

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2021

Second Reading

Resumed from 17 June.

MS E.J. KELSBIE (Warren–Blackwood) [3.36 pm]: I am pleased to support the Conservation and Land Management Amendment Bill 2021. This amendment bill will help recognise the rights of Aboriginal people by broadening the purpose of marine parks to include the protection and conservation of the park's values to the culture and heritage of Aboriginal people. I am proud to be part of a government that recognises the importance of Aboriginal history and heritage in marine reserves.

Western Australia's marine areas are globally significant, with WA's coastal waters considered to be amongst the least disturbed in the world. We are fortunate to have in my electorate of Warren–Blackwood the Walpole and Nornalup Inlets Marine Park, which covers approximately 1 442 hectares with most of the area adjacent to the marine park forming part of the Walpole–Nornalup National Park. It is a beautiful part of our state. The marine park takes in the Walpole and Nornalup Inlets, and the tidal parts of the Frankland, Deep and Walpole Rivers that feed into the estuary system. Walpole Inlet is shallow, at most one metre deep, while Nornalup Inlet is larger and deeper at up to five metres deep. The estuaries are joined by a natural one-kilometre long, two-metre-deep channel bordered by steep granite hills and rocky shores. These are known as the Knolls, and are clothed with dense karri, marri and tingle forests. A major attraction of the inlet system is its remote wilderness feel, particularly in parts of the Nornalup Inlet and the Frankland and Deep Rivers. The marine park is a major tourism drawcard for the region. Hundreds of sailing enthusiasts travel to the south coast each March for the "In the Trees" regatta. A growing number of open-water swimming enthusiasts, myself included, are marking the new year with the "Brown Water Classic", an eight-kilometre swim from Walpole to Nornalup through the estuaries' tannin-stained waters. I will be taking this on in a team in 2022 and will be encouraging my colleagues in the chamber to join me.

The marine habitat has a high diversity of marine fauna and flora, including at least 44 species recorded there prior to 2012. The marine park serves as an important nursery area for many fish species, including juvenile pink snapper. Sharks and rays, which are less common in other estuaries, are also found in the marine park. New Zealand fur seals and dolphins also use the inlets, and have been seen in the Frankland River as far up as Nornalup. I have swum with a dolphin at Nornalup. Black swans, ducks, swamphens, cormorants, herons, egrets, oystercatchers, plovers and pelicans are all commonly seen in the marine park. The sand flats at the mouth of the Nornalup Inlet are an especially important roosting habitat for migratory shorebirds such as stints, great knots and sandpipers. Many of these migratory shorebirds travel vast distances from their breeding grounds in Siberia and Alaska to come to the marine park to rest and recuperate before beginning their return journey. Ospreys and white-bellied sea eagles also live and fish in the marine park. Seagrasses, algae, a diverse array of shellfish and other animals live on the estuary floor. Some prawn species, such as the blue swimmer crab and mud burrowing crab, are also found in the inlets. As members can see, the Walpole and Nornalup Inlets Marine Park is a special place, worthy of protection for future generations.

What may not be known to the average visitor is the Aboriginal connection to the marine park. Estuaries have long been culturally significant areas for Aboriginal communities in south western Australia. Aboriginal archaeological sites near the Walpole and Nornalup inlet system have identified middens, artefact scatters and fish traps on the inlet shore and in the surrounding region. Within the park, the Depot, Newdegate—or Snake—Island, and Coalmine Beach are registered as sites of Aboriginal significance under section 38 of the Aboriginal Heritage Act.

Traditional owners have worked with the Department of Biodiversity, Conservation and Attractions to advise on the traditional naming of sites. They have developed a welcome to country for the marine park, detailing a traditional story that is now used at a site overlooking the park, and developed signage for a canoe launch site for the Kapagup–Nornalup paddle trail. Traditional owners help document sites and values that are then considered in future planning for the area. The traditional owners promote and support customary activities within the marine park and in the lands adjoining it, helping train DBCA staff so that they can understand and manage arrangements for these important activities in a culturally sensitive and appropriate way. Traditional owners are actively involved in the marine park's planning and management, collaborating with DBCA staff on management and interpretation opportunities. The traditional owners are also represented on the working group for trails development in the area surrounding the marine park.

It is important that sites of significance to Aboriginal people are preserved. Traditional owners are consulted on the planning of prescribed burning through the Wagyl Kaip Southern Noongar working party to ensure cultural values and sites within burn areas adjacent to the marine park are protected. An Aboriginal engagement officer actively monitors registered Aboriginal sites surrounding the marine park to ensure these sites are preserved.

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The McGowan government will leave a lasting legacy for future generations by significantly increasing Western Australia's conservation estate. I look forward to seeing the proposed south coast marine park, and a further five million hectares of new national parks, marine parks and conservation reserves, added to our already rich collection of land and marine parks over the next five years.

Plan for Our Parks will also boost tourism in Western Australia, by providing opportunities for the development of nature-based and cultural tourism and recreation attractions. This will create jobs and further enhance Western Australia's reputation as a leading nature and cultural-based tourist destination. The initiative provides the basis for a new era in working with the state's traditional owners.

The plan will deliver on a number of existing strategic priorities and commitments, and create new, visionary opportunities for parks and reserves. Plan for Our Parks will provide long-term employment and joint management outcomes, supporting Aboriginal people's desire to manage country and respond to the growing demand for on-country jobs for Aboriginal rangers. It is designed to complement other initiatives, such as the successful Aboriginal ranger program, which was established in 2017 to protect the environment and leverage the social and economic benefits that employment provides in regional and remote Western Australia.

This amendment follows on from changes to the Conservation and Land Management Act in 2015 that enabled the joint vesting of reserves, including national parks, nature reserves and conservation parks, between the Conservation and Parks Commission and traditional owners, through an Aboriginal body corporate. This amendment will take the next step to ensure that marine reserves, including marine parks, marine nature reserves and marine management areas, will be jointly vested in the same way as land-based reserves. Joint vesting is important, as it recognises and respects the connection Aboriginal people have to country, while also providing a formal mechanism for traditional owners to contribute their knowledge, skills and expertise to the management of these important ecological sites. It does this through legally recognising a shared responsibility between the Conservation and Parks Commission and the traditional owners over a reserve. Joint vesting ensures that both parties' interest in the reserve is recognised, and the reserve title recognises the Aboriginal traditional owners alongside the Conservation and Parks Commission. It also makes clear that both parties have a shared responsibility for the future of the reserve.

Other amendments that the bill will make are administrative in nature and will update and modernise the CALM act in accordance with the government's goal of pursuing legislative reform to reduce red tape and ensure that legislation operates efficiently. These include amendments that will remove the requirement for permit and licence forms to be prescribed and other amendments to address miscellaneous minor anomalies and omissions.

I commend the bill to the house.

MS D.G. D'ANNA (Kimberley) [3.47 pm]: I rise to speak in support of the Conservation and Land Management Amendment Bill 2021. This amending bill will continue the strong bipartisan support for including the engagement of Aboriginal people in the management of conservation reserves. This is an example of how the McGowan government will leave a lasting legacy for future generations by significantly increasing Western Australia's conservation estate. This comes from the government's Plan for Our Parks, which will secure a further five million hectares of new national parks, marine parks and other conservation reserves over the next five years. The five million-hectare expansion will see the conservation estate increase by over 20 per cent. The plan will deliver new and expanded parks in the Kimberley in the north, across WA's great lands, to population centres in Bunbury and Perth and to our south west forests and along our southern coastline. The plan includes existing priorities and identifies new and visionary opportunities to work with traditional owners to create, jointly manage and vest, and expand our parks.

Importantly, Plan for Our Parks will also boost tourism in Western Australia by providing opportunities for the development of nature-based and cultural tourism and recreation attractions. This will further enhance WA's reputation as a leading nature and cultural-based tourist destination and create jobs, which is core to the Kimberley electorate. The initiative provides the basis for a new era in working with the state's traditional owners. It builds on successful joint management arrangements that are being implemented with traditional owners elsewhere in the state. Plan for Our Parks builds on the government's election commitments and strategic priorities, and includes longstanding reserve proposals designed to contribute to a comprehensive, adequate and representative reserve system for WA.

This is important legislation that will see shared responsibility between the Conservation and Parks Commission and the traditional owners over waters, land or land and waters, legally recognised. Another way to see this is that vesting formally recognises traditional owners' interests in country on the reserve title. This means that both parties' interests in the reserve is recognised and both parties have a shared responsibility for the future of the reserve.

It is extremely important for traditional owners to play a role in maintaining and moulding the future of their lands. The 2015 amendment to the Conservation and Land Management Act 1984 enabled the joint vesting of certain reserves.

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I am proud to see this Labor government now extend that to enable marine reserves to be jointly vested under this bill. As the joint vesting party, an Aboriginal body corporate will have an equal role to the Conservation and Parks Commission in preparing the initial management plan and every other proposed management plan, and reviewing each expiring management plan for the jointly vested land, land and waters or waters, as well as an equal role in being consulted on the granting of licences and leases on the jointly vested land, land and waters or waters and providing advice to the Minister for Environment on proposals to cancel or amend the purpose of, or change the boundary of, certain types of CALM act reserves that are not class A reserves.

This is exciting for the Kimberley region as the joint vesting will be able to be applied to existing and new marine reserves. Consultation has recently closed for the proposed marine parks in the Buccaneer Archipelago in the Kimberley, which was a 2017 election commitment by this government and a component of the McGowan government's Plan for Our Parks initiative. This government has made a commitment to co-design these proposed marine parks with the Bardi Jawi, Mayala and Dambeemangarddee traditional owners. This will be Australia's first ever co-designed marine park. The parks will cover around 660 000 hectares in the West Kimberley within the Bardi Jawi, Mayala and Dambeemangarddee sea country. The co-design approach recognises the native title rights, the cultural heritage values and traditional practices of the traditional owners who live adjacent to the proposed marine park and rely on the resources of their sea country to maintain their lifestyle. This is specifically important to me also as I come from Bardi country.

The Kimberley Land Council worked with the state government and traditional owners to facilitate discussions over the parameters of the park, assisted with meeting logistics and provided legal support to make sure that traditional owners were at the forefront of negotiations. Over 200 traditional owners from the Buccaneer Archipelago played a part in designing the balanced and strong plan to care for sea country. The marine parks aim to conserve the outstanding natural and cultural values of the Buccaneer Archipelago while facilitating exceptional visitor experiences and providing ongoing access for site-appropriate recreational and commercial activities. Creating these parks will mean that traditional owners of the Buccaneer Archipelago are given a voice and opportunity to protect culturally significant areas.

