

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2015

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr C.J. TALLENTIRE: The Conservation and Land Management Amendment Bill captures a range of amendments. Some amendments clearly relate to the Wildlife Conservation Act. I know that the government has in preparation a bill to replace the Wildlife Conservation Act—a biodiversity conservation act. My question is about the interplay between this amendment bill, the existing Conservation and Land Management Act, the Wildlife Conservation Act and, it is hoped, the soon-to-be-exposed biodiversity conservation act. This is a really important point because we know that in many aspects of the Wildlife Conservation Act, the definitions of, for example, CEO are those referred to in the Conservation and Land Management Act—the act we are about to amend. We need from the Minister for Environment some explanation of how these acts relate to one another, especially in the timing of these bills. Many people asked me when they heard that this bill was coming before the Parliament whether it was the big one that they had been waiting for; whether it was going to be the new biodiversity conservation act. I had to say no, that this was just a series of relatively small—I will not say minor—amendments to the Conservation and Land Management Act. People were already asking what the connection between these pieces of legislation was going to be. Then they put the question: why would we not wait until we have the new biodiversity conservation act in place? Why would we not focus the Parliament's energy on getting that bill through before passing these amendments? I imagine a series of consequential amendments to the Conservation and Land Management Act will be needed once the biodiversity legislation is presented to this Parliament.

I note also that bills relating to the environment have a substantial waiting period before they are debated in this place. There seems to be limited time available for legislation that is of an environmental nature. I am keen to have the reassurance of the minister that the biodiversity conservation bill is soon to be presented, but, first of all, I put to the minister that question about how these various pieces of legislation relate to one another. What is his rationale for sequencing the bills in this way?

Mr A.P. JACOB: I thank the member for Gosnells for the question. The acts obviously deal with separate matters. The biodiversity conservation legislation will deal particularly with threatened ecological communities, which is all the flora and fauna of this state, whereas the Conservation and Land Management Amendment Bill is more of a land management bill. Both are important. I reiterate that the government is working very hard on the development of a biodiversity conservation act. We are in the drafting phase of that bill. I am keen to bring it to this place as soon as we can. However, that legislation involves an entire rewrite. Starting from scratch, it will be an entirely new piece of legislation replacing existing legislation that goes back 65 years. It is a very large undertaking. Although a lot of this package is significant, this is really just an amendment package that we are taking through the CALM act. It is a wideranging amendment package. It picks up a range of matters, some of which are probably quite overdue, and it is good to pick them up as well. Inevitably, those two bills will have a degree of interaction. I cannot go into what will be in the proposed biodiversity conservation bill at this time because, obviously, I do not yet have a draft to present to Parliament. Although there may be some minor consequential amendments to the CALM act, any consequential amendments from a new biodiversity conservation act will by no means be anywhere near as wideranging as these current proposed Conservation and Land Management Act amendments.

Mr C.J. TALLENTIRE: One thing that is probably the headline issue in the bill before this place is the creation of the Conservation and Parks Commission—that is, the merging of the Conservation Commission of Western Australia and the Marine Parks and Reserves Authority into a single entity that had been notionally discussed as the biodiversity conservation commission. The minister has chosen to name it the Conservation and Parks Commission. I do not think the nomenclature matters too much. The essential thing to recognise is that, as I understand it—we will get into this in more detail as we go through—the Conservation and Parks Commission will have responsibility for the vesting of the land. The minister made the point in his response a few moments ago that the conservation lands of the state will be vested in this new body, whereas currently they are vested in those two individual bodies. That has been consolidated, but my understanding is that the intent of a biodiversity conservation act would also be to put the responsibility for biodiversity conservation with this new body, the new Conservation and Parks Commission. It is not going to be a body that is responsible for just the land; it is going to be a body with which responsibility for the state's biodiversity conservation will be vested. The land administration will be vested with the Conservation and Parks Commission, as will the responsibility for biodiversity across the state.

The ACTING SPEAKER (Mr P. Abetz): Member, this is about the commencement of the bill, and some of these issues could be raised when we deal with the relevant clauses.

