

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2015

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 5: Section 3 amended —

Debate was interrupted after the clause had been partly considered.

Clause put and passed.

Clauses 6 to 22 put and passed.

Clause 23: Section 19 amended —

Mr C.J. TALLENTIRE: I move —

Page 26, lines 1 to 15 — To delete the lines.

The reason for this amendment is that we see a downgrading in the role of the soon-to-be-formed Conservation and Parks Commission. This follows a trend that we have seen with the Barnett Liberal government to make statutory bodies into advisory bodies, constraining and limiting their powers, reducing their effectiveness and removing their independence. That is a great shame because we need independent, fearless bodies that are not just advisory bodies, but are in a position to develop policy. That is how things read in the current legislation. The act, as it stands at the moment, is very clear that the Conservation Commission has the power to develop policies for the preservation of the natural environment of the state, and the provision of facilities for the enjoyment of that environment by the community. That paragraph is to be deleted and replaced with a new section 19(1)(c) that limits the new body to advising the minister on the development of policies. That is a serious erosion of the authority of a body that should be tasked with the development of policy. This is an important amendment. I hope the minister has had time to reflect on it; it has been on the notice paper for some time, so he has no doubt had an opportunity to consult with his advisers on the significance of these amendments. I hope he sees the wisdom in ensuring that the soon-to-be-formed Conservation and Parks Commission has the capacity to develop policy and not just advise.

Mr A.P. JACOB: I thank the member for Gosnells for notice of his amendment. I have had time to consider it over the past few weeks. In short, I do not support the amendment. In my view, the development of policy is the responsibility of the minister and the government of the day. They are accountable to the electorate for the development of that policy. In my view, the role of the vesting body here in the development of policy is to give advice to the minister of the day on the development of that policy.

Mr C.J. TALLENTIRE: Can the minister indicate where this philosophy comes from? Are there other examples of the erosion of the powers of bodies such as the Conservation and Parks Commission? I know that the minister has done this with the Swan River Trust as well, but is there any evidence to support the minister's claim that this is a better way of doing things? Is it not actually the case that we will have weaker bodies that are not only dependent on the advice of the department, but also beholden to the department to generate any position? Their advisory role is so limited that the next step the minister is likely to take is to eliminate them altogether. Why would we have a body such as the Conservation and Parks Commission if it cannot be trusted to do the job of developing policy?

Mr A.P. JACOB: I guess that is a different philosophical position and approach to these matters. My view is that the government is accountable to the electorate in this area, and that is why I have taken this approach. Our view is that the government has the responsibility to create policy. The Conservation Commission is not broadly elected. This is a more democratic and accountable approach to the broader electorate. I accept that the member for Gosnells has a differing view and, by proposing this amendment, would like to see this statutory authority with the power to actually draft policy. The CPC still has the responsibility to give advice to the government of the day on the development of that policy, but the responsibility for the policy of the government of the day rests with the government of the day.

Division

Amendment put and a division taken with the following result —

Extract from Hansard
[ASSEMBLY — Wednesday, 9 September 2015]
p6020b-6029a
Mr Chris Tallentire; Mr Albert Jacob; Mr Roger Cook

Ayes (20)

Ms L.L. Baker	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Dr A.D. Buti	Mr F.M. Logan	Mr J.R. Quigley	Mr P.C. Tinley
Mr R.H. Cook	Mr M. McGowan	Ms M.M. Quirk	Mr P.B. Watson
Ms J.M. Freeman	Ms S.F. McGurk	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr W.J. Johnston	Mr M.P. Murray	Ms R. Saffioti	Mr D.A. Templeman (<i>Teller</i>)

Noes (35)

Mr P. Abetz	Mr J.H.D. Day	Mr A.P. Jacob	Dr M.D. Nahan
Mr F.A. Alban	Ms W.M. Duncan	Mr R.F. Johnson	Mr D.C. Nalder
Mr C.J. Barnett	Ms E. Evangel	Mr S.K. L'Estrange	Mr J. Norberger
Mr I.C. Blayney	Mr J.M. Francis	Mr W.R. Marmion	Mr D.T. Redman
Mr I.M. Britza	Mrs G.J. Godfrey	Mr J.E. McGrath	Mr A.J. Simpson
Mr G.M. Castrilli	Mr B.J. Grylls	Ms L. Mettam	Mr M.H. Taylor
Mr V.A. Catania	Dr K.D. Hames	Mr P.T. Miles	Mr T.K. Waldron
Mr M.J. Cowper	Mrs L.M. Harvey	Ms A.R. Mitchell	Mr A. Krsticevic (<i>Teller</i>)
Ms M.J. Davies	Mr C.D. Hatton	Mr N.W. Morton	

Pair

Ms J. Farrer

Mr R.S. Love

Amendment thus negatived.

