

CONSERVATION LEGISLATION AMENDMENT BILL 2010

Introduction and First Reading

Bill introduced, on motion by **Hon Helen Morton (Parliamentary Secretary)** on behalf of the Minister for Environment, and read a first time.

Second Reading

HON HELEN MORTON (East Metropolitan — Parliamentary Secretary) [5.59 pm]: On behalf of the Minister for Environment, I move —

That the bill be now read a second time.

Sitting suspended from 6.00 to 7.30 pm

Hon HELEN MORTON: The purpose of the Conservation Legislation Amendment Bill 2010 is to amend the Conservation and Land Management Act 1984—the CALM act—and the Wildlife Conservation Act 1950. The amendments to be made to the CALM act include the replacement of the provisions for the voluntary land management agreements that presently enable land or waters to be managed by the Department of Environment and Conservation’s chief executive officer, but that do not enable joint management with another party or parties. Joint management agreements are currently beyond the powers of the CALM act. Under the bill, this deficiency will be corrected and joint management agreements over private and other land will be made possible, including those committed to under the Burrup and Maitland Industrial Estates Agreement of 2003, the Ord final agreement of 2005 and the Yawuru agreements for Broome signed on 25 February 2010. These types of joint management agreements provide for the joint management of private and other land as if it were a category of reserve such as a conservation park. The provisions of the CALM act will apply accordingly; however, other written laws are not affected by an agreement and those laws shall continue to apply to the land according to its underlying tenure. The bill also contains provisions to enable voluntary agreements to allow the CALM act to apply to crown lands, such as Aboriginal Lands Trust lands.

The bill provides consultation with the ministers for Mines, Fisheries, Forestry and Water and the relevant local government when voluntary management agreements are proposed. If the relevant area is crown land, the Minister for Lands must provide written approval or be a party to the agreement. Another significant amendment to be made to the CALM act under the bill is to enable joint management of reserves held by the Conservation Commission of Western Australia or the Marine Parks and Reserves Authority. This will be specified within a management plan and a joint management agreement. This joint management option for reserves is of particular significance to Aboriginal people who have aspirations to be involved in the management of lands to which they have a traditional connection. Providing for joint management over a wide range of lands under the CALM act will not only enable existing obligations to Aboriginal people to be met, but also provide a framework for future joint management agreements to be a part of negotiations for Indigenous land use agreements under the Native Title Act 1993 for the benefit of Aboriginal people, the state and, as applicable, third parties.

The bill will also provide formal recognition of the importance of land and waters to the culture and heritage of Aboriginal people. Currently, the CALM act is silent on this matter, but a new management planning objective that will apply to all lands subject to the CALM act is to be introduced. In meeting this management objective, there is to be no adverse effect on the protection or conservation of the land’s fauna and flora.

Providing this new management objective is complementary to protection available under the Aboriginal Heritage Act 1972, but it will not affect the administration or operation of that act, which will continue to apply to the preservation of Aboriginal sites and objects throughout the state. Furthermore, under the bill the term “Aboriginal customary purpose” will apply to the preparation or consumption of food, preparing or using medicine, engaging in artistic, ceremonial or other cultural activities, and engaging in activities incidental to these purposes. To this end, the bill will amend the CALM act to provide Aboriginal people an entitlement, subject to regulation, to carry out acts relevant to doing things for an Aboriginal customary purpose on reserves and other land managed under the act. The bill will also make a related amendment to the Wildlife Conservation Act by extending Aboriginal people’s current entitlement to take fauna and flora for food to taking fauna and flora for Aboriginal customary purposes.

The opportunity has also been taken to clarify the CALM act regulation head powers and the relationship of regulations made under the CALM act to regulations made under the Land Administration Act.

This bill will put in place the legislative framework to build greater partnerships with Aboriginal Western Australians and recognise the important role they have in protecting and conserving lands of cultural and environmental significance.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.