department had completed 987 of those 1 206 planned inspections, or 81 per cent, and it is on target to fully complete the planned inspection program for this financial year. We have also commenced a two-year light industry program. This is a proactive program involving joint inspections with local government within priority catchments of the Swan and Canning Rivers system. This compliance program aims to reduce nutrient and contaminant input into the Swan and Canning Rivers system from industrial and commercial activities and also to groundwater. The department is delivering interagency inspections with the Department of Mines and Petroleum and also the Department of Fire and Emergency Services, which focuses on hazardous material handling.

Mr C.J. TALLENTIRE: I refer to service area 1 on page 550 of the *Budget Statements*. How many hectares of native vegetation destruction have been approved in 2015–16?

Mr A.P. JACOB: I thank the member for the question. I am guessing that Ms Faulkner will be best placed to specifically answer how much native vegetation clearing we have approved.

Mr C.J. TALLENTIRE: I said “destruction”.

Mr A.P. JACOB: Ms Faulkner has just asked whether we can answer that as a supplementary.

Mr C.J. TALLENTIRE: Does the minister not have that figure handy?

Mr A.P. JACOB: Ms Faulkner just asked whether we can provide an answer to what has been approved by way of supplementary information. We would have that but we will have to track it down.

The CHAIRMAN: Minister, could you confirm what the supplementary is going to be?

Mr C.J. TALLENTIRE: I will receive the figures on native vegetation destruction for the period 2015–16 to this date.

The CHAIRMAN: Is the minister happy with that?

Mr A.P. JACOB: If the member is asking for that, he will not get any information. If we can keep it within proper reference, he is actually seeking the number of approved native vegetation clearing permits.

Mr C.J. TALLENTIRE: What is wrong with calling it “destruction”? That is what it is. The minister is just being politically correct.

Mr A.P. JACOB: No; I am being accurate.

Mr C.J. TALLENTIRE: “Destruction” is accurate.

The CHAIRMAN: Minister, you are at liberty to say what you will supply as supplementary information.

Mr A.P. JACOB: I will provide as supplementary information approved native vegetation clearing for 2015–16 until this point as a cumulative total of hectares.

[*Supplementary Information No A83.*]

Mr C.J. TALLENTIRE: Why is that information not immediately available online?

Mr A.P. JACOB: It is.

Mr C.J. TALLENTIRE: The minister cannot give it to me now.

Mr A.P. JACOB: We will provide it for the member.

Mr C.J. TALLENTIRE: I asked why it is not immediately available online. The minister has demonstrated that it is not because he cannot give it to me now.

Mr A.P. JACOB: A significant amount of information is available online—for example, where offsets are used. All of that is available on the offset database. We will provide for the member a cumulative total of hectares of native vegetation clearing approved.

Mr C.J. TALLENTIRE: I return to my question. Why is this information not immediately available online? There is a table with all the proposals that go through and the various decisions but there is no final figure on how much has been destroyed.

Mr A.P. JACOB: There is a public process. My recollection is that we publicly advertise native vegetation clearing permits. There is even an appeals process that follows through. If the member is trying to build a case that there is not public consultation and public reporting, that does not stack up because there is. In terms of going through those individually and adding up a cumulative total of clearing permits for a given financial year, we can provide that information.

Mr C.J. TALLENTIRE: Why can that not be instantly available?

Mr A.P. JACOB: The information is available as the permits come through and as they are advertised.

Mr C.J. TALLENTIRE: Why should people have to total that up? Why can the total figure not be made available? The total figure of the number of approvals that are given is available. Why can the department not make the total figure available of the area of destruction that the minister authorises?

Mr A.P. JACOB: We will make it available.

Mr C.J. TALLENTIRE: Why can it not be instantly available, just as the number of approvals that have been given is instantly available? Why can the area of destruction not be instantly available?

Mr A.P. JACOB: In terms of reporting, we could report any number of things and we could have an infinitely sized department running tallies of any given total. There is no hiding of information. It goes through the process and there is a public consultation and appeal process as part of that. We are very happy to release that information when it is requested.

Mr C.J. TALLENTIRE: The minister is proving the point that he is only interested in presenting the number of applications that he processes; that is, how much goes through the sausage machine. He is not interested in presenting the facts on how much is destroyed and how much is lost. That is the real job of an environment minister—to present the facts on how much native vegetation and biodiversity is destroyed at any one time.

