CONSERVATION LEGISLATION AMENDMENT BILL 2010

Second Reading

Resumed from 1 September.

MR W.R. MARMION (Nedlands — Minister for Environment) [1.11 pm] — in reply: I rise to conclude the second reading debate on the Conservation Legislation Amendment Bill 2010, and I begin by thanking the member for Gosnells, the member for Pilbara and the member for Rockingham for their support and comments about the bill.

The member for Gosnells raised four points in his contribution to the second reading debate; namely, the amendments in the other house, the concerns about notification of plans, the resources to manage plans, and, finally, how plans will be gazetted. The member for Pilbara had an issue with how conservation values could be put above Indigenous values. I responded by way of interjection, but I will deal again with that matter shortly. The member for Rockingham raised his concerns about national heritage listing.

I will begin by addressing the member for Gosnells' first point; namely that of the amendments in the other place. As he quite rightly pointed out, the bill was scrutinised in detail during the Committee of the Whole stage in the other house and, subsequently, some amendments were made. I will now describe those amendments because I think it is important that they are recorded in the *Hansard* for our house. Firstly, it was recognised that the Minister for Indigenous Affairs should be consulted on any proposed section 8A joint management agreement and on subsequent management plans developed for the management of section 8A land if the land includes an Aboriginal site under the Aboriginal Heritage Act 1972. This resulted in the insertion of an appropriate definition for the Minister for Indigenous Affairs in clause 4; the amendment of proposed section 8A(9) in clause 8 to include the Minister for Indigenous Affairs in the list of ministers to be consulted in order for a proposed section 8A agreement to have effect; and the amendment of clause 24 to include the Minister for Indigenous Affairs in the list of those to be consulted in the preparation of management plans, but only in the case of proposed section 8A land and if the area includes an Aboriginal site.

Secondly, by amending clause 16, the government made it clear that it is committed to recognising and managing the value of the land for the culture and heritage of Aboriginal people. The proposed amendment to section 33(2) in clause 16 sets out the objectives to which land is to be managed when there is no current management plan, and clearly states that the land must be managed to protect and conserve the value of the land to the culture and heritage of Aboriginal persons. It was identified, while in the other place, that such requirements did not extend to the management of land that has a management plan but that is subject to an exemption by the minister under proposed section 57A(2). Such an exemption allows a management plan to be approved in circumstances in which the plan is being unreasonably delayed by the requirement to ascertain the value of the land to the culture and heritage of Aboriginal persons. When an exemption is approved, the management plan is to state that it is subject to an exemption and the plan is to be amended or replaced as soon as practicable so that it addresses these values. When this anomaly was identified clause 16 was amended to ensure that in the period between the approval of a management plan, which is subject to a proposed section 57A exemption, and the time the management plan is amended or replaced to address those values, the land would still be managed with the objective to protect and conserve the value of the land to the culture and heritage of Aboriginal persons; therefore, fixing up the anomaly.

The final amendment made to this bill in the other place was to insert new clause 46 to provide for a review of the policy objectives of the amended act to be conducted as soon as practicable after five years after royal assent. It also provides for a report of this review to be laid before each house of Parliament, no more than two years after the review begins. As members can appreciate, despite the scrutiny it underwent in the other place only relatively minor amendments were required to the bill because the provisions it proposes are already detailed and comprehensive. However, I appreciate some members still wished to clarify some concerns and duly raised them in their contribution to the second reading debate.

I will now give a brief run down of why the government did not agree to some of the amendments proposed in the other place because I think it important that this house is aware of the government's position on those. Firstly, there was an issue about non-exclusive native title holders as the person responsible. It was proposed to amend new section 8A so that any determined native title holder would be a "person responsible" for eligible 8A land as opposed to only exclusive native title holders. A "person responsible" for any particular 8A land must either be a party to the proposed section 8A agreement or give approval of it.

