

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2020

Second Reading

Resumed from 11 November.

MS L. METTAM (Vasse) [3.30 pm]: I rise to complete my contribution, which will be very brief, on this bill. From the outset, I once again say that we are supportive of the bill. Quite clearly and as I have already stated, some outstanding concerns have been raised that require clarification for many parts of the fishing industry. The fishing industry would like some clarification on what these proposals mean for its livelihood, its current takes and the current management of our marine parks. We have already seen some significant changes to fisheries management, and the sector is supportive of a scientific approach to fisheries management. The feedback that I have had is that the fishing industry is supportive of what the joint vesting with Aboriginal bodies would mean, but it would like some clarification on the definitions in the future management.

I take this opportunity to say that many in the sector are already bracing for the two new marine parks and what the amendment to the Reserves (Marmion Marine Park) Act 2019 will mean. A number of commercial fishers are seeking clarification on the outcome of the outstanding compensation needs and the response to the creation of the Ngari Capes Marine Park in April 2018. I appreciate that that issue is not specifically related to this bill. I raised this in the estimates process, but there is an outstanding concern about when those matters will be resolved and whether the government's approach to those matters will follow what has already been detailed and outlined in the Fishing and Related Industries Compensation (Marine Reserves) Act 1997 as it relates to compensation.

I take the opportunity to thank the advisers who provided me with a briefing on this bill at short notice when it was first introduced into the Assembly: from Minister Dawson's office, Kimberly Onton and Darren Forster; Julian Hilton from Minister Kelly's office; and Brendan Dooley, Sophie Moller and Peter Sharp from the Department of Biodiversity, Conservation and Attractions. They were all extremely helpful and very much forthcoming with any answers and clarifications that were required, so thanks again. I will leave my comments there and I look forward to further clarification when time permits.

MS C.M. ROWE (Belmont) [3.34 pm]: I am pleased to stand and make some comments in support of the Conservation and Land Management Amendment Bill 2020. I take the opportunity to congratulate the Minister for Environment for bringing this important bill before us today. This bill protects the rights of traditional owners over their land and sea country and I am incredibly proud that the minister and our government are championing it here today.

This bill reflects the importance of recognising the ancient and ancestral knowledge of land and sea across Australia by Indigenous Australians. Importantly, it provides a contemporary mechanism for traditional owners to retain rights to joint management. Committed to ensuring and protecting the engagement of traditional owners in the management of Western Australia's conservation reserves, this bill will acknowledge and protect the rights of Indigenous Australians through increased consultation and the recognition of Indigenous leadership in land management, by supporting participation in economic activities on country and the joint vesting of marine parks.

The Conservation and Land Management Amendment Bill 2020 delivers on the McGowan government's election commitment to enable joint vesting of marine reserves with traditional owners. Undoubtedly, some of Australia's premier tourist destinations are located right here in WA, as many of us know and enjoy them. We have beautiful destinations dotted all along the coast from Jurien Bay to Kalbarri, Ningaloo Reef, Exmouth and beyond. Whilst ensuing tourist access to camping and recreational opportunities, it is our responsibility as a state government to work with traditional owners to protect the phenomenal natural and cultural values of marine parks, marine nature reserves and marine management areas.

As I just mentioned, one of the most important amendments within this bill relates to joint vesting. In 2015, the Conservation and Land Management Act 1984 was amended to permit joint vesting of certain terrestrial reserves—that is, national parks—with the Conservation and Parks Commission and an Aboriginal body corporate. The proposed joint vesting amendment within the bill will extend this joint vesting arrangement and enable marine reserves—that is, marine parks—to be jointly vested between the Conservation and Parks Commission and an Aboriginal body corporate, in the same way as national parks, nature reserves and conservation parks. Importantly, vesting formally recognises traditional owners' interest in country by recording this relationship on the reserve title. It will also legally recognise a joint responsibility between the state, through the Conservation and Parks Commission, and traditional owners over waters or land or both. This will mean that the interests of both entities are recognised and that both parties will have shared responsibility for the future of the reserve. Current and new marine reserves will be eligible for joint vesting, and the state government will ensure that when consideration is given to the vesting of a reserve, the priority will rest with Aboriginal people on lands and waters where native title has been determined in their favour.

[Quorum formed.]

