

RESERVES (WANJARRI NATURE RESERVE) BILL 2011

Second Reading

Resumed from 23 November 2011.

MR B.S. WYATT (Victoria Park) [12.59 pm]: I rise to speak to the Reserves (Wanjarri Nature Reserve) Bill 2011 and I note that the Leader of the House has said that the Minister for Lands is on his way. The opposition will support this legislation, but we have a number of issues that we want to raise along the way. As the minister's second reading speech points out, this bill seeks to excise some land by way of section 45(3) of the Land Administration Act 1997. It seeks to excise 758 hectares of land from the class A Wanjarri Nature Reserve and also to make available in the future a total of 8 431 hectares, currently part of Yakabindie pastoral lease, to the Department of Environment and Conservation for the purposes of conservation of flora and fauna. This is the result of an agreement signed on 17 November 2011 between the Minister for Lands, the Minister for Mines and Petroleum, the conservation and land management executive body, BHP Billiton Nickel West Pty Ltd and BHP Billiton Yakabindie Nickel Pty Ltd.

I thank BHP's representatives for the briefing they gave the opposition and I thank the minister's staff who also briefed the opposition on this issue. Ultimately, the reason BHP seeks these changes, as pointed out in the briefing, is that at the moment it needs the land for waste rock as part of its nickel operations. BHP explained to the opposition that currently the project is not financially viable without this excision; however, it cannot do the internal assessment until this roadblock, the land to access for waste rock, has been lifted. Therefore, there is a sense of urgency in that regard. The minister pointed out in his second reading speech that —

Insofar as the state is concerned, this arrangement presents a good opportunity for regional development and conservation management by ensuring that the state's interests are protected through Nickel West's financial contribution to the state to assist in the process of adding the inclusion area to the Wanjarri nature reserve, and through the creation of a mining reserve for future mining purposes relating to the disseminated nickel sulphide deposits at Yakabindie.

The minister went on to make the point that it —

... would provide the foundations for further regional economic benefits via the Kalgoorlie nickel smelter and Kwinana nickel refinery operations, leading to sustained employment, state royalties (approximately \$25 million per annum currently), and goods and services consumption (approximately \$400 million per annum currently).

There are obviously important reasons of state development and revenue for this bill, which is one reason that the opposition will support this bill. However, I want to raise with the minister—I note that the minister dashed in and has now run out of the chamber again —

Mr D.A. Templeman: It's very poor!

Mr B.S. WYATT: It is very poor, Mr Opposition Whip! I want to raise these issues —

[Quorum formed.]

Mr B.S. WYATT: Now that we have flushed out the minister and he has come to the chamber for his legislation, as I pointed out, minister, the opposition will support the bill, of course. However, we intend during consideration in detail to seek clarification on a number of questions. The minister would have received correspondence from Mr Ian Rawlings from Central Desert Native Title Services. I sought opinion from Central Desert Native Title Services about this bill and I will quote from a letter that I received from it on 20 February 2012 —

The area described as being excised in the Bill —

That I have already gone through —

... and the area referred to in the second reading speech as the 'inclusion area' ... is within the area of the Tjiwarl native title claim (WAD 228/11). The Tjiwarl claim was filed on the 17 June 2011 and registered on the 13 January 2012. Central Desert Native Title Services acts for the Tjiwarl native title claimants.

Importantly, the letter went on to make the point that —

We are unaware of any consultation by the Government with our clients either as individuals or in their capacity as native title claimants regarding the Bill, the excision area, or the inclusion area. The excision area and the inclusion area, will almost certainly impact upon our clients registered native title

rights and interests. The Tjiwarl native title claimants have an interest in that land and should be consulted.

The letter went on to make the point that failure to comply with any future act provisions of the Native Title Act 1993 —

... may result in the Bill or future acts referred to in the second reading speech being partially or wholly invalid.

Interestingly, I was copied in on a letter that Mr Rawlings, the CEO, sent to the minister on 9 March 2012. Basically, it is in almost identical terms. I called Mr Rawlings yesterday and he is yet to receive any response from the minister or the government on this issue. I note that in his letter to me he considered that —

... the Government should delay passage of the Bill to enable the appropriate consultation with the registered ... native title claimants ...