The government did not support this amendment because it would incorrectly treat other native title holders as though they had the same rights as exclusive native title holders; that is, to possess, occupy, use and enjoy an affected area of crown land to the exclusion of others. For example, a non-exclusive native title determination for

a particular area may only be for the purposes of hunting and gathering. In these cases, non-exclusive native title holders do not have the right to exclude access to that area to all other people: that right is reserved for exclusive native title determinations. However, I must point out that nothing in the bill prevents non-exclusive native title holders, or for that matter any other Aboriginal person, from being party to an 8A agreement.

In terms of Aboriginal sites under the Aboriginal Heritage Act 1972, two amendments were proposed in the other place. The first aimed to negate the effect of a section 8A agreement unless the area had been subject to a preliminary survey for potential new Aboriginal sites as defined under the Aboriginal Heritage Act. The government considered that such a requirement would be cost prohibitive, particularly to private landowners or lessees who wished to enter into joint management agreements, including Aboriginal landowners or lessees, and would be likely to divert other management planning resources. The second amendment proposed to constrain the minister's power to approve any proposed management plan unless the land subject to the proposed plan had been subject to a preliminary survey for potential new Aboriginal sites. Such a provision would apply to proposed plans for all managed lands and require an extensive suite of surveys to existing managed land. Such reviews are already undertaken by the department in accordance with the Aboriginal Heritage Act when a proposed operation, such as the building of a road or lookout, may adversely impact the land. Therefore, this amendment was not supported by government.

In terms of specifying native title groups to be consulted, an amendment was moved to clause 8, proposed section 8C, specifying that the Governor could not make an order to place eligible land under the management of the chief executive officer of the Department of Environment and Conservation unless he or she was first satisfied that the minister had consulted with, firstly, the relevant native title holders or claimants, secondly, the relevant registered native title representative body, if any, and thirdly, the relevant registered native title service provider—if any. This amendment was negatived because, once again, the provisions of the Native Title Act already operate to ensure notification and consultation are undertaken. An order under proposed section 8C would be invalid to the extent that it is inconsistent with the provisions of the Native Title Act.

A similar amendment was put forward for new section 57A in clause 22, to specify who was to be consulted in ascertaining the value of the land to the culture and heritage of Aboriginal persons. This included native title holders, claimants, representative bodies and service providers, as well as any other Aboriginal person with an interest in that land. This amendment was subsequently negatived as the wording of proposed section 57A(1) was already deliberately constructed to enable the responsible body for the land to consult with any person with regard to determining the value of the land to Aboriginal persons; that is, it could consult as widely as possible with known relevant persons including Aboriginal persons. Native title claimants and representative bodies would be consulted as a matter of policy. This type of amendment was put forward another time for clause 23 amending section 57, but this time it related to the public notification requirements for a proposed management plan. It was not supported as this section already provides for extensive public notification when making plans available for consideration and submission.

Another amendment put forward in the other house related to stipulating funding appropriations. It was proposed to amend sections 8A and 56A to stipulate that the CEO of DEC must supply adequate funding from DEC's existing appropriations for the process of developing joint management agreements and for their implementation. These amendments were negatived in both cases as the government of the day determines the appropriation, albeit subject to parliamentary approval, and needs the flexibility to respond to changing circumstances and the priorities of the day. In addition, allocation of funding for an 8A agreement will be the subject of negotiations between the intending parties to an agreement that may or may not require the CEO of the department to make a contribution. Any proposed agreements are likely to also specify resourcing requirements that will need to be agreed to by all parties to the agreement. Similarly, allocation for funding for a 56A agreement will be the subject of negotiations between the intending parties to that agreement.

Several amendments were put forward in the other place relating to the protection of the scientific and educational values of the land. Those amendments attempted to specify this as a particular objective for management and planning under the CALM act. These amendments were not accepted for two reasons. Firstly, it was considered beyond the scope of the purpose of the bill. Such amendments could have significantly widened the potential impact of the legislation and resulted in unforeseen consequences because of the breadth of interpretation that can be given to scientific and education values of the land. Secondly, scientific values of the land are encompassed in the purposes for national parks, conservation parks and nature reserves under the CALM act.

