

**CONSERVATION LEGISLATION AMENDMENT BILL 2010**

*Second Reading*

Resumed from 22 June.

**MR C.J. TALLENTIRE (Gosnells)** [3.12 pm]: I wish to continue the speech I began on the Conservation Legislation Amendment Bill some time ago. From the outset, it needs to be said that the low priority that the government is giving to this bill is somewhat telling. The fact that it has been held off as a filler indicates that the Leader of the House and the government have not treated this legislation as a priority. It is disappointing to many people who want joint management of parts of our conservation estate in place. Indigenous people are very keen to be involved in the management of their lands. The contributions made by members on this side of the house on a range of debates are extremely valuable. Anyone who dismisses that dismisses the enhancement of legislation that goes on when members on this side of the house make contributions, in turn missing the whole point of the parliamentary process.

When I spoke on this bill several months ago, I think, I was able to outline a little of that important feeling that Indigenous people have for country, that connection that is very important to people. They are attached to their country and they want to be involved in the management of that country. Through the development of the state and through the decisions taken on areas becoming parts of the conservation estate, we have created national parks, conservation parks and nature reserves. We created a host of land tenure that is essential for the preservation of the values of our state. In doing so, we have not maintained our legislative mechanisms to ensure that Indigenous people can be part of the management of those areas of the conservation estate. In essence, that is what this bill is really about.

**Mr D.A. Templeman:** Where is the minister?

**Mr R.F. Johnson:** He should be here.

**Mr C.J. TALLENTIRE:** I am looking forward to the minister coming into the chamber. I think he may be getting a briefing on the bill. I will be happy to help him with that when he arrives.

The bill provides that in the future the Department of Environment and Conservation, through its director general, will be able to enter into a joint management agreement with Indigenous groups. That cannot happen presently; it is a voluntary arrangement. It enables people to be voluntarily involved in the management of land. I need to stress that this is about management of land; it is not about a form of ownership. We have seen different situations around the state that have made it apparent that we need this change. Some of the native title agreements that have occurred have helped bring this about. A number of situations have made it necessary for us to make this change.

Before getting into a bit more detail, I wanted to refer to a document that the South West Aboriginal Land and Sea Council put out. It outlines how the Nyoongah people should be involved in the consultation process. It is a very useful document. When the minister arrives, I may be able to present him with a copy so that he can see some of the essentials that are involved in that protocol that should guide people when seeking to consult with different Indigenous groups. Some of the principles in the protocol are things such as free, prior and informed consultation. We must make sure that people are well and truly across the details of what they are being consulted about and that people have the right to say no. This document from the South West Aboriginal Land and Sea Council advises that the Nyoongah people should have the right to say no when it comes to agreements. There should be mutual respect and information levels should be balanced. We should not have a power imbalance occurring in which one side has a wealth of scientific data to which the other side is not able to respond because it has not had the time, the opportunity or the training to be able to consult.

Other aspects are the need for relationship building between the Nyoongah people and the communities. The document acknowledges that Nyoongah country has been Nyoongah country for at least 45 000 years. These are some of the fundamentals that we need to have in place when going about the sort of consultation that would underpin a joint management agreement. There is the acknowledgement of the culture and the knowledge and expertise that comes with that culture. That is an issue that I will return to later because there is a lot to say about that knowledge and expertise. How do we ensure that we maintain and enhance it, that we give people the opportunity to speak widely with elders and that we do not lose expertise and knowledge as generations pass on? That is something that we have to really guard against.

Another thing in the protocol is the need for early engagement. It is not something that should be left to the last minute; it needs to be done as early as possible. Realistic time frames need to be used for consultation. Cultural protocols need to be put in place and, as I was saying before, resources need to be in place so that we do not have any power imbalances. There also has to be respect for intellectual property rights. Information has to be treated

with respect and confidentiality. There needs to be a clear demonstration of results and how information has been presented. Those are some of the guidelines in the “Noongar Consultation Protocol Guidelines”. I think it is well worth the Minister for Environment reading that document. It is a brief but very useful document that will help guide anyone involved in consulting traditional owners and Indigenous groups who might be involved in some form of joint management.

I will touch on the very topical issue of national heritage listing in the Kimberley. I know that the Premier and others have made statements in this place that suggest a degree of ignorance about what national heritage listing actually means. The minister has some wonderful advisers in his agency who will be able to help him clarify for the Premier and his other colleagues what it really means to have national heritage listing and why it is necessary to take this large-scale perspective. An area of 19 million hectares has been covered by the listing. When we manage land for values—I know that the Premier also raised questions about what these values are—we need to take a view that goes beyond the icons. There is no ring-fencing of some of these places. If we talk about a particular place in an area such as the Kimberley, which is well defined by flooding events, we have to ensure that we are aware of the impacts of what happens down a watercourse during the wet season on other areas of land.

**Mr W.R. Marmion:** Don’t you think the state government is in a good position to know what to do in those situations rather than rely on some people in Canberra to tell us what to do—how to best manage the Kimberley?

**Mr C.J. TALLENTIRE:** As I said, the minister has some excellent people in his agency who know how to be involved and will be involved. I think that great cooperation goes on between the Department of Environment and Conservation and the federal government agency. They are two bodies of expertise and there are other bodies, such as the Commonwealth Scientific and Industrial Research Organisation and different conservation groups. I point the minister to an excellent report by CSIRO, “Priority threat management to protect Kimberley wildlife”, which came out well before the announcement by the federal environment minister. The report is about integrated land management, effectively; that is what we need to do. This large-scale listing puts us in a better position to consider the interests of the whole of the Kimberley.

**Mr W.R. Marmion:** Member, the Kimberley science and conservation strategy that we’ve implemented does that. We’ve actually allocated money to it as well—\$63 million.

**Mr C.J. TALLENTIRE:** Yes, that is \$63 million over how many years?

**Mr W.R. Marmion:** Four or five.

**Mr C.J. TALLENTIRE:** That is \$63 million over four or five years. The people who put this report together quantified how much money is needed so that we can preserve 45 species that are endangered in the Kimberley.

**Mr W.R. Marmion:** Will the commonwealth be providing that money? That’d be terrific if they do.

**Mr C.J. TALLENTIRE:** I will come to the sources of money between state and federal governments. However, I am addressing the negativity from the minister’s side about the broad-scale nomination of the West Kimberley region for national heritage.

I was saying how the area is partly defined by flooding-type events—that is, the interplay between the cyclone season, flooding events, other parts of the natural environment and parts of the productive agricultural–pastoral environment. There is no boundary setting; we cannot ring-fence iconic areas. There will be constant movement; it is a fluid environment, literally, given that we have to deal with water. That is just one example —

**Mr W.R. Marmion:** I understand that but the issue is: why is the commonwealth getting involved? We understand all that; my department understands all that. Why do we need an overlap with another level of bureaucracy to have a look at it again for us?

**Mr C.J. TALLENTIRE:** I know that there is talk about agreements between the state and federal governments for environmental assessments.

**Mr W.R. Marmion:** Yes, strategic assessments.

**Mr C.J. TALLENTIRE:** At the moment, if something is going to potentially threaten the values of the Kimberley, that would trigger a commonwealth assessment and that is as it should be. That is the situation currently, so I do not really see a big difference.

**Mr W.R. Marmion:** For environmental things, yes, under their act. We’re yet to define exactly how this will play out in terms of its implementation plans.

**Mr C.J. TALLENTIRE:** I think we can be confident, though, that this is a very positive step.

Let us move on from water. Another example is the introduction of different grasses for grazing and pastoral activities. We know there has been very widespread introduction of buffel grass in the Kimberley. For graziers and pastoralists, it has been useful and has helped them feed livestock. There are now proposals to introduce gamba grass. That is a highly flammable grass that would be useful as a fodder as well, but would lead to hotter, more intense fires. It would further exacerbate an already difficult to manage fire situation. The idea that the Premier puts that he is supportive of national heritage listing of the icons ignores the fact that many other things that will impact on those icons—that will impact on the whole of the region—will occur on lands that may not necessarily be iconic in their status. A fire that starts on a pastoral lease could burn on to the threatened ecological communities found in a watercourse. We must have integrated land management and that is why this approach of national heritage listing is so strong.