Mr C.J. TALLENTIRE: Thank you, Mr Acting Speaker. I am sure that is the case. I raise this point now, though, because it is about the timing of things and the fact that the act will come into operation as follows: part 1 on the day on which the act receives the royal assent, and the rest of the act on a day fixed by proclamation, and different days may be fixed for different provisions. I wonder whether we might find that the timing of some parts of this legislation would come into effect dependent on the passage of the new biodiversity conservation act when eventually that does come to this place.

Mr A.P. JACOB: The short answer is no. This package will stand on its own merits. Although it includes the merging of the Conservation Commission of Western Australia and the Marine Parks and Reserves Authority, which I think both sides have supported for some time, so it is good to see the merging of those two vesting bodies, it contains a number of other very important proposals that have been around for a long time, such as an infringement enforcement ability, which will make a big difference to land management more generally. It also provides for formal recognition of regional parks. However, in my personal view, the most significant inclusion in this package is the legislative head of power for joint vesting with traditional owner bodies, which obviously has a big interface with the proposed new vesting body of the state.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Long title amended —

Mr C.J. TALLENTIRE: This clause seeks to amend the Conservation and Land Management Act by deleting “to establish authorities to be responsible therefor” and inserting “to establish the Conservation and Parks Commission”. Although we support the notion of the consolidation of the two bodies into a single body, what advice did the minister get on the need to specifically name the body on this occasion? We have not done that in the past; we have been happy to generally indicate that there will be authorities. Why would we not have just inserted “to establish an authority to be responsible therefor”? Why have we decided to name it the Conservation and Parks Commission?

Mr A.P. JACOB: The merging of those two bodies was an election commitment that the Liberal Party took to the 2013 election and that naming came from an election policy.

Mr C.J. TALLENTIRE: I am not questioning the rationale behind merging the two bodies; I am asking why the minister has decided to specifically name the body at this point. Over the years—I am sure that the minister’s adviser will be able to assist—the Conservation Commission has had a number of names. I think at one stage it was called the WA parks and reserves authority and there also might have been a name before that. The beauty of the existing wording was that it enabled us to change the title and, no doubt, change some of the emphasis of the scope of works of the body, the nature of the vestings and what have you. We had that flexibility, but the minister wants to amend the Conservation and Land Management Act so that it is tied down and we are locked in to calling it the Conservation and Parks Commission. I indicate that there may be some risks associated with locking us in in that way. We may see over time that it may need to be called, as Labor proposed, the biodiversity commission; that may be found to be a more appropriate title for the commission. So why choose this lock-in? Yes, the Liberal Party went with the commitment to create a body, but I do not think it was explicit about the title of that body when it went to the election, so I do not think it can claim that there is a mandate to call this thing the Conservation and Parks Commission. In any event, why not use the wisdom of history and recognise that sometimes these bodies need to change their title over time and therefore say that the clause is about establishing “an authority” to be responsible. That is the wording we have had in the past and it has served us well. Yes, we agree to consolidate, but all the minister had to do was change the word “authorities” to “an authority” and we would have had a perfectly acceptable line in the bill.

Mr A.P. JACOB: The advice I have is that in order for the body to be a formal body, it needs to have a formal name in the legislation.

Mr R.H. COOK: On that point, will this stop the authority from marketing or trading under a different title? For instance, as an almost hypothetical situation, there is the Western Australian Health Promotion Foundation, but of course we know it as Healthway. This entity might want to present itself as “Parks WA” or some equally inventive name. Would this stop it from trading under a different title?

Mr A.P. Jacob: The short answer to that is no.

Clause put and passed.

Clause 5: Section 3 amended —

Mr C.J. TALLENTIRE: I move —

Page 4, after line 22 — To insert —

Scientific Advisory Committee means the Conservation and Parks Scientific Advisory Committee established by section 26F;

I want to talk about the importance of science in delivering our conservation estate and making sure that we have a comprehensive, adequate and representative reserve system for Western Australia that captures all the environmental values that we treasure and is designed to enable all the ecological processes to continue. It is a very complex scientific undertaking to do that; the very best science is required. We have already talked about how this bill seeks to merge the Conservation Commission and the Marine Parks and Reserves Authority. I think the Marine Parks and Reserves Authority currently has seven members and the Conservation Commission—the minister might be able to help me—has about 12 members.

