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

Second Reading

Resumed from an earlier stage of the sitting.

MR C.J. TALLENTIRE (Gosnells) [2.59 pm]: The point I was making before the lunch break was that in 2009 we saw a big focus by this government on law and order issues, claiming that people have cause to be fearful of crime in our community; that the level of crime has been out of control. I fear that, in 2010, we are seeing another fear campaign; that is, development approvals are just about impossible to achieve. There is no evidence for this. The fact is that in Western Australia, a company can get a project approved, but it has to go through due process, which is what the Western Australian community expects. That is why I believe many aspects of this legislation's focus on crown land are unnecessary and that will perhaps wind back some of the quality regulations in our system. I was also focussing on the issue of entitlement to make decisions about aspects of crown land. I was looking particularly at a section of the Approvals and Related Reforms (No.3) (Crown Land) Bill, which refers to the minister being able to delegate powers to a public servant or "someone else". It is that "someone else" that particularly concerns me. I think it is evident that it is intended in the legislation to give pastoral leaseholders—people who are tenants of the state and hold leases on crown land—some additional decision-making power over that crown land that they do not presently have. The legislation proposes to give them the right to make decisions about licences and profit à prendre in respect of crown land. This relates to section 91 of the Land Administration Act 1997. Licences are a good regulatory mechanism to manage activities that people might undertake on a pastoral lease.

I would like to focus particularly on the pastoral leases in the Ningaloo region in light of the various stations that are keen to move away from those more traditional pastoral activities that are permitted under the Land Administration Act. Pastoral leaseholders want to be involved in other areas such as tourism. Under our licensing arrangements there are good regulatory mechanisms that provide an opportunity to review the activities those people might undertake. That licensing mechanism is in place for a host of reasons. I fear that the minister will eventually be in a position to say to a pastoral leaseholder, "Right, you can now decide on the future of your licence; you can decide when it comes up for review; you can be the manager of a licence that you have had to apply for." That would be a very worrying situation. I think it would be tantamount to giving people freehold title of some pastoral leases. It means they would be no longer tenants, but would have the ability to make full decisions about the future of their pastoral leases.

I refer again to the idea that it is difficult to get projects approved in Western Australia. Where is the evidence that says huge projects are held up because the approvals process is too slow? I put it to you, Mr Acting Speaker, that the people who have mining or exploration projects have very easy access to members of this place. In fact, it is almost, dare I say, with monotonous regularity that one goes to functions and runs into people from the Chamber of Minerals and Energy, the Western Australian Chamber of Commerce and Industry and the Association of Mineral Exploration Companies. One is constantly running into people who want to develop projects and who know how to make representations to ministers and members of this place when they require special attention to be given to a project they are involved in that has perhaps struck some sort of obstacle. These people do not have a problem in getting their projects through or raising difficulties that they encounter with members of this place. As a result, they are able to overcome any obstacle encountered with the various acts and regulations that are administrated by our government agencies.

I put it to the house that, as a contrast, many of the people in the electorates we represent are bewildered by how government works. They are not part of the group that we might call the power elite. The people who we represent are often dismayed by the political process. They do not understand it, they do not feel that they have access to it and they do not trust it. It falls on us to ensure that we not only help people to better understand how the system works, but also give them some degree of equal access. I say that because it illustrates the reality that surrounds the claim that has been put out there that people encounter difficulties in getting their approvals through in Western Australia. Where is the evidence for that?

I turn to a report that was released in the middle of last year that is generally referred to as the Jones review—the industry working group's report titled, "Review of Approval Processes in Western Australia". I will come to the detail of the review in a while. I alert members to the fact that there is no data contained in that review to suggest that there are difficulties. It contains a few case studies—a few whinges. People who have encountered problems with the approvals process told this industry working group that they were having trouble getting their projects through. The group did hear a few whinges, but no clear data is presented.

The reality is that if we were to look around Western Australia today to determine what the problem is in getting approvals through, we would find greater issues than the claims that have been made. Issues such as the global financial crisis might have caused a bit of a slowdown in the ability to finance some projects. A bigger problem,

which has been alluded to today by members, is the availability of a skilled workforce to undertake the necessary work. These are the real impediments to any development proposal we might have in Western Australia.

I am left wondering why the Minister for Lands, when he presented this bill, highlighted that we had to give this bill priority because in his view we were facing an approvals mechanism that was in crisis. The wording he used to explain that was along the lines that the system is broken, it is fragmented, it is too difficult to manoeuvre and it is too complicated for companies to use. In addition, he outlined that a company's application often is delayed and the company loses its opportunity.

Mr B.J. Grylls: What's your opinion of the existing approvals process?