**Mr W.R. Marmion:** Sounds to me like a takeover.

**Mr C.J. TALLENTIRE:** I do not think it is a takeover at all, minister; it is simply a means of encouraging people towards a much more integrated approach. It sounds like managerial English to talk about integrated land management but that is exactly what we need to move towards. Unfortunately, much of our state's history has been about managing land along cadastral boundaries and up to the boundaries of a national park. That flawed approach has led us to problems with, as I said, water management and fire management. I can also turn to issues around the management, control and elimination of feral species.

**Mr W.R. Marmion:** With the Kimberley science and conservation strategy, that's exactly what we're doing; we're putting money in for weeds, feral control and fire control. That's part of the \$63 million.

**Mr C.J. TALLENTIRE:** Yes, but that is only part of it. It is useful, but it is only part of it. Somebody might come to the minister tomorrow saying, "I want to introduce this new crop onto my pastoral lease. I want to diversify." There are a whole lot of issues around how far we should go when it comes to allowing people to diversify activities on pastoral leases, but it might be that that particular crop is this gamba grass, which could then turn out to be an invasive weed.

**Mr W.R. Marmion:** Member, I have confidence in the department of agriculture to actually provide good advice for what sort of grasses should be planted, if, indeed, that's what should happen. So I've got a lot of confidence in the state system—a lot of confidence, member.

**Mr C.J. TALLENTIRE:** But it is important that we have a proper assessment process in place for that. We could also use the example —

**Mr W.R. Marmion:** We do; the department of agriculture has some very talented scientists.

**Mr C.J. TALLENTIRE:** I am talking about the processes; I am not talking about the expertise of the individual agencies, because I have a lot of confidence in those—although I acknowledge the gutting of expertise in, say, the Department of Agriculture and Food, and the general winding down of staff numbers when it comes to research. Likewise, I am not aware of any dramatic increase in staffing levels within the Department of Environment and Conservation's Kimberley offices. If they were fully resourced, that would make a big difference as well.

**Mr W.R. Marmion:** That's what the \$63 million is about, it will actually resource people. I'd like to know what the commonwealth is doing in terms of resourcing this national heritage plan.

**Mr C.J. TALLENTIRE:** The national heritage process will help us achieve a requirement on people to present proposals. If they are the proponent of a proposal such as increased management for the exploitation of a feral animal, such as camels, it is unlikely that we are ever going to have a viable commercial camel industry in place in the Kimberley, just because of the logistics involved.

**Mr W.R. Marmion:** Why do we need the commonwealth to get involved in that? We can make that decision.

**Mr C.J. TALLENTIRE:** I am saying that to listen to the sorts of comments being made by members of the Pastoralists and Graziers Association, one would think that it is full of great ideas that would not degrade the environment. We need to have a mechanism in place that would force them to put through assessment any proposal that they may have. Quite reasonably, they should be the ones who would have to pay for that assessment process and provide that information. They would have to hire the environmental consulting expertise to be able to show what their proposal's impacts would or would not be on the environment. That is the sort of thing that this listing will help achieve. It is going to be a means of properly assessing things. It is not going to be so-called unnecessary red tape at all; it is a check in the system. We need that check because, after all, as brilliant as the Kimberley is, there are many things going wrong there. We know there are many things that could be improved. Just to give another example, the control of feral cats in the Kimberley—what is happening there?

**Mr W.R. Marmion:** It's part of our Kimberley science and conservation strategy of \$63 million.

**Mr C.J. TALLENTIRE:** I thought the minister would say that it is part of the Kimberley science and conservation strategy, but that money is going to go only so far.

**Mr W.R. Marmion:** It's \$63 million! It's a massive amount of money.

**Mr C.J. TALLENTIRE:** Yes, over four years. I am coming to the part in the document that I referred to earlier that shows that that is just not going to be enough.

**Mr W.R. Marmion:** It's more than anyone has ever put in before.

**Mr C.J. TALLENTIRE:** I will come to how much is actually needed.

The key thing is that we need to be able to assess these ideas as they come up. People want to do more in the way of agricultural activity in the Kimberley and pressure is on to allow for diversification, and I support that; pastoralists should be allowed to pursue activities other than just grazing. In fact, I think there is a strong argument to say that if it were possible for pastoral leaseholders to produce grain and fodder crops, we could actually see some form of feedlotting in parts of the Kimberley that could allow for abattoirs to be run all year round, and we could then reasonably look at a chilled carcass trade with markets —

**Mr W.R. Marmion:** But they're outcomes that we don't need a national heritage listing to achieve.

**Mr C.J. TALLENTIRE:** The key thing is, minister, that to achieve that, we need diversification. We are talking about big swathes of land in the Kimberley that are currently run as pastoral leases. There is going to be enormous pressure on us as decision makers to look at the forms of diversification that will be allowed to take place.

**Mr W.R. Marmion:** We're actually moving more towards conservation, as you know, with the two national parks in the Kimberley, and we are looking at linkages between the two national parks with the pastoralists, so we are actually looking at quite a massive conservation strategy.

**Mr C.J. TALLENTIRE:** That is excellent, but on those pastoral leases we will see more and more pressure for diversification, and we have to be sure that whichever diversification activity is put to us as decision makers, it is going to be consistent with the values of the Kimberley, as defined in the national heritage listing.

**Mr W.R. Marmion:** I'm sure that the state departments in Western Australia will be able to evaluate that without the commonwealth overlapping it.

**Mr C.J. TALLENTIRE:** I would agree with the minister if we had not seen such a dramatic decline in so many things.

**Mr W.R. Marmion:** Give me an example in the Kimberley.

**Mr C.J. TALLENTIRE:** I am glad the minister asked. This document I am holding is titled "Priority threat management to protect Kimberley wildlife". It was produced by the CSIRO and some excellent scientists are the lead authors of it; it was published just this year. Some of their concerns include threats to the environmental values in the Kimberley. One of the things they highlight is that there are currently 45 species that they have identified that are getting to a critical point where their population levels are 50 per cent less than they should currently be. That leads into a phase of critical decline.

**Mr W.R. Marmion:** What's their strategy to stop that? Our strategy is to eradicate feral animals.

**Mr C.J. TALLENTIRE:** That is fantastic, minister, but I can say that it will take more than \$63 million over four years to eradicate feral animals in the Kimberley.

**Mr W.R. Marmion:** Should we be putting more than \$63 million in?

**Mr C.J. TALLENTIRE:** I think that is a very good suggestion!

**Mr W.R. Marmion:** How much did you put in during the eight years you were in government?

**Mr C.J. TALLENTIRE:** I was not in this place at that time, but I am sure that much more could have been put in, that is for sure.

The minister asked me about the nature of some of the threats, and three broad areas have been identified in this document: fire; introduced herbivores, including cattle; and the need for eradication, control and quarantine of weeds. The control of introduced predators, particularly feral cats, is a further one. It is about threat management, and the report suggests that a sum of approximately \$20 million per year is currently spent on conservation; they have rounded, perhaps a bit flatteringly, the figures being put forward by the government.

**Mr W.R. Marmion:** That is \$63 million on top of what DEC already has been doing in previous years.

**Mr C.J. TALLENTIRE:** I will accept that, but I will tell the minister the figure required—the CSIRO figure. The wildlife of the Kimberley is likely to be secured with an initial and immediate investment of \$95 million—

that is just for one year—followed by an ongoing investment of \$40 million per annum. I do not know if the government is going to be in a position to meet that.

**Mr W.R. Marmion:** I look forward to the commonwealth providing me with a cheque for that amount.

**Mr C.J. TALLENTIRE:** This is an independent assessment of the amounts of money required. The pot of money that is necessary has not been identified, but it is clearly an amount that has been researched and accounted for.