Another exciting part of this bill is the amendment to the reserve purpose of a marine park to specifically include the protection and conservation of the value of marine parks to the culture and heritage of Aboriginal people. This will mean the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons will be part of the reservation purpose. This will provide the certainty that special purpose areas can be made for the protection and conservation of Aboriginal culture and heritage values. Special purpose areas in marine parks are those areas where activities may be restricted, depending on whether they are incompatible with a conservation purpose. The amendment will provide the certainty to enable the incompatibility test to be applied to determine whether the activity is incompatible with a conservation purpose that includes Aboriginal culture and heritage. This will provide certainty to enable the making of special purpose areas in which commercial and recreational activities that are incompatible with the "protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons" purpose to be excluded. This will occur when the section 62 notice to create the marine park and associated zoning is gazetted.

I know that is a lot of words, but I would really like to end with some quotes from traditional owners who come from the sea country of the Buccaneer Archipelago, where one of these parks will be created. Lorna Hudson, a Mayala elder, said that she feels so happy about it. She is happy that her country has been recognised. That awareness that there are traditional owners for Mayala gives them the strength to continue to take care of country. They acknowledge that they are still there to protect country and pass on knowledge like their ancestors did. If they do not do these things, things will be forgotten, and she does not want Mayala to be forgotten.

Janella Isaacs, another Mayala woman, a younger emerging leader, said —

... our old people ... always wanted to find the best way to help manage Mayala Country ... That was an inspiration and a dream that our old people had. Through a jointly managed marine park that dream has become real for our people and that is a big achievement.

Rosanna Angus, a Bardi Jawi woman and a leader in her own right said —

These cultural zones protect our backyards, areas where we have our stories and our significant sites.

She also said —

The ... zones are very important for sustaining traditional practices like fishing, hunting and gathering and enable us to protect our saltwater culture ...

Daniel Oades, the Kimberley Land Council's Bardi Jawi Indigenous protected area coordinator, said that it is exciting to be on the forefront of sea country management, and that having a draft plan created with traditional owners is a significant milestone for Australia.

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I look forward to the realisation of the Buccaneer Archipelago marine park. This bill is good news for the Kimberley electorate, and especially the traditional owners of the state.

MS H.M. BEAZLEY (Victoria Park) [3.57 pm]: It is our responsibility, as members of this Parliament, to protect our most vulnerable assets. Of particular importance in Western Australia is our long history of Aboriginal and Torres Strait Islander culture and our species-rich biodiversity. As such, it gives me great pleasure to speak today about the Conservation and Land Management Amendment Bill 2021. In 2015, through bipartisan support, we saw the joint vesting of national parks, nature reserves and conservation parks between the Conservation and Parks Commission and Aboriginal bodies corporate. This allowed traditional owners to voice any concerns relating to, and have a say in, the management of these natural areas.

Given our First Nations' rich and deep history with country, this was a crucial move in providing these natural areas with the greatest chance of survival, for all species to flourish on a landscape dominated by the Anthropocene. However, this history also has a strong connection to water. The Conservation and Land Management Amendment Bill 2021 will allow for marine reserves to also be jointly vested with an Aboriginal body corporate, making them jointly responsible for the reserve's care, management and future. Joint vesting formally recognises traditional owners' interest in country by recording this relationship on the reserve title. It legally recognises a joint responsibility between the state, through the Conservation and Parks Commission, and traditional owners over land and, once this bill is passed, water.

Aboriginal people along the Western Australian coast have a strong connection with their land and sea culture, and joint vesting will support the practice of culture and heritage as well as participation in economic activities. The proposed joint vesting provisions in this amendment bill will provide an Aboriginal body corporate with a role that is equal to the Conservation and Parks Commission in preparing the initial management plan and every other proposed plan, and of reviewing each expiry management plan for the jointly vested lands, land and waters, or waters; an equal role in being consulted on the granting of licences and leases on the jointly vested lands, land and water, or waters; and an equal role in being consulted and providing advice to the Minister for Environment on proposals to cancel or amend the purpose, or to change the boundary, of certain types of CALM act reserves that are not class A reserves.

Aboriginal and Torres Strait Islander elders, past, present and emerging, and Aboriginal communities maintain a strong connection to our waterways. These water bodies are central to many cultural and spiritual beliefs, and have served as meeting places, boundaries between tribal and language groups, and sources of food, transport and shelter over tens of thousands of years. Importantly, clause 9 of the bill amends section 13B(1) of the act, and will alter the reserve purpose of a marine park to specifically include —

... the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons

By comparison, the current reservation purposes for marine parks in the Conservation and Land Management Act allow for recreational and commercial activity that is consistent with the proper conservation of the natural environment, the protection of flora and fauna, and the preservation of any feature of archaeological, historic or scientific interest. Although these frameworks are necessary and important to assist with the physical environment, they do not account for places of cultural significance to Aboriginal people. The proposed amendment to the act will allow for this fourth purpose—to justify the protection of a place based on culture and heritage alone. This will provide certainty so that special purpose areas—referred to as “special purpose zones” in management plans—can be made for the protection and conservation of Aboriginal culture and heritage values. This means that special purpose zones will be able to be created through the marine park management planning process in which activities that are not compatible with Aboriginal culture and heritage values can be excluded.

The amendments to the act in 2015 that included a share of responsibility and ownership with First Nations peoples did not include this connection to water on a cultural and spiritual level. It is crucial that we now incorporate this into the legislation. The only people on this land and these waters who have the benefit of tens of thousands of years of land and water management experience are our First Nations peoples. The proposed amendments will extend the 2015 joint vesting arrangements and enable marine parks, marine nature reserves and management areas to be jointly vested in the same way as national parks, nature reserves and conservation parks. The intergenerational value of including traditional owners in land and marine park management will greatly benefit how effective our vital conservation efforts are. For too long traditional owners have not been included in the management of land for which they know every story.

The McGowan Labor government acknowledges the importance of continual partnership with Aboriginal and Torres Strait Islander peoples for sustainable conservation of all natural areas in Western Australia. This engagement has previously led to policy changes that have helped to ensure the effective protection of our endemic species. A wonderful example of effective policy informed by the expertise of traditional owners is how traditional knowledge is informing prescribed burning. Fossil records show that Australian landscapes have been burnt as a response to

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arid conditions for at least 30 million years. Our Noongar people in the south west of the state have used fire as one of the main tools in caring for country for tens of thousands of years. It has, in fact, been so integral to Noongar land management that the land that we all inherit today is one that has been shaped by our Noongar peoples through their use of fire. With this history of knowledge, our burning practices today are now informed by the importance of cool burns to reduce the mass of understorey organic litter to protect the mid-range and high canopy in fires of high intensity, and to maintain species richness to feed our local fauna through post-fire germination.

A concept held by First Nations peoples is that country is a living entity, alive with ancestral spirits, and it must be respected. Our First Nations peoples relate to country in the same way that they would a person: if you look after country, country will look after you. Yolngu elder Roy Dadaynga Marika said —

Our country ... will exist forever. It must be protected so that it will remain the same, so that it can be seen in the same way that the elders saw it in the past. Our vision and hope is that Yolngu will continue to use our country for all the generations to come.

In addition to joint vesting and informed prescribed burning, the Aboriginal ranger program implemented by the McGowan Labor government has been aided by fostering Aboriginal wellbeing and culture, along with improved environmental management and land restoration. I am very pleased that over 50 per cent of these positions are held by Aboriginal women. In addition, the McGowan Labor government also aims to increase the conservation estate in Western Australia by five million hectares over five years through new jointly managed parks and reserves. The corresponding agreement provides for the joint management and joint vesting of the existing Ningaloo Marine Park, covering 260 000 hectares, and Cape Range National Park, covering 50 000 hectares, as well as the creation of about 78 000 hectares of new conservation areas extending over approximately 215 kilometres of the Ningaloo coast. The World Heritage-listed Ningaloo coast is home to a range of biodiverse coral and fish populations, and is frequented by whale sharks, humpback whales and even the occasional blue whale, the largest animal on earth. Shared protection of these one-of-a-kind landscapes assists the safeguarding of threatened species. The Plan for Our Parks represents the single biggest expansion of the terrestrial conservation estate in Australia's history. This expansion ensures the resilience of our environment against the impacts of climate change and other threatening processes, and includes extending the protection of the Buccaneer Archipelago, and marine and national parks in the Kimberley.

Increasing the conservation estate by five million hectares is a big win for environmental sustainability, especially given the critical challenges we are facing in the age of human-induced climate change. The five million-hectare expansion will see Western Australia's conservation estate increase by over 20 per cent. Sharing these conservation efforts with traditional owners can only help with the conservation and care of these natural areas. Aboriginal knowledge of land and waters, and their connection to it, should be celebrated and harnessed to ensure that life within our waters and on our lands thrives. Extending these conservation areas and collaborating with traditional owners also provides a greater opportunity to focus on waste within these diverse areas. Reducing litter and inorganic material, such as plastics and metals, can reduce deaths of species that are ingesting, or getting caught in, materials such as plastic bags, microplastics and holes in metal drink cans. The existence of the Great Pacific Garbage Patch, a collection of marine rubbish that is slowly breaking into microplastics, is reason enough to enact stronger protections for marine parks. Marine debris can be very harmful to marine life. Sea turtles often mistake plastic bags for jellyfish and birds mistake plastic pellets for fish eggs and feed them to their young.

The McGowan Labor government is also making globally leading strides in the waste field, such as our fast-forwarded ban on single-use plastics and the introduction of the Containers for Change container deposit scheme. Before Containers for Change, only three in 10 eligible drink containers were recycled. It is estimated that Containers for Change will result in an extra 6.6 billion containers being recycled over the next 20 years, of which an estimated 5.9 billion would have ended their life cycle in continuously expanding landfill, and 706 million would have been littered. If 6.6 billion containers were laid side by side, that would be enough to lap our vast state of Western Australia over 30 times. Containers for Change stretches all over our urban and rural state, and aids in keeping the pristine Kimberley all the way to the biodiverse south west in its natural state—the way it should be.

The Conservation and Land Management Amendment Bill will provide the basis for a new era of working with our state's traditional owners. Our land and waters are the well from which our First Nations culture and cosmology sprung. As Noongar man, and former chief executive of the South West Aboriginal Land and Sea Council, Glen Kelly has written —

We are of this land, and this land is of us. It has been that way for ... tens of thousands of years. Our knowledge base and cultural identity is closely intertwined with the land, and our people—especially our elders—still possess a vast pool of traditional knowledge. This, combined with our growing self-determination, means that we are more able to successfully fulfil our obligations to care for country. Obligations that are set out in our ... Dreaming ... to care for the land not only for ourselves, but for the sake of the health of country and all that lives upon it.