Mr C.J. TALLENTIRE: The existing process is one that provides the right balance and the degree of regulation that we need; I am sure the minister would not disagree with that. We need a good regulatory system—one that allows a project to go through. In addition, it is a system that allows for a degree of community consultation. We have any number of projects in Western Australia that have been made better by community input and comment, yet it seems that the people in Western Australia who are pushing the notion that it is difficult to get approvals through are saying that it is a hindrance and a nuisance. They do not like to have community input and comment on their projects. Not only is it a natural entitlement of every Western Australian to be able to comment on any project that goes through, but also it is perfectly legitimate for the community to see how a project is shaped, to enjoy the degree of transparency around it and to provide comment on it so that a better outcome is achieved. It is a perfectly reasonable state of affairs. However, when members dip into the Jones review, they will find that one of the overwhelming themes is that community consultation slows things down and is a nuisance. The whole idea that we have problems with approvals in Western Australia gets blown out of proportion. It turns into a fear campaign and becomes an excuse for those who are lazy and incapable of using their own resources to shape a project. Instead, they want expedited assessment and approval given to them for free by the state. They do not ever want to pay for their approval process; they want the state to pay for everything. Yet they want a subsidy that will help them get their project through.

I would like to turn to an area of the legislation that relates to Aboriginal heritage. The Jones review states —

> The original objectives of the *Aboriginal Heritage Act 1972* appear to have been misinterpreted by some parties to the detriment of the protection of Aboriginal heritage. It appears that a heritage survey "industry" has developed over the last 5 years that has contributed to unacceptable work practices …

I am concerned that some of the proposed changes in this crown land bill will mean that the approvals that are sought that relate to crown land will see that we do not respect section 18 of the Aboriginal Heritage Act in the way that we have in the past. There is an intention to do away with some of the review opportunities and ultimately ignore the importance of Aboriginal heritage when that is found to occur in areas where projects might need to be placed over a significant site, for example. There are real reasons for concern. It is disappointing that we would be looking to further compromise the integrity of the Aboriginal Heritage Act. It would seem to me that if we are to have development in Western Australia, it should never be to the detriment of Indigenous people and their heritage. We often hear the argument that a project will bring about increased wealth for Indigenous people, and that is a commendable objective, but at the same time we have to ensure that the projects that are being brought forward will not destroy aspects of a civilisation that is over 40 000 years old. We have to treasure that and ensure that our legislation protects it. I have concerns about those elements of this legislation that relate to the Aboriginal Heritage Act 1972.

I would like to turn to aspects of the legislation that relate to the Land Administration Act. I have touched on this already but I need to reiterate that the Land Administration Act specifies conditions relating to pastoral land. Pastoral leases cover a huge area of crown land—36 per cent of the state. The 500-odd pastoral leaseholders pay very little rent for their land but they are in some ways constrained by the sorts of activities that they are allowed to engage in on their pastoral leases. They are allowed to engage in three main areas: the commercial grazing of authorised stock; agricultural, horticultural or other supplementary uses of land that relate to the horticultural and agricultural activities; and some ancillary activities that could be described as being pastoral-centric. That is the scope of what is permitted on a pastoral lease. It is quite strictly administered by the people who run the Pastoral Lands Board. Defining the sorts of activities that are allowed on pastoral leases has protected pastoral leaseholders from provisions of the Native Title Act 1993. Their activities are protected in law. I am particularly concerned that any changes that might be made to the Land Administration Act through the Approvals and Related Reforms (No. 3)(Crown Land) Bill could, in fact, change aspects of the Land Administration Act. It especially relates to the issue of who is entitled to make decisions about these sorts of activities on pastoral leases. This is one of the areas that are of particular concern in this legislation.

I will now go into a bit more detail on the Jones review. This is the key document that ostensibly explains why we have to have all these amendments to facilitate project approvals in Western Australia. There is a claim that we are somehow suffering from not having projects approved on time. There is a view that projects are being put

forward that are perfectly shaped and defined with all the technical information presented, but then somehow go into various government agencies and are not acted upon. That is not the truth at all. What in fact happens is that all too often, project proponents present to government information that is badly prepared, missing key information and lacking in proper definition to the point that those charged with the huge responsibility of assessing projects are not able to really understand what the implications of the project will be. The result is that the public servants who have to assess this information are left in a situation where they have no option but to say to the proponent, "You will have to conduct further research and study," or "You will have to engage a consultant to develop a management plan for a particular issue". That is a legitimate thing for those public servants to demand; that is the way we get better quality projects. That is the way we make sure that projects meet the standards that Western Australians expect. There is no way around that; we unfortunately cannot cut corners. If the minister is receiving representations from project proponents who are whingeing about delays and being asked for more information, the minister should respond to such people by telling them that they have to understand what Western Australians expect of projects today. Often, the information that is required is fairly narrow in its scope. We can say that it is quite strong when it comes to the sort of information that has to be presented on environmental matters; there is a good process in place there, although I am concerned that it will be wound back if the Approvals and Related Reforms (No. 1)(Environment) Bill is passed by this house, but that is a story for another day. That particular bill raises very serious concerns.