Mr A.P. Jacob: I will have to check. The MPRA has seven and the Conservation Commission is definitely larger.

Mr C.J. TALLENTIRE: That is all I need to know. We are collapsing those bodies so that there will be only seven members on the new body. When that is done, inevitably the amount of expertise on the new body will be restricted; it will be reduced. We accept that we need a commission that is a viable size, and there is an argument to say that when there are 12 or 14 people on a commission, it becomes difficult and unworkable. However, with the number of people on the Western Australian Planning Commission, one of the most important development bodies in this state, it seems to function reasonably well.

Leaving that aside, we accept that the government wants to create a body with just seven people on it, but the fact is that the work that this body will have to do will often be of a highly complex and scientific nature. That is why the current arrangement, which allows for a scientific advisory committee to the MPRA, makes sense today when there is a stand-alone marine body, and I think it makes even more sense tomorrow when we will have condensed the two bodies, the terrestrial and the marine, into the Conservation and Parks Commission. It will be very important that we get the very best scientific advice. I note that the government has drawn on the scientific expertise that has been available to it through an advisory committee. I looked at the Marine Parks and Reserves Authority's 2010–11 annual report and it was made very clear in that report—and, I am sure, in other reports—that it was absolutely essential to have the ability to create a scientific advisory body. That is why I am seeking to insert this amendment into the definitions.

Ms S.F. MCGURK: I am interested in what the member is saying.

Mr C.J. TALLENTIRE: I would like to quote from the MPRA's 2010–11 annual report in which it reports on the work it had been doing on the Camden Sound Marine Park. It states, on page 2 —

In relation to Camden Sound, the Premier and Minister for Environment announced on 3 October, 2009, that a marine park would be created in the Camden Sound area. On 22 October 2010, the IMP —

That is the indicative management plan —

for Camden Sound was released for the statutory three month public submission period, which closed on 1 February 2011. The MPRA subsequently prepared its advice on the public submissions which was also informed by advice the MPRA received from an independent scientific advisory committee it had established. This report recommended a number of significant changes to the IMP. The MPRA is informed that a revised indicative management plan has been provided to the Government and is currently being considered.

We all know that there was a happy outcome from that—the Camden Sound Marine Park was established. The point is that that outcome was thanks to the advice of the scientific advisory panel. There is some more information about the nature of that scientific advisory panel: it was actually called a temporary scientific advisory committee and was referred to as the TACMAC. If I can quote again, this time from page 7 of the annual report, it states —

A Temporary Scientific Advisory Committee to the MPRA (the “TACMAC”) was established to provide independent scientific advice to the MPRA on matters raised in the public submissions for the proposed Camden Sound Marine Park (CSMP) and the overall design of the marine park in relation to scientific best practice. The TACMAC membership comprised independent scientists with a background and expertise in the matters raised by the public submissions. Dr Trevor Ward was appointed the subcommittee Chair. The TACMAC met on two occasions in 2010/2011 and provided formal written advice to the MPRA. It was then disbanded.

We can see that this arrangement has served us well; it has helped the government to establish Camden Sound Marine Park and has ensured that it has the necessary sanctuary zones and what have you, and helped make the

complex scientific decisions that have to be made. They are best made with the wisdom and scientific input that can come from this sort of advisory panel.

I have moved this amendment to include this definition to ensure that we retain a scientific advisory committee. It is essential that science underpins our decision-making, and the minister knows that we have a real issue coming up in respect of the Roebuck Bay Marine Park. I know that the minister has been lobbied by and has received submissions from those who do not like the idea of sanctuary zones. The minister has received a letter signed by 32 eminent marine scientists saying that the Roebuck Bay Marine Park must have a sanctuary zone in it. This is exactly the sort of difficult situation that the Minister for Environment can find himself in which he needs to have the best possible information coming forward. This is exactly why the minister needs that capacity to create a scientific advisory committee.