Clause put and passed.

Clause 24: Section 20 amended —

Mr C.J. TALLENTIRE: Clause 24 seeks to delete some important sections of the act. These relate to support for the Conservation Commission. It removes the power of the Conservation Commission to hire staff. I think that is a great shame because it means that the Conservation Commission, as we saw in the previous clause, is totally beholden to support from the department. This clause removes its independence. I am keen to hear the minister's views on this. Does he not realise the need for independent bodies? Does he just think that everything can be managed on a departmental basis? Does he not think that people who are good enough to come forward and serve on bodies such as the Conservation Commission should not be given extra support, or does he think that should be constrained to the advisory and research capacity of the department?

Mr A.P. JACOB: I do not support the member. In fact, the bill seeks to remove the existing ability of the commission to perhaps be an employing authority in its own right. That is not the current practice. That is not how it operates. The existing staff who are provided for the commission are provided through the Department of Parks and Wildlife. I think that is the case with all my statutory authorities. That is standard practice. I do not agree with the argument that that somehow impinges on the performance of their role. A range of reporting requirements hinge around being an employing authority. This essentially unencumbers them so they can focus on what the act has created for them and the advice they receive and the other responsibilities that they have.

Clause put and passed.

Clauses 25 and 26 put and passed.

Clause 27: Section 21 amended —

Mr C.J. TALLENTIRE: I think this clause relates to the composition of the new body—the Conservation and Parks Commission. This is a very important issue. We should bear in mind that we are condensing things down to just seven people. What might their backgrounds be? I note that one person, in the opinion of the minister, must have knowledge of and experience in Aboriginal culture and Aboriginal heritage matters relevant to the functions of the commission. I support that. I also note that the members are to be persons who, in the opinion of the minister, have knowledge and experience or a particular function or a vocational interest that is relevant to the functions of the commission. This is such a broad, vague set of criteria; these are not selection criteria at all. This is the vaguest of ideas about who should be on the Conservation and Parks Commission. I hope the minister will inform us if there will be some subsidiary legislation that might define exactly who should be on the commission.

As we discussed previously, we should note the issue of marine science expertise. Why is there not at least some designation for people of a marine science background to be on the commission? This is so vague at the moment that I think it is leaving us open to the commission just being stacked with, in reality, the minister's friends.

Mr A.P. JACOB: I guess at the end of the day the minister will be accountable to this place and also to cabinet and the Governor for the appointments that are made to the commission of the day. A range of discretion sits around those recommendations for appointments to the new commission. Although the proposed legislation does

have some requirements—in particular, the requirement that one member must be a person who, in the opinion of the minister, has knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters, bringing it back to that broad range of environment and conservation knowledge—in my view, leaving that latitude of discretion allows for a broad scope of options in ensuring that we have the strongest possible mix for the current and future commissions in the roles that they will be called upon to perform and the advice that they will be required to give.

Mr R.H. COOK: Could the minister please explain what he means by “knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters”?

Mr A.P. JACOB: That gets to the issue more broadly. I have seen definitions drafted in a number of pieces of legislation, and there is always a degree of latitude within them. The clause that I quoted exists within the current Conservation and Land Management Act, so it has been copied into these proposed amendments in the bill. As it is read, the intention is fairly clear, and it also picks up another key component of the reforms that are proposed in this bill, which is the joint vesting of the conservation estate going forward. That is a particularly important knowledge set that we pick up on the Conservation Commission, but, again, WA is a vast state, so there will be complexities around that and there will be the flexibility to bring in outside expertise when and as required.