I look forward to the minister's response about what consultation he has had with the native title claimants, the Tjiwarl people, or through Central Desert Native Title Services. However, I am aware—as I pointed out a minute ago—that there is a sense of urgency about this project, as pointed out to the opposition by BHP. It does appear—I asked BHP this question—that BHP has had some discussions with native title holders and I assume that means it has had some discussions with Central Desert Native Title Services. However, the minister may be able to enlighten the house about what discussions are taking place, if any, between Central Desert Native Title Services and the government.

A few questions arose out of the minister's speech about the moneys being made. The minister stated that once the excision occurs, some \$500 000 will be paid into the consolidated account and a further \$2 million will be paid once Nickel West receives final internal approval to commence the nickel project or by June 2017. Regardless of what happens, Nickel West will pay that \$2 million by that latest possible date in June 2017. Hopefully, if Nickel West is able to get its project up earlier, that payment will be made earlier.

In the advice we received from BHP, that \$2.5 million was for only negotiating the future act provisions or land management. However, the minister in his speech made it clear that —

These funds may then be made available for the purposes of assisting the land arrangements for the inclusion area to be added into the Wanjarri Nature Reserve.

I want to know why the word “may” is used in that regard. What indeed does the minister anticipate that \$2 million, or part thereof, will be spent on? That is something that the member for Gosnells will cover very shortly.

The second point that I want to raise with the minister is the significant conservation values that he talks about in respect of the excision area. That is something that I will put to the minister during consideration in detail, no doubt as will the member for Gosnells. What are those significant conservation values and exactly how will that \$2 million be spent on assisting in those land arrangements? I think the minister's office provided the opposition with a copy of the agreement between the two ministers, BHP and the Department of Conservation and Land Management. However, there is certainly no reference to any consultation or involvement of Central Desert Native Title Services or any negotiations with the Tjiwarl people, who are the registered native title claimants for that area of land. The opposition will raise a number of questions. However, the opposition will not be opposing this legislation; indeed, we will be supporting the legislation. The opportunities that will be created by Nickel West, the passage of this legislation and the excision and inclusion of those two pieces of land will ultimately be a good outcome, particularly for people in the goldfields. The minister can deal with the issues that I have raised in his response or when we get to the consideration in detail stage.

MR C.J. TALLENTIRE (Gosnells) [1.11 pm]: I rise to speak on the Reserves (Wanjarri Nature Reserve) Bill 2011 and offer my support for the legislation. However, I have a number of issues to raise. It is clear that the purpose of this bill is to facilitate the continuation and longevity of the Mount Keith nickel operation and to enable the mine to have a waste dumping ground. I believe that is something that we need to focus on. So often we hear of the need to excise land from a nature reserve because the land in the nature reserve corresponds with an important mineral deposit. In this instance, though, we are simply talking about finding land for the waste material that comes from a mining operation. We are told by BHP Billiton—I have no reason to doubt its word—that if it were forced to take the waste somewhere outside the nature reserve, it would then have additional costs, and that would change the net present value of its operations and make it difficult for it to operate at this point in time. I think it is important to emphasise the words “at this point in time”, because we know that when it comes to mining operations, what might not be viable today could well be highly viable in a few years' time. I think that is a point that needs emphasising because it relates to how the government would have negotiated this proposal.

We have an opportunity, through the Minister for Environment and other ministers, to ensure that decisions about things such as excisions from nature reserves are considered in the context of the proposal that is before us. That consideration, though, has long needed some formalisation. It has needed a structure—some guidelines or a format that enables people to make the best decisions for the state so that negotiations are within an adequate framework. That is why I turn to a document that I believe was released in September 2011—that is, the Western Australian government’s environmental offsets policy. This policy is only four pages long. In many ways it is an abbreviation of what the previous government had in place. The previous government did a lot of work in the area of offsets to establish a framework that would enable the best outcomes to be achieved for the state.