The minister knows me; he knows that I am not trying to score political points off him on this issue at all. I am simply putting it to him that the best way to protect environmental values in this state and to ensure that we deliver what the public expects when we create marine parks is to get the best scientific input. That is why we have to include in this legislation the capacity to have a scientific advisory committee, and that is why I moved this amendment.

Mr A.P. JACOB: Noting the member for Gosnells' comments around retaining a legislative head of power for a statutory scientific advisory committee, the existing scientific advisory committee has not actually operated since the 1990s. The current Conservation and Land Management Act allows for that body to exist, but it has not existed in any form since the 90s. As the member for Gosnells just mentioned, there is the ability to seek scientific advice on Camden Sound Marine Park, or Lalang-garram, without that statutory body. Given that this government has a clear policy objective of reducing the number of statutory committees, I do not support the amendment that the member for Gosnells has moved to put within this legislation a provision to establish a new statutory committee. However, acknowledging the need for scientific advice from time to time and that often that scientific advice will need to be tailored to the specific circumstances for which it is required, it is important to note that nothing in this legislation will preclude that. This legislation will still allow the establishment of informal scientific advisory committees on an as-needs basis going forward.

Ms S.F. MCGURK: I am interested in the minister's response to the amendment. Why would the government not enshrine its respect for scientific rigour in the decision-making processes contained within this legislation by ensuring that there is a scientific advisory committee on which it can draw for advice? I know that the party the minister represents does not have a great track record of respecting the science on climate change, for example, but on matters relating to this bill, surely the government would want to ensure that empirical evidence and the best scientific advice available could be called upon during the decision-making processes relating to conservation and land management issues in this state.

Mr A.P. JACOB: In short, member for Fremantle, the scientific advice that I might have needed around Montgomery Reef is going to be very different from the scientific advice that I might need for the establishment of a new nature reserve, for example, around Victoria Springs, roughly in the centre of Western Australia. In respect of scientific advice, having a formal scientific advisory committee is, in my view, quite a clunky way to approach this matter. Scientific advice to the new commission and to the minister is very important, but Western Australia covers one-third of the continent, and that scientific advice will need to be tailored to the circumstances required. Noting that the formal committee that this legislation allows for has not functioned since the 1990s and that the government has a clear policy position of reducing the number of statutory committees within government—particularly those that have been essentially defunct since the 1990s—I support the removal of the formal statutory scientific advisory committee and note that we will continue, as we have since the 1990s, to build informal committees when we require advice. Those informal committees will therefore have the flexibility to feed to us information specific to the circumstances for which it is required.

Mr C.J. TALLENTIRE: I do not know how the minister can say that there has not been a need for the use of scientific advisory committees since the 1990s; I have given the very clear example of the TACMAC, which was formed in 2010–11. That is clearly an example of a scientific advisory committee; that is exactly what it was, and it is something that the minister has to be able to draw upon. To say that he does not want to have that capacity any longer means that he wants to shut himself out from getting the best scientific advice available. If we were to accept his argument that this committee has not actually been used since the 1990s—I think it is clear from the Camden Sound case that it was used—what about the issue of a much more condensed conservation and parks commission, a body that is not going to have anywhere near the level of marine scientific expertise that we previously found in the MPRA?

Mr A.P. JACOB: The member for Gosnells is using the example of Camden Sound. The committee that the MPRA used for Camden Sound was not the statutory authority committee that the current Conservation and Land Management Act allows for. It was an informal committee that the new vesting body will still be able to make use of, through the minister, at that time. That is probably a very good example of why I am not supporting

the member's amendment; that is not even what is happening under the existing act. There is a formal statutory body that could potentially be tapped into, but nobody is even choosing to use it because it does not have the flexibility to respond to the vast variances across the state.

Mr C.J. TALLENTIRE: Is the minister saying that the MPRA did not invoke the CALM act to establish the scientific advisory panel for Camden Sound?

Mr A.P. Jacob: It did, but not this provision.

Mr C.J. TALLENTIRE: So the MPRA did use that power to create a scientific advisory panel to create a scientific advisory panel for Camden Sound.