Returning to the crown land bill, we need a broader scope than that which is presently being used for the sorts of claims that the minister receives about projects relating to crown land. The Carpenter and Gallop governments really encouraged proponents to present full sustainability impact studies that look at the social and economic impacts of projects and provide information for the broader community so that the community can understand the claims and be on a level playing field with those who are putting out information and saying how wonderful the project is. It is only fair for community members to have the skills and resources to be able to assess what information is being put forward. All too often, major projects are presented as huge generators of economic wealth for the state, but down the track we find that the claims were false or overstated. There is a history in Western Australia of people—often in the mining sector, it has to be said—who present projects by saying how wonderful they are and how much wealth they are going to develop. They are basically spruiking for shareholder input. It is then found that the resource is not as significant as was originally anticipated, that there are problems in the logistics of getting the resource to other markets, or that the global price for nickel has plummeted, and we end up with a Ravensthorpe-type situation. Too often companies overlook some of the basic elements that people in the community have an awareness of and have the ability to assess and provide good advice to government on.

Before BHP became BHP Billiton, it had the Beenup mineral sands project in the south west of Western Australia. That project never turned a dollar for BHP. There were huge problems with acid sulfate soils. Unfortunately, the company invested millions of dollars in that project. The company was able to overcome that financial hiccup in its balance sheet. It was not seen to be an enormous problem. But we allowed that project to go ahead, and we built infrastructure to it. There is a road in the south west that goes to the Beenup mine. That mine was never operational, but it has cost BHP a large amount of money. I acknowledge that BHP has put a lot of money into rehabilitating this site that it had so badly damaged but from which it did not make any money. This highlights the need for companies to be exposed to the highest level of public scrutiny, not just on environmental matters but also on social impact. That is what true sustainability assessment is about, and that is what we need to have in the state of Western Australia.

This approvals and related reforms bill provides us with the opportunity to make some improvements to the approvals system. I was quite heartened about one aspect of this bill. I thought, "Thank goodness the minister has sought to make the ownership of pastoral leases more transparent". But unfortunately, when we read the detail of the bill, it does not go far enough. The legislation provides that those who have an interest in crown land will be placed on a register. The information on that register will be made readily available to other government agencies, and also, eventually, to companies—certainly those that have pipeline projects. However, why would that information not be made available to the general public? We are, after all, talking about some 36 per cent of the state. That is a huge area. We should ensure that the public is also given access to information about pastoral leases and about their viability and management. That is a reasonable request. There are all sorts of interesting but very simple web-based systems that could be used to bring this about.

Mr B.J. Grylls: The Landgate system does actually list pastoral leases. But it is a bit out of date. We have been talking about writing to pastoral owners and encouraging them to do this. I remember that the last question that I was asked on this matter was about how we could make sure that that information could be made available. So I will take your issue on board and try to get that updated so that people can access that information.

Mr C.J. TALLENTIRE: That is very good to hear. I acknowledge that the minister shares my interest in making sure that our pastoral leases are managed in a sustainable way, and that they are able to make a reasonable return for the state as well. The present returns leave a lot to be desired in both an economic sense

and an environmental management sense. By having the transparency that is being proposed, we can make some big strides forward. There is room to incorporate that within the system that the minister has outlined so that it is not just a policy commitment and information on pastoral leases is readily and transparently available to the public. At the moment, the amendments proposed to the Land Administration Act contained in this bill would not mean that the general public would be able to access information. In fact, on my reading of the proposed amendments to section 275A of the Land Administration Act 1997, disclosure of information about crown land interest holders seems to be limited to public authorities. The definition of "public authorities" does not include the general public. Nothing in this legislation encourages me to believe that that information would be available to the general public—which would have a genuine interest—or that information will be presented on a website.

Mr B.J. Grylls: Can I get the member to write to me on that saying what he believes needs to be done? I can get the agency to come up with ways to best facilitate how that could occur. I do not want to add layers of red tape as that is not generally desirable.

Mr C.J. TALLENTIRE: I thank the minister. I will endeavour to write to the minister, and I am sure that the minister's staff, who read these speeches, will act upon this with great haste as well.