Another amendment proposed in the other house was time limits on proposed section 57A exemptions. The final key amendment put forward in the other place related to clause 22, which empowers the minister to grant an exemption to the body responsible for preparing a management plan from ensuring the plan meets the objective to protect and conserve the value of the land to the culture and heritage of Aboriginal persons. Such an exemption can only be granted if ascertaining the value of the land to the culture and heritage of Aboriginal

people was unreasonably delaying the planning process, as I previously mentioned. Section 57A stipulates that if such an exemption is granted, the management plan is to state that it is subject to the exemption, and the plan must be amended or replaced either as soon as practicable after being exempted or within the period specified in the exemption. The amendment put forward in the upper house was that the limit of that exemption should be 12 months. This amendment was not considered necessary as it is given that the minister would not grant exemptions in a frivolous manner and it unreasonably constrained the discretion of the minister of the day in conferring sufficient time to enable the responsible body to ascertain the value of the land to the culture and heritage of Aboriginal persons, which could take longer than 12 months.

I would now like to address some of the specific issues raised by members opposite. The member for Gosnells requested some clarification on the interaction of native title with joint management agreements, which was discussed in the other place. Firstly, the state must and will comply with the provisions of the commonwealth Native Title Act 1993. Secondly, the state will comply with the procedural requirements for notification for native title holders, native title claimants and native title representative bodies. Thirdly, the state acknowledges that registered native title claimants have the same procedural rights as determined native title holders in relation to a section 8A agreement that affects native title. Lastly, the state expects that section 8A agreements that are future acts under the Native Title Act 1993 will be supported by either an Indigenous land use agreement, an area agreement, with registered native title claimants, or an Indigenous land use agreement, a body corporate agreement, with the determined native title holders' body corporate. The member for Gosnells also mentioned some of the concerns raised by the Goldfields Land and Sea Council, the Yamatji Marlpa Aboriginal Corporation, Central Desert Native Title Services, the Kimberley Land Council and the National Native Title Council while the bill was in the other place. These issues were dealt with while the bill was in the other place. We agreed to three amendments but did not agree to the other ones.

The member also mentioned resourcing for management plans. Capital and operational costs may be required as a consequence of these amendments but will vary from case to case depending on the individual agreements. Resourcing for joint management has been and will be provided for within the native title settlement packages. I would also like to point out that the Burrup and Maitland industrial estates, the Ord final agreement and the Yawuru area agreements provide for resourcing of these joint management arrangements. Resourcing for other training and employment opportunities will flow from other government initiatives such as the Kimberley science and conservation strategy, partnerships with private sector companies and other commonwealth and state agencies. Any other resources required will be a matter for government appropriation through the normal budget process.

The member also asked how management plans will be gazetted. Clauses 18 to 26 of the bill amend part 5 of the CALM act, which stipulates how management plans are to be developed and approved and amends it to address management plans for jointly managed lands. The bill provides that the joint management body, as established in the section 8A joint management agreement, is the responsible body for the preparation and implementation of the management plan. For all intents and purposes, the plans will be developed in the same manner as they are currently under the CALM act with the exception that, in addition, management plans for section 8A joint management lands must be submitted for comment to any party of the section 8A agreement who under that agreement is not involved in managing the land, in other words, not a member of the joint management body preparing the plans; and if it includes an intertidal zone, to the Minister for Fisheries, and if it includes a registered Aboriginal site, to the Minister for Indigenous Affairs, which was an amendment moved in the other house. In addition, the minister may request a report from the Conservation Commission about the plan before he or she decides to approve the plan, if the land is to be managed as if it were a national park, a conservation park, a nature reserve, state forest or timber reserve. Any management plan prepared under the CALM act will also have the new objective of protecting and conserving the value of the land to the culture and heritage of Aboriginal persons and therefore ascertaining values will be stipulated as a required step in the management planning process. Those Aboriginal people with native title interests in the section 8A joint managed land will be consulted about the matters of the management plan as is required to be done under the commonwealth Native Title Act 1993.