Mr A.P. Jacob: Not this one.

Mr C.J. TALLENTIRE: Can we require the minister to stand when he is responding? It is very important that we get this on the record. I will put the question again. Did the MPRA use the powers in the CALM act to establish a scientific committee to get that Camden Sound scientific advice?

Mr A.P. JACOB: The MPRA did not use the powers in the CALM act under the current part III, under the definition of "Marine Committee", which means the Marine Parks and Reserves Scientific Advisory Committee established by section 26F. It did not use those powers to establish the subcommittee that provided advice. My understanding is that the powers of the CALM act that the MPRA used will be retained after these amendments. That ability will remain.

Ms S.F. McGURK: Can the minister point to the specific provisions that were invoked to create the committee he was just discussing?

Mr A.P. Jacob: We can track those down for you, but they come in at a later point in the bill.

Ms S.F. McGURK: Sorry, I just did not hear that answer.

The ACTING SPEAKER: Minister, is that a formal response?

Mr A.P. JACOB: I will find out the exact clause for the member, but it is somewhat further down the bill. My adviser will find the specific clause while we are considering this amendment.

Mr C.J. TALLENTIRE: I refer to comments from Mr Eric Streitberg who was chair of the MPRA at the time of the creation of Camden Sound Marine Park. He was not happy with the advice that was coming to him from those in the department who were preparing the advice on Camden Sound Marine Park. That was one of the reasons the interim management plan was inadequate. Why would the minister want to deprive us of this ability to check things by making sure that we have the capacity to call in a scientific advisory panel when there is some disconnect between the advice of the department, the advice in public submissions, and, perhaps, the minister's personal views? Why would the minister not want to protect himself by ensuring that there is a scientific advisory committee that is capable of doing this job? At the moment, the minister will be suffering because he will have a seven-member Conservation and Parks Commission with, at best, four members of a terrestrial bent—we will come to the backgrounds of these people later when we discuss that part of the bill—and only three people with any marine background. The minister is more than ever in need of a scientific advisory committee. Why would the minister not retain that committee? He has suggested that he has some agenda to get rid of various committees. Is it because there is a cost factor? Can the minister outline how much this committee has cost the government over the past 20 years?

Mr A.P. Jacob: Yes, I can.

Mr C.J. TALLENTIRE: I do not think the minister can, because he said himself that this capacity has not been used since 1990. It has not cost anything, so why would the minister want to remove the capacity to create this committee, when we move into a new world when there will be less marine advice on the Conservation and Parks Commission?

Mr A.P. JACOB: I might tackle the questions of the member for Gosnells from a bit of a different angle. This goes back to his questions on the earlier clause as well. Perhaps a better way to look at this is to realise that this legislation merges not only the Conservation Commission and the Marine Parks and Reserves Authority, but also three bodies that exist under the current act—the Conservation Commission, the MPRA and the Marine Committee. The current CALM act as it stands establishes those as three separate bodies—if you like, as three statutory authorities—and our election commitment was that we would have one clear statutory authority, and that is what this bill seeks to achieve. Accepting that the Marine Committee has been defunct, or has not operated, since the 1990s, irrespective of that, our goal here is to have one vesting body—one statutory authority. The ability will remain to establish, on an informal basis, subcommittees that can feed in advice.

Mr C.J. TALLENTIRE: The scientific advisory committee is something that the minister needs now. Let us face it: the whole Roebuck Bay marine park fiasco is unfolding, in which the minister is saying that he does not