Mr R.H. COOK: I am familiar with the changes to the act that the minister has proposed for the joint vesting of national parks, and I support them very strongly. Had we not sped so efficiently through clauses 8 to 22, the opposition might have had more to say on that. Is the minister of the view that someone who has knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters would be an Aboriginal person? I ask this in the context of the changes the government has made to the legislation, because under the previous legislation there was no capacity for joint management or joint ownership—or vesting, as the minister would probably want to refer to it—with Aboriginal groups. From that point of view, I understand why, in the context of the membership of the Conservation Commission, there would be what are considered to be fairly broad parameters. This is a very important policy exercise as we are now bringing Aboriginal people into the ownership or the custodianship of the title of the park. From that point of view, it is a very much more enhanced role. Does that person, in the minister’s view, need to be Aboriginal; and, secondly, was consideration given to this clause in the context of the more enhanced role that Aboriginal people have in the conservation estate?

Mr A.P. JACOB: The requirement is not that the person has Aboriginal heritage. I am happy to state that if we can accommodate that, that would obviously be my preference. However, that is also a complex area. For example, in setting up the marine park at Eighty Mile Beach, we dealt with five separate traditional owner groups, so there are complexities and overlays there. One person might not necessarily be able to speak for all groups. Broadly, my preference would be that that individual has their own personal experience coming from that background, but leaving a degree of latitude means that we might pick up someone else who has a vast degree of knowledge in that space over the state and is a good example in which having an element of discretion continuing in the act is a better way forward.

Mr R.H. COOK: Can the minister clarify whether any consultation was undertaken with Aboriginal groups on the membership of the commission specifically for this clause?

Mr A.P. JACOB: Not on this specific clause, but on the joint vesting, yes.

Mr R.H. COOK: Does the minister accept that that might leave him open to accusations of not paying appropriate respect and attention to having Aboriginal people, as Aboriginal people, represented on the commission.

Mr A.P. JACOB: I make the distinction here that this is not a new clause that we are seeking to insert.

Mr R.H. Cook: It will be a new act.

Mr A.P. JACOB: It is not a new act; it is an amendment to the existing act, and that clause is being retained from the previous act into this one. It is not a newly drafted clause; that clause currently sits there for the existing Conservation Commission.

Mr R.H. COOK: I refer to the context of the wording of the clause, “One member is to be a person who, in the opinion of Minister” et cetera. Does that mean that there cannot be more than one person “who, in the opinion of the Minister, has knowledge of and experience in Aboriginal cultural and Aboriginal heritage matters”?

Mr A.P. JACOB: A key point to raise is that in the instances of joint vesting, the Aboriginal corporate body will hold equal powers to the commission for that joint vested area, so automatically, for that specific site, there will be that equality of responsibility and equality of oversight, and inevitably the membership of that corporate body will be largely linked to traditional owners from that particular area.

Mr R.H. COOK: If the minister could draw upon his experience of the current membership, is it that he has a group of people, one or two of whom he can identify as having the skills detailed in proposed section 21(4), or

is it that one member is considered to be that person, so in that case it would be six plus one, or is it simply the case that the minister appoints seven people and he believes that within that group there is coalescence around those particular skills and values?

Mr A.P. JACOB: It is specifically one member, and it is set as a minimum. The legislation stipulates that there must be at least one member who has that knowledge and understanding.

Mr R.H. COOK: In that sense is the minister saying that if he identifies someone with those particular skills and he appoints them to that board, it may be that other people have those skills but not to the same extent? Is it possible for the minister, following the resignation of the person we mentioned in proposed section 21(4), to say that he has satisfied himself that there is, generally speaking, a person who also has those skills and therefore he does not need to worry about that level of representation? How would it work, in essence?

Mr A.P. JACOB: The bill requires at least one specific person who has to meet that threshold. That will be a requirement under proposed subsection (4). The member should also remember that there are other tests on ministers of the day and governments of the day. I assume that if it that were to eventuate, an opposition at the time would hold that minister to account in that circumstance.

Mr R.H. COOK: Indeed, I had experience of this when I held the position of shadow minister for Indigenous affairs and the minister appointed one of his colleagues on the Aboriginal Cultural Material Committee. I apologise for sounding nitpicking, but this is an issue I have had a bitter experience of, so I want to get a handle on how this would work. Would the minister write to someone, saying, “Dear such and such, I am very happy to appoint you to the board of the Conservation and Parks Commission, pursuant to section 21(4)”, and that is the “Aboriginal person”, in inverted commas, or is it simply that the minister would have a group of people on the board of the commission and he would generally rely on the vibe or have a sense that one person is that person and, therefore, he is not open to challenge on that?