The member for Pilbara sought clarification on pastoralists and section 8A agreements. Any person with an interest in the land to be subject to a section 8A agreement, including a lessee of the land, must be a party to the agreement. A section 8A joint management agreement is only effective if all parties to the agreement approve of the agreement. The section 8A agreement can stipulate the extent to which the regulations under the CALM act are to apply to the land. Entitlement to graze a pastoral lease is only affected to the extent that this is agreed to by all parties. In other words, a pastoral lessee who is a party to a section 8A agreement will still be required to comply with any obligations under the Land Administration Act 1997 in relation to their lease. This is because section 8A agreements do not affect tenure. That is a very important point. As such, all other written laws that apply to that land are not affected by a section 8A agreement. Should an area of land under a pastoral lease be determined as having sufficient values to warrant its reservation as a national park or nature reserve, alternative

government processes can be initiated to change the underlying tenure from pastoral lease to a crown land reserve.

Members opposite referred to the new hierarchy of objectives of the way in which the land is to be managed under the Conservation and Land Management Act. The member for Pilbara sought an assurance about the priority for the protection of the land having regard to its cultural and heritage value to Aboriginal people. The new management objectives in clauses 16 and 21 stipulate that CALM act land and its associated forest produce, fauna and flora shall be managed in a way that first and foremost protects and conserves the land's flora and fauna and, in addition, protects and conserves the cultural and heritage value of the land to Aboriginal persons. I think that answers the member for Pilbara's question. This new objective will prevail if there is a conflict or inconsistency with any other management objective under the CALM act, such as meeting recreational demands in national parks.

I refer now to the process for the development of regulations. The member for Gosnells mentioned the involvement of native title representative bodies in the development of the regulations for Aboriginal customary activities. The member was correct to suggest that the new entitlement that allows Aboriginal people to enter CALM land to camp, hunt and gather, light fires, drive vehicles and bring animals onto the land will resolve or compensate for the extinguishment of native title, which applies to approximately 80 per cent of the conservation estate. Regulations will be developed to restrict or exclude this entitlement when there are public safety risks, significant risks to the protection of flora and fauna, or possible conflicts of use. The Department of Environment and Conservation is currently analysing these possible risks to determine what restrictions may be required. DEC is committed to consulting with the native title representative bodies in the preparation of the proposed regulations, which will most likely occur in the next few months.

The member for Pilbara raised concerns that this legislation does not adequately empower and resource local communities. I point out that DEC is one of the most regionally coordinated agencies in WA, with offices located throughout the state, and that approximately one-third of DEC's resources are committed to the regions. The regionalised structure lends itself to the successful management of land jointly with other parties, be they Aboriginal people, pastoralists or other landholders. I support the member's view that opportunities to increase resourcing for the management of our conservation estate should be pursued. The Liberal–National government's commitment to conservation in the Kimberley demonstrates how such increased resourcing can benefit regional communities throughout the Kimberley science and conservation strategy.

The member for Rockingham did not address the bill but he did raise the issue about the national heritage listing by the commonwealth. I do not think I need to go into that.

In closing, I thank all members opposite for their support for the Conservation Legislation Amendment Bill 2010. I look forward to hearing about the significant advances in the joint management of the conservation estate with Aboriginal people in years to come.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

Third Reading

MR W.R. MARMION (Nedlands — Minister for Environment) [1.33 pm]: I move —

That the bill be now read a third time.

MR D.A. TEMPLEMAN (Mandurah) [1.33 pm]: Although I did not speak in the second reading debate on the Conservation Legislation Amendment Bill 2010, I wanted to make a few comments at the third reading stage. This is important legislation for the joint management issues that I think need to be continually promoted within the Department of Environment and Conservation and certainly with the Indigenous landowners and other stakeholders in our state. I commend DEC officers for the progress of this bill, and particularly for the bill's focus on the importance of joint management. During my time as Minister for the Environment, I was very impressed with the way the department was progressing joint management issues. I commend DEC officers for ensuring that Indigenous people were the best placed to be involved in the direct management of the conservation estate and other areas of pristine importance to the state's national and cultural heritage. Some of the officers from the department are in the public gallery today. Although they will not have an opportunity to advise the minister on the opposition's questions because we did not go into consideration in detail, I pass on my thanks to them and the department for the work they have done in this area.