Extract from Hansard

[ASSEMBLY — Thursday, 12 November 2020]

p7946b-7950a

Ms Libby Mettam; Ms Cassandra Rowe; Mr Simon Millman

Ms C.M. ROWE: As I was saying, the current and new marine reserves will be eligible for joint vesting. As I mentioned, the priority will rest with Aboriginal people on lands and waters for which native title has been determined in their favour. I think that is a really important element of this bill that sends a really clear message that our government recognises and supports the desires of Aboriginal people to contribute and share their knowledge of the management of marine parks and marine nature reserves while simultaneously acknowledging the value that the parks and reserves have to Aboriginal cultural heritage.

In addition, the Conservation and Land Management Amendment Bill 2020 ensures greater recognition of the rights of Aboriginal people by increasing the purpose of marine parks to include the protection and conservation of the value parks have to the cultural heritage of Aboriginal people. Currently, the reservation purposes for marine parks provided for in the Conservation and Land Management Act allow for only recreational and commercial activity that is consistent with the proper conservation of the natural environment, the protection of flora and fauna and the preservation of any feature of archaeological, historic or scientific interest. Under the bill, a fourth purpose is to be included so that the protection and conservation of the value of a marine park to the cultural heritage of Aboriginal people will be part of the reservation purposes. This means that special purpose areas can be made to ensure the protection and conservation of Aboriginal cultural heritage values, and that these values can be taken into consideration when determining what is incompatible land use. This will ensure that special purpose areas can be made when commercial and recreation activities are deemed to be incompatible with an Aboriginal customary purpose, which will further allow for the conservation and protection of Aboriginal cultural heritage. This amendment delivers on our commitment to support, protect and enhance the rights of Aboriginal people, as it will ensure that Aboriginal cultural heritage and values are taken into consideration when determining the compatibility of commercial and recreational land use.

In addition to amendments to joint vesting and compatible land use, the bill will ensure that our government leaves a lasting legacy for future generations by significantly increasing the conservation estate. I am really proud that our government is taking that seriously. The Plan for Our Parks will secure a further five million hectares of new national parks, marine parks and other conservation reserves over the coming five years. The extra five million hectares will see our state's conservation estate increase by over 20 per cent. This is incredibly significant. At a time when intrastate tourism is booming, the Plan for Our Parks will further increase and support tourism in Western Australia by providing additional opportunities for the expansion of nature-based and cultural tourism and recreational activities. That is fantastic and something all of us in this chamber should support. The five million hectares of new national parks and marine parks is the single biggest increase in the conservation estate in Western Australia's history. Such a commitment will ensure that we protect Western Australia's unique natural environment whilst also leaving a positive environmental legacy for future generations. The new and expanded parks will enhance biodiversity conservation, including habitat for many threatened and uniquely Western Australian native animals and plants, whilst also creating more opportunities for Aboriginal joint management and on country jobs, which is incredibly important.

I am really proud to be part of a government that is committed to our environment and the rights of traditional owners to land and sea country. I commend the bill to the house.

MR S.A. MILLMAN (Mount Lawley) [3.43 pm]: I rise to make a brief contribution in support of the Conservation and Land Management Amendment Bill 2020. I start by commending the member for Belmont for her excellent contribution to the debate. Her passion for both the natural environment and the rights of Aboriginal people shone through in her contribution. This bill brings together those two issues, which are very dear to my heart and to the hearts of constituents in Mount Lawley. The bill brings together the conservation of our natural environment and the protection, preservation and promotion of Aboriginal cultural heritage.

Members are already aware of the strong spiritual connection of the Whadjuk people of the Noongar nation with the area I have the joy of representing, from Yokine in the north west of the electorate, a suburb that derives its name from the Whadjuk Noongar word for dog, down to the banks of the Swan River, or Derbarl Yerrigan, near Joel Terrace and Banks Reserve in Mt Lawley and East Perth. In fact, the suburb of Mt Lawley is known in Whadjuk Noongar as Jingiderdup. I might have mentioned previously in this chamber that that means "place of the honeyeater". It recognises the prolific number of honeyeaters that inhabited our wonderful parks and bushlands.

