

RESERVES (WANJARRI NATURE RESERVE) BILL 2011

Committee

Resumed from an earlier stage of the sitting. The Chair of Committees (Hon Matt Benson-Lidholm) in the chair; Hon Wendy Duncan (Parliamentary Secretary) in charge of the bill.

Clause 3: Reserve 30897 amended —

Committee was interrupted after the amendment moved by Hon Robin Chapple had been partly considered.

Hon ROBIN CHAPPLE: I was making a point in relation to the rationale behind supporting the amendment standing in my name. I think one of the other issues we need to deal with is that when we actually look at the amount of money that is to be provided, we are initially talking about \$500 000 and potentially a further \$2 million by 2017. My view is that if we are talking about 2017, and the minister has only identified the fact that this money is to help facilitate that negotiation, we might not actually be doing anything about the amalgamation of the new area into Wanjarri Nature Reserve until 2017. Therefore, I hope this amendment will actually help facilitate some speed and direction to the Department of Environment and Conservation, BHP and the native title parties to get this exchange of land dealt with as quickly as possible. I think that support for the amendment in my name would enable or facilitate the earlier entry of this area into the Wanjarri Nature Reserve.

Hon SALLY TALBOT: I will now say what I attempted to say during discussion on clause 2, which was the wrong place to say it. The parliamentary secretary has indicated the government will not support the amendment moved by Hon Robin Chapple. Could the parliamentary secretary indicate whether she agrees with the substance of what Hon Robin Chapple is trying to do? It seems there is a problem with the way that he is trying to do it, but the intent is one that I heartily endorse. Could the parliamentary secretary indicate to the chamber whether she is prepared to contemplate an alternative amendment that would have the effect of doing what Hon Robin Chapple is seeking to do; that is, to contrive a mechanism whereby we do not end up with uncertainty about the swapping element of this measure, which is essentially a land swap?

Hon WENDY DUNCAN: The amendment is inconsistent with the agreement that has been signed. If this amendment was passed, there is no guarantee that we would get the money from BHP or that the process would go through. I have already indicated, in my response to the second reading debate, that the government will not support this amendment. I do not think I really need to say much more on that.

Hon SALLY TALBOT: Although the parliamentary secretary has addressed in some length the question of perceived lack of consultation with the traditional owners, I understood her to say in her wrap-up of the second reading debate that the minister had indeed received a letter from Kado Muir and the other TOs but a response had not yet been made to the TOs. I absolutely do not want to call into question at all the parliamentary secretary's commitment to this process.

What I am about to say should not be taken as any reflection on her intent personally. I know from my engagement with the parliamentary secretary over the years since she has been a member of this chamber that she has that kind of connection to country that puts her in a position in which she speaks about matters to do with country with some authority and experience, which will be respected by the Indigenous population in those areas. I put it to her that we cannot guarantee that this will continue to be the case. People with carriage over the implementation of this measure may not have the same knowledge, experience and understanding of these crucial matters as she does. I do not expect the parliamentary secretary to address that—at least not without blushing!—but I am really not casting any aspersions over her integrity in this matter. Sadly, history has borne out facts that illustrate we cannot legislate on the basis of assumed goodwill into the future. If the parliamentary secretary retains a position of some influence over these things—which I desperately hope is not the case; again, that is nothing personal—she would act with integrity. That is not necessarily the case.

Hon Robin Chapple has been very careful not to create the impression that people are desperately unhappy or fiercesomely opposing these measures; that is not the case. As I understand it, and as others have reported to the committee, the TOs are reasonably satisfied with the proposed arrangement, except in this one crucial area of nailing down this very last piece of certainty about whether it will happen. That is not a trivial point. I agree, and I have already put on record the fact, that the opposition does not think Hon Robin Chapple's proposed amendment is an ideal way to resolve this situation; nevertheless, the opposition will support the amendment in light of the government's failure to come up with a better way to solve what we all agree is a problem.

Hon ROBIN CHAPPLE: I am going to stand; I found it most peculiar sitting! I get used to standing to make statements; something about being grandiose or whatever.

I thank Hon Sally Talbot for her support of the proposed amendment. I again reiterate to the parliamentary secretary that this amendment will provide some surety about what is proposed. As I originally pointed out, there is nothing within the proposed legislation that identifies there will be a land swap. It is in the agreement and it is stated in the explanatory memorandum, but, as we have already heard from the Department of Environment and Conservation's in-house briefing, and from BHP, it may not happen. If it "may not happen", then unfortunately I am concerned. Having said that, I would like to thank Hon Sally Talbot for her support of the amendment. If the parliamentary secretary can come up with another way, I am not precious. If she could come up with something that would make it a surety, I would be more than happy to drop my amendment and hear what the parliamentary secretary may or may not come up with.

Hon WENDY DUNCAN: I reiterate: there is a legally binding agreement. In this state and nation of ours I believe that we should have faith in such things.

Amendments put and a division taken with the following result —

Ayes (12)

Hon Matt Benson-Lidholm
Hon Robin Chapple
Hon Kate Doust

Hon Sue Ellery
Hon Jon Ford
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot

Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Jim Chown
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman

Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden

Hon Col Holt
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien

Hon Max Trenorden
Hon Ken Baston (*Teller*)

Pairs

Hon Adele Farina
Hon Ken Travers
Hon Helen Bullock

Hon Brian Ellis
Hon Robyn McSweeney
Hon Peter Collier

Amendments thus negated.

Progress reported and leave granted to sit again at a later stage of the sitting, on motion by Hon Norman Moore (Leader of the House).