Other aspects of this legislation have been touched on: the sustainability of pastoral leases and the treatment of projects and issues around time lines. I know that more recently than the Jones review we had the release of the report put together by the Red Tape Reduction Group, which yet again is building up this idea that Western Australia is somehow hamstrung from attaining a greater level of development. Let us face the reality: if we had a system that was going any faster, we would simply have a crisis in skills supply, and we would have all sorts of other infrastructure problems. The reality is that with any approval system there will always be room for improvement. There is no denying that, but the improvement needs to be on the side of the equation that looks at better quality assessments, not on the side of the equation that looks at speeding things up for the sake of it. That is what I see in the reports by Jones and the Red Tape Reduction Group. They contain recommendations about clear statutory time frames, which ignore the fact that the people who do not meet the time frames are invariably the proponents. They are the ones who are incapable of providing the information that enables the proper assessments to be made. We cannot compromise on good process.

We have to acknowledge that a good regulatory and assessment system is absolutely essential to the future of our state, and it needs to be broadened out so that we see an enhancement of the environmental aspects, but it must also make sure that social and economic impacts are properly exposed to the general public and that the general public has the opportunity to comment on them. There have been various trials as to how that kind of sustainability assessment can be done. I know that the Gorgon project was one of the first to have that kind of assessment done, and full marks to the Gorgon partners who enabled that to happen. The process they used could be improved, and that is a good thing. We also saw a proposal around the Fremantle Port Authority in which a sustainability assessment was presented that could enhance the Fremantle outer harbour project. This is something we are ready for in Western Australia; it is not about winding back our approval system.

I will conclude my remarks by saying that we should not pander to those who appear to have a vested interest in peddling fear of an approvals system that is overburdened. The approvals system can be improved, but it is a system that has many strong elements and one that should be enhanced. As I said at the beginning of my speech, the opposition is supporting this bill but there are elements to it that need to be clarified, and I am sure that will occur during the course of the bill's passage between this and the other place.

MR M. McGOWAN (Rockingham) [3.30 pm]: I join the member for Gosnells in speaking on this matter and indicate that the opposition will be supporting the legislation. Providing these reforms is a worthwhile thing to do. I might add that the reforms are fairly technical and minor. I would not describe the legislation as groundbreaking. It contains predominantly some fairly minor and technical reforms that will allow some people to approve certain things rather than others, and it will provide legal certainty for the disclosure of some people's contact details to other people. It is therefore fairly straightforward and simple legislation that is not groundbreaking. Any government would probably undertake these sorts of reforms periodically in any event.

The member for Gosnells touched on the issue of approvals, and I have spoken about this issue in this house before. It is no doubt important to improve the timeliness of approvals when we can. An affluent state such as Western Australia, with an environment that is in a better condition than virtually all other parts of the world, should have a robust and high-quality approvals system that protects our environment and takes account of the extraordinary diversity and nature of Western Australia's natural environment. That should be a given in a state like Western Australia, and we should all support that. It is now a regular complaint by some people that the approvals process causes unnecessary delays. I would say to people that they need to accept that Western Australia must have a high-quality, robust approvals system. That should be a given in a state like ours. We are not a Third World country. Western Australia is not a place where people should expect low-quality

developments that damage our state's environment. That should not be acceptable in Western Australia. Therefore, a high-quality approvals system staffed by good people, providing good advice to government with appropriate and proper arms-length and corruption-free processes should be a natural in Western Australia. We should not cave in to anyone who says that the approvals system should be anything different.

There is a chorus of people who say that it is very difficult to get approvals. I say to them—although this generally gets drowned out by that chorus—that in the eight years of the former Labor government 170 new mines opened in Western Australia. I am not talking about expansions; I am talking about 170 new mines in Western Australia. There were dozens, scores or hundreds more expansions. The former government approved and opened 170 new mines, predominantly in the latter part of its time in office because, of course, in the early part of our term the state was not booming. The boom occurred only in the latter part of the former government's time in office. That is a verifiable fact. If any member says it is not, I have with me an answer to a question to Hon Norman Moore that verifies that fact. It is true—170 new mines. That was a doubling in the size of the mining industry in Western Australia in those eight years. That is a fairly stark statistic.

When I was the Minister for Environment in the former government, I found the staff in the Department of Environment and Conservation to be as good as the staff of any agency for which I had responsibility, and I had responsibility for 13 agencies over four years. They were as good as or better than any other that I had. In particular, they were hardworking people who very much understood the economic base of Western Australia, but also understood that we must have a robust and defendable environmental approvals process, or else we bring the process into disrepute and we could potentially damage the environment. Therefore, I have considerable faith in those people.