Mr A.P. JACOB: At least one individual on the board would have to be formally designated as meeting that criterion.

Mr R.H. COOK: So that person would know when they go on the board that they are the person who has been appointed for that purpose.

Mr A.P. JACOB: Yes.

Mr C.J. TALLENTIRE: I move —

Page 28, lines 1 to 11 — To delete the lines.

This amendment is proposed so we can retain the existing wording in the act, which is much clearer about the nature of the backgrounds of the people we would like to see on the commission. Section 21 currently reads, and I believe it should continue to read, that the minister should appoint people who —

- (a) have knowledge of and experience in —
 - (i) the conservation or management of biodiversity; or
 - (ii) environmental management, including the management of the natural environment for use for recreational purposes; or
 - (iii) the sustainable use of natural resources;
- or
- (b) have a particular function or vocational interest relevant to the functions of the Conservation Commission, ...

With this clause, the minister will be eliminating those specific skill references—those backgrounds—and leaving it open that anything goes insofar as his appointments to the board. As long as someone has, in his view, some sort of function or vocational interest relevant to the commission, he can appoint anyone he likes. I put that the amendment in my name be supported.

Amendment put and negatived.

Clause put and passed.

Clauses 28 to 34 put and passed.

Clause 35: Section 26 replaced —

Mr C.J. TALLENTIRE: Proposed new section 26(1) reads —

- (1) The Commission may, with the approval of the Minister, engage persons under contracts for services ...

Everything seems to depend on the minister's say-so. There is just no independence at all with this commission. The minister seems to have a view that he can take some sort of dictatorial control of everything that the Conservation and Parks Commission has. Why has the minister formed that view?

Mr A.P. JACOB: This relates to the commission's ability to engage people under contracts for services. I am the person who is ultimately accountable for the spending of moneys that sit under my portfolios, which is why there is, I think, an eminently sensible check and balance that that has to be run through me as minister first.

Clause put and passed.

Clauses 36 and 37 put and passed.

Clause 38: Part III Divisions 3A and 3B deleted —

Mr C.J. TALLENTIRE: Clause 38 reads —

Delete Part III Divisions 3A and 3B.

Here again this government's decision to eliminate any reference to a Marine Parks and Reserves Scientific Advisory Committee is to the fore. It is clear that this government is opposed to that reference, and it is something that the government and we will need more and more, given the complexity of marine science. To deprive the state of a marine science advisory committee is just a real shame. I think the minister should explain to us the technical workings of why this clause is in the bill. At same time, I move the amendments in my name. I move —

Page 32, line 8 – To delete “**and 3B deleted**”.

Page 32, line 9 – To delete “and 3B”.

If the minister were to support my amendments, he would be showing that he has seen the wisdom of our arguments and realised that the Marine Parks and Reserves Scientific Advisory Committee, with all the detail that follows under division 3B, should be retained.

Mr R.H. Cook: I thought you were going to say “see the light”, and then we were going to get into some very dangerous territory!

Mr A.P. JACOB: I thank the member for Gosnells for raising the matter; we discussed it back at “Definitions”. These two provisions, when taken together, are obviously the abolition, if you like, of the Marine Parks and Reserves Authority and the Marine Parks and Reserves Scientific Advisory Committee, all of those being moved into the one vesting body as committed to.

Amendments put and negatived.

Clause put and passed.

Clauses 39 to 41 put and passed.

Clause 42: Section 33 amended —

Mr R.H. COOK: I see words like “including planned burning” and “preventing, managing or controlling fire on that land” and so on, and obviously they pique one's curiosity. Could the minister provide us with an explanation of the intent of this clause that is in relation to the role of the chief executive officer?

Mr A.P. JACOB: On the one hand, this clause, again, picks up part of the incorporation of regional parks under the CALM act, but principally this is around giving a head of power to the director general for prescribed burning. The matter has been raised in a number of prescribed burning or bushfire inquiries that there was not, up until this point, an explicit head of power for prescribed burning that sat under the Conservation and Land Management Act. That is what this clause seeks to do.

Mr R.H. Cook: Before you sit down, by way of interjection: so it was not there before, but this person undertook the role?

Mr A.P. JACOB: My understanding is that it just referenced land management broadly, so this clause specifies that a subset of land management is prescribed burning.

Clause put and passed.

Clauses 43 to 45 put and passed.

