

**BIODIVERSITY CONSERVATION BILL 2015**

*Second Reading*

Resumed from 25 November 2015.

**MR C.J. TALLENTIRE (Gosnells)** [1.48 pm]: I rise to speak to the Biodiversity Conservation Bill 2015. Let me begin by saying that when it comes to headline numbers and the sorts of things that people often look to as the simple reasons and justification for legislation, there are some quick and easy indicators of the justification and need for this legislation, which will genuinely go towards protecting this state's biodiversity. The figure that I am thinking of is the number of taxa on some form of priority listing. I have checked the Department of Parks and Wildlife's website and I note that some 3 061 plant species are listed as priority plants and some 190 animals or fauna are listed as a priority, which totals 3 251 different taxa that are priority taxa. We have to start asking the question: why are so many plant species on the priority list, bearing in mind that, as a whole, the state of Western Australia has about 13 000 different plant species? Clearly, the listing of 3 061 plants as a priority means that something is seriously wrong. The need for biodiversity conservation legislation can be summed up in those numbers. We have been reliant on the Wildlife Conservation Act 1950 for too long. That act has failed to deal with habitat protection. The focus of that act has been on individual species. We know that the primary cause for the loss or decline of any species is loss of habitat. Other causes are predation by introduced exotic species; pests and animals; disease; and poaching and excessive taking. The threat of climate change is also having an impact on many species. That is why any legislation that is designed to protect biodiversity also needs to protect habitat and ecosystems.

When this bill was brought into the Parliament in November last year, there was a sigh of relief from people who are interested in this area, and from the broader community, that at long last biodiversity conservation legislation was on the agenda of the Parliament and the Wildlife Conservation Act 1950 was to be updated. However, since the introduction of this bill, people who understand what legislation such as this should look like, and who have gone to the trouble of analysing the provisions in this bill, have been greatly disappointed.

In explaining why that is the case, I need to go back a few steps and talk about the genesis of this legislation. As I have said, the original legislation dates from 1950. Previous governments made a wholehearted commitment to update that legislation. In 2002, when the Gallop Labor government came to power, the then Minister for Environment, Dr Judy Edwards, made a commitment to produce a biodiversity conservation bill that would take account of the views of as many stakeholders as possible. As is the way of Labor governments, there was a desire to consult as widely as possible. Members opposite may say that we sometimes go too far when it comes to running good process. They believe that it is often better to get something into the Parliament quickly and try to spin that the government is getting things done. Good legislation takes time. It takes good community consultation. It takes a careful listening to the concerns and interests of a range of the people who can generically be described as stakeholders. There is a huge gamut of interest groups and stakeholders when it comes to this legislation. Some people are interested parties because they want to exploit the natural resources and biodiversity of the state. They want to perform activities on land that may put in jeopardy the habitat of some of the species that I talked about earlier. The views of those people need to be taken into account. Therefore, we need to find a legislative mechanism by which we can look after the interests of those people as best we can, while at the same time ensuring the biodiversity conservation of the state. This legislation should first and foremost be about the biodiversity conservation of the state. It should not be about other things. It should not be about how we can trade away at the edges and can facilitate proposals that may lead to the extinction of a species. However, I am afraid that is what we have in this legislation. This legislation will enable the minister to send a species extinct. I will deal with that further in a moment.

I want to comment now on a report that I believe spurred the government into bringing this legislation to the Parliament. That is a report from the Auditor General titled "Rich and Rare: Conservation of Threatened Species", report 5, June 2009. The Auditor General made a number of recommendations in that report. It is a useful exercise to see whether those recommendations were picked up in the design of this legislation. One of the recommendations is that an evaluation framework be implemented. This is seriously lacking in the bill before the house. Another recommendation is that strategies be developed and implemented to determine the status of priority species and check whether they are being protected. The Auditor General also recommended the implementation of information systems, proactive surveys, and periodic evaluation of the state and condition of various species. Those are some of the things that the Auditor General wanted to see included in the legislation that is before us. However, unfortunately, those things have not been included. I will deal with that further when we go into consideration in detail.

I want to explore many other aspects of the bill. I will go through some of the stakeholder comment that we on this side of the house have received. I will look at the biodiversity conservation legislation in place elsewhere in Australia and around the world. I will also deal with how this legislation fails to meet the standards that have been

set by the commonwealth government in the Environment Protection and Biodiversity Conservation Act 1999 and how that commonwealth legislation goes way beyond the bill before this house.

Over the weekend, the headline issue that emerged for many people was that this legislation will give the minister the power to allow a species to go extinct, and the public will not know about that until after the event. People will be outraged when they find out that is the case. If in October the minister issues an order that enables a species to go extinct, and it is signed off by the Governor in November or early December, and the project goes ahead and the destruction occurs in January, the first the people of Western Australia will hear about that decision by the minister will be on the return of Parliament in about mid-February when the minister tables those documents in the house, as he is required to do under the act. I think most people would be absolutely aghast and amazed that legislation that is supposed to be about biodiversity conservation contains a contradiction that will enable the Minister for Environment to send a species extinct. Surely biodiversity conservation should be about protecting species, not allowing them to go extinct. The minister could use other legislative mechanisms, such as the Environmental Protection Act, to make a decision as dire as enabling the extinction of a species. The focus of biodiversity conservation legislation should be keeping a species in existence, not giving the minister a soft way of quietly signing the death warrant for a species. This is why people have dubbed this legislation “the God clause”.

Debate interrupted, pursuant to standing orders.

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