Dr Walter Cox, when he was the chairman of the Environmental Protection Authority, released an EPA position statement on this very subject. It is a lengthy and considered document that enabled all stakeholders and agencies to have an adequate framework within which to make these sorts of decisions. Unfortunately, though, in our discussions with advisers from BHP, it came out that there had been no publication of an offsets policy in determining whether the land to be excised was going to be adequately compensated through the land that was going to be added to the conservation estate. No real assessment framework was in place. That is a concern that I have about this. On the surface of it, though, the numbers look good; the numbers are pretty impressive. As the member for Victoria Park has pointed out, we are talking about losing 758 hectares from the conservation estate but potentially gaining 8 431 hectares. Those numbers look good, but, as I say, we need a framework to check that that is adequate compensation because, of course, the lands involved are not all of the same type. It turns out that some of the land that we are losing is highly underrepresented in the conservation estate. Land types have been mapped by botanists and biologists who go through land areas and map out different ecosystem types and determine how well represented they are in the conservation estate. When we look at some of the vegetation types that are to be lost, we see that they are pretty consistently very much underrepresented in the conservation estate. One type is known as the Bevon conservation land system.

With this land swap going ahead, we actually reduce the amount of that complex in the conservation estate. It is already at 3.04 per cent, which is tiny when we consider that the international target for the representation of any of our conservation lands ecosystem types is at least 15 per cent. That is what the International Union for Conservation of Nature says—that all different landform types should be represented to at least 15 per cent in the conservation estate. What do we have here? It is only 3.04 per cent, and we are reducing that down to the point where we will lose an extra 0.04 per cent. That sounds small, but it is still off a very small base. Conservation of the Jundee complex, which is involved here, again is currently only at 2.66 per cent; that is being reduced. The Nubev complex is 0.18 per cent of the conservation estate—that is being reduced down. Another one is known as the Tiger land system, which is already 1.40 per cent and is being reduced further.

I realise that the Minister for Lands and his agency have consulted with the Department of Environment and Conservation on this. It would have been noted in those discussions—I am sure that the meetings held with the Conservation Commission would have been minuted—that those vegetation types are significantly underrepresented and that their situation and status is not going to be improved through this proposal going ahead. Therefore, I encourage the minister to work with other ministers to ensure the strict application of the environmental offsets policy that the government endorsed in September 2011. However, I point out that, as it currently stands, the policy does not provide the detailed guidelines that are necessary. The document that was prepared under the previous government provides that detail, so perhaps the minister could revise the current offsets policy such that it refers to the EPA’s position statement and therefore picks up on the detailed guidelines in that document. I think that would enable us to have greater confidence in this type of offset arrangement.

Nevertheless, on the surface, yes, the big numbers look good. The Yakabindie pastoral lease is currently in the hands of BHP, or its subsidiary Nickel West. We know that the land in the 8 431 hectares of the Yakabindie pastoral lease is being quite well managed. We know that BHP and Nickel West have done a good job of looking after that land. That raises another issue that I want to come to in this speech about reforms and reports on the conditions of the rangelands; I will come to that in a moment. There are nine priority species on this 8 431 hectares of land. That is good. We are getting this additional land that contains priority species into the conservation estate. Meanwhile, though, we are losing 758 hectares, because we have to have somewhere to put waste. That is going to lose us the habitat for three priority four species. That does not mean that they do not exist on that site only; they do exist elsewhere. Nevertheless, they have been listed as needing some sort of conservation action because of their poor representation elsewhere.

Clearly there are some concerns about how we have gone about striking this deal with BHP. Have we really done the best we can for Western Australia in this deal? Have we really put it to BHP that if it waited for a bit of an exchange rate change, it might become viable for BHP to truck the waste a bit further? I do not know that the minister’s agency actually negotiated on that kind of point and whether that was put to BHP.

Mr B.J. Grylls: And increase their carbon footprint!