Clause 46: Section 56B inserted —

Mr C.J. TALLENTIRE: Clause 46 refers to the production of management plans. I think it is important that at this point the minister reveal how successful the current government has been in producing management plans. We have before us a clause that states —

on the expiry of a management plan for land, a new management plan is made in respect of the same land; ...

Minister, what has been the rate of production of management plans for conservation lands in Western Australia during the time of the Barnett government?

Mr A.P. JACOB: If the member for Gosnells wants a comprehensive answer to that, I think I will have to take that question on notice. It does not relate specifically to the clause.

Mr C.J. TALLENTIRE: With respect, minister, the clause specifically reads —

on the expiry of a management plan for land, a new management plan is made in respect of the same land; ...

Surely the minister is aware. Okay, the minister cannot give me the full list of management plans that have been produced under the Barnett government, but perhaps he can at least give me some indication of the management plans he has done relative to the number of management plans that are currently outstanding and relative to the number of areas that management plans should be produced for. At least the minister has some idea, I am sure, of the relativities here?

Mr A.P. JACOB: I think this clause mainly deals with joint management lands going forward. But picking up on the general thrust of the member for Gosnells' question, which is around where our efforts have been focused in the development of management plans, clearly the number one focus is towards this government's election commitments. An expansion of conservation in this state is underway as we speak on a scale that has never before been seen in this state. That necessitates the development of brand-new, from-scratch management plans for all the marine and terrestrial parks that this government is developing. Added to that are the complexities of dealing with the traditional owners for most of the new conservation estates that we are establishing. The broad thrust of the member's question is: where have our energies been in the development of management plans? Clearly, they have been aligned with our election commitments, particularly in and around the Kimberley science and conservation strategy.

Mr C.J. TALLENTIRE: How many management plans have been produced while the member has been minister?

Mr A.P. JACOB: I do not have a round figure off the top of my head. Some are new management plans; some are redeveloped management plans, such as for Leeuwin–Naturaliste National Park that I released recently. Some are draft management plans, such as the development of Roebuck Bay; the Lalang-garram–Camden Sound management plan has been finalised in my time. I will not try to give the member a specific answer off the top of my head; however, I am happy to provide that specific number.

Mr C.J. TALLENTIRE: Thank you, minister. The minister's debate here has been about how the minister should be making the final call on things. He has said on numerous occasions that we should ultimately accept that the Conservation and Parks Commission should be an advisory body, and not be the one that develops policies. He wants to say that the minister should have ultimate control and ultimate responsibility. If we were to accept that argument, the minister must then say that he will take charge of all these things. He has struggled to list some of the management plans that he has produced. He indicated a few, but he was really struggling to get into the detail. Does this not demonstrate just why we need a body such as the Conservation and Parks Commission to have that degree of independence and capacity to develop policies of its own? A minister cannot do it on his own.

Mr A.P. JACOB: The proposed commission will be independent—let me state that right from the outset. The issue of whether it has a legislative head of power to develop policy does not feed into its responsibility for the development of management plans. I am happy to state that my expectation is that the focus of the expansion of the conservation estate and the development of management plans, in the first instance, needs to be a priority that the government of the day takes to the election. That is what it is currently doing and that is my expectation. I think that would be the expectation of any government.

Clause put and passed.

Clauses 47 to 55 put and passed.

Clause 56: Section 114AA inserted —

Mr C.J. TALLENTIRE: This provision relates to the issues with infringement notices and some of the offences that might occur. I think—the minister can clarify this—that it particularly relates to offences in the marine

environment. This relates to a live issue—that is, there are marine tourism operators in the marine park in Roebuck Bay. I am sure that the minister is aware that an enormous number of whales are coming into that general area. At the moment, I think without the marine park being in place, there is no capacity to control the activities of people who set themselves up as marine tourism operators. Can the minister clarify whether these provisions—they refer to alleged offenders and vessel offences—would be used to issue an infringement notice to someone who has not received the necessary credentials to be a marine tourism operator?

Mr A.P. JACOB: My advice is that the answer to that question is yes. This clause picks up a range of infringement matters—not just marine; it also focuses on the terrestrial side. In my own mind, I have nicknamed it the “member for Nedlands’ clause”. A really good local example is just down the road from where we are currently engaged at the Matilda Bay foreshore reserve where there have been some ongoing parking issues for many years. This gives a power to issue infringements to some very clever students who have found ways around existing legislation.