I have spoken previously in this place about the terrific support of our local community for our policy of creating ranger parks, and my gratitude to members of our local community who worked together to create the wonderful artwork that currently hangs in my office. It was painted by the community in support of our Create Ranger Parks policy. During a debate in 2018, I said —

... during the course of the campaign leading up to the March 2017 election, an organisation that was very active throughout Western Australia, particularly in my community of Mt Lawley, called Create Ranger Parks, put on a stall one day at Hyde Park.

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p7946b-7950a

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I know that the Minister for Tourism and the members for Baldy and Belmont would have seen this organisation Create Ranger Parks active in their local communities as well. My contribution continues —

An artist was helping members of the community contribute to a community-oriented work of art in order to support, encourage and promote the campaign that was being run. This giant dot painting was designed by Indigenous artist Neta Knapp and proudly completed by over 200 Mt Lawley residents in support of the campaign to create ranger parks. Create Ranger Parks is a community based initiative to create a major network of new national parks managed by Indigenous rangers for all Western Australians to enjoy.

I strongly support the work done by Create Ranger Parks. I am incredibly gratified to be part of the McGowan Labor government and to know that that policy was implemented after the election in March 2017.

I turn to the comments made by the parliamentary secretary in his second reading speech about what this legislation will do. I find myself saying this quite frequently when I stand to speak in support of legislation being introduced: this act will give effect to another election commitment! It seems so often that I stand to say, “This is another piece of legislation that gives effect to an election commitment.” It is such a feature of the McGowan government that we have been able to introduce so much legislation that gives effect to all those promises we made to the people of Western Australia, because, members, we stick to our word. Before the last election we stated —

At its heart, A McGowan Labor Government will protect the rights of Traditional Owners to their land and sea Country. We will recognise rights —

I think the member for Dawesville needs a Strepils —

through improved consultation, recognition of indigenous leadership in land management, supporting participation in economic activities on Country, and the joint vesting of marine parks.

Have a drink, member. The second reading speech states —

The amendments in this bill extend the joint vesting provisions to marine parks, marine management areas and marine nature reserves.

I want to touch on marine nature reserves. I was speaking before about art and the painting commissioned by Create Ranger Parks that hangs in my electorate office in Mt Lawley. But another wonderful work of art hangs in Parliament House. It is called *The Round House* and hangs in the Aboriginal People’s Gallery on the second floor. People would have seen it as they come out of the lift.

The ACTING SPEAKER (Margaret Quirk): Christopher Pease, I think, member.

Mr S.A. MILLMAN: That is the one, Madam Acting Speaker. It is *The Round House*, oil on canvas, 2017, by Christopher Pease. The notation says —

The painting is based on a work by Wallace Bickley. The etching and aquatint entitled “View of Fremantle, Western Australia (from the Canning Road)” was created in 1832 and depicted a panoramic view of Fremantle.

In the artwork by Christopher Pease —

The Wagul rises from the water like a giant sea monster ready to engulf passing ships. The foreground of the painting is overrun with white rabbits (a metaphor for the introduction of western beliefs, eroding and destroying indigenous way of life as well as the environment). On the street is a chain gang being escorted to the “Round House”, an infamous jail that was the drop off point from which indigenous people were shipped to Wadjemup (Rottnest Island).

I bring that to the attention of the house because it shows how important the connection to water is for the traditional owners. That is why this legislation and the emphasis that it places on water is important. The amendment contained in this legislation carries that forward. That is an important and worthwhile endeavour. For those reasons, the recognition that is contained in this legislation about the importance of Aboriginal culture and history is important.

The other important aspect is that it reflects the commitment of both the community of Western Australia and also my local community of Mt Lawley to our natural environment. Mt Lawley has been established for a very long time, but there are some wonderful pockets of remnant bushland in Mt Lawley and I will speak briefly about three of those. Next to the Coolbinia Primary School is a great area and there is another just behind Terry Tyzack Aquatic Centre on Alexander Drive. I share another, Inglewood Triangle, with the member for Maylands. Each of those pockets is well cared for and nurtured by local “friends of” community environment groups. I sing the praises of those groups and the members who volunteer much of their time. That is the first indication of the commitment and passion the people of Mt Lawley have to our natural environment and it is something I endorse, support and encourage. It is an intergenerational commitment.