Mr C.J. TALLENTIRE: There could be cleaner ways of transporting the waste, of course, with conveyor belt mechanisms and things like that. There are all sorts of options. Why not insist, minister, that the mine be backfilled? I am not sure what the technical reasons are for not doing that. We do see that happen elsewhere. I have certainly had mining companies come to me and very proudly herald that they are doing an innovative thing—they are backfilling the mine with the overburden. Why that cannot be done in this case I am not sure. I suspect it comes down to cost. I suspect, given the minister's side of politics, and the attitude and the easy relationship that he has with many in the mining sector, that he perhaps was not too firm in his striking of a deal here—that he bent over pretty quickly as soon as they whispered in his ear. That is speculation on my part, I will concede. But I hope that the best deal for Western Australia was struck here. That is a hope that I have. It cannot be shown that there has been strict adherence to some decent guidelines, because there are none. That is why the minister needs to ensure that decent guidelines are put in place.

I did mention that I wanted to refer to some issues around the rangelands. I have congratulated BHP for its management of the Yakabindie pastoral lease. But there are problems with the viability, quality and condition of many other pastoral leases. The minister may well have seen my question on notice on this point. I am waiting for the answers to that question, and perhaps the minister could speed things up and give me the answers more quickly, because I am very keen to know whether the minister or his departments have commissioned reports assessing the viability of a number of the leases in the northern and southern pastoral lease areas. I am pretty sure that the minister has commissioned those reports, but he has not released them. I am keen to know why the minister has not released those reports. Those reports would be useful in the case of this land swap deal, because it would then not be just the member for Gosnells who is saying, based on the reports that he has, that the Yakabindie pastoral lease is in good condition. The minister would be able to demonstrate that he has looked at the Yakabindie pastoral lease and has had that checked out and has ranked it across a range of pastoral leases. I would encourage the minister to release those reports. If the minister could do that in the context of this debate, that would be extremely useful. The minister might respond to my question on notice by saying that the reports have not been finalised. I look forward to receiving a response to that question. I would also like to know what the main findings of the reports were.

I am also keen to hear about the broader issue of pastoral leases and their management, and about what the minister's intentions are, recognising that we do have companies such as BHP that are good managers of pastoral leases. I am keen to know whether the only hope for these companies is that they hand these lands over to the conservation estate, or whether it is possible for these companies to choose to be long-term managers of these lands, which they would not be required to stock but would be able to keep for conservation purposes.

The member for Victoria Park spoke about the issue of native title. I would like to emphasise my concerns about the fact that we have a bit of a “may be” here. The suggestion has been made that lands will be the subject of a native title agreement, and that some money may be set aside for that—I think it is in the order of \$500 000, and there is the potential for a further \$2 million to be set aside. The minister should clarify for us what the status of that funding is, because in our briefing we were directed to the second reading speech, but the second reading speech is very vague on this point. There is definitely a need for greater clarification of how the native title arrangements will be dealt with.

In concluding my speech, I would like to emphasise the point that we need a rigorous framework that enables negotiations to take place between the state of Western Australia and mining companies, and other landholders and leaseholders, so that we get the best possible deal for the state. That is why we need an environmental offsets policy that is used rigorously but also is detailed and provides the actual guidelines. The document that was released in September 2011 does have some sensible messages in it. It makes the very valid point that often we are destroying things that we cannot replace; and we cannot pretend otherwise. But when we accept that, for some state development reason, destruction of a particular environment needs to take place, we then need to find out what the best possible alternative is and what recompense can be made. That is often where companies have some very innovative solutions. We can encourage companies towards those solutions, but they need the guidance of a framework. I do not think it is reasonable to expect companies to guess these things themselves. We have to give them guidance. A sensible and detailed framework would enable that to happen. Although I am encouraged by the release of this four-page document in September 2011, it is not useful for proponents. It does not provide all the information that they need. I think it is worthy of the title “WA Environmental Offsets Policy” but it does not provide all the information that a proponent such as BHP would need when it comes to working out what the state of Western Australia really requires.

I will conclude my remarks there and look forward to the minister's response to the issues I have raised.