I suspect that the member for Scarborough in her speech will talk about red tape. She has conducted a review into red tape, so I suspect she will talk about that. I have heard of those sorts of arguments. No doubt this bill is an improvement in cutting down some of the processes and times for approval, and I support that. Indeed, as I understand it, the opposition will support most of the legislation on approvals that the government is bringing in. It is part of the evolution and improvement of the system. There was a backlog of mining approvals during our time in office. However, members need to understand that there was such an incredible number of mining approvals, such incredible pressure on the staff and such incredible numbers of staff being taken by the industry itself that it became difficult to process them all. There has been a decline in the backlog. Of course, there would be, because, as I hear ministers say every day, the economic circumstances have changed. Over the course of the economic difficulties a year or so ago, the volume and scale dropped off, the number of people leaving the agency declined because job security became important, and it became an easier thing to manage. However, at the same time we had a doubling of the unemployment rate in Western Australia. So if we take the good, we have to take the bad, and that is what happened.

I have asked the question of the Premier on a number of occasions now—twice—to which I have received answers that have shown that during the 15 or 16 months duration of this government, 170 new inquiries, committees and reviews have been established—170. That is an extraordinary number. The ones that the government could cost brought the amount to greater than $10 million. The government could not cost a number of them, so I do not know what the total cost is. In late November before we broke for the recess, I asked the question about how many more had been established over that period until 1 February. I would have thought that that should be fairly easy to calculate. I wanted to know for, say, the past four or five months, how many more committees, reviews and inquiries had been established. The Premier gave me an answer in which he said, "I will make an announcement on that in due course." I asked a question in Parliament about the number of reviews, committees and inquiries, which the Premier had answered twice previously. His answer now is, "I will provide an answer on that in due course." That is not an answer. The Premier should come clean on how many reviews, committees and inquiries the government has put in place since it has been in office. I suspect it is more than 200 now. If we go by the rate of growth in the first 15 months or so, I suspect that in the past four months there would have been at least another 30, which would take it to more than 200 reviews, committees and inquiries. We saw yesterday that the Amendola review has increased in price significantly. I suspect that is the case for a number of them. All I say to the Premier is that he should come clean on how many new reviews, committees and inquiries he has put in place. Since we are dealing with approvals, timeliness and so forth, he should tell us all that.

One of the things that the last government did was put in place a requirement for domestic gas from oil and gas projects. Therefore, if an oil and gas project was approved, there would be a requirement for a contribution to the state's gas supply. Anyone but the most hardline economic rationalist, I think, would agree with that.

Ms A.J.G. MacTiernan: An economic fundamentalist; it is hardly rational.

Mr M. McGOWAN: That is right. One would have to say that anyone but the most hardline economic fundamentalist would agree with that. I think that was a good initiative. It built upon the original North West

Shelf project. It provides for an expansion of the gas supply into the domestic network. It is a good initiative. It obviously caused some angst at the time, but I have heard that the principal complainants at the time are now saying that it was a good decision to say that there should be a contribution to domestic gas from new projects.

When we passed the Gorgon bill, we had in it a requirement to provide domestic gas contribution. That is a good thing. We all know that there are new projects coming on stream that will require access to terrestrial sites in Western Australia for their gas processing plants. One of them is in the Kimberley. There is a requirement for domestic gas. It has been put in place in relation to the Gorgon project. There is now what we call for new projects—certainly for the North West Shelf project—a level playing field in that a domestic gas contribution has to be provided. My question to the government is: what is going to happen with the Kimberley? Is the government going to provide domestic gas from the Kimberley into the domestic network? I suspect the answer is no. If it is not going to do that, what is it going to do in exchange? If the government is not going to include a requirement for domestic gas—which it said is also its policy, as it was our policy—what is it going to do in return?

Some people argue that the domestic gas policy slowed the approvals process, but I do not accept that. I accept that it should be part and parcel of doing business in what is going to become a rarer commodity that is essential for basic industry in our state. The government should provide that approvals process. Some companies have accepted that. Where is the domestic gas component for the Kimberley LNG project? Will the government be providing that? If it does not, will there be any offsets? Will any other projects be required to provide the same amount of gas as it would have? I am interested in whether that will be part of the government's requirements for approvals for the Kimberley gas hub.

The member for Gosnells talked about pastoral stations. I note the Speaker made a statement about a review, by one of the standing committees, of the management of pastoral stations by the Department of Environment and Conservation. The pastoral station purchase process commenced under the Howard and Court governments back in the late 1990s. As I understand it, 50 or so have been purchased. I visited some pastoral stations when I was the environment minister. It is part of the acquisition of land for the conservation estate of Australia. It was a good initiative that was started by Robert Hill, the former Liberal environment minister, back in the 1990s. I met Robert Hill when he was the defence minister. He seemed like an honourable and decent man. He believed in the concept of conservation, as I do. He started the process of purchasing pastoral stations that were largely unviable or unable to be sold. He suggested that if we place them in a varying range of locations around the state, we might increase the conservation estate. It seemed like a reasonable proposition to me, but it has come under a great deal of criticism. The criticism is that the Department of Environment and Conservation is not putting enough resources into the management of those places. If that is the case, increase the resources. If the department needs more rangers, if it needs more feral animal control, if it needs more weed control, provide additional resources to do that. There is a general theme, particularly propagated by some of the neighbouring pastoralists, that this pastoral acquisition program was a bad thing, even though the people who owned the pastoral stations generally received a price for the purchase of the stations that was probably greater than they would have received had they not sold it to the Department of Environment and Conservation.