I was talking about some of the other reasons why we need this more integrated land management approach. Another classic one is just management of the soil. If we do not have people managing on a catchment scale, we will get soil erosion of dramatic proportions. One only has to see some of the silt flowing down rivers in areas where there is already excessive grazing for proof of that. The amounts of silt that go out —

**Mr W.R. Marmion:** Member, that's a very good point. In relation to that, because of your expertise, I would have more confidence in your analysing that issue than someone in Canberra. We can handle it here; how is someone in Canberra going to know how to manage the soil in the Kimberley?

**Mr C.J. TALLENTIRE:** The minister is well aware that when major projects have required both state Environmental Protection Authority assessment and federal Environmental Protection and Biodiversity Conservation Act assessment, a joint assessment has been carried out, and that has worked very effectively. Sure, there are slightly different perspectives, but proponents have generally been pretty happy with that approach. They have been allowed to present the same documents to both the state EPA and the federal agency, so I do not think that there is a problem there. It simply ensures that we broaden things out. Most of the lead writers of this report are not based in Western Australia.

**Mr W.R. Marmion:** The experts probably have to leave WA to go to Canberra so that they can advise Canberra.

**Mr C.J. TALLENTIRE:** I do not believe people such as Brendan Mackey and Hugh Possingham have ever been based in WA. However, they are excellent scientists and it is useful to have their expertise and the benefit from our national pool of scientific knowledge on these sorts of matters. It is especially useful when there are a lot of similarities in the landscape between the Kimberley, the Northern Territory and the north of Queensland. For managing our northern landscape, it is useful to have the benefit of the expertise of those people who have done most of their research in, say, north Queensland. I therefore do not believe we should be excessively parochial about this matter. We should in fact relish the opportunity to gain benefit from people elsewhere in the nation.

Coming back to the specifics of the bill, listing on the National Heritage List puts a lot of emphasis on the preservation of and respect for Indigenous culture. Acknowledging that the conservation of Indigenous knowledge might involve the preservation of an icon site, it could also involve preservation at a landscape scale. Areas of land on a pastoral lease might be used for the cultural practices of a group of people who focus on specific areas. This approach, therefore, will improve our ability to identify those Indigenous cultural values. It will ensure that we look at them in an integrated way. It means that through the amendments in this bill, which the opposition support, the Department of Environment and Conservation can enter into a joint management agreement with the Indigenous people of an area and gain from their expertise. I think also Indigenous people might benefit from the scientific knowledge of people in the agencies, and perhaps benefit from hearing about the knowledge held by people not necessarily in the Kimberley but perhaps in far north Queensland. All sorts of benefits will come through taking this approach.

Something else that we must be mindful of, and this is another reason to get away from the preservation and ring-fencing of icons only, is that many of the recommendations —

**Mr W.R. Marmion:** Our strategy will do that. Our strategy is broad-reaching—two national parks, the linkage between them and four marine parks.

**Mr C.J. TALLENTIRE:** I know that the minister is very proud of the strategy, and rightly so.

**Mr W.R. Marmion:** It's pretty big.

**Mr C.J. TALLENTIRE:** That is fine. I am responding to comments made by the Premier in the past few days suggesting that the scale of protection in the Kimberley is 30 million hectares. The actual listing on the National Heritage List is 19 million hectares. There are several biogeographic regions in the 30 million hectares in the part of the world that is the Kimberley. The government must manage them at a regional scale. The government cannot look at managing them on a pocket handkerchief, cadastral boundary or national park scale. That is because often the nesting habitat of a particular bird species will be in one type of vegetation, feeding in another and breeding in some other area. Taking that icon-type approach does not constitute “protection”, which the

Premier referred to. That is what I am attempting to correct in the minister's mind. Perhaps it is clear in the minister's mind.

**Mr W.R. Marmion:** You should look at our strategy because I think it actually does provide a very good framework and a conservation strategy for the Kimberley. It is a very large area, but what the commonwealth has done is actually make it bigger than that and just put a big blob there. It does beggar the question of whether some of that area should be there at all.

**Mr C.J. TALLENTIRE:** That is my point. The government must think bigger. The bigger the government thinks about managing these things, the more integrated the management will be.

**Mr W.R. Marmion:** Where do you stop? The whole of Western Australia could be "bigger" in your example.

**Mr C.J. TALLENTIRE:** I am sure there are people in DEC who could explain this to the minister, but that is why the government needs to be guided by the Interim Biogeographic Regionalisation for Australia map. The biogeographic regions are bigger than catchments. They are often delimited by geological features. They are a reflection of the soil types, the vegetation types, the various watercourses, the geology and the coastlines. Those are the factors that help shape biogeographic regions and the scale upon which we need to manage them. In the whole of the Kimberley there are five IBRA regions, and there is an interplay between them as well. Often the edges of those regions are where the greatest diversity of species is found. There are unique situations in which a species will depend on dry rangeland areas, perhaps for seed if it is a granivorous bird species, whereas its nesting hollows will be in a totally different vegetation type. We have to look beyond those things. The minister is right: the bigger the better for managing areas. But there is a well-defined area, which is the Kimberley region, and the listing on the National Heritage List is based on that. So, that all makes perfect sense.

I have already said a bit about the importance of hydrology in considering these things, as that transcends the boundaries approach that the Premier was so very keen to take in his focus on icons.

**Mr W.R. Marmion:** I think you've misinterpreted the Premier. I think the Premier was being generous in saying that he might have been able to understand it a little bit if they'd actually picked out some of the iconic areas. I don't think he's actually supporting it at all. He could perhaps understand it if they'd picked out some of the primary, iconic conservation areas to protect. That's my interpretation of what he said.

**Mr C.J. TALLENTIRE:** That was not very clear from what the Premier said in the house in the last couple of days.

**Mr W.R. Marmion:** I think it is quite clear that he opposed the commonwealth intervention.

**Mr C.J. TALLENTIRE:** The Premier certainly sounded like he was opposing listing on the National Heritage List.

**Mr W.R. Marmion:** Correct.

**Mr C.J. TALLENTIRE:** He was perhaps geed along by groups such as the Association of Mining and Exploration Companies. That group has made is quite clear that it does not understand this need for integrated management.

**Mr W.R. Marmion:** I think integrated management is good but I think that we can deliver it at the state level.

**Mr C.J. TALLENTIRE:** What mechanism is there to do it, though?

**Mr W.R. Marmion:** We have Parliament. State Parliament is a good start, and we have departments underneath.

**Mr C.J. TALLENTIRE:** Yes, but there is no referral mechanism. We have already talked about the need for joint management of areas and that that is critical to management. An argument that is put up is that an extra layer of approvals will be required. We heard the Premier say today that Woodside's final investment decision will be made in about 12 months. I do not understand why an enormous company such as Woodside would have much difficulty meeting various approval requirements. Given the involvement that Woodside has in the area and the commitment it wants to show to the area, why would it run away from something as important as making sure that it is meeting the requirements of listing on the National Heritage List? I do not think it would have any difficulty at all in doing that.

I am sure Woodside is not a member of AMEC, but one comment from AMEC is that the proposed blanket listing of 19 million hectares in the West Kimberley region of Australia will add an unwarranted and unnecessary layer of approvals for all mineral exploration and mining activities. It is perfectly reasonable to expect people going into these regions to seek the necessary approvals using our state processes. Yes, they should also be able to meet the values that are outlined in this national heritage agreement; that is perfectly reasonable. The Pastoralists and Graziers Association has also commented on the decision about the number of

cattle on a station. It is worried that it will not have the right to make a decision on the number of cattle that people can have on a station. My understanding is that people do not have that right anyway and that it is the Pastoral Lands Board that decides that. The minister is right that the Pastoral Lands Board is a state-based entity. If we were to return to the old days when the pastoral leaseholders made out that they were the owners of the land and could do whatever they wanted on the land, we would again see the damage done through overgrazing. Many areas are still significantly overgrazed or are still recovering from overgrazing. Anything that protects the values of the Kimberley makes that integrated land management —

**Mr W.R. Marmion:** We can do that at a state level, as I have said. We do not need the commonwealth to tell us how to do it.