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We see this relationship as a reciprocal one. If we take care of the country and maintain its needs, it will in turn take care of us—both on a physical and spiritual level. We are equal to what exists on our land, we do not have dominion over it, we are simply custodians.

...

I believe that with the combination of Nyungar traditional knowledge and modern scientific method, it will be possible to create an extremely robust and effective land management system. A cross-cultural land ethic —

And —

... that this can ensure the long term survival of the land we now share.

I could not agree more with Mr Kelly, and that the same applies to our waters.

The Conservation and Land Management Amendment Bill 2021 is an election commitment of the McGowan Labor government to improve connections to country and bring about myriad positive economic, social and conservation outcomes for all the peoples of this land. It is a practical and far-reaching demonstration of how this government responds to the call to care for country.

Like my colleagues, the members for Cockburn and Kingsley, who I listened to when they spoke to this bill in this place last week, I congratulate the Minister for Environment, the member for Morley, Hon Amber-Jade Sanderson, for bringing this bill forward early in this term of Parliament. I also congratulate her predecessor, Hon Stephen Dawson, for the work he did on this bill and in this space over the last term of Parliament and beyond.

I am proud, as the Labor member for Victoria Park, to commend this bill to the house.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [4.11 pm]: I rise to make a brief contribution to debate on the Conservation and Land Management Amendment Bill 2021. I made a more substantive contribution the first time this bill was introduced into Parliament, but I want to cover a couple of areas for the minister to speak to in her reply to the second reading debate.

As was said by our lead speaker on this bill, we support this bill. This bill will be an extension of the legislation that was introduced by the previous government that allowed the joint vesting of reserves and, I might say, the joint vesting of marine reserves. In the previous Parliament, I was a little intrigued about the definitions in the bill, which I raised when I gave my contribution when it was first introduced. If members look at the definition of “marine nature reserve” in the existing legislation, they will see that it specifically includes water. I do not think I received a satisfactory answer about what the difference was between the act and the bill. The definition of the areas that can be jointly vested specifically includes water. It is not a major point; it does not affect the bill, but my understanding in reading the bill was that the joint vesting of marine areas is possible under the act.

The obvious intent of joint vesting is that it recognises the cultural significance, and I think there is an underlying desire that it creates meaningful work for Aboriginal people, particularly in remote areas where meaningful work is hard to come by at times. Having joint vesting and being able to take part as rangers and the like provides good work for the Aboriginal people in those communities, and they clearly take a great deal of pride in that work.

An area of the bill that I am interested in is, in the first instance, the joint vesting of an area with an individual prescribed body corporate. I questioned this in my first contribution and during consideration in detail when this bill was last presented to the house. My concern is with the individual prescribed body corporate. It may be very obvious for a particular region; there may be an area where there is only one prescribed body corporate or at least one language group, typically, that has any historic association with that area. However, there are areas where there are, in fact, multiple users from different Aboriginal communities. The example that I previously gave, which I will repeat, is the Peel–Harvey inlet. This example relates to my previous employment before I came into this place, when I worked with Alcoa. Alcoa completed very substantial archaeological and anthropological studies in the Peel region, because that region was the sort of “New York central” of Aboriginal occupation in Western Australia. There is considerable evidence of very large groups of Aboriginal people using that area, but there were really three key groups. There was a group of people who lived permanently on the coastal plain, there was a group of people who lived in the foothills and there was another group of Aboriginal people from the Beverley–Brookton area. In summertime, just as members of the metropolitan area like to go down to that area to catch crabs or whatever, Aboriginal people did exactly the same thing, and there is a lot of evidence of that. There are some very significant ceremonial areas just to the south of Alcoa’s Pinjarra refinery where very large groups of Aboriginal people congregated. There are very large middens, comprising the shells from shellfish and other sea creatures there. It was a place where the equivalent of marriages and other ceremonies took place. Those three groups congregated there and used the estuary and nearshore environment for those purposes and then the groups would go back to their areas. My concern is that that area was very significant for all three distinct groups. We might say, logically,

that the relevant prescribed body corporate is the prescribed body corporate that occupied that coastal plain area permanently, but, in reality, all three groups have very significant cultural interests in that area. That was an example that I gave in my previous contribution.

I do not know whether there is any concern between different groups about that area that would potentially be subject to this bill, but my concern is that there must be other areas that will be affected. Is that the case? I am not seeking an amendment, but I am seeking to get some reassurance from the minister of how that issue will be resolved. My understanding is that once a marine reserve is allocated to a prescribed body corporate, no other group has a say in the joint management of that area. Depending on the nature of that area, if it is vested for the exclusive use of Aboriginal people for cultural or other purposes, that means that Aboriginal people from other language groups or prescribed bodies corporate could be prevented from coming to an area that they actually have historic association with. As I say, I suspect that that is not an isolated case. I suspect that, just as we like to come down to the coast, those Aboriginal people would have done the same thing. Therefore, that is a potential issue. As I said, I do not see this as a fatal flaw in the legislation, but I am concerned that groups who have a cultural association with an area could be prevented from accessing it. I am interested in understanding that, as I think it is a potential issue. As I say, I will not go through all the issues.

The other area that is causing some contention, particularly in the north west, is, as members may know, that the boundaries for these marine reserves go three nautical miles beyond land, but, of course, that is beyond any piece of land, such as Rottnest Island, not just the coast. Areas such as the Esperance archipelago or the archipelagos in the north west, with the land being so close together, will inevitably cover hundreds of kilometres; they are very large areas. The areas that will be vested for the exclusive use of Aboriginal people are very popular recreational fishing areas. People in those coastal communities in Esperance, on the north west coast and in other areas, currently fish there. There is great consternation in those communities that they will be excluded from doing that. Multiple generations of families have recreationally fished in that area for a long period, although, quite clearly, with nowhere near the history of Aboriginal people in the area. Nevertheless, their concern is that they will be excluded from fishing in those areas.

I do not know how much of an issue this is, but those people who feel they could be excluded from recreational fishing in those areas are also concerned that it may be possible for wealthy individuals to simply hire a person from the relevant prescribed body corporate or language group to take them out on their boat. Very wealthy individuals will be able to go out and fish in an area because they can afford to pay for a member of the relevant community to fish with them; therefore, they are just participating in that area. People are concerned that it would be seen to be unfair that someone who is very wealthy could fish in an area and individuals, non-Aboriginal people who had traditionally fished in those areas, would be excluded. I will say that this is purely in the spirit of genuinely trying to head off people's concerns, and I would appreciate it if the minister could explain whether that is an issue, because I think that concerns people.

Another area, which is worthwhile the minister outlining in a little more detail, is what is considered to be Aboriginal heritage. Our coastline has changed very dramatically. Climate change is seen to be a new thing, but, in fact, our climate has changed very dramatically over a long period. Some members may know that the coastline of Perth 6 500 years ago was on the other side of Rottnest Island. It was a long way away. The rate of sea level rise from then until now must have been quite phenomenal. On the east coast, there is Aboriginal oral history of the formation of what we now consider to be the Great Barrier Reef. The current Great Barrier Reef has only existed for a bit over 6 000 years. Prior to that, it was just land and the coast was some distance further east from the Great Barrier Reef. I raise that example because I know a bit about the Pinjarra area. Some of the stone tools found in that area were made out of a rock called fossiliferous chert. That fossiliferous chert occurs only on the seabed on the other side of Rottnest. That is a unique location. That is one of the factors that archaeologists use to date the sites around Pinjarra. They know that Aboriginal occupation of those areas goes back at least 6 500 years because those fossiliferous chert tools were there. Is that the sort of thing that is considered as significant and will that define where a marine reserve will be? What other factors will be considered to be significant outside oral history or ceremonial purposes? I will not go on. I made a few other points, but those are the key points I would like clarification on for this bill.

MR P.J. RUNDLE (Roe) [4.24 pm]: I wish to also rise to ask the minister to clarify a few points in her response. As the member for Cottesloe pointed out, generally, we are not opposing the Conservation and Land Management Amendment Bill 2021. I look forward to some responses on issues that will affect my electorate that I am quite concerned about.

There are several issues and probably the main reason I am talking on this bill is the Recherche Archipelago near Esperance, a very important marine area, as the minister understands. I have had quite a bit of consultation with some concerned people in my area, which has the Esperance Deep Sea Angling Club, the Esperance Professional Fishermen's Association, the Shire of Esperance, Tourism Esperance and the Esperance Chamber of Commerce

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and Industry, and smaller fishers of the fishing industry. I would say that there is a lack of clarity and real concern about what I will not say is a lack of consultation but almost a methodology of divide and conquer—not getting everyone in the same room, not getting everyone together as often as should be and not getting a group approach. Unfortunately, the upper house member for the Agricultural Region Hon Colin de Grussa and I, through our office, have had to undertake that to some extent. It is unfortunate that we have been the ones who have had to bring people together, because we are getting questions from left, right and centre. That is my first concern.

In 2019, the state government announced the Plan for Our Parks, which was the initiative to create five million hectares of new national parks by 2024, whether it be made up of marine parks or conservation reserves. As I said, this will affect the Recherche Archipelago, which is a key priority as far as my electorate of Roe goes. Because we will have outer boundary, sanctuary, special purposes zones and general restricted areas, there is a question mark over the extent of Aboriginal heritage tenure and what the management arrangements over the proposed park will be. I would like some clarity because my understanding is that they have not yet been determined. The state government has advised that these will be developed following consultation with stakeholders and local communities. I am concerned about bringing in the legislation and consulting later. That is the fear out there amongst some of my constituents. The Department of Biodiversity, Conservation and Attractions commenced community consultation in 2020; however, this was discontinued as a result of the COVID-19 pandemic. There may be some element of truth to that, but there is widespread belief from some of our stakeholders that it was halted due to the fact that there was some backlash. That is another one of my concerns. I do not believe, certainly from what I have been told, that the consultation process has been adequate. I am really worried that it is a “put the legislation in first, consult later” type approach.

Another thing that we are worried about is that a state government decision to establish a marine park on the south coast could lock away access for recreational and professional fishers and tourism operators. We certainly have no clarity on what parts of the marine park will be locked away and who will have access to what. To be honest, the government is relying on a 27-year-old report—the Wilson report—to inform its marine parks scenario. It has been put there to reach the government’s targets, and I understand that. Government members want to reach their target of five million hectares, so they have plucked this report out from 27 years ago to use as their basis. I would love to see some more up-to-date —

Ms A. Sanderson: You will!

Mr P.J. RUNDLE: I look forward to it.

Ms A. Sanderson: I am very excited about the up-to-date science, member.

Mr P.J. RUNDLE: I look forward to some up-to-date scientific evidence and research. We certainly hope to see that come through. We really need to see contemporary scientific evidence and have open and honest dialogue with the affected communities and industry groups. We also need a comprehensive analysis to fully understand any potential positive and negative impacts. They are the things I look forward to. As I said, I am not opposing the legislation but I would love some clarity.