Mr A.P. JACOB: I am happy to provide the information on what has been approved.

Mr C.J. TALLENTIRE: But the minister does not want it to be instantly available to the public.

Mr A.P. JACOB: There is no significant delay. We will be producing it as part of our supplementary information, and this is not the only time that we can be asked that. The member can ask me a question on notice at any given time. Members of the public can write to me as Minister for Environment. There is no attempt to hide information here, which seems to be what the member is trying to build a case for. I am very happy to make the information available.

Mr W.J. JOHNSTON: Is this data included in the government's open data policy?

Mr A.P. JACOB: I would have to get further advice on that question.

Ms K. Faulkner: Clearing permits are publicly available. It is publicly available information so all data that relates to it is available to the public.

[4.00 pm]

Mr W.J. JOHNSTON: Is this data covered by the government's open data policy? The minister is in charge of policy for this department, is he not?

Mr A.P. JACOB: Yes.

Mr W.J. JOHNSTON: So in respect of the government's policy on data, is this included in it?

Mr A.P. JACOB: The data is already open.

Mr W.J. JOHNSTON: Yes, but there is a specific policy on open data. The minister knows that, does he not?

Mr A.P. JACOB: Yes, I am aware of that.

Mr W.J. JOHNSTON: Is it covered by this?

Mr A.P. JACOB: I will get that information for the member. This is more about a clearing permit processing system. The clearing permit processing system is about the land values more so than the data per se.

Mr W.J. JOHNSTON: Minister, it is always easy to answer the question asked rather than rabbiting on and wasting time. Perhaps we can get that as supplementary information.

The CHAIRMAN: Is the minister happy to provide that as supplementary information?

Mr A.P. JACOB: I am happy to get some supplementary information about the impacts of the open data policy on our native vegetation clearing permit process.

Mr W.J. JOHNSTON: No, that is not what I asked for. I am not interested in things that I do not ask for.

The CHAIRMAN: What supplementary information is the member after?

Mr W.J. JOHNSTON: I asked a very simple question. I am shocked that the minister does not answer it.

The CHAIRMAN: What is the supplementary information that you are after?

Mr W.J. JOHNSTON: Is the data related to native vegetation clearing covered by the government's open data policy?

Mr A.P. JACOB: There is a range of data, which is collected through the native —

Mr W.J. JOHNSTON: Yes, of course, but that is not what I asked for.

Mr A.P. JACOB: No. Member —

Mr W.J. JOHNSTON: I only asked the question I asked.

Mr A.P. JACOB: You are either being cute or you actually don't understand how the process works.

Mr W.J. JOHNSTON: I asked the question. I am not being cute. You're being incompetent.

Mr A.P. JACOB: Good try!

Mr W.J. JOHNSTON: This is why everybody thinks you're an idiot.

The CHAIRMAN: Member, you take that back! Withdraw that comment.

Mr W.J. JOHNSTON: What?

The CHAIRMAN: Did you call him an idiot?

Mr W.J. JOHNSTON: Yes—no, sorry; with respect, I did not say that. I said that was why everybody thinks he is an idiot.

The CHAIRMAN: Do not play semantics with me. Take the comment back.

Mr W.J. JOHNSTON: This is a meeting of a committee.

The CHAIRMAN: The regular rules for debate still apply.

Mr W.J. JOHNSTON: Okay, if you require me to withdraw the statement that everybody thinks the minister is an idiot, I am happy to withdraw that.

Mr F.A. ALBAN: And do not repeat it.

The CHAIRMAN: It is withdrawn. Member for Moore, you do not have to take it any further.

Mr F.A. ALBAN interjected.

The CHAIRMAN: Member for Swan Hills, I do not need any more attention. Minister, I want to confirm this supplementary information issue. I have been confused by the banter.

Mr A.P. JACOB: I think the member for Cannington sometimes ties himself up in knots more than he necessarily needs to. If he could at least have the manners, which is a high ask for him, to let me finish the response, a range of data feeds into —

Mr W.J. JOHNSTON: But that is not what I asked for.

The CHAIRMAN: Member for Cannington, wait until he finishes.

Mr W.J. JOHNSTON: How is this relevant to the question?

Mr A.P. JACOB: I hope you have more substance than stunts, member for Cannington.