think there should be a sanctuary zone, even though eminent marine tourism operators in the area are telling us that they want a sanctuary zone. They want a satisfactory airing of the scientific basis for that sanctuary zone, so the minister now needs that scientific advisory committee more than ever. The minister is saying that such a committee can be established on an informal basis, but why would he not have done that already? The actions of the government and its inability to manage the development of the Roebuck Bay marine park show that it desperately needs this body in place. The minister mentioned the government's election commitments, and the loose interpretation of those commitments to form one body, but that was for the vesting. Anyone reading those Liberal Party policy documents would see that that was about having the conservation estate—marine and terrestrial—vested in a single body. There was no mention of eliminating scientific advice. If the Liberal Party wants to continue this line of eliminating scientific advice and removing formal committees that provide scientific advice from the statutes or from the list of various government committees, it is on really shaky ground. Roebuck Bay is a live example of why the government needs a scientific advisory committee. There is also the desire of all Western Australians, I believe, to ensure that we make decisions on the basis of sound science. If the minister wants to continue down this path of having bodies make decisions based on political whims and vagaries, and some sort of notion about a marine park that does not have a sanctuary zone even though all the best scientific advice is that we should have a sanctuary zone, he is robbing us of the opportunity to have decent marine parks and a conservation estate that is underpinned by good science. Why can the minister not bring himself to ensure that the very best of science is permanently available to the new CPC?

Mr A.P. JACOB: The very best available science will be available.

Ms S.F. McGURK: Can the minister outline what is in the substantive act that compels the government to avail itself of the best scientific advice—advice that is independent and rigorous?

Mr A.P. JACOB: We will just have a quick look at the functions of the CEO. Irrespective of that, that scientific advice exists and it is also within the powers of the minister to pursue it. It is obviously worth noting that this place that we are sitting in right now also acts as an accountability measure on the government of the day.

Mr C.J. TALLENTIRE: I want to come back to this issue. The minister is suggesting that the composition of the temporary scientific advisory committee for Camden Sound was somehow separate from the capacities that exist under the act to use a scientific advisory committee. Can the minister go into some detail on how the TACMAC was not a scientific advisory committee? Were the members not paid in the same manner as members of the scientific advisory committee would have been paid?

Mr A.P. JACOB: I was not the minister at the time of the TACMAC that the member for Gosnells is referring to but, as I said, that advice group was not established under the clause of the Marine Parks and Reserves Authority's formal scientific advisory committee. No group has been established under that banner, which has been contained in the existing act since the 1990s.

Mr C.J. TALLENTIRE: What were the parameters and what was the rule book by which the TACMAC was playing? How can the government constitute a body such as the TACMAC without telling its members what their task is and what the nature of their responsibilities would be? Is the minister trying to tell me that there was no reference at all? Did those members of the MPRA who decided it was necessary to have the TACMAC never make any allusion or reference to the framework about which the scientific advisory committee would be set up?

Mr A.P. JACOB: As I said, I was not the Minister for Environment at the time of the establishment of that group. The advice to me is that it was a request of the Marine Parks and Reserves Authority at that time through the minister's office and the minister of the day approved the terms of reference and the establishment of that committee.

Mr C.J. TALLENTIRE: This really does go back to the issue of how the Barnett government treats science. I understand that the Premier is the Minister for Science so surely the minister would have consulted with him about getting rid of such a scientific advisory committee. I note that the government has made much play of its enthusiasm for the rollout of marine parks. I have various maps of the government's rollout of marine parks. Surely the government is making the connection between those marine parks and the need for them to be underpinned by good science. How is the government going about doing that if it will not constitute a scientific advisory committee?

Mr A.P. JACOB: This government has an incredibly strong track record in the field of science, particularly in the area of biodiversity conservation science and environment in Western Australia. I will not use the opportunity for a dorothy dixer to go into what we have been doing in that space. I put it to the member that our record is unparalleled in the space of science, particularly as it relates to biodiversity conservation and the environment in Western Australia.

I make the point again that the committee that the member for Gosnells continues to refer to has not operationally existed. It has existed as two lines in a piece of legislation. There have been no members of that

committee. It has not held any meetings since the 1990s. Clearly, members opposite did not think it was that important because they had two terms of government within that period and they never established it either.

Mr C.J. TALLENTIRE: The minister is saying that the Barnett government is committed to science. Why then is he refusing to accept the advice of 32 eminent marine scientists who are giving him advice that the proposed Roebuck Bay marine park must have a network of sanctuary zones within it? I note that those 32 scientists have worked in Roebuck Bay. They are not scientists who have some sort of theoretical connection with Roebuck Bay or marine science and sanctuary zones. Those people have been involved in projects on the ground, in the water around Roebuck Bay. Why is the minister rejecting the need for a scientific advisory committee when it is the only protection he could possibly have against the charge of 32 marine scientists that Roebuck Bay marine park must have a sanctuary zone?

