

APPROVALS AND RELATED REFORMS (NO. 3) (CROWN LAND) BILL 2009

Second Reading

Resumed from 18 November 2009.

MR C.J. TALLENTIRE (Gosnells) [12.42 pm]: I am the lead speaker for the opposition on this bill, which is the first of a number of so-called approvals and related reforms bills that will come before this house. The bill is interesting because a narrative is being presented by the government. In 2009, lots of the legislation that came into this house was about law and order, with the suggestion that there is a huge crime wave, that crime is out of control and that only the Barnett government will be able to tackle crime in our community. With this bill, we see a second stage in the Barnett government's narrative; one that is built around fear and says that we are not getting approvals through quickly enough. We have gone from a big fear about crime to a fear about approvals not being processed and being held up by things like red tape and bureaucratic bungling. It is a blame game. Fundamentally, a philosophy of blaming others is coming through from the government. All too often in discussions on approvals, proponents ranging in size from huge multinational corporations to quite small businesses that are involved in exploration activity blame others, including the government, for their own lack of business acumen or for the fact that their project is commencing at an inopportune time. Those proponents have a tendency to blame others for the fact that their projects are not marketable or viable at that point in time. They seek to blame others, which is why I will begin my discussion on the Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009 with a degree of concern. Having said that, the opposition has resolved to support the bill, although we will highlight some of its inconsistencies and the aspects that can be improved. I note that the Minister for Lands is not in the chamber. I will reiterate later some of the points that he should pay particular attention to.

I refer to the fear that is being drummed up in the community by those who are saying that it is difficult to get project approvals in Western Australia. That is a ridiculous claim. It is the wish of many that we have a situation in which it is open slather—that is, a situation in which anyone can get project approval without regulatory control and without an assessment of a project's viability and impact on the community and environment. People should be concerned when they hear rhetoric about the difficulties of getting approvals through Western Australia's regulatory processes. There seems to be the view that every project should be given a big tick and that every project should be put forward on the basis of the claim that it will be of economic benefit to the state. There is seldom proper testing of claims that projects have economic benefit to the state. We must consider those aspects when we go through the bill. This issue will arise when we consider the environment, planning and mining approvals and related reforms bills that relate to this piece of legislation.

The minister has explained that aspects of the legislation will help improve the Land Administration Act and various other pieces of legislation. I will focus on one area for the moment—namely, who will make decisions about changes on crown land. The explanatory memorandum indicates that the minister has the option of delegating responsibility for crown land to a public servant. In many cases that may be appropriate. However, as is indicated by the explanatory memorandum and the provisions of the bill, what is of concern is the fact that the Minister for Lands will have the option to delegate decision-making responsibility to senior public servants—it is a concern that the level of public servant is not defined—and to people who may not be public servants and who may not have public service responsibility or be accountable to the Western Australian community. The minister may find himself delegating responsibility for the control of land to a person who might have a vested interest in that land. From my reading of the legislation, it will be possible for the Minister for Lands to delegate responsibility for decision making about a piece of land to a pastoral lease holder, for example. A person who is a tenant of the state and who pays, as we have discussed in debate on other legislation, a very small rental for the land would be in a position to make decisions about the use of that land. That is quite at odds with the provisions of the Land Administration Act as they relate to the types of activities that should be conducted on pastoral leases. It would be a poor set of circumstances if the minister were in a position to delegate to somebody who is a pastoral lease holder. This is possible under the legislation. Indeed, that is one of the areas about which we seek clarification from the minister. Who will be given effective control of the land? To whom is the minister planning to delegate that level of responsibility?

It is probably worthwhile highlighting the sorts of things permitted by the Land Administration Act.

Debate interrupted, pursuant to standing orders.

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