The government should properly manage them. I saw with my own eyes that the land is very badly degraded on a great many of our pastoral stations that are operated as pastoral stations. They are often in areas that are very marginal. The land itself, comprising wonderful natural bushland of Australia, is very badly degraded because of some of the land practices.

Ms A.J.G. MacTiernan: In reality, very often there is more money gained by tourism, some of it not quite legal, than there is by the return on the pastoral land.

Mr M. McGOWAN: What I would say is that often with these leases —

Mr B.J. Grylls: We actively discourage that tourism.

Ms A.J.G. MacTiernan: We did not actually discourage it. We tried to put it on a rational, managed basis and not have 350 000 people go to Ningaloo Reef in an unsustainable way but have a management plan and have it legitimised.

Mr M. McGOWAN: I think that is a correct point. Ningaloo is a beautiful place and we should try to make sure we manage it properly and that we have sustainable development. Some of the development around Ningaloo, quite frankly, has been disgraceful. It is a very fragile environment.

I was not particularly talking about those areas on the coast but some of the more inland ones where some of the tourism activities are more limited, although there are some that go on. What I would say to the government, or the committee when it does its inquiry, is that it should be very careful about how it conducts the inquiry and it should examine for itself rather than just listening to people who have vested interests in attacking the program, conservation and those sorts of things. The lands included could be quite beautiful and brought back to a very

much more natural condition than they are now. They could be, as it were, environmental jewels in the midst of the surrounding pastoral stations. It should be part of what we try to encourage in this country.

I saw some national parks amidst the pastoral stations. Of course, those national parks have never had pastoral activities on them. The lands are in a much better and more pristine condition than the surrounding land, which is natural. If cattle and sheep are on the land, they are going to damage the land—there is no doubt about that. As I said, the stations that were bought were often very marginal, so it was a good outcome for the pastoralists and it could be a good outcome for the state and the conservation estate. We just need to make sure that it works, which is all I am saying. It is not some attack on pastoralists. I know that they have hard lives. The lives that some pastoralists lead are so incredibly tough that I would find it very difficult to do myself. They have to send their children away to school and live in harsh and remote environments and withstand floods and droughts. I do not know how they do it, and sometimes I do not know why they want to do it, but they do. I held a function at one of the stations we acquired and it was attended by local pastoralists, some of whom drove 200 kilometres.

Mr B.J. Grylls: For the party?

Mr M. McGOWAN: Yes, for the function, and then they drove 200 kilometres home at the end of the night. I must say that the eskies were very empty, and I did not notice anyone who was not partaking. I was quite concerned that there might be a lease on offer at the end of that party! But it is a hard life for those people and I am not attacking them; in a way I admire them. All I am saying is that we need a mix of how the land is managed out there and there are some environmental jewels that can be managed in a more environmentally friendly fashion.

MRS L.M. HARVEY (Scarborough) [3.47 pm]: I will not take up too much time, but I want to respond to some of the comments made by the member for Gosnells about the streamlining of the approvals process that we mentioned in the Red Tape Reduction Group, which was the committee that I chaired. If the member for Gosnells cared to go to the actual body of the report and explore some of its recommendations, he would find that the streamlining of the approvals process is certainly not designed to try to circumvent any process or indeed make approvals some kind of stamp-and-deliver system, by any stretch of the imagination.

It might interest the member to know that the committee received the highest number of complaints right across the state from people who were stuck in approvals processes that were taking a long time. They were processes that were not transparent and the rules were not clearly explained.

Mr C.J. Tallentire: For land clearing?

Mrs L.M. HARVEY: On a whole range of areas, including land clearing. We did not actually look at mining approvals, because a committee into mining approvals was already underway. Native forest and flora clearing is certainly one of the big issues that face local governments, private property owners, Main Roads and other government departments. If the member cared to drill down into the body of the report, he would find that our recommendation regarding statutory time frames was about statutory reporting time frames, where the time taken to process an application was measured in calendar days and that the calendar days mapping of the approvals process was done for every single step of the process. The Red Tape Reduction Group made that recommendation to protect public servants who act in good faith, charged with their duties on behalf of government departments, and who may have been waiting for the proponents to return relevant information to them so that approvals can be processed.