MR B.J. GRYLLES (Central Wheatbelt — Minister for Lands) [1.26 pm] — in reply: I thank members for their indication of support for the Reserves (Wanjarri Nature Reserve) Bill 2011. Most of the questions that

members have raised are technical in nature about the landforms and land statistics and other things. It would probably be best to have that discussion during consideration in detail, when I can bring people from the Department of Environment and Conservation and the Department of Regional Development and Lands to the table to give members better technical answers to those questions. I think that what has been recognised is that the nickel industry is under a degree of pressure at the moment. The reason for this legislation is to facilitate the land side of things to allow BHP Billiton, through Nickel West, to consider its expansion plans for that area, and I think that is why the opposition has agreed to support the bill. But the opposition is right to raise questions about the trade-off, whereby 750 hectares of land will be excised from the reserve in exchange for 8 431 hectares of land that will be added to the reserve, and they are valid questions to ask.

I will quickly touch on the native title holders. My understanding is that the claim was registered with the National Native Title Tribunal essentially after the work that we had done. The Tjiwarl claimants will be heavily involved. The negotiations with the Tjiwarl are essentially around the fact that the changes that we are proposing to the Yakabindie pastoral lease will be a future act; and, because it will be a future act, that triggers native title. It has been put to me that the reason those negotiations have not been undertaken yet is essentially that, until there is agreement from Parliament to excise the land from the nature reserve, this inclusion will not go ahead, in which case there will not be a need for negotiations to take place with the Tjiwarl. It essentially concerns the time frames. If Parliament agrees to this bill, there is a very real need because an Indigenous land use agreement will need to be negotiated with the Tjiwarl people and in that case they are not consulted about it; they are involved in the process. My understanding is that those conversations between the Tjiwarl and BHP have been taking place. Certainly, a process will be undertaken. My advice says that that will be undertaken should this bill be successful, rather than prior to; otherwise, essentially, the parties would be consulting on something that does not have the support of Parliament. More of those requests can be made during consideration in detail. I thank the opposition for its support.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title —

Mr C.J. TALLENTIRE: The current title of the bill, Reserves (Wanjarri Nature Reserve) Bill 2011, gives me some concern. It would probably be more accurate and more meaningful to the public if it were called an excision bill because that, after all, is driving this. As the minister outlined in his response to the second reading debate, driving this bill is the need to excise land. It is not a mutual bill as is perhaps suggested by the title. The Wanjarri Nature Reserve exists and has done for many years. It was formed because of recognition of the significant environmental values of the area. However, under this bill we propose to remove approximately 800 hectares of land from the conservation estate for the purposes of this waste dump, while we want to add in from a pastoral lease. I note from the minister's response to my contribution to the second reading debate that the whole thing is under a bit of a question mark. It may be that if this bill is not passed, there will be no addition to the Wanjarri Nature Reserve. Primarily, I think this bill is about excision and a title that mentioned that would be a more accurate reflection of what we are debating today.

Mr B.S. WYATT: I have a quick question for the minister. It is a technical point of legality that I want to ask about while he has his minders here because they may be able to resolve it for me. This is an excision pursuant to section 45(3) of the Land Administration Act 1997. Subsection (3) is subject to subsection (2), which requires —

the consent of the minister to whom the administration of the Conservation and Land Management Act 1984 is for the time being committed by the Governor ...

Can the minister confirm whether the consent of the Minister for Environment is required for this to happen; and, if so, when that consent was sought and obtained?

Mr B.J. GRYLLES: Section 45(2) requires that if there is no act of Parliament, the consent of the Minister for Environment is required. But if there is an act of Parliament under section 45(3), which the member referred to, the Parliament has consented to it.

Mr B.S. Wyatt: The Minister for Environment had no role to play.

Mr B.J. GRYLLES: No.

Mr C.J. TALLENTIRE: I am concerned to hear that the Minister for Environment had no role to play, because I would have thought that the role of the Conservation Commission would have provided input through the minister. I accept that there is a degree of independence between the Minister for Environment and the Conservation Commission. Nevertheless, I would have imagined that on an issue such as this there would have

been a harmony in the quality of information presented such that the Minister for Environment would have endorsed the work of the Conservation Commission. I know that when this was originally discussed back in, I think, 1992 and was the subject of an Environmental Protection Authority bulletin, the then holder of the lease, the operator of Mt Keith, looked to establish a similar deal with the body that then fulfilled that role of the Conservation Commission, the National Parks and Nature Conservation Authority. It was the body in which reserves were vested and it would have given advice. Therefore, I believe that there would be publicly available advice on the government's view within agencies and between ministers on the acceptability of this excision and eventual land swap.

