

BIODIVERSITY CONSERVATION BILL 2015

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Donna Faragher (Minister for Planning)**, read a first time.

Second Reading

HON DONNA FARAGHER (East Metropolitan — Minister for Planning) [12.35 pm]: I move —

That the bill be now read a second time.

It is my very great pleasure to introduce the Biodiversity Conservation Bill 2015. This is a significant day for all Western Australians because it marks the introduction of a bill in this house that has been decades in coming to fruition. Many governments have pledged over the years to replace the Wildlife Conservation Act 1950 with updated biodiversity conservation legislation, and I am proud to be a part of a government that is doing so today. I am also proud because today the government is delivering on a commitment it made to the people of Western Australia during the 2013 election to introduce such modern legislation.

This bill will repeal and replace two outdated, out-of-step and inadequate acts: the Wildlife Conservation Act 1950 and the Sandalwood Act 1929. The Wildlife Act was created in an era when the concept of biodiversity, as we now know it, did not exist. Understandably, the Wildlife Act has struggled, and in some instances failed, to provide the legislated basis needed for biodiversity conservation, including the conservation of our unique species of plants and animals, the habitats they depend on and form a part of, and the processes that operate between them. The Sandalwood Act is even older than the Wildlife Act, which can be seen in the legislation's current maximum penalty of \$200 for illegal activity involving a raw material worth between \$10 000 per tonne and \$15 000 per tonne. The Sandalwood Act has proven to be inadequate for the management of native sandalwood. In recent years, we have seen the extent of unlawful harvesting, which is devastating for those involved in the legitimate trade and for the future of the sandalwood industry. By replacing the Wildlife and Sandalwood Acts with modern provisions, this bill builds on established and widely accepted principles for conservation, while introducing significant regulatory reforms that will reduce red tape and unnecessary bureaucratic intervention in the lives of many Western Australians.

The bill ushers in a new era for conservation by introducing a contemporary legislative basis for conservation actions, the listing and recovery of threatened species, recognition of threatened ecological communities, positive biodiversity conservation covenants to recognise and facilitate private efforts for biodiversity conservation, and numerous other new features. Very significantly, the bill replaces a punitive and highly regulatory Wildlife Act with a more balanced approach involving encouragement and facilitation for conservation efforts, along with awareness-raising and assistance, all backed up by significant disincentives for those who contemplate wildlife smuggling and the like. The bill has been developed to provide legislation that will not get in the way of those seeking to do the right thing by our biodiversity, while providing very significant penalties for those who do the wrong thing. In particular, this bill proposes major penalties of up to \$500 000 per offence for those seriously impacting critically endangered species, up from a maximum of \$10 000 under the Wildlife Act. It also provides for a maximum penalty of \$200 000 for an individual smuggling sandalwood and \$1 million when the offence is committed by a corporation. These are very major increases over the current \$200 penalty in the Sandalwood Act.

Overall, the bill provides for more efficient, simplified and clearer decision-making processes in keeping with government policy. The new initiative of ministerial guidelines will provide clarity for everyone on how decisions are going to be made for matters such as listing and delisting threatened species and how people can have input into these.

Another significant feature of the bill is the provision for biodiversity management programs and recovery plans. Such programs and plans will provide not only a new level of certainty and security for management arrangements, but also opportunities for state management arrangements to be accredited under the commonwealth's Environment Protection and Biodiversity Conservation Act 1999, meaning that operations undertaken in keeping with such arrangements can be exempt from approval requirements under the commonwealth act. The bill also includes the capacity for courts to require repair of significant biodiversity conservation damage as an alternative to, or in addition to, fines. This will provide a further disincentive to people considering damage to the most important habitat sites. The bill also includes provisions for the identification and control of environmental pests that are intended as a fail-safe mechanism when it is not more appropriate to use the provisions of other legislation, such as the Biosecurity and Agriculture Management Act 2007 and the Fish Resources Management Act 1994.

This bill is the result of an extensive consultation process that started in 1992 with the release of a green paper for public comment. This was followed in 2002 with a consultation paper that attracted widespread community

support. In 2004, comments were sought from 50 government agencies. These were incorporated into draft bills prepared in 2005 that have provided the basis for the current bill. This bill delivers on the government's commitments to removing unnecessary red tape and bureaucracy, while also providing the regulation and protections necessary to meet community objectives and expectations about the conservation of this state's biodiversity.

The bill I present today is the result of many years of hard work and effort, building on previous work undertaken by both sides of Parliament, as well as extensive community and stakeholder consultation. Even though some of the public consultation occurred several years ago, the policy issues that the bill addresses remain relevant. The bill has also been subject to intensive review within government. It provides for recognition of other legislation to avoid unnecessary duplication of approval requirements, which is, unfortunately, one of the poorer features of the current Wildlife Conservation Act. As an example, the decision-making under the act recognises decisions under the clearing provisions of the Environmental Protection Act 1986. The bill will also recognise clearing authorised under the Mining Act once the Mining Legislation Amendment Bill 2015 is passed through Parliament. Other legislated authorisations will also be recognised, including through regulations to be made under the proposed act.

As I stated at the outset, the introduction of this bill meets an election commitment that was made by the Liberal Party in 2013. It also delivers on the comments made by the Premier on 17 February this year in his statement to Parliament about the government's legislative priorities. On that day, the Premier stated that a new biodiversity bill would be one of the most important pieces of legislation to be introduced into this Parliament. I could not agree more with that statement, and I am very proud to now commend the bill to the house.

Pursuant to Legislative Council 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 4300.]

Debate adjourned, pursuant to standing orders.

The ACTING PRESIDENT: We now move to order of the day 3, Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2016—Disallowance.