I am in communication with the Tjaltjraak Indigenous group in Esperance. I congratulate this government on the range of programs it has in place. I was at the Fitzgerald River National Park a few months ago when all the rangers met before they got ready to spread out for the week into the various reserves and national parks. It is a great initiative. It is great to see proactive work being done in that space. From that perspective, I think the legislation will be a good thing going forward, but for the marine park side of it, we need clarity. I believe there has been a lack of transparency about the extent of the sanctuary and special purpose zones. I am certainly keen to listen to anything the minister can provide about that.

Another issue is the talk, during what consultation there has been, about the marine park creating substantial economic benefits to the region. We have seen no evidence to support that. People in the local community are worried about whether there will be a negative economic benefit, or impact, I should say.

Mr S.A. Millman: What’s a negative economic benefit?

Mr P.J. RUNDLE: Last week, I raised a grievance in here with the Minister for Fisheries. We have small licensed fishing operators on the south coast, with Albany over there and Esperance over here, but they are all being treated as being in one area, although the range is over 1 500 kilometres. It looks like the Minister for Fisheries is going to take away their multi-species licences. These are the sorts of things that worry small fishing operators. They are not only getting hammered by the licensing arrangement, which means that if they go out to catch one species, they cannot put in a line and catch some other fish to supply the local town, but also their futures are in no-man’s-land regarding the sanctuary and special purpose zones.

These are the elements of the bill that are stressing my constituents. As I said, we have had to bring together these people in one group to try to work towards, hopefully, getting some answers and solutions. I would love it if the minister and the department could focus on improving their communication as much as anything. As I said, I have

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concerns about the approach that is being taken. That is the feeling in the community. I am not necessarily against the program, but I am very much concerned that the government has not brought the community along with it. I think it has an opportunity to do that, hopefully in time to come, but I wanted to make the minister aware that there are underlying concerns about not only consultation but also using a 27-year-old report with no up-to-date scientific research—not that I have seen anyway. I look forward to the minister's response. I just wanted to put that out there so the minister is aware of the feeling in my community of Esperance. We look forward to some quality consultation going forward.

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [4.36 pm]: I rise to make a contribution to this very important piece of legislation, the Conservation and Land Management Amendment Bill 2021. The purpose of consultation is not so that the member for Roe gets to decide what he wants; the purpose of consultation is to inform the community and then for a decision to be made that is in the best interests of the whole community.

One of the problems we have with the Liberal and National Parties is that their born-to-rule attitude determines that they should have the final say in consultation. Just because the member is unhappy with the consultation does not mean there has not been consultation. Just because the member is unhappy with the Aquatic Resources Management Act does not explain why he voted in favour of it. Just because the member is unhappy with this legislation does not explain why he voted in favour of it. One of the things I find quite surprising is that despite the fact that there are only six opposition members, they still cannot reach an agreement. I sat here and listened to the member for Cottesloe stand up and say that this bill does not make any changes and that, in fact, all the changes were made under his legislation so therefore there is really nothing to discuss. The member for Roe then stood up and said completely the opposite. I would have thought that, with such a tiny group, they would have been able to get on the same page.

One of the things I am impressed about with the Labor caucus is that we are replete with talent. I sat here and listened to the Labor member for Warren–Blackwood speak articulately and passionately about this legislation—and take up most of my material, which means I will struggle to hit the time line, but that is okay. She demonstrated exactly why the people of Warren–Blackwood voted in overwhelming numbers to send her to represent them in this place. She spoke about the importance of protecting the environment and the importance of Indigenous rights. Then I heard the member for Kimberley stand up and give another passionate speech about why it is so important to her, as a member of the Indigenous community, to have the voice, power and representation that this legislation will deliver. Then I listened to the most self-effacing member for Victoria Park. When we think about the damage that plastics have done to our environment and look at the work that the previous Labor government's Containers for Change legislation has produced, we know it was an incredibly important initiative. The member for Victoria Park gave an incredible contribution to this debate. She touched upon Containers for Change, but, so modest and self-effacing is the member for Victoria Park, she did not once mention she used to run the organisation Containers for Change. If there is a person in this chamber who can say, "I have delivered tangible, realistic, beneficial environmental outcomes for the people of Western Australia", it is the member for Victoria Park through the work that she has done. I commend her. That is to say nothing of all the work that the Premier himself has done in championing the environment. The new Minister for Fisheries and new Minister for Environment are across their portfolios. They are articulate. They are responsible and they know precisely what they are doing. We are fine when it comes to ability on our side of the chamber; we are united in our purpose and we are speaking with one voice. It was such a disappointment to have such a small number of people on the other side unable to get together and understand exactly what they were trying to articulate.

I can say that although the member for Roe might say that his community is concerned about the ramifications of this legislation, I know that my community—the people in Mount Lawley—are absolutely passionate about both the environment and the rights of Indigenous people.

Mr P.J. Rundle: How many fish do you think you've got in Mount Lawley?

Mr S.A. MILLMAN: Mate, we have plenty —

Several members interjected.

Mr S.A. MILLMAN: Member, I spoke on the Aquatic Resources Management Amendment Bill 2021. I invite him to look at my contribution to that debate. I am more than happy for him to do so. That was an excellent piece of legislation that was brought before this chamber and supported by the member's party. It was advanced by the new Minister for Fisheries—a man who has demonstrated the depth of talent that we have on our side of the chamber.

I want to speak in support of this legislation simply because, as I said, the people of Mount Lawley are passionate about both the environment and Indigenous self-determination. I am glad to hear members opposite focusing on ranger parks. Legislation like this, which seeks to preserve our environmental assets in Western Australia, should be the sort of initiative that enjoys bipartisan support. It should be the sort of thing that goes beyond partisan debate. Sadly, the return of Barnaby Joyce means that everything is up for debate these days. Sadly, in Western Australia,

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I think it will have an adverse impact on the National Party, which is already struggling to come to terms with the outcome of the election result. It does not really know what it stands for. Hopefully, its ability to discharge its duties to the people of Western Australia and present a loyal opposition will not be further undermined by the appointment of Barnaby Joyce as the Deputy Prime Minister. It will be a case of “watch this space”.

I know that the people of Mount Lawley are passionate about these issues of Indigenous rights and protecting our environment. That is why I was so pleased to be able to put forward a number of proposals during the election campaign that got the support of the government, and which will now be implemented. They all speak to the importance of the environment to people in Mount Lawley. I ask members to do one thing as I run through some of the election commitments that we made and were endorsed by the mandate that the people of Mount Lawley gave me—that is, to think not only about the question of the environment, but also how much these grants from the WA state government relate to the question of education. Grants were given to Friends of Coolbinia Bushland, the Inglewood and Mt Lawley community garden, the Marjorie Mann Lawley Day Care Centre and Mount Lawley Primary School. I am going to speak about only those four for the purposes of my contribution today in support of this bill. Coolbinia bushland is an exquisite piece of rendered bushland right beside Coolbinia Primary School. It is an area of not only great environmental but also great pedagogical development, as the students at Coolbinia Primary School have the opportunity to traverse that bushland and learn the environmental stories that are advanced and also the stories of the traditional owners, the Whadjuk Noongar people, the original custodians of that area who lived upon that land for thousands of years. A contribution has been made for the preservation of the Coolbinia bushland.

I was grateful to the Mayor of the City of Stirling, Mark Irwin, for coming out to the community on 29 May. We contributed \$2 500 to the Inglewood and Mt Lawley community garden. I have spoken about this little community institution previously. Members can read the contribution I made on 21 February 2019 when I spoke about the terrific volunteers at the Inglewood and Mt Lawley community garden. It is right across the car park from the Inglewood Bowling Club and literally 50 metres from Mount Lawley Senior High School. Members may think that with the beautiful Federation-style-sized blocks that we have in a lot of areas in Mount Lawley and the suburban nature of the environment, people have their own backyards and the opportunity to grow their own vegetables. Infill and the sensible development of Mount Lawley has seen a greater number of people moving in and living in apartments and more tightly constrained areas. This community garden provides a terrific opportunity for people to come together and engage with one another and the environment, and really harness the fruits of their labour. I was really pleased to see the mayor, Mark Irwin, come out and help open the community garden on 29 May.

Marjorie Mann childcare centre wanted solar panels on its roof because it recognised that as far as the preservation of the environment is concerned, we need to tackle the real threat of climate change. I was really pleased that we were able to make a significant contribution towards Marjorie Mann day care centre installing solar panels on its roof.

Mount Lawley Primary School received \$30 000 to put towards outdoor play areas and new vegie gardens. The reason I raised these four—Coolbinia bushland, Mt Lawley community garden, Marjorie Mann and Mount Lawley Primary School—is because those four grants from the state government went to two primary schools, one day care centre and one high school. Those educational institutions reflect the desire of the community to learn and do more about preserving the environment and tackling climate change. This is not something that has been driven from the top down; it has been driven by the community and by the students. They are coming to us and asking what we are doing to protect our environment and make sure that the planet is kept in a way that is safe for them to inhabit when they become the adults of the next generation.

I was so pleased to go to another great school in my electorate, Perth College, with the minister on 2 June. The minister and I had the great pleasure of meeting a team of dedicated young high school students who are focused on what they can do to both lobby government and change behaviour—I will come back to this issue of behavioural change shortly—to make sure that we reduce the amount of plastics in our environment. They wrote to the minister to express their concerns about what was happening with plastic recycling programs. This activist consultative minister was more than happy to go to Perth College—that bastion of the establishment—and say to these students, “This is exactly what your concerns are. We are hearing your concerns, we are listening to your concerns and we are acting on your concerns.” That is exactly what I would expect from a McGowan Labor minister and from this minister. It was a real pleasure and privilege for me to be able to participate in that.

Whilst I am on the question of how important education is to the two main benefits of this bill—Indigenous participation in land management and environmental sustainability—I want to talk about two more events that are coming up next week. Mount Lawley Senior High School will be conducting its NAIDOC assembly. A corollary benefit of this bill is that it delivers practical steps towards reconciliation. As we come to pass this bill, with the support of everyone in this chamber, let us reflect on how we all need to continue those steps on the path to reconciliation.

Next Tuesday afternoon, the member for Balcatta—I see him sitting opposite—and I will be going to the Your Move lab “pitch for the planet” session. This is brilliant. Not only are we talented, but also we are all here participating in the

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debate. The Minister for Transport is also deeply engaged in what I am saying. The Your Move program, which the Minister for Transport is responsible for, together with the City of Stirling local council, is a terrific initiative to try to encourage students to walk and ride to school. It does not just deliver health benefits to the students and their parents, who take them to school, but also it is safe, it creates a sense of community and it is better for the environment. It is hard to think of a better policy initiative that has so many benefits. It is good for the environment, good for mental and physical health, good for safety and good for building a sense of community. I will be very pleased to participate in that.