Mr A.P. JACOB: This is a good opportunity to maybe respond to that. I will not go into it too much further other than to say that in the marine park space, in particular, no government before or, I suspect, since will be able to match the record of this government, which is seeing a 250 per cent increase in our marine park estate, particularly through the Kimberley but also right across the state of Western Australia more generally.

With regard to the comments made by the member about Roebuck Bay, we will no doubt have an opportunity to debate that further. However, it does not relate to the clause in front of us and also I have not been commenting on that matter more broadly anyway because this is the time for the general public to comment. It is a draft plan at this stage. I am inviting feedback from the general public and we will see what comes out through that process.

Mr C.J. TALLENTIRE: I think the minister's claim that he is committed to marine parks is about to be exposed as a commitment to the creation of paper parks. All the scientific advice is that if we do not have sanctuary zones within marine parks, they are of very little value. The Gallop government made a commitment going into the 2005 election that 34 per cent of the Ningaloo Marine Park be set aside as a sanctuary zone. In contrast, the government is creating marine parks with no sanctuary zones—zero. The government needs scientific advice on this. It is refusing to accept the publicly available advice from scientists who have expertise in that academic area but also in the water and on the ground in Roebuck Bay. The government needs scientific advice. Where will it get it from if it does not vote for this scientific advisory committee?

Mr A.P. JACOB: Again, I remind the house that we are talking about a committee that has not existed since the 1990s, one which two previous terms of Labor government never bothered engaging in when they were in government either. Clearly, its time has passed. There are better ways to address these matters.

In addressing Roebuck Bay, and as I said in my reply to the second reading debate on this matter, a range of stakeholders come to the table on every expansion of our conservation estate, in particular, around what this government is doing for the Kimberley science and conservation strategy both on land and in the water. Camden Sound, which the member has referred to, was largely done in partnership with the traditional owners there—the Dambimangari people. That saw the establishment of sanctuary zones around Montgomery Reef and also up at the Champagne Islands. Roebuck Bay, as has been done for Eighty Mile Beach and Camden Sound and as will be done for all our Kimberley science and conservation strategy marine park expansions, is being done in the first instance with traditional owners. Roebuck Bay is particularly interesting because some of the intertidal areas and some of the mainland areas that Parks and Wildlife will be managing under that draft indicative management plan are not only native title land, but also freehold land of the Yaru, which have provided the opportunity for the state to jointly manage it on their behalf. As I said in my reply to the second reading debate, the single most important view for me is that of the traditional owners and then we work down from there, particularly when we are talking about joint vesting and joint management. Again, they are the people we talk to first in this space—the Yaru in the case of Roebuck Bay, the Dambimangari in the case of Camden Sound and a range of other traditional owners across the Kimberley.

Mr R.H. COOK: I pick up on a point made by the member for Fremantle. The minister observed that this committee has not been utilised at any stage since the 1990s, which is a valid observation; however, the minister would agree with the opposition that we are now in new territory. Never before in Australia's history has the issue of science in relation to the environment been challenged as it is today. In fact, the minister's federal leader believes that climate change, which is potentially the biggest issue confronting the global community today, is crap. That is a direct challenge to the Minister for Environment and the scientists that advise him. The concern on our side for the minister is that in fending off the ignorance of people who say climate change is crap —

Mr C.J. Barnett: Raise your standard!

Mr R.H. COOK: I am quoting the Prime Minister. I should perhaps have said, to keep the debate parliamentary, and I quote the Prime Minister who said, "Climate change is crap." From that point of view, never has science been so under siege and under attack than it is in our current political climate. The minister will understand why we are anxious, on his behalf, to make sure he has the most robust legislative framework to rebuff these changes, which I am sure the minister would agree are fuelled by ignorance and, potentially, greed. From that point of

view, the opposition wants to make sure the minister has the most robust framework possible. Would the minister not agree with the opposition that having a statutory framework that enshrines the role of science in the work of the Conservation and Parks Commission would play an important role in making sure that science stays at the forefront of our conservation policies?