Mr B.J. GRYLLES: That consultation substantially took place. This issue had a lot of consultation between the Minister for Environment, the Minister for Mines and Petroleum and me, as Minister for Lands. I ask the member to remember that to get to this point it went through the cabinet process and, therefore, that consultation was very thoroughly undertaken. It is not only me bringing this bill here; the process that got the bill here involved the consultation that the member has asked about.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Reserve 30897 amended —

Mr B.S. WYATT: Although we have been briefed on this area, I would like on the record a description from the minister. We are now considering the key section of the bill, which concerns the excision of the land. I ask the minister to give Parliament and members an explanation of the land, including the 758 hectares that is being excised and the 8 431 hectares that are being included in the pastoral lease. Please explain the nature of that land and why those amounts have been decided by the minister as the appropriate amounts.

Mr B.J. GRYLLES: The Department of Environment and Conservation representatives here today tell me that the predominant land type of the excision area is mulga scrubland. Rather than try to explain it, I have a map here that details the land types as mulga scrub, mulga woodland and hammock grasslands. Obviously, it is to scale and I do not have the hectares here in front of me, but the predominant land type of the excision area is mulga scrub. The advice to me from DEC is that there is, as it would claim, a net environmental benefit from the land systems and types that are being excised and the land that we are looking to include in the reserve.

I also understand that this process started in 1990, when the same proposal was looked at, and that quite a deal of work has been done around that proposal. It has been suggested to me that the inclusion area in the Wanjarri Nature Reserve is a better representation of that land type, notwithstanding, as the member for Gosnells mentioned, there are losses and gains in any incision and excision. From the Department of Environment and Conservation's view, this is certainly a net gain. I think the member has made a valid point: if 758 hectares of prime land are exchanged for 8 000 hectares of mulga scrub, maybe that is not a good deal. It has certainly been put to me that that is not the case, and that this will have a positive net effect. At the end of this process—I do not know that I will table it—I will make the document that I am referring to available to the member for Gosnells.

Mr C.J. TALLENTIRE: I thank the minister for that explanation, and, indeed, I am keen to receive the document he presented. I would however question the use of the mapping system to which the minister referred; that is, the system created by Dr J.S. Beard—the Beard vegetation mapping system. I question that use because I notice that in the information presented to the Conservation Commission and to members in a very thorough briefing, BHP Billiton uses a different system of land classification. I touched on this during my contribution to the second reading debate. I imagine that this system is to a much finer scale. Dr Beard's work was on a very broad scale with a scale gradation of several thousand hectares. Dr Beard's system is not the most accurate system, but it is an incredibly useful system and is, in many cases, the best that we have because it gives us the ability to make comparisons right across the state of areas of representation. In its wisdom, BHP Billiton refers in its documentation to a different classification system—the one I referred to in my contribution to the second reading debate when I pointed out that our very low levels of land representation are being further diminished by the excision. I know that some land types, as the minister has pointed out, are being increased because of the proposed inclusion of 8 000 hectares from Yakabindie. However, it appears that we will lose some significant vegetation types and that they will not be replaced or brought back, despite already being so lowly represented in the conservation estate. We perhaps need to know the condition of other lands of the Bevon, Jundee, Nubev or the Tiger type. We need to know the condition of those types because, from the statistics that BHP Billiton gave us, much of that is on lands not in the conservation estate, but possibly on adjacent pastoral leases. It would be helpful to be reassured that the condition of those lands is good; in fact, I hope that it is better than good.

I return to another point that I made in my contribution to the second reading debate; namely, the release of the rangeland condition reports. This information needs to be presented in that context so that we can make valid

comparisons and quite happily say that losing a further X number of hectares from any of the land systems I mentioned will not be a significant loss to the conservation estate because the land is represented elsewhere—albeit in privately managed lands—and is being correctly managed. The point the minister needs to respond to concerns the choice the government has made to use the statistics of Dr Beard, whereas the proponent has used a different land mapping system.

Mr B.J. GRYLLS: I thank the member for Gosnells and acknowledge his intimate knowledge of these issues from his previous —

Mr B.S. Wyatt: So do I!