Mr C.J. TALLENTIRE: I would be curious to know a bit more, minister, about the nature of those offences, please.

Mr A.P. JACOB: In a marine park setting, it means things such as leaving a boat in places to obstruct. This allows rangers and officers empowered under this act to issue infringements in the absence of the individual, which currently they cannot do. Currently, the infringement actually has to be handed in person to the individual in question. A good example is parking: if a vehicle is parked where it should not be, currently, unless we actually catch the driver in the act of parking that vehicle and are able to hand them the infringement, we are not able to enforce the act.

Clause put and passed.

Clauses 57 to 63 put and passed.

Clause 64: Section 132 replaced —

Mr C.J. TALLENTIRE: This clause relates to the protection from personal liability of people who are operating under the Wildlife Conservation Act. I seek the minister’s clarification, though, on just how it will work, given his previous comments about how the bill before us is very separate from the Wildlife Conservation Act, and the fact that a biodiversity conservation bill replacing the Wildlife Conservation Act is, he feels, not a germane point to our debate today.

Mr A.P. JACOB: This is an example of what we would expect to be a consequential amendment in the new biodiversity conservation bill.

Mr C.J. TALLENTIRE: Can the minister go into a bit of detail about what sort of personal liability issues we are talking about here? I will read the clause out if he likes —

- (1) A person does not incur civil liability for anything done by the person in good faith in, or in connection with, the performance or purported performance of functions under this Act ...

Does this relate to the public servants who might be working under the Wildlife Conservation Act or does it relate to people who might be working as volunteers under the Wildlife Conservation Act? Just how broad is the clause? If someone claims that they are engaged in a feral species eradication program under the Wildlife Conservation Act, does it apply to them?

Mr A.P. JACOB: If they are operating under the direction of the department of the day, it would apply to them.

Mr C.J. TALLENTIRE: If someone is in a group of recreational shooters and they are able to say that they have been asked to be involved in a pig shooting expedition in some part of the conservation estate, and some disaster—some tragedy—occurs, would this clause remove that personal liability from those people who have gone pig shooting?

Mr A.P. JACOB: The advice I have is that, no, it would not.

Mr C.J. TALLENTIRE: I am concerned by the brevity of the minister’s answers, because I think we need to flesh this out. The minister is saying that if volunteers are doing what has been termed conservation hunting and some mishap occurs, the liability for that mishap would transfer to the person who, perhaps unintentionally but through some degree of negligence, shot another person who was on that hunt.

Mr A.P. JACOB: I think that would be picked up under a range of other pieces of legislation.

Mr C.J. TALLENTIRE: That is fine, minister, but proposed section 132 states that a person does not incur civil liability for anything done by the person in good faith. I am sure that these people describe themselves as conservation hunters. I know we have had that discussion and I understand that the minister has made the call that he will not allow recreational shooting in our conservation estate, in our national parks or on public lands.

Nevertheless, I know that there is that push—I think it is being done at a regional level—for regional managers employed by the Department of Parks and Wildlife to engage people for the control or sometimes eradication of pest species. To stick with the example of pig shooters, as I read this provision it looks as though those people will not have any civil liability. Is the minister confident that this proposed section will not remove the liability that should be brought to bear on people who are negligent with their shooting practices? If the minister is suggesting that this will be covered by other legislation, please tell me what that other legislation is. I am very concerned by what is in this proposed section.

Mr A.P. JACOB: The advice I have, and quite clearly the intent of the clause, is that this is targeted at those people who are in the employ of the department or who have been directly engaged by the department to perform an outcome. If it is a contractor, there is a range of other obligations and they would need to carry the responsibility for their own civil litigation liability for their actions while on Conservation and Land Management Act land.

Mr C.J. TALLENTIRE: The minister said “contractor”, but we are talking about volunteers. What will the situation be for them?

Mr A.P. JACOB: We may have to get specific legal advice on that element, but it is not intended to cover volunteers in that space either. I think the clearly stated expectation is that they would carry their own civil litigation liability insurance. In fact, if we were to engage with a volunteer group, my recollection is that they are currently required to have a level of liability cover, and that will certainly continue if that is engaged at any position in the future.

Clause put and passed.

Clause 65 put and passed.