Mr A.P. JACOB: The line that the member for Kwinana used there was “to make sure he has the most robust legislative framework” available to the government. I agree with that. Since the 1990s we have probably seen the most significant expansion, certainly of our marine park estate but also on our terrestrial estate as well, and nobody since the 1990s has bothered invoking this committee. It is a reflection of where this committee sits in providing scientific advice. I go back to the earlier example I used. Western Australia is one-third of the continent. What we are dealing with in Camden Sound or up through the Kimberley is entirely different from that on the south coast, Cape Le Grand or at places such as Lorna Glen, which is in the dead centre of this state. To have a statutory body that would somehow be the repository of scientific knowledge to cover the entire state of Western Australia is not a functional way to approach the need for scientific knowledge, because inputs are needed for specific tailored circumstance. That will be the practice going forward and has been the practice to this point since the 1990s. No government since the 1990s has used this formal statutory scientific advisory committee. Instead, as needs arose governments sought a specific tailor-made scientific advisory group to suit the circumstances of the time.

Mr C.J. TALLENTIRE: The minister keeps saying that the committee is not necessary, but he has broad legislation in this place that reduces the size of that overarching body. If my recollection serves me, the Conservation Commission of Western Australia had nine members and the Marine Parks and Reserves Authority seven, so the minister is reducing the number from 16 to seven people. Surely we need the very best and this government—we will do it when we are in government—should be pushing ahead with the rollout of marine parks based on the best marine science. We cannot pretend that the best marine scientists exist in the Department of Parks and Wildlife. Yes, it has some good and able scientists, but we need to acknowledge there are some very good and competent people at the Western Australian Museum, in the universities, and other institutions such as marine science institutions, and industry, which are brought together through groups such as the Western Australian Marine Science Institution and various others. Surely that is why we need a body that can bring all those people together. To rely only on the scientific interests of seven people—we are not even sure they are going to be people with a scientific background—is depriving the state of the scientific rigour that we must use. That is why we receive letters such as this from 32 eminent scientists telling us how deficient the minister’s proposal is for Roebuck Bay. The minister will constantly get letters such as this if he does not defend himself and arm himself with a scientific advisory committee. The minister must accept that this amendment is essential to making this bill work.

Division

Amendment put and a division taken, the Acting Speaker (Mr P. Abetz) casting his vote with the noes, with the following result —

Ayes (17)

Ms L.L. Baker	Mr D.J. Kelly	Ms M.M. Quirk	Mr B.S. Wyatt
Dr A.D. Buti	Ms S.F. McGurk	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)
Mr R.H. Cook	Mr M.P. Murray	Ms R. Saffioti	
Ms J.M. Freeman	Mr P. Papalia	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr J.R. Quigley	Mr P.C. Tinley	

Noes (28)

Mr P. Abetz	Ms W.M. Duncan	Mr A.P. Jacob	Ms A.R. Mitchell
Mr F.A. Alban	Ms E. Evangel	Mr R.F. Johnson	Mr N.W. Morton
Mr I.C. Blayney	Mr J.M. Francis	Mr S.K. L’Estrange	Dr M.D. Nahan
Mr I.M. Britza	Mrs G.J. Godfrey	Mr W.R. Marmion	Mr D.C. Nalder
Mr G.M. Castrilli	Dr K.D. Hames	Mr J.E. McGrath	Mr J. Norberger
Mr V.A. Catania	Mrs L.M. Harvey	Ms L. Mettam	Mr A.J. Simpson
Mr J.H.D. Day	Mr C.D. Hatton	Mr P.T. Miles	Mr A. Krsticevic (<i>Teller</i>)

Pair

Ms J. Farrer

Mr R.S. Love

Amendment thus negated.

Debate interrupted, pursuant to standing orders.

[Continued on page 6020.]

Extract from *Hansard*

[ASSEMBLY — Wednesday, 9 September 2015]

p6002a-6009a

Mr Chris Tallentire; Mr Albert Jacob; Mr Roger Cook; Ms Simone McGurk
