

## **CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 1999**

### *Council's Amendments*

Amendments made by the Council further considered from 20 September.

### *Consideration in Detail*

Debate was adjourned after Mrs Edwardes (Minister for the Environment) had moved that the amendments made by the Council be agreed to.

Dr EDWARDS: . I made a comment yesterday about amendment No 20 made by the Council; that is, the clause deleting the lines referring to the name change from the Department of Conservation and Land Management to the Department of Conservation. As I said when we debated the Forest Products Bill, the Opposition is a little amused about this amendment. I ask the minister whether people were notified that this change would take place? I had an opportunity in July to take a week's holiday in a tent at Monkey Mia. I commend CALM on the excellent work it has done there; it is stunning. The same comment applies to the national park in that area. However, I ask the minister that question as I noticed some of the tourist pamphlets referred to the activities of the Department of Conservation and I wondered whether the tourist bureaus had written those pamphlets or whether they had received correspondence from the department that a name change was anticipated, given that the Government advertised around May for appointments to the Conservation Commission.

Amendment No 22 corrected a drafting error. The rest of the amendments are basically consequential.

In closing I comment on Australian Labor Party concerns about the Bill. The first concern relates to a motion we moved to include some objects at the commencement of the Bill to clarify its purpose and the role that Aboriginal people play in conservation. Unfortunately, those amendments were rejected; that was a sad occasion. Western Australia is the only State in Australia that does not specifically mention in the Bill its indigenous people in the management of the conservation estate. Some minor changes were made to the Bill that refer to the Conversation Commission. However, those changes do not go to the extent that Aboriginal people want nor to the extent of similar legislation in other States.

The second point I make is about an amendment the Labor Party moved but which failed in the other place.

Mr KOBELKE: As we are treating the amendments en bloc, obviously our opposition spokesperson in this area needs a bit more time. Having got the call, I will sit down and listen to the contribution by the member for Maylands.

Dr EDWARDS: The Opposition wants the chairman and the Conservation Commission to have more independence from the Minister for the Environment than is recommended in the Bill. We tried to move an amendment to that end in this Chamber and again in the other place. We accepted the advice we received from parliamentary counsel in the two Chambers about making the amendments more sensible and increasing their clarity. With this amendment we believed we should try to not have these bodies and the chairman subject to ministerial direction. I read the comments of Hon Peter Foss in debate in the other place and, although I can see the logic of his argument, I do not concede his point. We continue to believe that the chairman and that body need to be independent of ministerial direction.

I will not go over forest management plans in detail as they were the subject of long debate in this Chamber. A committee in the other place examined the Bill and some of the issues raised. Interestingly, the committee came up with only two unanimous recommendations. It was interesting to see that committee go away and try to resolve some of the issues, yet it was unable to resolve them except in a couple of minor areas.

The ALP is concerned that the Bill gives the Minister for Forest Products the potential to override the Minister for the Environment in the finalisation of forest management plans. We understand the Government has a different view, which was again spelt out in the other place. However, we maintain our view that the Minister for Forest Products can potentially override the power of the Minister for the Environment in the way the Bill is drafted, which is not possible in the current situation. Currently, the Minister for the Environment has the final decision-making ability. I express my concern again that in all the briefings we had on this issue - a number specifically on this issue - I was never able at the end of the day to see a clear flow chart that showed what happened. Indeed, the Minister for the Environment in this Chamber corrected a flow chart that previously had been given to the Opposition which, in some ways, added to the confusion of the meaning of those parts of the Bill.

The Opposition continues to have an ongoing concern about the role of the Minister for Forest Products. We accept that it is a marginal concern. However, generally speaking, if the Government worked internally in a constructive manner, this problem would not exist. We believe the Bill continues to set up a potential for

conflict. We will watch with great curiosity what happens now that CALM is about to be split. A great deal of cultural change is occurring in the organisation under the leadership of Wally Cox. I appreciate that to some extent I have received more information than I have been able to receive in the past. The newly constituted CALM faces many difficulties, probably its greatest difficulty being the perception about its work. The Opposition believes that changing the name to the Department of Conservation was a fruitful step towards addressing those perceptual fears.

As I explained earlier, the Opposition believes there are still some internal tensions and conflicts in CALM's organisation in its newly reconstituted form. We will therefore watch how they are dealt with, how they will be teased out and how the public will be made aware that CALM recognises those conflicts but has structures in place to manage them. Obviously, in any agency there will always be some conflict; one does not expect CALM to totally tease out all the conflicts. However, it is important to have all the mechanisms in place that recognise the conflicts, that indicate that people are aware of them and that they are being addressed.

In conclusion, it has been a fruitful exercise to have had so many briefings before debate on the Bill began, and I thank the minister for that opportunity. We have had many productive discussion about the Bills but at the end of the day the Opposition is left with a major concern about the role of the Minister for the Environment and the potential for the Minister for Forest Products to override the Minister for the Environment on environmental concerns in the compilation of forest management plans.

Mrs EDWARDES: I thank members opposite for not only their contribution to the debate, but also their participation in the development of the legislation. Although there are still a number of what the member for Maylands refers to as "not substantive issues" but issues of concern in members' understanding of how the process will operate between the Minister for the Environment and the Minister for Forest Products, and which will also incorporate the Minister for Water Resources, generally the briefings in the debate helped to contribute to good legislation. It is significant legislation to split the functions between conservation and native timber harvesting, which is the key area. It is not an overall review of the operation of the Act. When the Opposition wanted to include other aspects in the legislation by way of amendments, which were outside the current brief in the separation of functions, I indicated at the time that we would look at that when the Act is reviewed. We have every intention of incorporating into our legislation the role of indigenous people, as that is the commitment I gave, and discussion is already taking place with the Aboriginal community on how that will be progressed.

I do not know whether tourism agencies or operators have been advised of the split of the name. I doubt that any instructions would have gone through, because it was always subject to the progression of the legislation through Parliament. Clearly it has been in the public arena for quite some time - in excess of a year - and, as such, they might have taken it on their own backs to do so. Keeping the name the "Department of Conservation and Land Management" will save money. We will not need to change all those wonderful signs around the State. CALM has a very good reputation in the areas of conservation, marine management and the like. The conflict has occurred only in the timber harvesting area. This is a period in which history will show there was a change of culture within the organisation, not just as a result of the split of the functions, but also in recognition of the level and need for community awareness and involvement. Through the leadership of Dr Wally Cox, that is starting to progress. As such, I have great confidence in the organisation. I commend the level of loyalty and commitment of all the staff of CALM whether they will be in the new Department of Conservation and Land Management and/or the new Forest Products Commission. Every one of them with whom I have had the pleasure of dealing, wherever I have travelled throughout the State, has exhibited a great amount of commitment and loyalty to the job that he or she undertakes. They take very seriously their role and, in the event of any criticism of their role and function, they attempt to address that in the best possible way. For all of that, I commend the staff of CALM. They have always done a superb job, which is far beyond the call of public servants with the amount of time and commitment they give to this task, and one for which we could not pay.

This is significant legislation to split the functions. I look forward to seeing the ongoing outcome of the splitting of the functions between the two agencies and the level of increasing involvement and awareness of the community.

**Question put and passed; the Council's amendments agreed to.**

**The Council acquainted accordingly.**