One of the member for Gosnells' queries is covered in the report and forms one of the recommendations. We recommended that this process should be mapped and have a 60-day statutory time frame, or whatever; we have left it up to the departments to determine that, dependent upon the area of approvals they are involved in. But, as part of that approvals process, the guidelines should be made very, very clear and transparent so that when people go through an approvals process with any government department for whatever reason, they can go to a webpage and see the information laid out, without there being a secret set of quasi-regulations hidden behind that inside a department, which make the process one of continual review and continual adjustment.

Part of that process is the reporting of the time of receipt of the application, the time taken for the first department to process, and the time taken for referral to other agencies. For instance, if an approval application comes into the Department of Environment and Conservation that requires a report or comment from the Fire and Emergency Services Authority, the Department of Regional Development and Lands, the Department of Planning or wherever it may be, the time taken for those departments to report back to the original agency to which the approval application was submitted should also be recorded. Then, if the proponent is required to provide additional information regarding the approval at periods along the way, the time taken for the proponent to provide the information should also be recorded. Therefore, if the proponent delays the process by not providing information required under the rules and regulations, then the proponent would be logged as

taking six months to respond to a request for information. That would protect our public servants who are acting in good faith and discharging their duties commensurate with legislation that we pass in this place.

I just wanted to correct the record on that and clarify that the recommendations of the Red Tape Reduction Group were not about making the approvals process less rigorous or less robust; they were about making the approvals process much more transparent for the public servants who process the approvals applications, protecting government departments, protecting ministers, and also protecting the applicants and ensuring that everybody is clear about where the hold-ups are and clear about the information required to allow an approval to progress.

Mr C.J. Tallentire: Member, did your report recommend that there should be a quick "no" mechanism? A lot of people who apply really have no hope of getting their project through. They should be told that up-front, rather than being led to believe that if they persist with the system, they might get it through.

Mrs L.M. HARVEY: That is quite correct. One of our recommendations—not with respect to planning approvals but with regard to liquor licensing and some of the other areas—is that if an approval is lodged and from the outset it is clear that it will not fit the criteria, the department should have an immediate refusal mechanism that states that until the applicant addresses particular criteria the approval will not be considered by the department. That would save everybody time and money and an approval application would not be floating around in no-man's-land in a department with nobody willing to pick it up because it is so far below the standards.

I want to make it very, very clear to the house that the recommendations of the report are not about circumventing the process or dropping standards, they are about making our very, very high standards very, very clear to proponents so that they know what they are getting into at the outset, and we are not wasting a lot of time, money and effort on approvals that will probably never make the grade. I commend this bill to the house and I thank members for their interest in the report. I encourage members to read the recommendations and content of the report, because the explanation of how we arrived at the recommendations is quite important in many instances.

MR B.J. GRYLLS (Central Wheatbelt — Minister for Lands) [3.54 pm] — in reply: I thank members for their contribution to the Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009 second reading debate. I thank the opposition for its indication that it plans to support the bill. I think that the opposition is quite right in saying that through our review of the approvals process, this legislation has been deemed to be a relatively simple way of somewhat speeding up and allowing the approvals process to have more transparency. I think the indication of support for that shows that what we are doing is commonsense and will deliver a good outcome.

I thank the member for Scarborough for her comments on the Red Tape Reduction Group's report. I think there was a lot of hard work in simply trying to wade through all the government agencies and to take it from the perspective of people who have tried to get through that process and how they have had to deal with it, because that is the important thing. I think some good work came out of that.

Across the chamber we have just been talking about the fact that a quick "no" is often just as valuable to a company as a long drawn-out process. There have been a couple of recent cases of this; for example, in Exmouth a salt farm was proposed for an area deemed "salt farm" and it ended up failing, and I think $13 million or $14 million had been spent on that process. The people involved told me that because the land was zoned salt farm, they thought that they would have a chance. There is also an example of a property development down south on land zoned urban —

Mr M. McGowan: Just on that case, I don't think it was actually refused; I think that what happened was the process has taken so long, they have given up.

Mr B.J. GRYLLS: I think that could have been it.

Mr C.J. Tallentire interjected.

Mr B.J. GRYLLS: But as I said, I think the point that they make is along the member's lines: they spent a lot of money and they have eventually thrown their hands in the air and said, "This is too hard." It may have been easier to have a situation in which a decision was made up-front.

A lot of land is zoned urban and we talk about land shortages, but having land zoned urban does not necessarily mean that we will be able to bring it to the market in the form of blocks. There is a lot more process to go through and a lot of land zoned urban is deemed by agencies as inappropriate for development, which creates great challenges. Therefore, the government and I, in my role in this issue, under crown lands are attempting to make the process better. Several reports have been written about that and this bill builds on that. It looks as though this bill will pass through the Parliament, which is a good thing.