We also need to look at opportunities for joint management partnerships in the less remote or less conspicuous areas. I mention very briefly a letter I wrote to the Minister for Environment about a proposal in the Peel region.

The local Indigenous people are very keen to enter into a formal arrangement with the Department of Environment and Conservation regarding DEC land in the Shire of Waroona. Although there is an informal arrangement between DEC and the Indigenous people, the Indigenous people are very keen to work towards establishing a more formal access arrangement to enable the young Indigenous people in particular who live in the urbanised areas of Mandurah and Peel to have direct access to the nearby culturally valuable land on which they could learn about their heritage. Recently, the Indigenous community in the Peel region has experienced some tragic deaths, particularly among its young people. As a way of assisting the young Indigenous people in my electorate to deal with their grief, the local Indigenous elders have taken those young people to DEC land in the Waroona shire where they work through their grief and other issues that impact on them as not only young people, but also young Indigenous people. They have seen some of their mates involved in some tragic events. It is very important that access to the land be made available. I am not expecting the minister to respond now, but I urge him to read the letter I wrote to him recently about the proposal to reach a more formal agreement about land access. Ultimately, we might be able to achieve a joint management partnership.

Mr W.R. Marmion: Whereabouts in the Shire of Waroona is it?

Mr D.A. TEMPLEMAN: It is off Ellis Road. I visited it a month ago with "Rusty" Graham, or Russell Graham, and a couple of others. The land borders Yalgorup National Park on the north, from memory, and also abuts some farmland to the west. The size of the land is fairly insignificant but there has been an informal and very good partnership between the Indigenous people and the DEC officers to allow access to that land. I do not think the DEC officers have a major problem with the local Indigenous folk using that land. It is now time to move towards a more formal arrangement, and I am very keen to pursue that with the minister.

I close by congratulating the department. I look forward to ensuring that the many stakeholders, including, of course, the Indigenous communities, consider this legislation to be very important for future joint management opportunities. The opposition and I support that very strongly. The bill certainly encourages further negotiations and discussions. We all know the many benefits for our Indigenous communities of them managing land jointly with the department. The minister knows that, and I believe that we should encourage it as much as possible.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [1.40 pm]: I, too, would like to make a couple of comments in the third reading debate on the Conservation Legislation Amendment Bill 2010. I wanted to get to my feet for the second reading debate, but the enthusiasm of the Minister for Environment in leaping to his feet caught me and a couple of other speakers off guard. I am pleased that the minister is eager to get on with this bill, because it is a very important bill that had its genesis in the deep dark recesses of the early 2000s. When I was the policy coordinator for an organisation called the WA Aboriginal native title working group one of my first tasks following the election of the Gallop Labor government back in the early 2000s was to take a proposal on behalf of the native title representative bodies to government about the issue of joint management of national parks. That paper was written by, I think, the land and rivers unit of the Kimberley Land Council and was authored by Mr Mark Horstman, whom I would like to acknowledge. Some people might be familiar with Mark, who is now one of the hosts of the *Catalyst* program on the ABC. I think he has been through about four series of that program since he wrote this document. That will give members an idea of how long the whole issue of joint management has been kicking around the system. It is an issue that I tried to advance a bit when I was CEO of the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation in the Mid West and the north west, and also as a senior officer at the South West Aboriginal Land and Sea Council.