Mr D.R. Michael: It is so good. It is one of the benefits of living in Tuart Hill, as I do, as one of the areas that they look after. They provide a backpack and ring up and make sure they follow up. I went on a bit of a run over the weekend—well, we'll call it a slow jog—around the footpaths around Tuart Hill, but I am presuming other parts in the City of Stirling also have got these round stickers on the footpaths showing how many minutes to walk to various local areas, parks and shops and all that kind of thing. It's a very good program.

Mr S.A. MILLMAN: It is brilliant. It is fair to say that the mayor and I might not necessarily be on the same team, as far as political persuasions are concerned.

Mr D.R. Michael: He should be!

Mr S.A. MILLMAN: Absolutely he should be! But it is fair to say that through his conduct he demonstrates that state and local governments can collaborate effectively. In expressing that sentiment about the Mayor of the City of Stirling, I probably have the support of the member for Balcatta and the Minister for Transport. One complaint I have about the City of Stirling, and I articulated this previously when the Public Accounts Committee did a report on cyclepaths, is that there has not been necessary investment in cyclepath infrastructure in the Mount Lawley electorate part of the City of Stirling. I accept that the City of Stirling is an incredibly large area—not as large as the electorate of the member of Roe, but as far as metropolitan councils are concerned it is a very large area. It is important that as well as making the investments it has made, the City of Stirling also contributes significantly to investing in cyclepath infrastructure in the Mount Lawley part of the City of Stirling. That is why it was important for us to make it part of our election platform, and I am glad to see that the community of Mount Lawley has embraced and endorsed that in the way it has supported me as the candidate for Mount Lawley. That will be a work in progress. Consulting and engaging with community and making sure that we can identify the right routes and mechanisms to implement a cycling plan will be hard work, but this government demonstrates time and again that we are prepared to do the hard work in order to deliver the benefits for the community.

I have spoken previously about Create Ranger Parks. I need to mention Neta Knapp. Neta Knapp is an artist who during the 2017 election campaign, with the organisation Create Ranger Parks, put on a community gathering in Hyde Park between the electorates of Mount Lawley and Perth. Hundreds of people came from all over the Mount Lawley and Perth electorates to participate in a real exercise of community solidarity in painting a picture that is about three metres long by one metre high. I have said this previously. An artist was helping members of the community contribute to a community-oriented work of art in order to support, encourage and promote the campaign for Create Ranger Parks. This giant dot painting was designed by Indigenous artist Neta Knapp and proudly completed by over 200 Mount Lawley residents in support of the campaign for Create Ranger Parks. Create Ranger Parks is a community-based initiative to create a major network of new national parks managed by Indigenous rangers for all Western Australians to enjoy. I said previously and I say again that I strongly support the work done by Create Ranger Parks. I am incredibly gratified to be part of the McGowan Labor government and to know that that policy was implemented after the election in March 2017. To continue with this legislation, the Conservation and Land Management Amendment Bill 2021, which is directed to that policy imperative, is a great source of personal pride.

[Member's time extended.]

Mr S.A. MILLMAN: I have spoken about the importance of the local council working with the state government to implement a plan for cyclepaths, dependent upon committee consultation. Let me speak about remnant bushland. I have already spoken about the Coolbinia bushland. One of the reasons I know that the people in the electorate of Mount Lawley are passionate about the environment and will support this legislation is the three areas of open space and remnant bushland. One of them is just outside the electorate of Mount Lawley, in the Minister for Environment's electorate, Morley, and that is the Dianella Regional Open Space. It is a terrific testament to whole bunch of different groups coming together cooperatively and collaboratively. It speaks to that sense of community that we on this side of the chamber hold so dear. Remnant bushland has been preserved at the Dianella Regional Open Space. There are outdoor recreational activities that people can engage in. There is also the Yokine Regional Open Space, right the heart of the electorate of Mount Lawley. There are thousands of patrons there each weekend, with the Coolbinia Bombers Junior Football Club, the senior football club, the hockey club, the cricket clubs, the nature playground for the kids and the Yokine Districts Bowling Club. Thousands of people enjoy this open space. Between Yokine reserve and the Mount Lawley Golf Club is another area of remnant Bush Forever bushland. The final

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parcel is the Inglewood Triangle, just outside the electorate of Mount Lawley on the other side of Walter Road in the member for Maylands' electorate. These three areas—the Dianella Regional Open Space, the Yokine Regional Open Space triangle behind the Terry Tyzack Aquatic Centre and the Inglewood Triangle—all have terrific teams of volunteers who turn up to weed these parks, check them, audit them, care for them and nurture them. These community groups do not ask for any thanks, money, reward or praise. They just turn up time after time and make the effort to preserve these wonderful pieces of our remnant environment. When I think about the benefit that the community derives from that, I am so incredibly grateful to those groups for doing that. Any message we can send as a Parliament to those elements of our community who do this so selflessly must be worthwhile so that tomorrow they can say, "Yes, somebody has recognised the work we have done. Somebody appreciates what we are doing for the community." What they do is incredibly valuable. Passing legislation like this is about not just the immediate effects, but also speaking to the broader issues.

I want to come back to two more issues in the short time I have left to speak. One of them concerns an announcement from the Minister for Environment on 5 May. Let me put it like this: responding to the movement amongst our young people for information and action on the environment is vitally important. That is a duty that the government has right now. When we look at just how much of a lightning rod this issue has become, it should be a duty that resonates globally. It is so prosaic and it is hardly the flashy stuff of big announcements, but I was incredibly pleased when on 5 May, the minister announced that more than \$37 000 in grants would be made for Waste Wise schools across Western Australia, and applications would now be open for the next round of Waste Wise school grants. Nine schools will share more than \$37 000 for projects to reduce waste disposed to landfill. Obviously, the minister can speak more to this, but the Waste Wise program helps to develop positive environmental values in students and school communities throughout Western Australia. It supports meaningful, hands-on activities for students that help to reduce the amount of waste disposed to landfill and educate the whole school community about sustainable waste practices. I speak to this even though there was not a school from Mount Lawley in the list, and I will come back to why I think that is. The schools are Baldivis Secondary College, Bold Park Community School, Bullsbrook College, Cassia Primary School, Dunsborough Primary School, East Wanneroo Primary School, Osborne Primary School, Rockingham Montessori School and the South East Metropolitan Language Development Centre. I think these initiatives funded through the Waste Wise program that the schools are putting in place are fantastic. I am a bit biased and proud, but a lot of these initiatives have already been implemented at some of the fantastic primary schools in the Mount Lawley electorate. Mount Lawley Primary School has a three-bin system. It separates organics and recycling and has programs to try to minimise the amount of rubbish that children bring in their lunchboxes each day. Another school is trialling a worm farm. Schools have veggie patches. Schools are trying to put more and more money and effort into their nature play areas so that students can really have the opportunity to get stuck into them and understand what it means to be waste wise about their impact on the environment.

Further to that, there is something that came out not as a result of but subsequent to the visit the minister and I paid to Perth College. There she announced with the Premier that WA's plan for plastics was going to be fast-tracked by four years. I think the member for Victoria Park was talking about the massive amount of plastic waste in the Pacific Ocean at the moment.

The McGowan Labor government has fast-tracked its plan for plastics by four years, with single-use plastic bowls, cups, plates, cutlery, stirrers and straws; polystyrene food containers; thick plastic bags; and helium balloon releases to be phased out by the end of the year. This announcement was well received in the Mount Lawley community. It was incredible. This is something that, as I said earlier, should have bipartisan support. The Minister for Environment did an interview on Triple M's morning program with Jenna Clarke. After the minister finished the interview, I continued listening and Jenna Clarke said that something similar was being done in New South Wales. She made the point that this enjoys the support of both the Labor Party in WA and the Liberal Party of New South Wales. I accept that the New South Wales Liberal Party is probably at a more sophisticated and mature stage than the Western Australian Liberal Party.

Ms A. Sanderson: It was a very generous comment.

Mr S.A. MILLMAN: Yes. We can only hope that its Western Australian brethren move in the same direction.

This is a terrific initiative and it is greatly supported. One of the things that I cannot stand—I do not know what is to be done about it—is the ubiquitous Tetra Pak juice boxes. The plastic that the straws come in has to be some of worst stuff on the planet. The way it breaks down is incredible. As a community, what we do to direct our attention to these issues is incredibly important. It might be from something as small as the plastic straws on the Tetra Pak juice boxes all the way up to legislation like this through amendments to the Conservation and Land Management Act to make sure that we recognise Indigenous rights and preserve our environment for future generations. Whatever we do, my point is this: the conversation about protecting and preserving our environment is a conversation that is being driven by not just the leaders of Western Australia, but also students and children.

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I will finish with a final mention of an organisation that I have mentioned previously—Millennium Kids. Catrina-Luz Aniere and that organisation are doing incredible work raising and promoting these issues. It was a great privilege for me to attend with Professor Lyn Beazley towards the end of the last year a lab the Millennium Kids put on, which I have spoken about previously, so I do not propose to go into that at any great length. I urge members who are interested in this topic and in just how engaged students and young people in Western Australia are on the topic of the environment to go and have a look at some of the work that Millennium Kids is doing. This is not the last time that I will speak about the environment and Millennium Kids in the chamber. As we see how our young people and students are driving the conversation, we should look to and learn from them. It is for that reason that I commend both the minister and this legislation to the chamber.

MS A. SANDERSON (Morley — Minister for Environment) [5.02 pm] — in reply: I rise to respond to the second reading debate on the Conservation and Land Management Amendment Bill 2021. I thank members for their contributions and their questions, which, largely, were very well informed. I am very pleased to see that the opposition is not opposing the bill, because that really continues the bipartisan support of successive state governments on engagement with Aboriginal people to protect and conserve their lands and waters, support their culture and heritage and participate in social and economic activities. I have to pay tribute to and thank my predecessor in the environment portfolio, Hon Stephen Dawson. He started the delivery of an election commitment to reach five million hectares of conservation estate within Western Australia by 2024, which is an absolutely enormous undertaking when we think about the size of the estate. It is not simply drawing lines on a map or expanding the estate, but is the joint vesting and joint management of that estate with traditional owners and Aboriginal people. We are currently undertaking a multitude of Indigenous land use agreement negotiations as we seek to progress the joint vesting and joint management plans. Those negotiations can be complex and time-consuming but also are incredibly important. That work is being undertaken by the Department of Biodiversity, Conservation and Attractions at the moment. The bill's title is not sexy, but, as many members have pointed out, the bill is incredibly important as a manifestation of the principle of Aboriginal self-determination. That is what this is. I am incredibly proud to be able to continue that work.