**Mr C.J. TALLENTIRE:** If that is the case, minister, why has it not happened?

**Mr W.R. Marmion:** What is the problem? We are putting in \$63 million now and we have a strategy to improve the Kimberley. It is a big place.

**Mr C.J. TALLENTIRE:** Yes, the problem is that we have not had the processes in place.

**Mr W.R. Marmion:** What will the commonwealth do? It will put in place a process that —

**Mr C.J. TALLENTIRE:** It will assess proposals and check that they are consistent with the values as outlined in the national heritage agreement.

**Mr W.R. Marmion:** So they will stop things happening.

**Mr C.J. TALLENTIRE:** Only if the proposal is inconsistent with the values that we have in the national heritage agreement.

**Mr W.R. Marmion:** Do you know whether they will be putting in any money towards this strategy?

**Mr C.J. TALLENTIRE:** I think it is more about a set of values that has to be met. It is not the on-ground remediation work that both the minister and I know needs to occur. However, if we follow these sorts of principles from the outset, we need not get into a situation in which we have to do remediation work. This is protection; it is all about protection.

**Mr W.R. Marmion:** So you are saying that the commonwealth will have better values than us.

**Mr C.J. TALLENTIRE:** I am saying that the protection mechanisms are an added layer that we need. That is demonstrated by the fact that we have had so many failures, be they biosecurity failures —

**Mr W.R. Marmion:** Are you saying our protective mechanisms in Western Australia are inadequate or that they could be improved?

**Mr C.J. TALLENTIRE:** I am saying that we have had things fail us. That is for sure. It is clearly there. The feral cat problem is one example and the fire regime problem is another.

**Mr W.R. Marmion:** How is the commonwealth going to improve that? If there is an issue with our process in terms of continuous improvement, we should tweak our process rather than put another level of bureaucracy over the top. I would have thought that that was the first port of call.

**Mr C.J. TALLENTIRE:** If the minister were nominating a better mechanism, perhaps the commonwealth would have taken account of that. Clearly, he was not.

**Mr W.R. Marmion:** I do not think so. I think that the commonwealth bureaucracy wants more work; that is, to be involved more in states' affairs.

**Mr C.J. TALLENTIRE:** Minister, we have already agreed, in the course of the last 40 minutes or so, that the working relationship between the commonwealth bureaucracy and the Western Australian Department of Environment and Conservation is a very effective one, and it is one that draws on the expertise of the federal agency when it is necessary. I do not see that there is any reason for people to fear this. If they have a proposal, they can put it up; they just have to make sure it meets the standards as outlined.

**Mr W.R. Marmion:** It has to meet the state standard and also another level of assessment at the commonwealth level.

**Mr C.J. TALLENTIRE:** Quite often, the information provided at the state level will be the same information that will be presented to the commonwealth.

**Mr W.R. Marmion:** It could be even more detailed. Nevertheless, it will be slowed down while someone in the commonwealth has to understand what the high level of assessment done in this state means.

**Mr C.J. TALLENTIRE:** I am sure that the minister is aware that the time lines for the assessment of information presented to the commonwealth are very strict. They are shorter time lines than those in this state's assessment process. I think it requires a 28-day turnaround.

**Mr W.R. Marmion:** But it's unnecessary, isn't it?

**Mr C.J. TALLENTIRE:** I do not accept that it is unnecessary.

**Mr W.R. Marmion:** State proponents are concerned with the commonwealth coming in at the eleventh hour; that is, a process has been gone through, and, all of a sudden, near the end when the proponent thinks they are across the line, the commonwealth has to go through it again. That will delay projects.

**Mr C.J. TALLENTIRE:** I think that in time the minister will be able to get advice from his agency pointing out to him the many benefits of this national heritage agreement. That will also help the minister realise that it will enhance the work being done through the Kimberley science project and make sure that new projects coming into the area do not diminish or cause further loss of values in the Kimberley. The essence of this bill is the involvement of traditional owners with the Department of Environment and Conservation. We support that, as do a range of Indigenous groups. I note that a letter was sent to the minister back in March signed by the Goldfields Land and Sea Council, the Yamatji Marlpa Aboriginal Corporation, the Central Desert Native Title Services, the Kimberley Land Council and the National Native Title Council stating that they support the intent of the bill. They have some concerns in some areas, but they certainly support the intent of the bill. They are concerned about the exclusion of native title holders. I understand, as well, that this bill is not about land tenure. However, they are concerned that native title holders may be excluded. Perhaps that is an issue the minister will be able to address for us. They see it as a fundamental flaw in the bill, but there may be ways of allaying their concerns in that regard. They are concerned that there is no mechanism within the bill to ensure that traditional owners are directly notified about proposed management agreements and plans on land. They want to be sure that traditional owners will hear about the various agreements. They also pointed out that there is no obligation to provide written notice to the Minister for Indigenous Affairs.

**Mr W.R. Marmion:** Member, that has been addressed.

**Mr C.J. TALLENTIRE:** Has that been addressed?

**Mr W.R. Marmion:** It was addressed by way of amendment in the other place.

**Mr C.J. TALLENTIRE:** Good. However, I note that they are broadly supportive of the legislation.

**Mr W.R. Marmion:** Member, another letter was sent—although maybe it came only to me—from the South West Aboriginal Land and Sea Council. It supports the entire bill.

**Mr C.J. TALLENTIRE:** I understand that the South West Aboriginal Land and Sea Council is desperately waiting for this legislation to get through. It is very frustrated that it has taken so long. I also understand that there are still regulations that need to be drafted under this legislation and that that is causing a high degree of anxiety amongst those groups who want to be involved and who need to be involved as soon as possible.

I also wanted to outline the importance of management plans, and how this legislation requires that they are required to be registered with Landgate. That seems like a good initiative, but I am concerned that the production of management plans is a very lengthy exercise and that it takes a long time for them to be produced and provided to people. I am keen to know what resourcing the minister will put towards the production of management plans. Given that they are essential documents in this joint agreement process, it is important that they be produced quickly.

I am pleased that the legislation recognises Aboriginal heritage and makes it something that we can all respect and understand better. At the same time, it is important that whenever there is a conflict between environmental values and Indigenous values, the environmental value, when it has been fully researched and fully understood, will prevail; that is, the priority will go to the environmental value.

**Mr W.R. Marmion:** Correct.

**Mr C.J. TALLENTIRE:** That is important, as is a hierarchical approach to conflicts between tourism endeavours and the interests of Aboriginal culture, such that the tourism opportunity would give way to the interests of Aboriginal heritage. It is an important aspect and consideration that is, I am pleased to say, in the legislation.

It is important to note that, as I understand it, native title has been extinguished on about 80 per cent of the conservation estate. That gets us back to the issue of how native title rights will be involved. That is where some of the regulation work needs to be tidied up.

I will return to the preparation of management plans and ask for a little more detail on how the plans will be gazetted and what the process will be for that. Perhaps the minister can talk about that in his response. I have already mentioned how necessary it is that management plans are resourced. Essentially, this bill will allow the chief executive officer of the Department of Environment and Conservation, under the Conservation and Land Management Act, to enter into agreements with the Indigenous bodies through a joint management process. It is about the lands that are currently vested with the Conservation Commission and the Marine Parks and Reserves Authority.

**Mr W.R. Marmion:** It will also allow, for land that is not vested in DEC, the use of the DEC legislation to have management plans.

**Mr C.J. TALLENTIRE:** Is that land that is currently held by Indigenous groups?

**Mr W.R. Marmion:** And pastoralists.

**Mr C.J. TALLENTIRE:** There are many positive aspects to the legislation. I have already touched on the need for consultation, but I will just detail that a little further. We must have in place a process that will ensure that those management plans include things such as fire management, the management of feral species like camels, and what will be the role of the joint managers in controlling the spread of cane toads in the East Kimberley and managing cattle that are grazing off pastoral leases. A range of issues will need to be determined.

**Mr W.R. Marmion:** The good thing will be the joint management involving not only DEC, but also the Indigenous traditional owners in the plans to work out what to do with issues like cane toads. That's a hard one.