Mr W.J. JOHNSTON: I raise a point of order. Mr Chairman, as you read out at the start of this session, the minister's replies have to be succinct and relevant to the question asked. I have asked a very simple question. The minister does not need to waste the chamber's time. The question is very simple —

Mr A.P. JACOB: Further to that point of the order, if the member for Cannington stopped interrupting me —

Extract from Hansard

[ASSEMBLY ESTIMATES COMMITTEE A — Thursday, 26 May 2016]

p463b-473a

Chairman; Mr Chris Tallentire; Mr Albert Jacob; Mr David Templeman; Mr Frank Alban; Mr Bill Johnston; Dr Graham Jacobs

Mr W.J. JOHNSTON: The question was this: is the data related to the approvals for native vegetation clearance included in the government's open data policy? Either it is or it is not. I do not care what the answer is. I just want the answer. The minister apparently does not know the answer, and that is fine; I am shocked that he does not know it but that is fine. I just want the answer provided by supplementary information. It is not complex.

The CHAIRMAN: I hear what the member is saying. According to the rules, the minister can answer as he sees fit, and I want to hear the complete answer.

Mr A.P. JACOB: Maybe he does not want to hear my answer because he keeps interrupting. I will try again and see if I can get two sentences out without being rudely interrupted. The member for Cannington's question is a catch-all. It references all forms of data and all forms —

Mr W.J. JOHNSTON: No, it does not.

Mr A.P. JACOB: Yes, it does, member for Cannington.

The CHAIRMAN: Member, let the minister finish.

Mr A.P. JACOB: I am trying to narrow down the member's request because a range of data and information forms part of the native vegetation clearing permit process. Some of it is personal information. Some of it may be related to the appeal process in terms of appellants. Some of it may be site specific and personal information. The open data policy does not necessarily capture every bit of data within government. By its very nature, it respects certain elements of privacy on individual's data, and some of that would inevitably come up within the native vegetation clearing permit process. Rather than being cute and trying to seem like the smartest man in the room all the time for whatever reason he feels the need to do that—such as when he throws out cute little acronyms and forces me to get him to spell them out. I am actually trying to stick with the process and find out specifically what part of that information he requires. I can give him supplementary advice on the implications of the open data policy on native vegetation clearing permit system. That will tell him what parts it may or may not apply to. I think that is a better way to answer his question.

Mr W.J. JOHNSTON: As the rules state, it is the minister who determines what the supplementary information is, and if that is all the minister is prepared to provide, that is all he is prepared to do.

The CHAIRMAN: Is that what you are willing to receive?

Mr W.J. JOHNSTON: No, that has got —

The CHAIRMAN: If you are not willing to receive it, he does not have to give it.

Mr W.J. JOHNSTON: I will take whatever the minister is capable of providing.

The CHAIRMAN: Is the minister prepared to provide what he just said he would?

Mr A.P. JACOB: I am happy to do nothing.

Mr W.J. JOHNSTON: It is up to the minister. If he does not want to do anything, he should not do anything, because we would not notice the difference. This is a man who likes cutting ribbons and not doing work.

The CHAIRMAN: Minister, will you provide this supplementary information, otherwise we will move on?

Mr A.P. JACOB: It depends. Unless the member can narrow down his request, I am offering to provide the implications of the open data policy on the native vegetation clearing permit system. After this, the member has every opportunity to ask a question on notice if he wants further detail, or he can ask me a question in this place. I am simply trying to narrow down the request.

Mr W.J. JOHNSTON: Given that the minister never answers a written question, I will take—in accordance with the standing orders, the rules are that the minister determines what the supplementary information contains. If that is what he will provide, I have to accept it because I am not going to let him do nothing.

The CHAIRMAN: The minister will supply the supplementary information. Can he outline exactly what it is that he will provide, for the benefit of Hansard?

Mr A.P. JACOB: I will provide the implications of the government's open data policy on the data contained within the native vegetation clearing permit process.

[*Supplementary Information No A84.*]

Mr D.A. TEMPLEMAN: On a procedural matter, we have a number of other divisions. Unfortunately, the opposition has no questions for the Zoological Parks Authority, so I thank Sue Hunt and the team from the Zoo for coming. Can we let them go?

The CHAIRMAN: Can I suggest that we put that division once we have dealt with this one. Then we can change whatever it is that you put forward.

Mr A.P. JACOB: I would love to have an indication from the member for Mandurah of the divisions that he is unlikely to get to. That would be appreciated.

Mr D.A. TEMPLEMAN: The Heritage Council of Western Australia and the National Trust of Australia are the two that I would like to get to.