I want to acknowledge the contributions from the government members who outlined their support for the bill and spoke about the significant initiatives around the Aboriginal ranger program that complements the Plan for Our Parks initiative. I will address some of the opposition's questions, particularly those of the member for Roe, who spoke specifically about the proposed south coast marine park, as opposed to this bill, as we move forward. The member for Moore raised a number of questions and issues. I will try to run through those. Obviously, we can progress to consideration in detail if that is not quite to the satisfaction of members.

Firstly, the member for Moore questioned how the joint vesting will affect existing tourism operators and fishing charters. It is important to note that joint vesting will not change any of the approval processes for tour operators and fishing charters that are already operating in marine reserves under the Conservation and Land Management Act. The lease or licence process for applying for these authorisations will be the same. There will be no change to the actual application for those processes. The CEO of DBCA issues the CALM act commercial tourism operators' licence, and grants are leased with the approval of the Minister for Environment. That is the existing process. Ultimately, it is approved by the minister, and that will remain the same. Joint vesting will also provide Aboriginal bodies corporate with an equal role to the Conservation and Parks Commission in providing advice to the minister on the leases and licences, and this will provide Aboriginal people a formal role in advising government on the management of their lands. But the ultimate decision-maker in whether to grant a lease or issue a licence will continue to be the Minister for Environment.

The member also asked how joint vesting would affect existing commercial fishing operators. Commercial fishing authorisations are issued under the Fish Resources Management Act 1994, which is administered by the Department of Primary Industries and Regional Development. Existing provisions in the CALM act preserve commercial fishing interests in the marine parks—for example, section 13D—and commercial fishing can occur in marine parks if it is covered by these provisions. Commercial fishing can occur where it is determined to be a compatible activity under a marine park management plan. These arrangements will not be affected by this bill; nor will they be affected by joint vesting. When a marine park becomes jointly vested, there will be no changes to the decision-making processes in approving the grant or renewal of any authorisations under the Fish Resources Management Act and there will be no need to reapply for commercial fishing approvals or to renegotiate with the Conservation and Parks Commission or with the Aboriginal body corporate to undertake commercial fishing activities that are already subject to an existing authorisation.

Importantly, joint vesting will provide improved opportunities for the relevant Aboriginal body corporate to be consulted on commercial tourism and commercial fishing activities in a marine park. Joint vesting will provide the Aboriginal body corporate, along with the Conservation and Parks Commission, the role of advising the Minister for Environment on the preparation of the marine park management plan and the minister will continue to approve the

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management plan that is required to create the marine park, including the zoning scheme and associated compatible activities. The management plan itself will be subject to significant community consultation. The first step will be the joint vesting and the next step will be the joint management plan, which in itself already will be subject to considerable consultation and input. The Minister for Environment's approval will require the concurrence of the Minister for Fisheries and the Minister for Mines and Petroleum, and will represent a whole-of-government position.

The member for Moore also raised concerns that there was no definition of culture and heritage for Aboriginal people. The term "culture and heritage of Aboriginal persons" is not a new term in the Conservation and Land Management Act. When the previous government amended the CALM act in 2012, it introduced the term seven times into the act, having implications across both lands and waters. This is not new; it was introduced by the previous Liberal-National government and supported by this house. When words are not defined in legislation, they take on their ordinary meaning.

Since 2012, Ministers for Environment from both sides of Parliament have approved management plans that expressly include the objective of conserving and protecting the value of lands and waters and the culture and heritage of Aboriginal persons. No concerns have been raised to date about this approach.

Aboriginal cultural and heritage values can be tangible and intangible and can extend beyond specific places and objects. In the context of marine parks, tangible values could include seascapes, landscapes, other coastal and geological landforms and features such as fish traps. They could include sites such as men's sites, women's sites, law sites and birthing sites. Intangible values would include specific cultural associations that tell a story about an area such as songlines, cultural obligations and customary practices. Associations with plants and animals, including totem animals, food and medicinal items and on-country care practices are also considered values.

I turn to the question raised by the members for Moore and Cottesloe of why the government is inserting "waters" into the definition of "joint responsible body" and why we are even proceeding with this bill. We are certainly not in the business of drafting and introducing unnecessary legislation. The CALM act currently provides only for the joint vesting of land or land and waters. Land includes tidal land; tidal waters in any inlet, estuary or lagoon; or the waters of any swamp, stream or creek. It does not specifically cover waters—for example, those waters commonly referred to as marine waters or coastal waters or open ocean. Given that land does not include waters, the amendment was required so that waters of a marine park that are beyond tidal waters could be jointly vested with an Aboriginal body corporate.

The member for Moore also raised questions about the wider implications of extending the purpose of the protection and conservation of the culture and heritage of Aboriginal people to marine parks. Marine parks are established on the basis that there are multiple uses, and management plans are prepared to enable multiple uses and a range of activities. The activities are managed through zoning schemes for the marine park, and in special purpose zones proposed activities are tested against a conservation purpose, adding protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons as a new conservation purpose. Recognising it through the identification of special purpose zones for cultural and heritage protection will not impose any additional restrictions or limitations on activities, other than in the special purpose area where those activities are declared to be incompatible with that purpose.

The identification of special purpose areas for cultural protection will conserve areas of highest Aboriginal cultural value and are not intended to be applied across the breadth of the entire marine park. Importantly, not all activities will be incompatible with that purpose. This is to be determined through the management planning process. For example, an area might be determined as being culturally significant for Aboriginal people, but that does not preclude other activities that are considered compatible with that cultural heritage value. There might be an area of sea country that is significant culturally, but that does not preclude a charter boat going through it or for there to be fishing in that area. Ultimately, it is a matter for the Minister for Environment in approving the plan who needs to be satisfied that it conserves the values of the marine park and provides for access and use and addresses relevant management issues.

The member for Cottesloe confused joint vesting with exclusive rights. Joint vesting does not provide exclusive access to TOs.

Dr D.J. Honey: I wasn't confusing them; it is the vesting of those exclusive access areas.

Ms A. SANDERSON: Let me clarify: there is no exclusive access or exclusive rights over the park. It is the right to advise the minister on approvals and management plans and leases and licences. That is what the bill will do.

The member for Moore also asked about competing interests when more than one Aboriginal group holds an interest or where potentially there is contested native titles. Several native title determinations cover sea country along Western Australia, including determinations over intertidal areas and areas also out to the limit of the state waters, so around three nautical miles off the coast. Processes are in place under the commonwealth Native Title Act

to evaluate and determine native title claims of those waters, land, or land and waters where there are multiple claims to the area. The evaluation and determination of native title rights does not occur under the CALM act and this amendment bill has no bearing on the native title determination process.

The focus of joint vesting will be with Aboriginal people through an Aboriginal body corporate on lands and waters where native title has been determined in their favour. Although typically not done, joint vesting could be considered for other traditional waters, lands, or land and waters such as when native title has been extinguished or it is determined not to exist. I have to say that the government will take a very cautious approach in these circumstances and joint vesting would not be undertaken over areas where there are competing native title claims; the native title would have to be settled in that area. This approach provides the government with flexibility in noting that the final decision to jointly vest a CALM act reserve will rest with the government of the day. Recognition of the joint vesting arrangement on any reserve title would typically be achieved for the creation of separate reserves for each determination area. This would be considered during the management planning process for a proposed marine park and be agreed with the relevant Aboriginal bodies corporate.

The member for Moore also asked about existing uses and how they can be accommodated and the potential for grandfathering in the context of compensation. The compatibility of activities and special purpose zones for the protection of culture and heritage will be considered through the management planning process for each respective marine park and on a case-by-case basis. The management plan will be subject to extensive community consultation and the minister will approve the management plan with the concurrence of the Minister for Fisheries and the Minister for Mines and Petroleum. Existing provisions in section 13D of the CALM act recognise the validity of existing authorisations under the Fish Resources Management Act 1994 for commercial fishing operations in marine parks, marine nature reserves and marine management areas. These provisions will not be affected by the passage of this bill. If the commercial operators are excluded from their usual activities as a result of the creation of or an amendment to a marine reserve, the Fishing and Related Industries Compensation (Marine Reserves) Act 1997 may apply. If there are any adverse consequential effects on commercial fishers or aquaculturists due to the introduction of special purpose zones for the protection of Aboriginal culture and heritage, they may be able to access compensation under the FRICMRA. Importantly, the administration of the FRICMRA will remain under the jurisdiction of the Minister for Fisheries and the Department of Primary Industries and Regional Development, and both are extensively engaged during the marine park management planning process.

In relation to third parties, such as tourists, accommodation providers, tackle shops and other businesses, I can say that marine parks conserve marine habitats and biodiversity as well as cultural heritage values while allowing for a range of ongoing sustainable uses, including fishing, diving and boating. The benefits of marine parks to regional tourism are well documented and they support a growing marine ecotourism industry, including wildlife watching, diving and snorkelling, kayaking, glass-bottom boat tours and charter fishing. This bill will support the values that underpin marine parks and help to drive regional outcomes and regional economies and jobs.

The member for Moore indicated that he required an explanation on exactly how the incompatibility test of activities against heritage significance in the marine environment would be applied compared with terrestrial areas. In the course of debate, the member for Wanneroo read out a section of the *Proposed Bardi Jawi marine park indicative joint management plan 2020*. The Bardi and Jawi people's identity and existence is intimately connected to the sea. For Bardi and Jawi people, their country is more than a simple geographic location; it includes all living things incorporating people, plants, animals, seasons, stories and spirits. It is a place both of belonging and a way of believing. Bardi and Jawi people believe powerful and creative ancestral beings roamed the sea, creating islands, reefs, sandbanks and marine species, which is recalled in songs and stories. It is clear that these same cultural and heritage connections occur across both land and sea country.

The government consults extensively with a broad range of stakeholders when preparing marine park management plans to ensure that they accurately and appropriately depict the full suite of environmental, social and economic values. This includes areas of proposed reserves where customary practices occur or existing sites that may contribute to the conservation value of that marine park to the culture and heritage of Aboriginal people. The members for Moore and Cottesloe asked whether protection and conservation of the value of marine parks will extend to archaeological sites underwater—for example, when sea levels were much lower. It is understood that the culture and heritage of Aboriginal people has changed and will continue to change over time. Similarly, the value of the land to the culture and heritage of Aboriginal persons will also change over time, so shifts in culture and heritage values, or shifts in understanding and recognition of those values, will be addressed and managed with the consultation process undertaken for marine park planning. They will also be addressed by the ongoing engagement processes for joint management of the reserves with Aboriginal people.