Another major focus of this debate was the pastoral industry. I think that this issue has challenged many members of Parliament over many, many years. We agree that in some areas it is very difficult and in other areas it is very profitable. Pastoralists have not been very happy with me; we put rents up somewhere north of 300 per cent in many areas, which was not a good way for me, as the new Minister for Lands, to build a good relationship with the pastoral industry. However, the Valuer-General looked at those properties and increased their values, which I think gives some understanding of what is happening in the pastoral industry; those lands are valued and we will continue to work with the pastoral industry. A lot of work is being done on making it so that grazing is not the only option. For some successful pastoralists, grazing is a good option. I am a little different from the member for Gosnells in that I am very supportive of what they do and I am quite glad of the product that they make and the export dollars that they generate. Not only that, I am very supportive of the work that pastoralists do to manage those lands. As raised by the member for Rockingham, a lot of land has been purchased from pastoralists, through that program started by Robert Hill, and put into the conservation estate, but that was the last time anyone set foot on it. That has been inappropriately resourced and a whole range of problems have arisen. Problems arise not only when the Department of Environment and Conservation owns the land, but also when a pastoral lease is owned by a pastoralist who does not manage the land, and it becomes a major problem for neighbouring pastoralists and the region. These vast tracts of land require a degree of management to control wild animals, weeds and other pests. This is not happening in too many instances, both with government-owned land through the conservation estate and in other areas. We are looking very closely at how that is actually done.

Mr M. McGowan: I can see how you would manage wild animals, but I am not sure how you can manage the weeds. The only way to really manage them is to have cattle and sheep grazing on the land, but that is part of the problem with some of that land; they are not suited to that. I think it is more a wild-animal issue than anything else.

Mr B.J. GRYLLS: It is not much different in the wheatbelt, but we have smaller properties. If a property has an outbreak of doublegee, caltrop or —

Mr M. McGowan: Caramel bun?

Mr B.J. GRYLLS: That is a wheat problem, not a weed problem. What did the member say again?

Mr M. McGowan: It just sprang to mind.

Mr B.J. GRYLLS: And skeleton weed and so forth. The first one or two skeleton weeds are manageable. If a farmer finds them, he manages the problem. If he did nothing and went back five years later, the weed would be unmanageable and he would concede that he would never get ahead. Members would have noticed the purple flower of Paterson's curse on the way up to the Mid West. It is the same story. There are plenty of examples of that sort of thing. If one gets on top of it early, there is some chance. There is an area of caltrop on our farm where my wife and family walk. We should be doing more to manage it because the area it covers gets bigger each year. We keep saying, "It's not that big yet, so we'll come back and do it next year," and then we say the same thing the next year.

Ms J.M. Freeman: Are they the big doublegees?

Mr B.J. GRYLLS: No, it is smaller than a doublegee. It has two spikes.

Ms J.M. Freeman: We have that in Koondoola outside one of the aged-care places.

Mr B.J. GRYLLS: There we go. A pastoral lease is not much different in that a small infestation on such a property would probably be manageable. If no management of the infestation occurred over five or so years, it would become unmanageable. That is where the problem is. I am happy to announce that we are looking at what the member talked about; that is, how to better manage the conservation estate so that we do not have those problems. It would have been nice if the program for managing those lands somewhat matched the project to acquire those lands, but unfortunately that has not happened. Western Australians saw the picture on the front page of the paper of the pastoral homestead that had goats living in it. An enormous amount of effort is taken to build infrastructure on pastoral leases. Those properties are remote and it is difficult to build on them. The maintenance of station homesteads and outstations is quite important in the management of pastoral leases, because they are where the people who undertake the management would stay. They cannot drive there and then drive home at the end of the night. More work will be done on that.

We are determined to look at diversification across pastoral leases. I do not like the notion that, under the current legislation, we, essentially, tell people that if they want to expand their business, they need to get more cattle. If they would like to expand their business by moving into tourism or something else, we should allow that to happen rather than hindering it, but that is what is occurring. I welcome the committee looking at the pastoral leases managed by the Department of Environment and Conservation. It will come up with some

recommendations that the government can act on. Members will see more activity in and around pastoral leases going forward. The member for Gosnells made it clear that more and better work needs to be done on that.

A lot more work needs to be done. Everyone agrees that the Western Australian approvals process needs to protect our wonderful natural environment, but it also needs to be well defined, transparent and done in a way that facilitates investment, which can then grow the economy and job opportunities, and make Western Australia a better place. As we look to managing the budget and improving the provision of health care, education and everything else, we need a strong economy. A strong economy is facilitated by a clear, open approvals process that encourages investment in Western Australia. The bill will add to that in a small way. I thank the opposition and other members for their support for the bill. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

Bill read a third time, on motion by **Mr B.J. Grylls (Minister for Lands)**, and transmitted to the Council.