

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2021

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)** on behalf of Hon Stephen Dawson (Minister for Mental Health), read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.26 am]: I move —

That the bill be now read a second time.

The purpose of the Conservation and Land Management Amendment Bill 2021 is to amend the Conservation and Land Management Act 1984—the CALM act—to implement government policy commitments, including the joint vesting of marine parks with traditional owners. Traditional owners have long held aspirations to be joint managers of their sea and land country with a formal vesting interest.

In 2015, Parliament made changes to the CALM act enabling terrestrial reserves to be jointly vested with the Conservation and Parks Commission and an Aboriginal body corporate. The amendments in this bill extend the joint vesting provisions to marine parks, marine management areas and marine nature reserves.

Leading into the March 2017 election, the Labor Party said —

At its heart, A McGowan Labor Government will protect the rights of Traditional Owners to their land and sea Country. We will recognise rights through improved consultation, recognition of indigenous leadership in land management, supporting participation in economic activities on Country, and the joint vesting of marine parks.

The Minister for Environment is excited to deliver on this commitment as we implement the Plan for Our Parks initiative to jointly manage and jointly vest lands and waters with Aboriginal people. In delivering new and expanded reserves, we will deliver the intended environmental, social, cultural and economic benefits with traditional owners and learn from what they have to offer.

This bill will also recognise that the conservation purpose of marine parks includes the protection and conservation of the value of marine parks to the culture and heritage of Aboriginal people. This means that in special purpose areas, referred to as special purpose zones in management plans, the protection and conservation of Aboriginal culture and heritage values will be a conservation purpose in addition to the other purposes referred to in section 13(1) of the act that are considered when determining incompatible uses. This will ensure that when we design and manage marine reserves, traditional owner cultural heritage values will form part of the legislative framework governing the ongoing management of sea and land country. Special purpose zones in marine parks will continue to be identified through the well-established consultative marine park planning processes that require the approval of the Minister for Environment and the concurrence of the Minister for Mines and Petroleum and the Minister for Fisheries.

The bill also includes amendments that clarify the regulatory framework for the management of section 8C lands. Section 8C provides for unallocated crown land and unmanaged reserves to be managed by the CEO responsible for the CALM act, with the CEO's management functions for the land specified in the order. Crown land remains subject to the provisions of the Land Administration Act 1997 and its regulations. The amendments will clarify that the CALM act and its regulations will apply only to the extent specified in the section 8C order. Specifically, part IX of the CALM act, which provides for compliance and enforcement, and the Conservation and Land Management Regulations 2002 will apply only to land subject to a section 8C order if the section 8C order specifies that they apply. Similarly, a function of the CEO in section 33 of the CALM act will apply only if it is specified in the section 8C order.

Other amendments that the bill will make are administrative in nature and will update and modernise the CALM act in accordance with the government's goal of pursuing legislative reform to reduce red tape and ensure that legislation operates efficiently. These include amendments that will remove the requirement for permit and licence forms to be prescribed and other amendments to address miscellaneous minor anomalies and omissions.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper [353](#).]

Debate adjourned, pursuant to standing orders.