As a society, we are always learning more, and will continue to learn more, about the culture and heritage of Aboriginal people. That is why the purpose of marine parks in the CALM act includes the conservation of the natural environment, the protection of flora and fauna, and the preservation of any feature of archaeological, historic or

scientific interest. If the government were to learn or be advised that there were significant archaeological features or songlines relating to an underwater landscape dating back thousands of years, it would be consistent with the purpose of a marine park to conserve those values.

A number of members talked about the alignment of the Plan for Our Parks and this bill with the Aboriginal ranger program and some of the incredible work that that program is doing. In 2017, the McGowan government announced a \$20 million initiative for an Aboriginal ranger program. It delivered that initiative in the last term of government and it is a fantastic program that employs and trains rangers to carry out land and sea management and tourism activities across a range of tenures. To date, 435 rangers and support staff have been employed in the program, largely through traditional owner groups and Aboriginal bodies corporate. It is fair to say that the state government should be proud of the Aboriginal ranger program. I am glad to see that members on all sides of the chamber support that program.

In 2019, the Department of Biodiversity, Conservation and Attractions commenced a case study to evaluate the benefits of the ARP and associated outcomes, including social, economic, cultural and environmental outcomes. It has been an outstanding success, with a reported increase in sense of self, personal pride and purpose for employees and trainees in the program. As the member for Cottesloe pointed out, it provides employment opportunities in areas where there are few employment opportunities. Western Australia also has a nation-leading Aboriginal women's ranger program. I think it is the biggest in the country and I look forward to expanding it. We have increased jobs for Aboriginal women in land management, which has resulted in heightened family and community aspirations for women and girls.

I had the opportunity a few weeks ago to visit Murujuga Aboriginal Corporation and Aboriginal rangers showed me around some of the harder to access areas of Murujuga. It is such an incredible and unique place. It is an honour for Aboriginal rangers, the traditional owners, to share and protect, here in Western Australia, some of the most important petroglyphs in the world relating to the human race. A woman named Sue showed us through some of the areas, and I took her aside to ask how she found the program and what she got out of it. She was glowing. The comment that struck me—I think I have said this in the chamber previously—was, “When things go wrong in town, I come to work, I come to country and I feel really healed. I feel healing and peace.” That really struck me. The value of re-establishing that connection and providing economic access and economic opportunities cannot be understated. Another \$50 million will be provided for the ranger program in this term of government. I want it to provide enduring cultural and economic opportunities for Aboriginal people on their land. We will continue to work very closely with Aboriginal people to make sure that we learn from the lessons of the previous program and to improve that program going forward.

The member for Wanneroo commented in her contribution on her time living in Fitzroy River and the opportunity she had to share culture with traditional owners and how it left her with an enduring understanding of Aboriginal people's deep connection to country.

The member for Kimberley is a great champion of the Plan for Our Parks, in particular, the Buccaneer Archipelago that covers her country. She obviously has a connection with Bardi country. She read out responses from traditional owners about what the prospect of joint vesting and joint management will mean to them. It does not mean that we are necessarily locking up, as some members have described it—in fact, we are opening up—economic opportunities. It is not so much about locking up, but opening up those economic opportunities to traditional owners.

I have covered off on the member for Cottesloe's question about exclusive access. The member for Roe talked about consultation on the proposed south coast marine park in particular. I want to put front and centre the idea that not all stakeholders are treated equally. First of all, I want to say that this government does not consider traditional owners to be stakeholders. I have been very clear about that. Traditional owners are not stakeholders; they are native title holders. They are custodians of the land and we are unashamedly working with them hand in hand to create those zones as a first point. That was the strategy employed in the last term of government and it will be our strategy moving forward: traditional owners are equal partners with government in the initial design of the marine park. It will then go to consultation, and everyone will be consulted. The idea that traditional owners are somehow stakeholders is offensive to me and my views, and it is just not the way in which we are moving forward with this plan.

I understand and I am sympathetic with the anxiety of a number of stakeholders and the uncertainty surrounding that. Initially, the first round of consultation on the proposed south coast marine park was put on hold due to the COVID-19 pandemic. It is not a COVID conspiracy, member for Roe; it was put on hold due to COVID. A whole range of Indigenous land use agreement negotiations for Plan for Our Parks were put on hold due to access to some vulnerable communities. They were all put on hold, including negotiations on the south coast marine park. Consultation on that marine park has not yet started. I know that there has been a lot of talk, but we have been consulting on the consultation process. We have been talking to peak bodies, local groups and communities about what they want the consultation process to look like. We have listened and we are taking on board community feedback. We will design the consultation process with the community. The department has also employed

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a community engagement officer to engage and consult with the community in Esperance. We are consulting on the consultation right now. That is where we are at in that process. There will be plenty of opportunity for people who have a legitimate interest in the outcome of this marine park. The ultimate aim for the government is, as I said, to open up opportunity—not lock up opportunity, as the member has stated—to everyone in the community, but it is also an area of extremely important biodiversity and we have to conserve that.

The member for Roe mentioned the Wilson report. There was a request for an updated scientific review and that has been done. It will be shared and I look forward to hearing the member's response on that. Again, the department listened. It went back and did a more contemporary review, which will be made available through the consultation process. This is not about putting the cart before the horse. This is an ambitious program and we require the legislation to vest those open ocean waters, but the consultation will take time and we need to make sure that we do it appropriately and properly.

I conclude by acknowledging that many Aboriginal people along the Western Australian coast have a very strong connection to the coast and sea. Aboriginal people have expressed a strong desire to have this connection recognised and acknowledged to ensure that the management of their land and sea country conserves and protects their cultural heritage, not just the environmental value.

The member for Cockburn talked about the self-determination of Aboriginal people in relation to this bill. The self-determination of Aboriginal people is supported across the Parliament, across parties and is well accepted. How it is implemented is done with varying enthusiasm across the political spectrum, would be my observation. Hand on heart, Labor is enthusiastic about implementing policies that provide self-determination and opportunities for Aboriginal people. This bill is a manifestation of that policy and a manifestation of the self-determination of Aboriginal people and their right to be partners in the management of their land. By amending the CALM act to enable joint vesting and including the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons, the McGowan government is introducing two important initiatives that will meet the aspirations of Aboriginal people and improve the management of our marine parks for all Western Australians.

Again, I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended —

Mr R.S. LOVE: The minister briefly touched on the matter raised about why it is necessary to include “waters” in the bill. I just wanted to, again, get an understanding of this, because I am still struggling with why specifically “waters” needs to be included in the bill when “land and waters” is already included in the legislation. The minister said the inclusion implies that water is enclosed by land but she also said that some state waters are already incorporated into such reserves. So can the minister explain why, if that is the case, we need to have this word inserted?

Ms A. SANDERSON: As the member rightly points out, the existing act covers land or land and waters together. “Land and waters” refers to tidal land, tidal waters, and waters of any inlet, swamps, streams or creeks. The addition of “waters” as a standalone word, if you like, as opposed to “land and waters”, was considered to be a required amendment because it gives unequivocal clarity that it refers to open ocean waters.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 8AA amended —

Mr R.S. LOVE: Clause 6 is at the heart of what we are talking about. I note that the clause itself is very expansive and includes five subclauses, so I think we will probably be able to get to most of the relevant discussion while we are dealing with this clause.

I am intrigued to know how the land and waters vested with the Aboriginal body corporate will be treated in the south west land division with the single Noongar claim? I asked this question during the briefing and an answer was provided, but perhaps the minister could put on record how that will operate in the various discrete areas that subgroups, if you like, or boodja look after. Will some of the groups be involved or will the responsibility sit with one body? How will this operate, in practice, in the south west land division area covered by the single claim?

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Ms A. SANDERSON: The south west native title settlement does not permit the government to jointly vest, it commits it to joint management of the land. Currently, there are six Indigenous land use agreements with the Aboriginal bodies corporate in that south west title claim. As negotiations progress and those Aboriginal bodies corporate develop and appear or settle, the government will identify those and negotiate with them.

Mr R.S. LOVE: When the minister says that there will be no joint vesting but there will be joint management, will the eventual aim be joint vesting, or will it remain at some level of joint management forever? At what point would it become joint vested; and, if so, what is the trigger?

Ms A. SANDERSON: Under the south west native title settlement, the state is committed to enter into 12 joint management agreements across the six Indigenous land use agreement areas within 10 years. There are no commitments nor plans to jointly vest any marine or terrestrial conservation reserves within that settlement area with an Aboriginal body corporate. There are no commitments or plans. The bill does not prevent it, but the government has no plan to do that.

Mr R.S. LOVE: Do any of the changes that are highlighted in these amendments to the Conservation and Land Management Act have any effect on the waters lying off the area of the claim?

Ms A. SANDERSON: Under the south west settlement, there are no proposals to jointly vest any of the areas whether they are within or without.

Mr R.S. LOVE: I am not sure which particular subclause this is involved in, but I understand that the practical method of involvement of an Aboriginal body corporate in the joint management of a park in a place where it is joint vested will be through the development of a cultural management plan. I think that is what happens in parks that are already established in the terrestrial areas. Will that process be followed here? I am asking this as a matter of policy, rather than law. Will that development of the cultural management plan be considered in those other areas in the same way, again getting back to those single native title claim areas that do not have the benefit of being vested with the Aboriginal body corporate? In other words, will the same method of joint management apply, and will the indicative original management plan set up the ongoing practical operations of the joint vested area? There is a fair bit in there. I can break it down.

Ms A. SANDERSON: The process of developing a cultural management plan will be the same process for the marine areas as it is for the terrestrial areas.

Can the member repeat the second part of his question for me? I am trying to get some clarity on what he is seeking.

Mr R.S. LOVE: As a matter of policy rather than law, in the development of those same plans would that opportunity also exist for areas that will not be a vested interest but will be intended to be joint managed?

Ms A. Sanderson: Where it is managed but not vested?

Mr R.S. LOVE: Yes.

Ms A. SANDERSON: The answer is yes, it is a similar process and those management plans are done on a case-by-case basis, working with the traditional owners of those areas at that time.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Section 13B amended —

Mr R.S. LOVE: This clause is the other main part in this matter of vesting reserves for the protection and conservation of the value of the marine park to the culture and heritage of Aboriginal persons. I want to ask briefly about the effect once a management plan has been developed. I understand that it will not affect existing management plans for fisheries in the affected waters, but what will happen if there is the need to review a particular management plan for a fishery? If that review would trigger the opportunity for that fishery to be, shall we say, curtailed or stopped in a particular area where it might have had a grandfathering provision already in the act, which makes it clear that it continues, what will happen when it comes time to review that particular fish management plan? At that point, would there be a possibility that that particular activity may not be allowed to continue into the future? Just for clarity, I think the relevant section I am looking at is 13D(6), which refers to a management plan made under the Fish Resources Management Act.