**Mr C.J. TALLENTIRE:** It is very difficult. There will be scope for Indigenous people to be involved in the management of lands that they have a connection to, in a way that we have not seen before. That is an excellent thing. I think it will open up a whole range of job opportunities as well. We have already seen Aboriginal ranger programs that are proving very successful. We are keen for Indigenous people to gain employment in a range of spheres, but I am not sure that working on a cotton farm, a melon farm or a sugar farm in the Ord River area is going to appeal to the Miriuwung and Gajerrong people; it is not necessarily going to be their chosen career, whereas active involvement in the management of country really would appeal.

**Mr W.R. Marmion:** I agree. It gives them an option and that is one of the really good benefits of our \$63 million Kimberley conservation strategy. Part of that money will go to joint management and to employ traditional owners as rangers, such as the Yawuru at Broome.

**Mr C.J. TALLENTIRE:** I did read a research paper which looked at the potential economic benefits from Indigenous owned and controlled land and which pointed out the many economic benefits to Indigenous people from being involved in the control of land. There are those eco-services that we might call the feral pest-type programs.

**Mr W.R. Marmion:** And controlled burning, too. They get involved in controlled burning, particularly in the Kununurra area.

**Mr C.J. TALLENTIRE:** There are many benefits in that way. Perhaps it will enable them to work out where communities will be located and which communities will need additional servicing and that sort of thing. There is potential for them to be involved in some level of hunting and fishing as well and commercial and tourism businesses. Once we have got them involved in this management activity, there will be a lot of opportunities that open up for people living on country. From that point of view it presents many exciting opportunities, and it is a positive step forward for the state of Western Australia to feel that we have at last found a way of giving Aboriginal people direct involvement in the management of their lands. I am pleased to be supporting the bill today.

**MR T.G. STEPHENS (Pilbara) [4.04 pm]:** I have been listening to the contribution of our lead speaker in this debate and now I have developed more questions about the Conservation Legislation Amendment Bill 2010 than I had before I started to focus on it. I really hope that some of the issues that have been raised will be explained in more detail during this debate, either by the minister's reply to the second reading debate or maybe they can be teased out during the no doubt extensive discussion that might otherwise be offered during debate on the short title of the bill—so long as the member for Albany is not in the chair!

The opportunities that arise from the passage of this legislation have been described by the previous speaker and are welcomed by the opposition. In his contribution, the member for Gosnells has made favourable comment about the opportunities for involving the federal government in the consideration of the conservation values of the Kimberley. I have a view on this that is not in accord with the view of the minister or the member for Gosnells. I am of the view that to think that wisdom lies in Perth-based governments or Canberra-based governments to respond to the challenges with which people in the regional areas of this country are faced is misplaced confidence. The minister's assertion that somehow or other the state government of Western Australia will be able to work out what is in the best interests of the regional areas of Western Australia and the

conservation values of the regional areas of Western Australia is as misplaced—I might say with profound respect—as the assertion by my colleague on the shared benches that —

**Mr W.R. Marmion:** I am suggesting that the state is certainly in a better position than the commonwealth.

**Mr T.G. STEPHENS:** The minister might assert that but I think he is as wrong —

**Mr W.R. Marmion:** The state has regional offices. My department has regional offices.

**Mr T.G. STEPHENS:** My experience of Perth-based administrations, Perth-based ministers and Perth-based Parliaments is that they are just as remote as, and sometimes more remote than, the offices of a national government. The truth in my experience of these things is that what needs to be done instead is that the two spheres of government, both national and state, need to find ways of empowering and resourcing regional communities so that they can manage their own affairs and celebrate and support their own understanding of their values to secure the advance of the conservation values, economic values, Indigenous values and tourism opportunities that come from tackling the issues with which they have been confronted over the years. The great problem is that governments, both in Canberra and here in Perth, can strut around with misplaced confidence that they have an understanding of how these things will usefully be played out and the two governments can become like two big elephants stomping around the regional areas of our part of this country and stomping all over the top of people who should instead be empowered and resourced by governments at both state and federal level to work through with the input of science, the input of expertise and the input of regional and local experience and wisdom to come up with strategies to tackle the conservation challenges and the many other challenges with which communities are faced.

**Mr W.R. Marmion:** I do not disagree with that sentiment; the wisdom is at the local level.

**Mr T.G. STEPHENS:** But I fear, however, that this legislation does not, by itself, adequately empower or resource the regional communities to do the job that needs to be done in regional communities. In my view, there has to be a whole restructuring of the constitutional and legal arrangements that govern the remote and regional areas of our country, so that the conservation estate and the interests of local people are better resourced and better tackled than they currently are.

I have not studied the Conservation Legislation Amendment Bill 2010 in detail, but perhaps the minister can point out to me where it is stated in this bill that there is now to be a hierarchy of values in the determination of decisions being taken in reference to Aboriginal landholdings that might in future be jointly managed with the conservation authorities, and that it will be the conservation values that are pre-eminently considered before Indigenous values or tourism values. It is the minister's bill, so he, perhaps, has the responsibility to point out to me where that clause is in this bill. Is he able to yell it across the chamber for me?

**Mr W.R. Marmion:** Management plans will be developed in consultation with the traditional owners, so it will likely be a joint exercise.

**Mr T.G. STEPHENS:** Yes, but what clause of the bill gives that hierarchy of pre-eminence for the conservation values in the management of these lands so that they will be of greater value and significance than the Indigenous values?

**Mr W.R. Marmion:** It is in my notes; I cannot quickly get it —

**Mr T.G. STEPHENS:** The minister should get on top of his legislation! Every lacunae should be at his disposal.

**Mr W.R. Marmion:** If you can carry on, I will find it.

**Mr T.G. STEPHENS:** While the minister is looking for that one, I wonder whether he would not mind also telling me whether I understood his interjection correctly when he said that joint involvement in the management of the conservation estate would not only create opportunities for the traditional owners of Aboriginal reserves and Aboriginal owners of pastoral properties, but also provide for non-Aboriginal pastoral leaseholders, and perhaps the holders of other lands. Or is it that only non-Aboriginal pastoralists can enter into arrangements with the state government to take up the opportunities that will emerge under this legislation for joint management strategies for landholdings?

**Mr W.R. Marmion:** Section 8A agreements cover those agreements for land that does not come under the Conservation and Land Management Act; section 56A agreements are for lands and waters where the CALM act already applies. There are two elements of land management strategies in the bill.

**Mr T.G. STEPHENS:** Is the minister saying that this is section 8A of the existing statute, not of the bill?

**Mr W.R. Marmion:** Section 8A agreements are referred to in clause 8 and clause 20 of the bill.

**Mr T.G. STEPHENS:** Would the table officers mind giving me a copy of the act that is being amended by this bill? I would like to understand in more detail, during the second reading debate, how the minister's interjection during the earlier contribution will be achieved.

I would also like to make the observation that over the last three and a half decades I have watched closely the conservation structures of Western Australia and their interaction with the Indigenous communities of regional Western Australia in particular—the Kimberley and the Pilbara, especially. Historically, I have found myself very disappointed with the way that the conservation organisations, working to the policy settings of the governments of the day, responded to the ambitions of Aboriginal people in the management of lands that were of conservation interest; and in how there was, too often, reluctance displayed by the agencies. That reluctance sometimes seemed to be from the agencies' own momentum, and sometimes it was driven by the policy of the government of the day. We saw the agencies dragging their feet on joint management strategies, and perhaps this bill partially explains that because it suggests that in the past there have not always been the opportunities at a statutory level to take up opportunities for joint management opportunities on lands of interest to Aboriginal people or traditional lands, some of which perhaps were not formally recognised as areas of native title interest. Some of my concerns, I guess, predate the native title framework that came out of the High Court judgement. Officers of the conservation agencies—the various parts of the weaponry of state and federal government—were, in many ways, antagonistic to the interests of Aboriginal people.