The role of traditional owners, particularly in the context of natural resource management, is incredibly important. This legislation is absolutely crucial in marrying the aspirations of traditional owners to not only undertake a process of caring for country, which is a pursuit of their cultural practices, but also create an economy around some of our remote Aboriginal communities. I can remember one Indigenous affairs minister saying to me that we would never actually resolve the issue of Aboriginal poverty, particularly in remote regions, until we provided a vehicle by which Aboriginal people could participate in the economy. How do they participate in the economy? The economy, first of all, has to value something that they can trade in. It seems to me that, as a community, we value very highly the knowledge, the history, the connection and the cultural practices of Aboriginal people to natural resource management, or caring for country, in the places in which they live, yet our economic system does not have a mechanism for valuing and engaging that knowledge in issues of conservation and caring for country, and really just understanding the physical components of that country as well. This piece of legislation, even though it is fairly modest in terms of its descriptors, objectives and so forth, actually provides a vehicle for that. In years to come we will look back on this legislation and say that that was the point at which we found a mechanism by which we can engage traditional owners in caring for country and provide them with an avenue in which they can participate in the economy with a commodity that we value—that is, knowledge of country. This is a very important piece of legislation, and I am very sorry that it has taken so long to come to this place. I never thought, when we went to see governments back in the early 2000s, that I

would be part of the Parliament that ultimately passed the legislation that would give voice to that policy paper, but obviously I am very pleased to see it coming.

Like the member for Mandurah, I recognise some of the members of the public service in the gallery who would otherwise have been here to provide advice in the consideration in detail stage as some of those public servants to whom we took that original policy paper. I am very pleased to see that we have got to this point now, and I would very much like to see the issue progress.

One of the key components of this legislation is that it provides a mechanism for utilising Aboriginal Lands Trust land, which, for very good reasons, is subject to stringent but fairly inflexible legislation, to protect not only the cultural values associated with that land but also the commercial values so that the ownership stays within the Aboriginal community. We have always struck difficulty in utilising that ALT land to make sure it derives a commercial and cultural benefit for Aboriginal people in the community. This is very much the case in the south west, where we see this crisscross of different land tenures of national parks, ALT lands and state forests. There is a range of tenures that of themselves do not lend themselves to an integrated management process. Through the joint management of national parks, we have a way in which the government can bring together a whole range of different land tenures so that we can nurture the conservation values of that land and provide a mechanism whereby those pieces of land are interrelated through the cultural practices of the traditional owners in that area. When we think of national parks, particularly in terms of native title outcomes, we often visualise traditional owner populations in the north west and central deserts region. One of the reasons why this legislation is so important is that it will give voice to very strong land-use agreements in the south west. If we can do anything to realise the strong values associated with that ALT land, that of itself will be a very valuable contribution, not only to the Aboriginal community but also to the conservation values of the south west and potentially the economic opportunities that should be available as a result of that. I speak with great affection of some of the native title representative bodies to the north and I know that this legislation will fall short of some of their aspirations in native title. I acknowledge that, but I also acknowledge that this is a very strong step forward in making joint management of national parks with Aboriginal communities a fundamental part of our national park management. I commend this bill to the house. It is a very important step forward and I hope that the implementation of this bill does not take as long as the conceptualisation of the legislation.

MR C.J. TALLENTIRE (Gosnells) [1.48 pm]: I rise to make a brief speech in the third reading of the Conservation Legislation Amendment Bill 2010, and I thank other members for their contributions to this debate. The Minister for Environment needs to take note that on this side of the house there is a great deal of goodwill towards improving the quality of our environmental legislation in general and, specifically, in making sure that Indigenous people have the opportunity to be involved in the joint management of our conservation estate. The minister needs to take note of that because there are many other reforms that need to be made to environmental legislation. I particularly note that our Wildlife Conservation Act 1950 is well and truly out of date. I know we are amending that act, but many things need to be improved. The minister should be dusting off drafts of the biodiversity conservation act, and examining how that act would enable us to protect biodiversity not only within the conservation estate, but also more broadly across the state incorporating private lands and unallocated crown land. That would enable us to do some bioregional planning, essential for the management of our natural heritage in the state.

We understand the rationale for the amendments proposed in the upper house, but one still stands out as an issue of concern, and that relates to funding. The minister pointed out that sometimes in the negotiation process there is the possibility for resourcing to be found for the development and implementation of the management plans, but I think we still need greater clarity on how that would arise. He did, as well, say that the normal budgetary process would help drive the development and implementation of management plans.