Ms A. SANDERSON: Bear with me, member, while I explain this appropriately. If there is a lease or a licence, for example, that has been issued under the Fish Resources Management Act, since that lease was approved or issued, a management plan was approved under the Conservation and Land Management Act. If that lease expires whilst there is a management plan under the CALM act, the renewal of that lease would be determined against compatible and incompatible uses, whether it is in a special purpose zone or general area zone, so it may or may not

be, but it could be deemed incompatible. If it is deemed incompatible, that would trigger potential for compensation under the Fish Resources Management Act.

Mr R.S. LOVE: Thank you; that is what I wanted an understanding of. Regarding the general situation for other activities, most of section 13 refers more to fishing and petroleum and those types of things—commercial activities. However, we know in many areas, especially popular tourist areas, other commercial activities might take place. They might be charter fishing businesses, or swimming with dolphins or whale sharks—whatever. Does the government envisage that this particular bill will affect any of those types of activities in the future? Those activities are not really being undertaken in a way that is invasive, but they might be in areas that are perhaps seen to be of particular importance for a group of Aboriginal people under the management plan.

Ms A. SANDERSON: Commercial tourism licences are issued under the CALM act, so there is no change there. The traditional owners provide advice on those leases and the commercial uses of the CALM act. It would have to be compatible. Having said that, when the government is putting together a management plan, tourism opportunities are incredibly important and seen as a key priority in the opportunities available for conservation areas, so those activities will be dealt with on a case-by-case basis depending on the area. For example, if the area was particularly culturally significant, 20 jet ski groups may not be approved to zoom through it. That might be deeply objectionable to traditional owners, but they might approve other, less impactful activities in that area. It is to provide opportunity for the areas, it is on a case-by-case basis, and it is in consultation with the traditional owners.

Mr R.S. LOVE: Are there any guidelines on how impactful the management plans are to commercial activities other than those ones just outlined, say for licence holders? Will there be some effort to maintain a level of competition neutrality so that, for instance, the Aboriginal group that might be in the area will not be able to use a particular part of the plan simply to rule out other commercial operators and develop a superior business position for themselves at the expense of the general commercial interests in the area? That is going to be a bit hard because some of the government's stated objectives in bringing this legislation were, as the minister spoke about, major programs and economic opportunities. Is it possible that a particular plan could be exclusive for the Aboriginal body corporate or associated persons to the denial of other people having the ability to put forward ideas or take up licences and undertake activities in the future?

Ms A. SANDERSON: Essentially, the CEO grants the licences and the minister approves those licences. The issue of commercial neutrality would be seriously considered. The joint vesting and joint management does not provide a veto of the traditional owners to other businesses. For example, if an operator put in an application for a licence for an activity and a traditional owner group put in an application for a licence for an activity and they were both the same and both compatible with the use of that area, both licences would be granted, not just one. Essentially, access would be allowed for those compatible activities regardless of the group. There is no implied veto, if that is what the member is asking.

Mr R.S. LOVE: This is the final point I have. Are there proposals to make the indicative management plans subject to the normal, I think, section 14 provisions that set out the notice for how advertising takes place in consultation?

Sitting suspended from 6.00 to 7.00 pm

Mr R.S. LOVE: I was on my feet just before we got up for dinner. Unfortunately for the advisers, they have had to stay for the last hour, so I have been scratching my head trying to think what I could do to make it worth their while to stay a bit longer, just to make the intrusion worth the time.

We were talking about the advertising of proposals and the indicative management plans. I guess that begs the question: how will those management plans interact with and be reflected in the management plan that already exists for the reserve or the marine park? Perhaps I will ask that question for a start and then get back to asking about advertising et cetera.

Ms A. SANDERSON: I will just clarify the question. The member asked how the management plans are interacting. Does he mean how a management plan or licence that is approved under the Fish Resources Management Act interacts with the joint management plan?

Mr R.S. LOVE: I mean the management plan that exists for the marine park already and the indicative management plan for the preservation of Aboriginal culture and heritage. That comes in. Is that reflected straight in the plan so there is an amendment to the management plan that exists? Does it just encompass the entirety of that cultural plan?

Ms A. SANDERSON: I ask the member to let me know whether I have his question wrong. I think he was asking: if there is an existing management plan and a decision to joint vest, will it go through a process of a joint management plan? Essentially, the joint management plan would be developed in the usual way, with consultation through that process. They are prescribed in the act, so what has to occur is prescribed. It has to be circulated in the newspaper.

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It obviously has to be released for a minimum period of time—three months—and it would be approved or not approved, and that would become the management plan.

Mr R.S. LOVE: There is a description in the act about that advertising and consultation. I think it is in section 14. I confirm that that is appropriate. That will also reflect the incorporation of the management plan that is looking at those cultural management issues as well. In drawing up the cultural management plan as such, will there be a requirement for consultation at that stage or will there be consultation only at the point it is incorporated in the joint management plan? There will be a two-stage process: the Aboriginal body corporate will make up a plan, which it will seek to then incorporate in the management plan. At what stage of that two-stage process will this other consultation take place?

Ms A. SANDERSON: This question goes to what exactly is a cultural management plan. Essentially, a cultural management plan is the development of a plan by the traditional owners with the department about the cultural values of an area and what is important to them, which will be articulated clearly in a document. If you like, it is a subsidiary to the indicative management plan overall. The cultural management plan is not developed in consultation with people who are not TOs because it is not their culture. It is a subsidiary document to the indicative management plan. If that goes to consultation, the cultural management plan may go as part of the consultation process that is prescribed in section 14(2) of the act. The TOs may deem that aspects of the cultural management plan are not appropriate for public release because it contains restricted cultural practices and those parts would not go with that.

Mr R.S. LOVE: Thanks, minister. The cultural management plan sits somewhat on its own. It is the creation of a document only for a certain group that is responsible for an area. That will then be married with the existing plan, which has the allocation of special use areas, general use areas or special reserves for the different definitions that are in the act about what can be reserve. It would be only at that point that the general public or other stakeholders would be involved in the consultation. Is that what the minister is confirming?

Ms A. Sanderson: Yes.

Mr R.S. LOVE: My final question is: what interaction will there be between the Minister for Fisheries and the Minister for Mines and Petroleum? Would they be directly consulted by the Minister for Environment's department? Would the interest groups go to the Minister for Fisheries and the Minister for Mines and Petroleum or would they go to the Minister for Environment? People may be interested in fishing or petroleum, so how will the three ministers interact in a practical sense when the government is trying to determine a fourth group, being the traditional owners, who will have equal vesting rights with the state of Western Australia?

Ms A. Sanderson: Can I just clarify: is it when those ministers have questions about the cultural management plan or the indicative management plan?

Mr R.S. LOVE: It is about the indicative management plan's incorporation of issues in the cultural management plan and the effect on stakeholders.

Ms A. SANDERSON: The joint indicative management plan will go through a consultation process and it will go to the Minister for Environment. In approving the plan, the Minister for Environment will need to seek the concurrence of the Minister for Fisheries and the Minister for Mines and Petroleum. Essentially, the plan will be sent to them and their offices and they will go through and identify any potential issues or say, "Yes, that's fine." Interest groups, or stakeholders, will participate in the consultation of the draft plan. There is no formalised role for them in approaching the other ministers, but there is nothing at all to stop them from approaching the Minister for Fisheries or the Minister for Mines and Petroleum if they feel they have interests that have or have not been taken into consideration in the management plan. They would speak to those ministers because they would have to have concurrence.

Clause put and passed.

Clauses 10 to 19 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MS A. SANDERSON (Morley — Minister for Environment) [7.16 pm]: I move —

That the bill be now read a third time.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [7.16 pm]: I very much thank the minister, and the advisers for coming in tonight and sharing their expertise on the Conservation and Land Management Amendment Bill 2021. As I said at the outset, we are not opposed to the bill. There are issues about which our communities have expressed some concern, but some of the answers that the minister gave tonight and in discussions that have

Ms E.J. Kelsbie; Ms Divina D'Anna; Ms Hannah Beazley; Dr David Honey; Mr Peter Rundle; Mr Simon Millman; Amber-Jade Sanderson; Mr Shane Love

been had along the way have helped to explain some of those matters. I am sure that when the bill gets to the Legislative Council, the lead speaker for the opposition alliance will no doubt want to interrogate more fully some of the issues that we have spoken about, such as what it means to preserve Aboriginal culture and heritage and how that will interact in a practical sense with the marine parks as they exist at the moment and as they might in the future, and with other industry groups and recreational and commercial users of those areas. Some of the questions at the back of my mind both in previous discussions and since have been answered tonight. I am happy with the discussion that took place. I look forward to reading what happens in the other place, where those very experienced upper house MPs, who we know play a valuable role in interrogating more fully the legislation that comes through this Parliament, will go into the fine detail to understand exactly how matters will impact the Western Australian community, and seeing how they view some of these matters. I am sure they will contribute something to both the understanding of the bill and perhaps other matters.

I thank the minister. Thanks to the advisers and to everyone who contributed to the debate. I must admit that I listened with great interest to some of the contributions that were made in the second reading debate. The contribution of the member for Cockburn in particular, who is not here at the moment, was particularly enlightening. Some people have a deep understanding of the matters we have been talking about and it was quite interesting to listen to some of their contributions. I would not go so far as to say that all members of the government who spoke were as educating as him, but I think some very important points were brought out tonight and in previous days of this debate from both sides of the chamber. Members brought their own personal experiences to the debate and talked about effects on their electorates and their personal understanding of the matters we have been discussing. I thank everybody for their contributions and I look forward to the passage of the bill to the other place.

MS A. SANDERSON (Morley — Minister for Environment) [7.20 pm] — in reply: I thank all members for their contribution to the debate on the Conservation and Land Management Amendment Bill 2021 and for their interrogation of it. When we go through that process, it helps to clarify things and enlighten the whole chamber. Many government members have articulated very well how important this is in terms of the government's key election commitment, Plan for Our Parks, and its interconnection with the Aboriginal ranger program, which aims to provide ongoing economic opportunity and access for traditional owners. It is a new way of developing parks. Some members have alluded to the process of consultation. It is challenging for various interest groups and commercial operators, and I understand that challenge. It is the government's aim to open up access and opportunities with this bill. We want people to be able to operate in good faith with good relationships, but build those relationships with traditional owners when they are operating on land and sea country. As I said, it is an important manifestation of that really well established principle of Aboriginal self-determination. It is the natural next step in native title and the establishment of Aboriginal bodies corporate.

I thank the advisers. This is now the second time around for this bill, and I am confident that it will get passage through the Council. I thank the advisers for their patience and appreciate their work. I thank the chamber and commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.