Clause 66: Part XIII inserted —

Mr C.J. TALLENTIRE: Proposed section 165, “Members of Conservation Commission, Authority and Marine Committee”, reads —

A person who holds office as a member of the Conservation Commission, the Marine Authority or the Marine Committee immediately before the commencement day, ceases to hold that office on the commencement day but, subject to this Act, is eligible to be appointed as a member of the Commission.

I am just wondering how that relates to the new situation with the Conservation and Parks Commission. It seems rather confusing that we would insert a proposed section such as that. I guess it might be to do with the transitional arrangements. It refers to the ability for people who are currently serving on either of the two authorities to be appointed to the commission. If that is the case, I am reasonably happy with the proposed section, but I would like the minister’s explanation.

Mr A.P. JACOB: The proposed section really just outlines that existing members of either of those bodies will be eligible for appointment to the new body.

Clause put and passed.

Clauses 67 to 72 put and passed.

Clause 73: *Fish Resources Management Act 1994* amended —

Mr C.J. TALLENTIRE: This clause makes a consequential amendment to the Fish Resources Management Act, which is about to be totally replaced by the Aquatic Resources Management Bill. I am keen to know how this amendment relates to the bill, especially in terms of the impact on commercial fishing in a marine nature reserve. I would have thought that there would not normally be commercial fishing in a marine nature reserve, but perhaps the minister can clarify that. Perhaps he needs to say that that is exactly why we have sanctuary zones, because those are areas where commercial fishing would not be allowed.

Mr A.P. JACOB: I will not miss the opportunity to point out, member for Gosnells, that commercial fishing will not operate within Roebuck Bay, for example, with or without a sanctuary zone. In fact, this government bought out the two gillnet licences within Roebuck Bay and that is part of the reason that fish stocks are bouncing back so quickly. However, I cannot say that all commercial fishing will not be allowed because I think a little pearl farming is allowed.

Mr C.J. Tallentire: I am sorry; I missed that last bit.

Mr A.P. JACOB: Gillnet fishing licences will not be allowed within Roebuck Bay marine park.

Picking up on the Fish Resources Management Act 1994 and the Aquatic Resources Management Bill, at any given time other pieces of legislation can interact with an act that might be at any stage of being amended. The

member is correct that a new bill has been drafted within the fisheries portfolio. However, we can deal only with the legislation as it currently stands before us. We will look at the alignments with the Aquatic Resources Management Bill as it makes its way through this place.

Clause put and passed.

Clauses 74 to 78 put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MR A.P. JACOB (Ocean Reef — Minister for Environment) [3.48 pm]: I move —

That the bill be now read a third time.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [3.48 pm]: I want to speak very quickly on the Conservation and Land Management Amendment Bill 2015 because there are other equally important things to get on with. I am very pleased to see the changes that will be made to the act in relation to the joint vesting of national parks with Aboriginal groups. I do not know why that group necessarily has to come under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, but I guess that the government has given some firm consideration to these matters. However, the capacity for Aboriginal people to take joint ownership and management of national parks is a very important policy direction that the government has taken. As I said before, the greatest act of this government has nothing to do with stadiums or quays on the foreshore; it is the agreement of the treaty it has made with the Noongar people of Western Australia. From that point of view, the joint vesting of national parks between the proposed Conservation and Parks Commission and the Aboriginal groups is an extraordinarily important aspect of it. Had we had more time I would provide some reflections upon what the passage of this bill will do in terms of being able to create further opportunities for Aboriginal people to realise their cultural ambitions around caring for country and participating in the economy in a manner that makes sense to them, but because of the need to finish up quickly, I will sit down to allow the shadow Minister for Environment and the Minister for Environment to make more extensive comments.

MR C.J. TALLENTIRE (Gosnells) [3.50 pm]: From the outset the opposition has supported the Conservation and Land Management Amendment Bill 2015. There are many amendments contained within it and most of them are wise improvements to our existing environmental legislation. That said, it became apparent through our careful consideration of the bill that there has been a change in philosophy in respect of the administration of the conservation estate. We saw very clearly that it is the view of the Minister for Environment that science should not be put to the fore and that we can instead have a condensing to just seven members of the all-important body that is going to be called the Conservation and Parks Commission. We do not even know the nature of expertise those seven people will have or the vocational backgrounds they will come from. All they have to do is demonstrate to the minister's mind that they have some interest in conservation, and I think that is a very concerning trend.

