

STATE BARRIER FENCE — ESPERANCE EXTENSION

**558. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:**

I refer to construction of the Esperance extension of the state barrier fence and the minister's response to my question without notice 1050 asked last year.

- (1) What date did the negotiations for the Indigenous land use agreement between the state and Esperance Tjaltjraak Native Title Aboriginal Corporation commence?
- (2) Can the minister confirm the status of those negotiations and provide a time frame within which an agreement will be executed?
- (3) Has any portion of the fence been realigned during the period of the negotiations; and, if so, why?
- (4) Has the government considered realigning the sections of the fence that fall within land under crown control into privately owned land; and, if so, why?

**Hon ALANNAH MacTIERNAN replied:**

- (1)–(4) I thank the member for the question. I think it is really important for us to understand that native title is a real thing and that the construction of this fence on land over which there is a declared interest is a future act. We have to work to get approval when this is on native title land. The time frames are not always of our choosing, but we commenced negotiations with a preliminary native title future act meeting on 12 October 2018. Negotiations have been ongoing since then. Very few meetings were organised in 2020 because of the community's reluctance to attend meetings because of its concerns around COVID. Negotiations with the Tjaltjraak board were completed in July 2021. This document, once it has been approved by the National Native Title Tribunal, needs to go to a general meeting for its consideration and authorisation.

In terms of part (3), yes, part of the fence was realigned based on recommendations of heritage surveys and to further minimise environmental impacts by aligning with linear disturbance areas—for example, fire management breaks and roads—to avoid pristine bush areas. I think the Western Ground Parrot was an issue for part of that area. The department is very aware that continuing with this fencing is important work and we want priority given to this, but it is not always within our hands.

As I discussed with Scott Pickering and the biosecurity group just last week—I am sure they have reported to the member—I have advised that we are now going to take the road reserve work and get that done separately. Originally, that was in a package on offer. We are now going to put the road reserve work at the western end into a package for a panel of Aboriginal fencers. That procurement is underway and hopefully we will be ready to commence work in the next six weeks. I said also that if we were unable to get the native title agreements, we would have to consider realignment, but obviously realignment would require a whole new environmental approval, and that would take considerable time.