I want to contrast that to the relatively recent experience I had of watching the way officers of the Department of Environment and Conservation operated with the Aboriginal people of the Bunuba community about whom I was speaking last night; in particular, their involvement with the Bunuba people over the areas around Windjana Gorge during the preparation for their performance of their play, *Jandamarra*, at Windjana Gorge in the national park near Lillimilura, the old police station there. It seemed to me that the officers of the department had gone absolutely out of their way to make that whole experience a stunning success. Leaving aside the legislative framework that previously existed, or will come into existence following the passage of this legislation, my previous experience of the department at senior levels and of ministers who had led the department was in dramatic contrast to the wonderful way that local officers of the Department of Environment and Conservation on the ground were working with the traditional owners of that land—the Bunuba people. They were collaborating with them in a national park to ensure that the Jandamarra story—those extraordinary historical events—was presented and performed in the Kimberley some 120 years after the real-life events that occurred in the lives of the Aboriginal people in the Kimberley and in the wider community of Western Australia. There, in that national park, we saw the names of Aboriginal people who had grown up on their landholdings in the 1800s, and then those of the early station people. The Aboriginal people's names would have been called out in their communities by their parents and their families, and then they got caught up in, eventually, the resistance that Jandamarra—"Pigeon"—unsuccessfully led to resist the incursion of the station people into their country. We can only imagine the names of Ellamarra and Jandamarra, and all the other Aboriginal names, being called out, and then 120 years later they were again being called out into that landscape, in that valley, in a moving and poignant retelling and recapturing of an extraordinary period of Western Australia history.

That whole performance, widely attended by the Aboriginal community, widely attended by people from all over the region, and visitors from all over the country, and beyond, in that national park, right beside Windjana Gorge, was an extraordinary testimony to the new skill of the departmental officers in collaborating with the Bunuba people in that landscape. Now, however that happened, whether it was by virtue of the skills of the local officers or the leadership of the regional office or of the office as a whole, or even if it came from the minister—wherever it came from—it was an extraordinarily triumph. It certainly augers well for the deployment of this legislation for mixing and matching the interests and the values of Indigenous people into landholdings that also have conservation value, and value to the wider community, and tourist values as well in the case of Lillimilura, the old police station of Bill Richardson fame, and the adjacent national park.

I think the only misbehaviour that occurred on the day seemed to be that of the Deputy Premier, who was seen to have commandeered a CALM vehicle to take him from Tunnel Creek back to Derby, following the loss of his keys in Tunnel Creek.

**Mr W.R. Marmion:** You'd need a torch if you lost them in there!

**Mr T.G. STEPHENS:** Well, apparently he could not find his keys, and it would appear, from reading that reputable part of *The West Australian*, "Inside Cover", that a CALM vehicle, or a conservation vehicle, was commandeered by the Deputy Premier as he hurtled back to Derby from Tunnel Creek, because he had lost his keys in Tunnel Creek. But everyone else—other than the Deputy Premier—seemed to have been well behaved, and collaborated in this great performance there. That augers well for the future of the joint management of lands.

[Member's time extended.]

**Mr T.G. STEPHENS:** The Bunuba people have other lands in that valley, pastoral landholdings, which I am sure will be of wider conservation value to the wider community—the Australian community, and the Western Australian community—and that can add to the conservation estate of Western Australia. These lands will, in my view, be more certain to be included in the strategies for conservation as a result of these recent successes of collaboration that were on display. This is a great model of success that the department can take more widely beyond the Fitzroy Valley to the other Aboriginal owners of lands, whether they be pastoral lease-holdings, or lands in which the Aboriginal people have either native title interests or interests by virtue of their management of Aboriginal reserves held by the Aboriginal Lands Trust, or whatever other form of land title it may be.

There is now a story on display from this particular experience in the Fitzroy Valley that I think can be built upon. It is a great triumph. It is in dramatic contrast to the fights that the Gidja people, for instance, had to have in the East Kimberley, when they were trying to point out the bleeding obvious—that they had an interest in the Purnululu lands, which later became known as the Bungle Bungles. As people with an environmental interest and a tourism interest started to discover the lands of the Gidja people in the early 1980s, the Gidja people were saying, “Hang on. This is our land, and we would not mind being consulted and included in the strategies for the creation of this national park.” In my view, very limited success was achieved in that area, after huge skirmishes, great fights, and great reluctance on the part of the departmental officers, and also on the part of the ministers who led the department, both within Labor governments, Labor administrations, and within the administration of the Liberal Party of the day.

So I am pleased to think that things are moving on, and have moved on, and that this statute will create additional opportunities to cement these prospects into the future in the electorate that I represent—the Pilbara region. In the Pilbara, we have a combination of opportunities, because we have pastoral leases that are held by Aboriginal people and pastoral leases that are held by non-Aboriginal people. Those pastoral leases have conservation values that should be taken up and embraced in strategies of collaboration and cooperation between the land-owning groups and the people with responsibility for the conservation estate. It is welcome indeed that a framework to do that has now been put before the house. There is now an opportunity, in some of the very large national parks that exist in the Pilbara region, for the participation of native title groups, and for the adjacent pastoral leases held by Aboriginal people, and, as the minister says, also by non-Aboriginal people, to be included in these strategies.

For me, I do not think this framework is the panacea for responding to these challenges. My experience, unfortunately, is generally of some pessimism about structures and departments that rely upon policy making and program delivery from remote capitals, as we are here in Perth, or in Canberra, and that a better model is yet to arrive in this Parliament of how to secure well-resourced and well-supported local decision making, whereby the collaboration around conservation values, environmental values, Indigenous interests and wider community interests can be better embraced and enhanced by local and regional decision making. That is a day yet to come—a framework that we are yet to see on offer in this Parliament. I hope that we will see that without too much more of a delay. But I see no signs of it emerging, either from Canberra or from Perth, in wanting to support people in regional communities to celebrate and protect the value systems they hold dear as core to the circumstances that they face.

**Mr W.R. Marmion:** Before you sit down, in terms of your question earlier, I just draw to your attention that clause 40 is the one to look at. Clause 40 provides for the insertion of new sections 103A and 103B, which are quite descriptive. Those sections detail what activities can be conducted by Indigenous people for traditional purposes. So, they provide a defence under the conservation act.

**Mr T.G. STEPHENS:** I thank the minister for pointing out that clause. I have had a quick look at the act as well, the principal act, which has just been passed to me by people from the chamber, and I concede, without studying it, that there seem to be opportunities—but I am sure the member for Warnbro will be able to teach me how to use the short title debate to tease out these issues —

**Mr P. Papalia:** The member for Warnbro was sat down when he tried to do that!

**Mr T.G. STEPHENS:** But no doubt the member for Warnbro will have worked out how I can use the short title debate to extensively canvass these issues, after I have studied the bill in more detail following the conclusion of the second reading debate.

**MR M. McGOWAN (Rockingham)** [4.29 pm]: I rise to add my thoughts to the Conservation Legislation Amendment Bill 2010. I appreciate the extraordinary knowledge of the member for Pilbara on these issues and about Indigenous people and their culture. I do not think there has ever been a member of this chamber with that depth of knowledge and experience.

**Mr T.G. Stephens:** I defer to at least a couple of others.

**Mr M. McGOWAN:** They are not here at this point. I digress. I spent a bit of time with the member for Pilbara in the Kimberley and Pilbara regions recently. He demonstrated an extraordinary depth of knowledge of these issues, people's history and so forth, which was really quite remarkable. Anyone who has travelled with him would say exactly the same thing.

I return to the legislation. We are supportive of this legislation. It had its genesis during the period of the former government. It has finally come to fruition and is about to be passed by Parliament. Formally providing Aboriginal people with a say in the management of the conservation estate in Western Australia by way of legislation is a good thing. Informal practices in the past have allowed that, but formally putting them into law is a good thing. I want to use this speech as an opportunity to talk about other issues that have been the subject of considerable attention in recent days. The national heritage listing of the Kimberley is an issue I would like to discuss when talking on this bill because it relates to conservation. The Kimberley is one of the great wilderness areas remaining on earth. It is an absolutely beautiful, remarkable part of the world. It is largely undisturbed. It is an icon. All Western Australians should be proud that we have a region of that level of beauty remaining for us as a legacy. I think we would all agree with that. I spent a week in that region with the member for Pilbara. Flying over this area, I realised how amazing it was. Like the member for Warnbro, in my younger days I spent time up there on a Navy patrol boat travelling around some of the islands and the offshore areas of the Kimberley. It is a breathtaking part of the world. There are not that many areas like that left. In the early twenty-first century the world has basically lost most of those areas. It is very important that they be preserved.