Mr B.J. GRYLLS: And I acknowledge the member for Victoria Park's knowledge. I am told, member for Gosnells, that the Beard system is essentially industry standard; that is, it is the widely used system. BHP Billiton has used the land system mapping, which is a more refined method that looks at smaller parcels of land, whereas the Department of Environment and Conservation system is more broad scale. The advice I have from DEC is that the land is in good condition. The inclusion area for the reserve is in very good condition. I have the map in front of me that I will make available to members. The Beard system gives me the ability to broadly tell that about one-quarter of the inclusion land is hummock grasslands and the remainder is mulga woodland. In the excision area, it looks as though one-third is mulga scrub and two-thirds mulga woodland. The best advice that I can give the member is that DEC regards this as a net win for the conservation estate, and that, in addition, it will ensure the ability to expand the resource sector in that part of the world. We talk regularly about the massive expansion of the resource sector, and in my time as minister nickel has been a little more fraught in its ebb and flow and we are in a cycle now in which the nickel price is down and projects are being deferred. I know that the goldfields is quite determined to ensure that we, as government, do all that we can to help facilitate expansion in the area. There have been recent job losses. This bill creates the opportunity for business expansion as well as adding to the conservation estate, and I assume that is why the member for Gosnells and the opposition are supporting it.

Mr C.J. TALLENTIRE: I thank the minister for his response. I do not want to labour the matter, but I have one final question: can the minister indicate the condition of the land systems that will be lost when they occur on privately managed land?

Mr B.J. GRYLLS: My advice is that I cannot provide that information at this time.

Mr C.J. TALLENTIRE: I thank the minister for that response. I refer again to my contribution to the second reading debate in which I mentioned that the community is aware of the various rangeland condition reports that the minister has commissioned. This is an opportunity for the minister to release those reports—I understand that they are near completion—as they could help the minister answer the question that I have put to him. If we knew the condition of the rangelands, the minister would be able to say that these vegetation types or land systems that we are losing are either way underrepresented in the conservation estate or he could tell me not to worry because they are well represented in the rangelands area; that is, the remainder of those land systems located in the privately managed land area are in good condition. That is the issue that I am really concerned about because if it turns out that we will lose from the conservation estate some of these land types, and the remaining area that is privately managed is in bad condition because it is on pastoral leases that have not been well managed, we would have a problem because we would be down to very tiny percentages of these land types remaining in a satisfactory condition in the conservation estate. I seek the minister's clarification and point out to him that the simplest thing for him to do would be to release the rangeland condition reports that we have been hearing about for some time now so that we can actually see the condition of these land systems where they occur on privately managed land.

Mr B.J. GRYLLS: I thank the member for Gosnells. I have some further information in response to his question. Obviously, the land to be excised out of the nature reserves is well-managed, good quality land. The nature reserves have been managed by DEC, so there is certainly no denying that it is well-managed land. We should remember that in the member's speech on the second reading he praised BHP Billiton's management of the Yakabindie pastoral lease. It is destocked and managed. It is a good pastoral lease and well managed by the private landowner. My notes tell me that in relation to what we lose from the excision, which is what the member spoke about, there is a reduction in two land systems—the Nubev land system and the Bevon land system—from the reserves. However, there is an addition of 2 800 hectares of the Bullimore land system, which is the habitat for the brush-tailed mulgara, and 4 000 hectares of the Sherwood land system, which supports 12 priority flora and undescribed flora species. Again, I think that the member's questions deserve answers. Maybe these are questions better put to me on notice to get detailed responses as opposed to me asking for the advice of DEC across the table in consideration in detail.

Mr C.J. TALLENTIRE: I accept that. I do not expect the minister to give detailed answers on the representation statistics relating to the Bevon or Nubev complexes, but he should be able to tell me today the location of those two rangeland condition reports. If the minister was able to table those today, that would allay my concerns entirely. Then I would be able to see which pastoral leases the Bevon complex occurs on and understand whether it is in good condition. Those rangeland condition reports may show that those pastoral leases are not in good condition. I would then have even further cause for concern. It may be the other way. I do not think those complexes occur on the Yakabindie pastoral lease. We accept that that has been well managed. There would be other pastoral leases nearby. That is why we need to see these rangeland condition reports.