Another item of big concern is the issue of the production of management plans. As the minister has said, we have a conservation estate that is fortunately growing, and it needs to. It currently does not meet any of the international targets on which an international judgement of the effectiveness of our conservation estate can be made. It is way behind on most parameters. If we look at the terrestrial environment, we should have at least 16 per cent of all ecosystem types contained in some form of reserve, but we are not meeting that target; we are at only about eight per cent, which is way behind. The question then arises of what the description should be for how the land that falls within the conservation estate should be managed, and that is where these management plans come in.

The minister talked about the Department of Parks and Wildlife's "Leeuwin-Naturaliste capes area parks and reserves management plan" and I understand that that plan took about 12 years to produce. That is a terribly long time for the production of a management plan. What is it that is so difficult about the production of these management plans? I think in some ways the government has actually refocused on recreational activities in national parks rather than managing national parks for their environmental values and conservation significance, and that is probably one of the reasons why we have seen such massive delays. That is also something that is of great concern.

There were many other issues raised during the passage of this bill. Something that was not discussed in any great detail was changes that are of great interest to the tourism sector. The tourism sector is asking for the capacity to have extended leases of up to 99 years, and I think that is something that we probably should have deliberated over quite thoroughly. I am aware that people who want to invest in tourism facilities need to be able to go to their bank and say, "Look, we've got a lease for a reasonable period of time", and that justifies getting the sometimes millions of dollars in loans to build some sort of tourism facility. However, do we really need to

give people 99-year leases to enable the bankability of their projects? The whole issue could potentially be a vexed one. If it turns out that this government is going to start giving away areas of the conservation estate to private tourism operators on very long leases that actually remove any control that the public might have over those leased areas, we will be in for some very stormy times in terms of the public's view of that outcome. People will be absolutely dismayed to find that areas of the conservation estate have been just given over to private developers without any controls, and I am worried about those 99-year leases.

I have seen areas in other parts of the country that require enormous capital investment such as the High Country in Victoria—the alpine resorts that try to keep with the type of developments that we see in European ski resorts. The lease arrangements there are more in the order of 50 years, and yet those operators are quite satisfactorily able to get the financing in place to develop their resorts, but here we are talking about 99-year leases. I am not sure that we are putting in the necessary controls. To again use the example of the Victorian operators, there are all kinds of controls on those resorts with regard to, for example, whether someone can have a share unit in a resort and be allowed to bring a pet cat because they are in the middle of Alpine National Park. That sort of thing has to be looked at and I am very concerned that this government is just going to give it away to people who come up with all sorts of plans that might be attractive to some, but which to the majority of Western Australians would be absolutely abhorrent.

The Deputy Leader of the Opposition has spoken about the importance of joint vesting and joint ownership of the conservation estate, and the importance of that to traditional owners, and I totally agree with and support his points on that. This is clearly something that we are keen to do and that we need to do, and it is a nice development from previous discussions we have had about joint management of the conservation estate.

There are many useful things in this legislation, but another area of deficiency is around the attitude towards the establishment of regional parks. These are so important to the people who live alongside regional parks and can see that things such as the control of invasive species, pests, plants and animals is not being done properly across the whole of the regional park, bearing in mind that a regional park has a whole range of land tenures from private land ownership to public lands to lands owned by government authorities. We need to have a proper, cohesive management approach to things such as fox control or weed control in regional parks. We have to have cohesive plans, and I am not sure that the powers we have put into this legislation will really give us the capacity to force a recalcitrant landholder to, for example, carry out control of weeds such as Paterson's curse, doublegee or Cape tulip—any of those weeds that are becoming all too apparent at this time of year. With the warmer days there will be a whole flush of weeds coming out and those are the types of weeds that become flammable, and I do not think that is something that this place has properly considered. So much of our fire-prone environment has been added to and exacerbated by the fact that we have these weeds that are not being properly controlled. It is not often native vegetation; it is more often the weed species that we do not bother to control, and that is why we should be putting far more effort into weed control, especially in the outer urban areas and the areas where there are regional parks.

The overall intent of the bill, with its diverse range of amendments, is something that we need to put in place. I note that in respect of the introduction of certain marine parks, it is very important and we support that. I will finish by saying that it was disappointing to hear that the government did not consult with the community about this bill.

Question put and passed.

Bill read a third time and transmitted to the Council.