I want to let members know about a fantastic event that the parliamentary secretary and I were lucky enough to attend on Monday night. Catrina-Luz Aniere, a constituent in the seat of Mount Lawley, is CEO of Millennium Kids,

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p7946b-7950a

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which has been running for about 25 years. That organisation is dedicated to providing the forum in which young Western Australians have an opportunity to have their say about what is important in the environment and what they would like to see happen. On Monday night, among a bunch of other things that were being done, they promoted Indigenous custodianship and stewardship of our natural environment and a citizens' assembly to discuss tackling climate change, and they launched the Green Lab Challenge. They had a Zoom link with environmentalists in the United Kingdom and they recounted some of their incredible, terrific achievements over the past 25 years. That demonstrates that currently the people of Mt Lawley and the people of Western Australia have a fantastic commitment to protecting and preserving the environment, and that is an intergenerational commitment. Being at that Millennium Kids meeting with the parliamentary secretary, I saw firsthand just how the next generation will take up that torch and carry on that endeavour to make sure we protect and nurture our natural environment.

There is only one section of the bill I want to comment on particularly; that is, amended section 13B(1). This brings me back to the point I made earlier. This amended section includes the protection and conservation of the value of marine parks to the culture and heritage of Aboriginal people. Other members have commented on this provision. This is a very important provision when regard is had to the importance of the marine environment to the culture and heritage of Aboriginal people. It is imperative that this provision is incorporated in this bill and remains in this bill. Although I accept that other people have commented on that, this bill is directed precisely to the incorporation of Aboriginal heritage into our marine environment.

I am incredibly proud of all the work the McGowan government is doing to invest in our environment as part of the COVID-19 recovery. Hon Stephen Dawson, Minister for Environment, said an economic and environmental recovery package had been put together. Some \$60 million has been set aside for environmental programs, including \$25.6 million for our Plan for Our Parks initiative, which aims to create 5 million hectares of new national parks across WA; \$3.35 million for Wellington National Park near Collie; \$8.4 million for Kalgulup Regional Park near Bunbury; \$6.7 million for Ningaloo coastal reserves; and \$13.8 million for the newly created Houtman Abrolhos Islands National Park. A \$4.7 million commitment has been made to the container deposit scheme. Members should consider the ban that will be placed on single use plastic bags and the aspirational endeavour that a re-elected McGowan government will have to significantly reduce single-use plastics over the next half decade.

As though that were not enough already, in addition to all of that, \$60.3 million will be invested by the McGowan government in the Green Jobs plan during the next three years. As this bill brings together two important issues of Aboriginal culture and heritage with protecting the natural environment, that \$60 million investment brings together protecting and preserving the natural environment with creating WA jobs which, as everyone knows, is our number one priority. The Green Jobs plan will support projects that protect our environment and create more than 1 000 conservation jobs across the state. The WA recovery plan includes also a \$10 million investment in the clean energy future fund to support clean energy projects in Western Australia in addition to the \$9.3 million previously announced. What is great about this legislation is that when we combine all of those investments in such important endeavours as protecting the environment and creating jobs in those ways, it is clear that the Aboriginal people of Western Australia will be significant beneficiaries of that. I say that for two reasons: first, because they will have the opportunity to enhance and promote Aboriginal culture and custom. Second, they will have an opportunity to take advantage of the significant extent of Western Australia that is now the subject of native title, as the Minister for Aboriginal Affairs said during question time; that is, on the one hand preserving the culture, heritage and tradition of Aboriginal people, strengthening the Aboriginal community, and on the other hand, having access to those new jobs in the environment, the green and renewable energy sector. Members can see exactly how that works through the ranger parks and Indigenous ranger programs the government created.

This amending bill is just further evidence of the McGowan government's commitment to both creating and promoting jobs in the Aboriginal community and also protecting our environment. That commitment has been with this government from 2017 and will continue for as long as we are in office. It is a commitment that is worth remembering now, in the midst of NAIDOC Week. As we come to mark NAIDOC Week, we are reminded of the importance of Aboriginal reconciliation and we are reminded of the role we all play in recognising how we can build stronger links with the Aboriginal community. One of the ways we can do that is by putting aside the history of antipathy, antagonism and argument over custodianship of the land. That is why I am proud of this year's NAIDOC Week slogan. It is that slogan that I want to end my contribution on, by saying that it always was and it always will be Aboriginal land. I commend the minister, I commend the parliamentary secretary and I commend the bill to the house.

Debate adjourned, on motion by **Mr D.R. Michael**.

House adjourned at 3.58 pm