I am in the unique position in this chamber to have been a former environment minister and now shadow Minister for State Development so I have had a perspective from both sides of this debate. The mining industry has managed to co-exist fairly well historically with the conservation estate. When we look at the most disturbing practices when it comes to the environment, my firm view is that it is not mining. Some of the most disturbing practices when it comes to the environment, particularly if we look at places closer to Perth, can be seen in the Wheatbelt. The most dramatic impact on our state's natural environment occurred during the significant clearing of the Wheatbelt. I do not think most people would disagree with that. The problems with salinity, erosion, water quality and the like in that part of Western Australia have had one of the most dramatic impacts on the state's environment. Essentially, it all happened post the Second World War in a period of about 20 years. A bit of it went on beforehand but it mainly occurred during that period, and maybe in the 1930s as well. A remarkable effort was undertaken to create farmland in that part of the world. I acknowledge that it has been very important for those communities. If we want to look at the principal impact on our state's environment, we need to look at some of the practices of introducing exotic species into the state. When we look at some of the mining practices that have gone on in Western Australia, we see that they are mere pinpricks in the landscape compared with some of the other activities that I just mentioned.

In any event, the commonwealth announced yesterday that a large part of the Kimberley would be nationally heritage listed. We saw the response from the state government. The Premier was out there already. He has polling that says that to retain his popularity, he needs to attack the commonwealth no matter what. He did that with the national disability insurance scheme. He subsequently backflipped. I think he went a bit far on that one. Basically, his view is that we should attack the commonwealth no matter what because he believes, and the polling tells him, that will enhance his popularity. He comes out, irrespective of the argument, and attacks the commonwealth no matter what. The commonwealth has a lot to be attacked for at the moment. As we noted with the national disability insurance scheme proposal, attacking the commonwealth when it is trying to do something to enhance the lives of people with disabilities is a bridge too far. It was wrong, and he made a mistake in what he did. I subsequently saw him moderating his position over subsequent days, a bit like what occurred in the case of whether the Minister for Emergency Services kept his job. The Premier has moderated his position on that but yesterday he saw an opportunity to kick the commonwealth over national heritage listing of the Kimberley. I think he was wrong. National heritage listing and mining can co-exist. National heritage listing and human activity can co-exist. National heritage listing will ensure that those amazing values of the Kimberley are protected and preserved. I do not care what the polling on the commonwealth says. If it does something that is right, it deserves some support. If it does something that is wrong, it deserves some criticism. In that case, I think the Premier went too far.

I want to draw the attention of members to something else. On 25 June 2011, two months ago, we saw a press release from the Premier and the Minister for Environment. They did not speak about national heritage listing of the Kimberley but about World Heritage listing of the Ningaloo coast. In that case, the Premier did not talk about national heritage; he said that we have gone to Paris for World Heritage listing of the Ningaloo coast. He is objecting to the commonwealth saying that there should be some sort of overarching protection of the values of the Kimberley, but in the case of the Ningaloo coast, he has gone to the World Heritage Committee based in Paris to get recognition of the Ningaloo coast.

**Mr W.R. Marmion:** But there's a difference.

**Mr M. McGOWAN:** The minister should hold on. I will read out what World Heritage listing actually means. The federal government's Department of Foreign Affairs and Trade stated —

Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Properties on the World Heritage List have outstanding universal value in their natural and/or cultural heritage, and are important to all peoples of the world, irrespective of their location.

The Premier is not saying that the Ningaloo coast is a nationally significant area but it is a world significant area and therefore a committee in Paris, a subset of the United Nations Educational, Scientific and Cultural Organization, will have the right of approval of that particular listing. It means that the commonwealth can intervene under the World Heritage Properties Conservation Act 1983 to protect that area, as we saw in the Franklin Dam case in Tasmania in 1983.

**Mr W.R. Marmion:** We agree with that.

**Mr M. McGOWAN:** And so do I. I started it, or maybe it was Hon Judy Edwards. I progressed it in 2006. Admittedly, I had some objection. I had great difficulty with Ian Campbell, the former federal environment minister, who took the side of some of the pastoralists in the area who objected for whatever reason I cannot work out. No matter what was said about the value of the area, he said that if the pastoralists object, the Lefroy family, two women living on a pastoral property just south of Coral Bay, there is no way he will support it. I took a different view.

**Mr V.A. Catania** interjected.

**Mr M. McGOWAN:** I am not listening to the member. The short-lived member for North West can make his speech in a moment if he wants to. The commonwealth said that it would not progress World Heritage listing if the pastoralists object. I took a different view; the property is owned by the state. The property is the state's; it is a lease. If this area is worthy of World Heritage listing, it should be listed.

**Mr W.R. Marmion:** And it was listed, but all the pastoral areas weren't listed as it turns out.

**Mr M. McGOWAN:** The good thing is that the bulk of the area is now listed. It was listed because a different federal government came along, the state government progressed it and it is a good thing. I am pleased that the state government progressed it. The government's original intention was to list 710 000 hectares, including Ningaloo Reef, Cape Range National Park, a coastal strip of 260 kilometres, adjacent dune fields, marine areas, islands and the like. The government went to list 710 000 hectares of this region. Subsequently, a smaller area of 604 000 hectares was listed, not by Canberra but by UNESCO based in Paris. That enables the commonwealth to intervene under World Heritage laws to protect the values of that region. However, in the case of the Kimberley, the government takes a different view. Admittedly, the Kimberley is bigger; the listing is bigger—that is true. I have to say that the amount of protection offered by a World Heritage listing is greater than the amount of protection offered by a national heritage listing. World Heritage listing has the authority of an international treaty, a world body and an act of Parliament in Canberra. Basically, World Heritage is a major elevation above national heritage listing. It is a double standard.

**Mr W.R. Marmion:** No, it's not.

**Mr M. McGOWAN:** It is a double standard.

**Mr W.R. Marmion:** Ningaloo is different from the Kimberley.

**Mr M. McGOWAN:** The Kimberley is beautiful, Ningaloo is beautiful and they both deserve protection. That is not to say that there cannot be other activities, which I think is what the federal minister argued. It is not to say that there cannot be other activities.

**Mr W.R. Marmion:** A part of the Kimberley could be in World Heritage.

**Mr M. McGOWAN:** I will inform the minister of something: part of the Kimberley is World Heritage-listed. There are three World Heritage sites in Western Australia: Shark Bay, Purnululu and, now—on this government's watch; it commenced on ours—part of Ningaloo Reef and Cape Range National Park.

National heritage listing adds another level of protection for the values of the Kimberley. It will not stop pastoral activities or mining activities. It simply means that if something major that is inconsistent with the values of that magnificent region comes along, the commonwealth may be able to intervene under law to protect it. World Heritage listing is an elevation above that, and the government recently World Heritage-listed part of the Ningaloo coast. Mind you, parts of the Ningaloo coast and the offshore area are prospective. Therefore, mining activities might be impacted by that listing.

All I am saying is that the government cannot have it both ways. Polling tells the government that attacking the commonwealth is something that wins it support, and that is what it is up to.

**Mr M.J. Cowper:** You don't need polling for that.

**Mr M. McGOWAN:** The polling is sitting on the Premier's desk. Someone does not have to be a genius to work it out, to be honest. I would not have needed polling to tell me that! In any event, I think there are probably, as I have said before, people marooned on islands in the Antarctic who could tell us that, and they do not need the polling to tell them that. However, that is the strategy. It is gross hypocrisy and the government has adopted a double standard.

