

SWAN AND CANNING RIVERS MANAGEMENT AMENDMENT BILL 2014

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 9: Section 23 amended —

Debate was interrupted after the clause had been partly considered.

Mr C.J. TALLENTIRE: I think it is important that we recap a bit on what was previously discussed in relation to clause 9, especially noting that this clause is further evidence of the government's intention to diminish the capacities of the Swan River Trust. That is demonstrated here because we are dealing with a clause that amends the functions and powers of the Swan River Trust. It amends section 23 of the act and reduces the capacities of the Swan River Trust. Previously, it had the capacity to deliver programs and to undertake works essential to the protection and enhancement of the Swan and Canning Rivers. It was able to actually do real work. Of course, the structure of the organisation is a board made up of people who work with some level of remuneration, but essentially they are passionate about the Swan and Canning Rivers because they believe that the best way to look after those rivers is to engage the community to ensure that volunteers, businesses, government agencies and the community at large all work together for the protection and enhancement of the Swan River. They also seek to ensure that the Swan River Trust, which is a respected institution, has the ability to pull together all those elements of our community that affect or impact on our catchment. Yet, in this amendment in clause 9 of the bill, we see a further weakening of the role of the Swan River Trust. The Swan River Trust will become a body that develops policies; it will no longer do all those tasks that I just mentioned and will instead become a policy development body. I think that will be a very sad occasion. The minister has suggested that much of this work will be undertaken through the much bigger, I would say much more stretched, Department of Parks and Wildlife, but there is this risk, with a big, big agency, of having focused programs specific to a particular catchment lost inside the workings of a major government department. I do not believe that the wonderful work that has previously been undertaken by the Swan River Trust will be delivered to the same extent. The minister has made it clear with this amendment that he sees the role of the trust simply being about developing policies. That is a great shame and that is what is at essence in the amendment to section 23 in clause 9.

I believe that the minister needs to explain what measures he will put in place to guarantee that the new arrangements will provide for that same level of community trust that we saw in the Swan River Trust. How will we be able to instil in the community confidence in those programs, activities and initiatives such as foreshore restoration programs undertaken by community volunteers? How will it be ensured that that same level of work will occur when it is done by a branch, a division or a unit within a major government department? I ask that question knowing that up to now the minister has declined to even explain how the Swan River Trust's functions will be incorporated into the structure of that major government department. He has declined to present that because it is, in his view, an operational issue. I think there is the potential to lose something significant here.

Mr D.A. TEMPLEMAN: I am very interested in the line of inquiry from the member for Gosnells and I would like him to continue.

Mr C.J. TALLENTIRE: I think we really need to be told how the structural arrangements in the Department of Parks and Wildlife will accommodate those excellent functions that were previously undertaken by the trust. It is all very well to use this amendment in clause 9 to delete the functions of the trust. They are detailed here; we have a clear picture of what those functions have been. But here we have it; this amendment deletes all those really important functions. We will get to the amendment to insert new section 33 into the act and we will hear in time how those provisions will establish the work area of the new department. However, before we can agree to the deletion of these important tasks from the role of the Swan River Trust, we need to be told where in the structure of this major government department these works will be located and how they will be given the same degree of centrality to the activity of the agency that we previously saw with the trust. It is very important that the minister explains to us how the structures will allow for the role of the trust to be incorporated into this existing government department, although it is still a relatively new department that is still finding its feet in many areas. That is all the more reason we should be told how the trust will fit into its structures.

[Quorum formed.]

Mr C.J. TALLENTIRE: I am pleased that members are present to be a part of the consideration of these important proposed amendments to the Swan and Canning Rivers Management Act. I will focus my last comments on the structural change and the capacity of the Department of Parks and Wildlife to accommodate the role and functions of the Swan River Trust. I put to the minister that he needed to clearly state how that role would be delivered within that quite new, very large government agency—the Department of Parks and Wildlife. In asking for that explanation, I asked the minister to outline where in the structure of the agency those functions

that were previously located in the Swan River Trust with those 60 or so staff would be located and how he can be sure that they would be as easily identifiable as they were previously. I am afraid to say that the minister has not wanted to comment or respond, and that is further proof that before us are amendments in an amendment bill that has not been properly thought through. If there is not a well thought through argument to present to Parliament to justify this amendment bill, the people of Western Australia need to be aware of that; they need to realise that the government is making a change simply because it has some strange idea about some of the things that the Swan River Trust has or has not done in the past. We know from the second reading debate that there is no evidence of community organisations asking for this change in the role of the Swan River Trust. We put that point to the minister and no evidence was forthcoming at all. We could not get the name of a single community organisation that has asked for this change. On the other hand, the opposition knows from the network of contacts that it has that many organisations that have been very active and many volunteers who have been working hard on the Swan and Canning Rivers object to the changes in this bill and see it as a serious downgrade. They object to the fact that in the future the Swan River Trust will simply, as clause 9, which amends section 23 of the act, states, be a developer of policies. Community groups object to that.