Mr W.R. Marmion: Member, I also mentioned the $63 million the Kimberley science and conservation strategy —

Mr C.J. TALLENTIRE: I thought the minister would mention the $63 million again.

Mr W.R. Marmion: — and a lot of the money in there is specifically for management plans.

Mr C.J. TALLENTIRE: I think we will find that the $63 million does not go very far when all these different promises that have been put forward are looked at and the money has been attributed to the different commitments that the government has made. But I think, minister, that things like the training of Indigenous rangers and making sure that other agencies and other entities—private corporations—are involved in those sorts of activities is going to be essential as well. I commend the improvement of the skill level of Indigenous people, so that they can make really meaningful contributions towards the management of the conservation estate, be involved in on-ground works and understand the importance of what they are doing, and feel that they are being given the resourcing necessary to achieve things. So often we see in this state great on-ground works being

undertaken to fulfil all sorts of ambitions—one simply needs to think of things like remediation of the Wheatbelt and the attempts made there to counter the problems of salinity and degradation in general—but so often things have been constrained by a lack of funds. It does fall on the minister to make sure that we see a dramatic improvement in funding to all sorts of environmental improvements across the state, not just in the Kimberley. Many things are needed in other regions—indeed, I certainly nominate the Gascoyne–Murchison region as an area in desperate need of remediation. Where the minister will get funding for that is obviously something that the minister will have to take to the cabinet. Likewise there is a need for funding across the south west. The scale of remediation needed is absolutely enormous, and the minister needs to convince his colleagues that this is essential work that has to be undertaken. It is often in areas that are not Labor electorates where the work is probably most needed, because of the extent of the land degradation that has occurred. The minister might have some additional traction there if the funding is needed to improve things in the conservative-held electorates. It does need to be recognised that the cause of the degradation that we see so much of has often been because people have taken a wrong approach to our natural heritage, in that people have sought to exploit the land rather than work with it. We need to turn that around as well.

I do have a further comment. The minister mentioned in his response to the second reading debate that it was about making sure Indigenous people were involved in the protection of flora and fauna. I understand that is sometimes a shorthand form of language, but we need to make sure, as well, that people are thinking in terms of the protection of ecological communities, and recognising that, ultimately, just the protection of species can be done in a zoo. We need to make sure that the protection of ecological communities—the whole habitat of an animal or a plant; the interconnection between an animal and a plant with the other components of an ecosystem—is the vital thing. Indeed, that is one of the core reasons for the need to institute a biodiversity conservation act. Presently, our Wildlife Conservation Act limits our thinking a little in that it focuses so much on fauna and flora protection, rather than the protection of ecological communities and ecological functionality. There is a lot of work for the minister to undertake.

I am pleased that this side has been able to facilitate the rapid passage of the Conservation Legislation Amendment Bill 2010, although I have to say that there have been, I think, unseemly delays in seeing this bill come back before the Parliament. Those delays were caused, I think, by decision making on the government side of the house, which is unfortunate, because I know that groups like the South West Aboriginal Land and Sea Council have been desperate for this legislation. I certainly do not want to delay its passage any longer. We look forward to it being in place, and we look forward to hearing about the positive results that will come from having good joint management of lands in Western Australia.

MR W.R. MARMION (Nedlands — Minister for Environment) [1.55 pm] — in reply: Just briefly, to finish off on the Conservation Legislation Amendment Bill 2010, I thank the members for Mandurah, Kwinana and Gosnells for their contributions—particularly the member for Mandurah who commended the officers of the Department of Environment and Conservation. I also commend all my staff from the department who have worked on this for a number of years for the great work they have done. I think they have done a wonderful job. Taking up the point of the members for Kwinana and Gosnells, this bill will provide great benefits to Indigenous communities, and the ability to manage lands that they have an affinity with. I think it will give great benefits, particularly to younger Indigenous people. The member for Mandurah mentioned one particular area in the Shire of Wanneroo; I can advise that that area is being considered as part of the South West Aboriginal Land and Sea Council negotiations with the state. I commend the bill to the house.

Question put and passed.

Bill read a third time and passed.