I will use this opportunity to talk about another matter—namely, James Price Point. Today I asked a question of the Premier about James Price Point, which is an area in the Kimberley that is not incorporated in the national heritage nomination because it was not recommended by the national heritage committee. Therefore, the commonwealth has not attempted to list it; I doubt it will. However, I have been to James Price Point. I went to Broome recently and I saw what is going on in the Broome community. I recommend that members who have not been to Broome go and have a look at exactly what is going on. Broome is a nice place to go to, but members will be amazed by the level of disharmony and dissatisfaction in that community with what has gone on with the decision. People can drive the streets of Broome and see big “no gas” signs hanging over people's fences. In a political campaign we often see signage around the place. Ordinarily, it is on street corners, public property, parked somewhere or hammered in on a bit of grass somewhere.

**Mr M.J. Cowper:** There's a neon sign in Kalgoorlie—a big one.

**Mr R.H. Cook:** Is that for the gas hub in Kalgoorlie?

**Mr M.J. Cowper:** Not that.

**Mr M. McGOWAN:** I do not know anything about that, sorry.

**Mr M.J. Cowper:** It was in the paper. There was a big neon sign there saying, “No carbon tax”.

**Mr M. McGOWAN:** That is slightly off point —

Several members interjected.

**Mr M. McGOWAN:** The point I am making is that—can I seek a brief extension, Madam Acting Speaker; he has interrupted me!

[Member's time extended.]

**Mr M. McGOWAN:** I need the additional time to gather my thoughts!

My point is that if people are hanging these signs over their own fences, the person or family living in that house agrees with it, which is a bit different from a normal campaign. People can drive the streets of Broome and see these signs everywhere. The “no gas” signs are on every block and people are hanging big signs over their fences. When I meet people up there, they have considerable anger. Concern about what has gone on has reached the level of anger. Again, I think this situation has been amazingly and comprehensively mishandled by the Premier.

Going into a little history, the Northern Development Taskforce was set up in 2006–07. That task force was given considerable resources and incorporated the Kimberley Land Council, the environment groups, business—everyone.

**Mr I.C. Blayney** interjected.

**Mr M. McGOWAN:** It was a large amount of money, but I will get on to that in a moment. I will not be so arrogant as to say, “I'll give you a lesson” —

**Mr P.C. Tinley:** Put the cameras out!

**Mr M. McGOWAN:** And to stop the cameras; I will not be so arrogant as to suggest that! I will tell the house as dispassionately as I can what happened.

The Northern Development Taskforce was set up and incorporated all those groups. I think that Broome is a very special place. If we were to ask what are the two iconic communities in Western Australia, apart from Rockingham, we would have to say Margaret River —

A member interjected.

**Mr M. McGOWAN:** Apart from Rockingham, Willagee and Kwinana, we would have to say Margaret River —

**Mr M.J. Cowper:** Woodanilling.

**Mr M. McGOWAN:** Yes, and Woodanilling. We would have to say Margaret River and Broome. Being fair, apart from our own electorates, I think most people would say the iconic communities of great beauty would be Margaret River and Broome. We saw what happened with the coalmining proposal in Margaret River. The government suddenly intervened to ensure that people understood that it was not supportive of a coalmining proposal in Margaret River. It is an iconic community, I must admit, but the government intervened to do that. In the case of Broome, which I think is one of the nicest places on earth, to be honest, we can see why people there might have been quite concerned about the future. I think the current Leader of the Opposition set up what was called the Northern Development Taskforce to bring everyone together and to work out a site for a gas precinct in the Kimberley if possible, and try to get something that was agreed because of the potential for disharmony in the community. That task force was established, progressed and started working on sites. I think when the former government lost office in late 2008, it was down to four or six sites around the Kimberley that potentially could be agreed to for use as a gas hub. I think the task force originally started with 43 sites and the process narrowed it down to about four or six sites. That process was abandoned. All the people who were involved in that process and who had invested their time in it and the community were told that they were no longer required. The Premier went there and said that he had selected a site. He said, "I've flown over the area, I've found a site and it's going to be, without any shadow of a doubt, North Head. We're going to put it at a place called North Head, up on the Dampier Peninsula. That's the site it will go to." What happened then was that a few facts came out about it not being possible to build a harbour there, and I think there were a few other technical issues. The Premier then said a week or a fortnight later, "Okay; I've reconsidered and it's now James Price Point".

What did that do? That sent a message to everyone up there that their contribution was not valued. It sent a message to everyone who had been involved in this process that whatever they thought did not matter, and I think it created a lot of anger in the community. That anger was then significantly exacerbated when the Premier threatened compulsory acquisition of the land. Members have to realise that a lot of people in the Kimberley, both Indigenous and non-Indigenous, are very aware of the history of traditional lands in that part of the world and become very concerned when those sorts of threats and that sort of intimidation are held out. So people got even angrier when those two things happened.

We have recently seen a conclusion of that process with Aboriginal people there, but I think that a lot of people in Broome, in particular, are very concerned about what will happen to them as a consequence of this project. They are very worried about what will happen to them, and I share their concern about the cost of living. I share their concern about Broome, the community that they know, being converted into another Karratha or Port Hedland. Karratha and Port Hedland are nice places to live—although I was in Port Hedland the other day, and to rent the smallest of houses costs around \$2 000 a week.

I am saying that these are real concerns for these people, and the glib assurances that are being given by the government are not good enough at all. I think there needs to be a great deal more sensitivity shown to the concerns of the community of Broome. The people in Broome love their community, and I think they have every right to be concerned about what could potentially happen to the tourism industry, the cost of living, the cost of housing, the cost of rent, their ability to retain public servants in that community and, indeed, the local environment. All those issues could have been handled better if the community had been taken with the government on that decision, but it was not. If the community had felt that it had been involved, there would perhaps have been a different outcome from the outcome that has now taken place. There is growing disharmony in that community, and to suggest that it is only tourists who are opposed is just plain wrong and arrogant. I went to the markets in Broome with the member for Pilbara and we spoke to some local stallholders. I met a woman who is a stalwart of one of the local churches, and she had just been arrested. She told me that she had lived in Broome for 30-something years and that she was a very senior person in one of the local churches. She had never been arrested in her life, and she was going to show them by pleading not guilty. Her view was that they could take her to court and keep arresting her for as long as they liked, because she was not going to cop what had been done and what was being done to her community.

Another fellow ran a stall that sold breakfast pancakes. He had lived there for 27 years, and he did not want the development. In fact, I did not meet anyone who was particularly happy —

**Mr J.E. McGrath:** What about the member for Kimberley? Did you ask her?

**Mr M. McGOWAN:** The member for Kimberley? I have spoken to the member for Kimberley and she is supportive, but I do not know whether the member for South Perth has listened to what I have been saying. He is looking a little dozy; it has been a long week, I know. If he does not think that that community is —

**Mr J.E. McGrath:** It's a divided community.

**Mr M. McGOWAN:** I think it is heavily opposed—that is my impression of most of the people in Broome—and that needs to be resolved. This is a town of 15 000 people who love their town, and they are really angry and

really upset about what is going on, and they feel as though they have been steamrolled. It did not have to be thus.

**Mr J.E. McGrath:** I've got a solution. I think Woodside should build an airstrip out at James Price Point and fly straight in and straight out. It's only a thought.

**Mr M. McGOWAN:** I am suggesting to members that there is a major problem. I have been out to James Price Point and I do not think the protesters are all tourists and ferals, as the Premier has implied. The Premier has already defamed a conservation group, the Wilderness Society; he got that one wrong. I do not think he fully appreciates the feeling in the community of Broome about this. It did not need to be thus; I think this has been mismanaged the whole way along, and I am personally quite sad about it because, like it is to most people, Broome is one of my favourite places in the world, and I am very sad about what has gone on and how people feel they have been mistreated in that community. In today's answer from the Premier, I did not hear any sympathy, empathy or understanding of people's feelings up there. As I said, the feelings and views of the lady who had lived there for 30 years and who was a stalwart of a local church and had been arrested, along with her friend, and the feelings and views of everyone else I met up there need to be taken account of.

Debate adjourned, on motion by **Mr R.F. Johnson (Leader of the House)**.