A sad picture and a body of evidence are being built up to show that the minister does not have community support for this amendment bill. Furthermore, he is not prepared to present an argument stating why or how the amended arrangements could be delivered. I think that clearly shows that this bill should not be going through this Parliament, and that is why the opposition continues to object to it most vigorously. The opposition will continue to object to it clause by clause until the minister provides evidence of community support and gives some indication of how the new structural arrangements will work and how the machinery-of-government change—because he is the one who talked about this being a machinery-of-government change—will actually work at that operational level. How will the staff of the Swan River Trust be located in the Department of Parks and Wildlife? How will they be empowered to undertake the same programs and the same quality of work that they previously did while they were domiciled in the dedicated agency, the Swan River Trust?

Mr A.P. JACOB: First of all, the response to the member for Gosnells' question, which I have answered dozens of times, because we have been going around in circles now for four or five hours, is that quite simply we would not, through an act of Parliament, set up an organisational structure, because it is a highly operational matter and will be dealt with should the legislation be proclaimed in its current form. Secondly, all of that is entirely irrelevant to the clause that the chamber is dealing with, which is to do with the functions of the Swan River Trust. Indeed, for the past four or five hours, 99-odd per cent of the queries have been irrelevant to the clauses that the chamber is dealing with at the time. I understand that members of the opposition are opposed to the bill and will oppose the bill, but essentially we really are going around in circles now.

Mr D.J. KELLY: Can the Minister for Environment tell us what the amendment to section 23(h) will do? Section 23(h) of the act currently states —

to provide advice and assistance to planning authorities so that, in relation to the Riverpark, proper provision is made ...

Clause 9 will delete the words “and assistance”. Can the minister tell us why the government is effectively prohibiting the Swan River Trust from assisting planning authorities in caring for the Swan Canning Riverpark? The trust will be able to give advice but not provide assistance. Yes, there is general opposition to the bill, but the minister has asked for specific questions about the specific clauses being dealt with and that is one that immediately comes to mind. The words “and assistance” are being deleted and it seems to be an absolute overkill in this bill to prohibit the Swan River Trust from providing assistance to planning authorities.

Mr A.P. Jacob: That question is answered at clause 33.

Mr D.J. KELLY: Is the chamber dealing with that yet?

Mr A.P. Jacob: No.

Mr D.J. KELLY: The deletion is being made in this clause, so I am asking the question. I know it is frustrating, minister, but the overarching problem is that significant changes are being made to the Swan River Trust, yet the government has not put a coherent argument why this will benefit the Swan and Canning river catchments. The minister certainly has not convinced a single community group. The minister might find the process frustrating, but could he explain why the intention is so tightly confined to the functions of the Swan River Trust and why he would remove such a seemingly innocuous phrase as “and assistance” so that the Swan River Trust can provide only advice and not assistance to planning authorities?

Question to be Put

MR J.H.D. DAY: I move —

That the question be now put.

Extract from Hansard
[ASSEMBLY — Wednesday, 25 June 2014]
p4617b-4619a

Mr Chris Tallentire; Mr Albert Jacob; Mr Dave Kelly; Mr John Day

Division

Question put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the noes, with the following result —

Ayes (28)

Mr P. Abetz	Ms M.J. Davies	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Mr J.H.D. Day	Dr G.G. Jacobs	Mr D.C. Nalder
Mr C.J. Barnett	Ms E. Evangel	Mr S.K. L'Estrange	Mr J. Norberger
Mr I.C. Blayney	Mr J.M. Francis	Mr R.S. Love	Mr A.J. Simpson
Mr I.M. Britza	Mrs G.J. Godfrey	Mr W.R. Marmion	Mr M.H. Taylor
Mr G.M. Castrilli	Mr B.J. Grylls	Mr P.T. Miles	Mr T.K. Waldron
Mr M.J. Cowper	Mr C.D. Hatton	Ms A.R. Mitchell	Mr J.E. McGrath (<i>Teller</i>)

Noes (12)

Ms J. Farrer	Mr M.P. Murray	Ms R. Saffioti	Mr P.B. Watson
Ms J.M. Freeman	Mr J.R. Quigley	Mr C.J. Tallentire	Mr B.S. Wyatt
Mr D.J. Kelly	Ms M.M. Quirk	Mr P.C. Tinley	Mr D.A. Templeman (<i>Teller</i>)

Pairs

Mr A. Krsticevic	Ms L.L. Baker
Dr K.D. Hames	Mr F.M. Logan
Mrs L.M. Harvey	Mr R.H. Cook
Mr D.T. Redman	Mr M. McGowan
Ms W.M. Duncan	Mr P. Papalia
Mr N.W. Morton	Mr W.J. Johnston
Mr T.R. Buswell	Dr A.D. Buti
Mr R.F. Johnson	Ms S.F. McGurk

Question thus passed.

Consideration in Detail Resumed

The ACTING SPEAKER (Ms J.M. Freeman): The question is that clause 9 stand as printed.