

## SUBMISSION

TO THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

REGARDING THE

Inquiry into the environment and petitions functions of the

Standing Committee on Environment and Public Affairs

(a) The roll of petitions in a modern parliament: As a former Chairman of the Standing Committee on Constitutional Affairs and Statute Revision, from 1993 to 2001, I have extensive experience in the area of dealing with petitions. Over this period we brought down 59 reports, although they covered a range of issues, not only petitions.

The most comprehensive of these, The Report in Relation to the Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold land in Western Australia, was completed over several years, under three Chairmen. It was mainly concerned with environmental issues that had started to interfere with Private Property Rights, following the passage of several Federal Government Acts and complementary State Legislation, following the signing of International Agreements by the Federal Government. It is an outstanding document outlining traditional Property Rights.

The power of the States has deteriorated greatly since Federation, mainly due to the Federal Government eroding the financial resources of the States, but environmental legislation has done much to damage the States power over Land Management and the entrenched common law rights of property owners. When property is secure, a Nation prospers. Not only because it is the base of the financial system, but it provides security and encourages development.

Petition 92 is another good example. In a large part, it was responsible for the current enquirey being undertaken by the Standing Committee on Public Affairs into Property Rights. The report shone a light on poor Parliamentary performance because the Department for the Environment did not follow the rules. It gave almost no time for public comment and wrongly informed the Parliament that the amendments introduced by Notice were not controversial and did not need review by a Parliamentary committee.

In my view, the ability of citizens to be able to petition Parliament and have their concerns examined by a cross section of Members is a valuable method of encouraging good Government. The value is not only in the reports, but, the various Members get a greatly improved knowledge of issues and working together across party lines in the Standing Committees builds respect between Members, more so than the formal floor of the House. This makes the Parliament function more efficiently.

(b) The Committees practice and procedure in inquiring into petitions referred to it by the Legislative Council: Procedures can always be improved, but in general Western Australians should be very proud and satisfied with the performance of their Standing Committee system. I presume the processes remain fairly similar to when I was involved. Comment is sought from the relative Minister, submissions are called from the public and expert advice is sought as required. Where ever possible, a good Chairman should aim at a report that is technically correct and if possible unanimous. In some cases it will be necessary for minority reports to cover philosophical difference of opinion, but in my experience, with good will most reports can agree on the facts.

(c) The Committee's practice and procedures in carrying out its environmental function: Environmental functions usually fall into groups. Those dealing with the natural environment and

those concerning the developed environment, usually on privately owned land. 7% of Western Australia is privately owned and only about about 6% of the Western Australian land mass has been cleared. Clearly the Crown, as the largest land owner has the greatest environmental responsibility, but unfortunately the management of public land leaves much to be desired. Crown land is often the source of bush fires and vermin, both introduced such as cats, foxes, horses, camels etc and native species which multiply such as emu and kangaroo and weeds, too often are an economic burden on adjoining private land holders.

Over the last thirty years or so, as previously mentioned, the burden of meeting International treaties has fallen mainly on private land owners. The introduction of clearing restrictions to meet the Kyoto and Paris agreements is the best example. The credits earned are why Australia is said to be meeting the Paris agreement although emissions are probably rising, the huge cost has been mainly born by the farming community.

Clearly the conflict of interests between Crown and private land owners is real and the Standing Committee will serve a vital service if it works to resolve the issue. Both the Crown and private land owners have responsibilities, to manage the land under their control.

If Agriculture is to remain viable, the Crown must have adequate resources to do their part better than at the present. If the community wants a healthy environment, the community must be prepared to pay the cost.

(d)The approach of other parliamentary Committees in carrying out environment and petition functions: This raises two issues. Generally, I think the Legislative Council should refer environmental matters to this Committee as it would build up expertise over time in this very complex area of legislation. Obviously, which Committee handles Petitions is a different issue. Conflict would only occur if a different Committee had responsibility for Petitions and a Petition came in on Environmental issues. In that case I would assume the President would look at the urgency, detail and work load and make a ruling on which Committee handled it.

(e) Any other matters considered relative by the committee: In summary, the Standing Committee system works extremely well and is responsible for the Parliament being well informed on many issues. Unfortunately both Governments have a poor record of introducing the reforms recommended by the Committees. This is a matter that all Committees should give some thought. Although the government is required to respond to each report, too often the relative Committee seems to let the matter rest at that point. Because in nearly all cases, the Legislative Council agrees to the reports, as a house of review, it should consider the response and if it disagrees, should note its displeasure and at the very least issue a statement to the Media. In so many cases we have seen good reports produce little action.

Murray Nixon JP OAM

President Gingin Private Property Rights Group (Inc)