Mr B.J. GRYLLS: I do not have that information today. I understand the level of detail of the question. I am putting to the Parliament a net environmental positive for land systems and enabling Nickel West to contemplate the expansion of its operations. The questions the member is asking are essentially outside of the excision and inclusion. They are probably best put to me separate to this process.

Mr C.J. TALLENTIRE: I accept that the issue of rangeland condition may be something that the minister does not have at the forefront of his mind right now, but it is well and truly an issue that is in his portfolio and needs his full attention. When we think that 38 per cent of the state is covered by pastoral leases, we really need to see those rangeland condition reports. Hon Wendy Duncan has done a lot of work on them. There has been a fair amount of community consultation. All people who have worked on those rangeland condition reports deserve to see those reports released at the earliest opportunity. It would have been very useful to have had them here today during consideration in detail. I think we have demonstrated why it is so important.

I move on to another point. When land is put into the conservation estate, and when private landholders, often with the very best of intentions, make gifts to the state of good quality bushland and rangeland areas, it is something that we should be very pleased about. But all land requires a management effort. That requires money. I am keen to know from the minister what sort of money is involved. What provisions have been made to ensure that this addition to the conservation estate that has come from the generosity of those involved in the Nickel West project is managed? These landholders are giving this land, but I am sure there will be a job to be done when it comes to the control of feral animals and the control of introduced plant species—maybe noxious weeds and the like. There is always a management task involved when it comes to land added to the conservation estate. What provisions have been made in the negotiations around this offset agreement, this excision and this inclusion into the conservation estate? What provisions have been made to ensure that there is adequate government funding to manage the lands? We are not going to face a situation in which we find that the DEC officers—I hope it is plural—with responsibility for the Wanjarri Nature Reserve suddenly have an additional 4 000 hectares to deal with and there will be no extra resources for getting around that land; no additional officer time and even no additional fuel budget for getting around the additional land that they will have to look after and maintain and keep in the same condition that BHP Billiton had the land in. It is a very important issue. When we accept lands into the conservation estate, we need to ensure that in our negotiations, there is resourcing for a well-funded continuation of the previous management arrangements.

Mr B.J. GRYLLS: Obviously, until the inclusion takes place, BHP Billiton will be in charge of managing that estate as it does now under the terms of its pastoral lease. The DEC officers here tell me that they are very supportive of the level of support the government has given them in managing the conservation estate across the state. In fact, they are very happy. I have been excited to hear the support that has been expressed across the table. Should the inclusion take place, a revised management plan would be needed to include the new lands. That work will be undertaken. They are questions for the future. I agree that the appropriate resourcing of that area is important, and I see no reason why that would not occur.

Mr B.S. WYATT: I want to refer the minister to the correspondence that he received from Central Desert Native Title Services about the Tjiwarl claim. I appreciate that he made the point that the agreement was signed in November last year, and that Tjiwarl's native title claim was registered on 13 January this year. However, Mr Rawlings, the CEO, said that the government should delay the passage of this bill to enable the appropriate consultation of the registered native title claimants. I have already addressed that in my speech. I do not think it is necessary, but I want the minister's views on the record. Could he also confirm whether he has received correspondence from Central Desert Native Title Services and whether he intends to respond to the CEO, who wrote to the minister on 9 March 2012?

Mr B.J. GRYLLS: I certainly will respond to the Tjiwarl. As I said in my reply to the second reading debate, it was the Department of Environment and Conservation's assessment that discussing the excision and addition with Tjiwarl prior to Parliament endorsing that taking place would be somewhat pre-emptive. That being said, DEC was aware that BHP Billiton was consulting with Tjiwarl, but obviously a formal process must take place as well. Essentially, the money being put forward is money to assist with the process of consultation and

negotiation. I will be writing to Tjiwarl to respond to that if this legislation passes Parliament. Obviously at that point I will invite them to begin that formal process.

Debate interrupted, pursuant to standing orders.

[Continued on page 1019.]