Mr C.J. TALLENTIRE: We also have the Environmental Protection Authority and the Botanic Gardens and Parks Authority.

Mr A.P. JACOB: So the Zoological Parks Authority is unlikely to be called.

The CHAIRMAN: Are there any further questions on this division?

Dr G.G. JACOBS: I would like to ask a question around clearing because it is a relevant to an extension of what has been —

The CHAIRMAN: All right, member for Eyre. Ask your question and then we will put the division.

Dr G.G. JACOBS: I refer to significant issues impacting the agency on page 547, and the environmental regulatory reform program. It mentions new framework and guidance material for discharging its functions under part V of the Environmental Protection Act. By way of balance with some of the comments already made today, will this reform program address the issue of the Department of Environment Regulation sending farmers in Scaddan, who were, after being ravaged by fire in November, cleaning up around fence lines and roadways, a letter about the possibility of unauthorised clearing of native vegetation when there clearly was no native vegetation?

[4.10 pm]

Mr A.P. JACOB: I thank the member for Eyre for the question. The act specifically precludes the minister from having any involvement in those provisions—sections 112 or 114—so I will pass that over to the director general and the relevant director to provide some comment on the incidents the member has referred to.

Mr J.R. Banks: In terms of the reference in the budget papers, that largely relates to our industry regulation role, not our enforcement actions in relation to clearing regulation. That said, we are currently reviewing and developing procedures and processes around that. In terms of whether it is appropriate for us to write to people, putting this specific matter aside, and whether it is an efficient way to deal with allegations, potentially, it is, yes. It may recur in the future.

Dr G.G. JACOBS: Some farmers received a letter about the issue of unauthorised clearing of native vegetation.

Mr J.R. Banks: Yes.

Dr G.G. JACOBS: That is where we need to have some balance. These farmers were ravaged by a once-in-a-lifetime fire. The fire burnt absolutely everything—ground zero.

Mr J.R. Banks: Yes.

Dr G.G. JACOBS: They were trying to clean up some of the material around roadways and fences, and they got a letter from the Department of Environment Regulation about the potential of unauthorised clearing asking them to please answer the letter, or they could answer the letter if they liked. Essentially, I wondered, and the farmers were asking, what the point of all this was. Mr Banks said, “Potentially, yes, we can send a letter, but we probably won’t follow it up.” Is that what Mr Banks was saying?

Mr J.R. Banks: No, it was not —

Mr A.P. JACOB: I think it is best that the director general responds to this.

Mr J.R. Banks: Sorry; no, that is not what I was saying in terms of following up. Again, I would rather talk in general rather than in relation to that specific matter. I can assure the member that it is a matter I have looked into personally, and I have also discussed it with the relevant executive director in terms of oversight of staff. I am not saying that in our view there was anything inappropriate done in that instance either. What I would say is that that may be an efficient mechanism for resolving these issues. In similar incidents we will receive complaints, and it is incumbent on us to discharge our statutory functions around those. That requires us to make some degree of inquiry.

Dr G.G. JACOBS: In discharging its functions under part V and talking about this reform program, would the minister not think it might be better if, rather than sending a letter in the mail, DER made a visit, did its own due

diligence, instead of listening to hearsay, and looked at the matter and discharged its functions in a way that is much more acceptable and would get a better result?

Mr A.P. JACOB: Again, the director general will answer.

Mr J.R. Banks: Again, I am trying not to deal with the specifics of this matter, but in some instances the complaints we receive may come from what we consider to be credible parties—for example, local government officers. The complaints may, for example, be accompanied by evidence in support, such as photographs. I totally accept the point that we should have a degree of confidence that there is a matter that warrants investigation before proceeding. The expectation is that we will probably improve our rigour around the assessment of those matters, because obviously it would be undesirable if we were to proceed down that course without a substantial complaint that needed to be addressed. I certainly take that point.

Mr W.J. JOHNSTON: I have a further question on the issue raised by the member for Eyre. Does the minister have confidence in the performance of DER on the issue the member for Eyre raised?

Mr A.P. JACOB: In terms of enforcement of native vegetation clearing —

Mr W.J. JOHNSTON: Yes, that the member raised with the minister.

Mr A.P. JACOB: Yes, I do. The Department of Environment Regulation is required to enforce the provisions of the act and the regulations it operates under.

The appropriation was recommended.

Meeting suspended from 4.14 to 4.19 pm