## BIODIVERSITY CONSERVATION BILL 2015

*Second Reading*

Resumed from 23 March.

**MR D.J. KELLY (Bassendean)** [2.48 pm]: I thought I would lose my last five minutes to speak on the Biodiversity Conservation Bill 2015 and I would have been disappointed. In the time I have left there are a couple of issues I want to raise. The minister may want to make note of the first one. I understand he has had correspondence from the WA Fishing Industry Council and Recfishwest about concerns that they have that some of the provisions of this bill will impact on their activities. I have not had a full briefing from them, but I anticipate that it may be clauses 149, 150 and 151, as they relate to people taking threatened fauna—basically, they are penalty provisions. My understanding is that there are concerns in the recreational and commercial fishing sectors about how this bill will impact upon those sectors undertaking their lawful activities. I would be very pleased if the minister could inform the house of the issues those groups have raised and which provisions of the bill are of potential concern to them. Can the minister also outline the government's position and how these provisions will impact upon those sectors. I understand that the minister has had their correspondence for some time, so I hope that at the appropriate time the minister will jump up and give a full and considered response to those sectors. I am a little concerned that at such an advanced stage of debate on this legislation, those sectors do not feel that they have received an adequate response from the minister. But this is the minister's opportunity to give us a response to the concerns raised by both the Western Australian Fishing Industry Council and Recfishwest.

I have only two minutes to go so I will do two things. I commend a couple of community groups who operate in my electorate and do incredible work in the area of conservation and management—namely, the Bassendean Preservation Group and Ashfield Community Action Network. These groups have an incredible commitment to the environment and put in hundreds of volunteer hours, often in trying circumstances, without much recognition. I take this opportunity in the context of this new Biodiversity Conservation Bill to recognise AshfieldCAN and the Bassendean Preservation Group. In my last minute, I reiterate how keen I am to hear a bit more from the Minister for Environment on climate change. Earlier in my speech, I said I did not think I had ever heard the minister make a ministerial statement or take a dorothy dixer on climate change. That seems to be indicative of his lack of interest in this area. I am very keen to hear the minister be more vocal in pushing the issue of taking action to stop the effects of climate change—given that we can have all the legislation in the world to protect biodiversity, but if climate change comes over the top, that legislation will be largely redundant.

**MS S.F. McGURK (Fremantle)** [2.53 pm]: I am very happy to make a contribution on the Biodiversity Conservation Bill 2015. It has been a long-awaited bill, notwithstanding the concerns about it. Some of those issues have already been raised by speakers prior to me, so I will perhaps be covering a bit of the same ground.

First and foremost, despite the minister saying that the bill is long awaited and replaces the outdated Wildlife Conservation Act 1950 and the obvious importance of such a bill, he failed to conduct any meaningful negotiation with key stakeholders in arriving at the final bill. That is so much so that we had a common position by a wide gamut of conservation groups, including the Conservation Council of Western Australia, the Worldwide Fund for Nature Australia, the Wilderness Society of Western Australia and the Western Australian Forest Alliance, which called for the bill to be referred to a parliamentary committee and noted expert scientific advice that said it has serious concerns regarding the bill. I will read now from a letter that I received that was sent to members of Parliament. I am not sure whether it was sent to all members of the Legislative Assembly or the Western Australian Parliament, but those groups note in this correspondence of 21 March 2016 the following —

> We are acutely aware that the task of updating Western Australia's Wildlife Conservation Act 1950 is an urgent priority given the inadequacy of that legislation in addressing contemporary threats to our unique and increasingly endangered wildlife.
>
> However, we need an Act that is up to this task, and our wildlife cannot afford for the Parliament to get it wrong.

They go on to say that analysis of the current bill by the Environmental Defender's Office and others shows that the bill is not fit for purpose as twenty-first century biodiversity conservation legislation. As our shadow spokesperson, the member for Gosnells, has said, just by putting the words "biodiversity" and "conservation" into the title of the bill does not mean that it protects the biodiversity or assists in the conservation of this state's very important environmental assets.

I will briefly go over the concerns raised by not only the member for Gosnells, but also those groups that I just outlined. The groups say that the flaws within the bill include almost unfettered ministerial and departmental

chief executive officer discretion and a lack of mandatory biodiversity plans, targets or monitoring. The minister is able to knowingly approve action that could lead to species extinction—the so-called "God clause". There are numerous exemptions from compliance, and there is a lack of adequate penalties including the removal of an option of imprisonment for wilful or reckless harm. I note a significant increase in the penalties, and the minister says that in some way there is still an option for imprisonment because if the penalties are not paid, people who fall foul of the legislation could be imprisoned, but we know that money is no object for some. Sending the message in this legislation that imprisonment is an option is important. The list of objections continues with the fact that no independent scientific input is required by the minister, which is an important omission in this bill and a very central concern. There is concern about the narrow provisions omitting key biodiversity considerations, and finally there is a lack of third party rights and limited public consultation.

All those issues have been outlined, as I said, by other members on this side of the house, but also publicly by key conservation groups in this state. I got the impression that those conservation groups were very keen to engage with this government to ensure we had modern legislation that, as they said, was fit for purpose and up to the task of facing what are considerable challenges in the twenty-first century, managing the very precious natural resources in this state. However, this government wilfully proceeded with tabling this legislation, a significant rewrite of our conservation legislation, without bothering to consult meaningfully with those groups.

I also want to mention some other groups that have commented on this bill, including the Leeuwin Group, which, as members might be aware, is an independent group of scientists in their fields who are committed to the conservation and protection of the state's biodiversity and natural environment. I will read from the Leeuwin Group's March 2016 paper —

> Given the critical importance of Western Australia's biodiversity the LG's first project has been to prepare its advice on the *Biodiversity Conservation Bill 2015*. In so doing the LG has brought its scientific and policy experience and expertise together to analyse the Bill and make recommendations.

The group goes on in the paper to concede, as others have, that the legislation is urgently needed in Western Australia and that the government is to be commended for introducing the bill. The paper acknowledges that the bill contains some long-awaited features, including —

> … statutory recognition for threatened ecological communities and provisions for recovery plans. However, there are areas where best practice in the application of science to biodiversity conservation has not been achieved.

The paper goes on to state —

> … at present the Objects of the Bill are inconsistent in mandating both conservation and use of biodiversity, without one prevailing over the other.

There are deficiencies in the objects of the act. The paper also states that the group is particularly concerned that the new bill allows the minister to approve "taking" a threatened species even if it becomes extinct or to allow a threatened ecological community to be destroyed. The Leeuwin Group's paper states —

> It is essential that these endangered elements of the State's biodiversity have the highest level of protection.

The paper continues —

> A means to include the latest independent scientific thinking in decision-making about threatened species and communities, and threatening processes is essential. The Bill must include an independent science-based advisory committee to advise the Minister on threatened species, communities and threatening processes … Its adoption in WA would bring us into current best practice.

I do not know whether the Leeuwin Group could put its concerns in any clearer terms. In the paper the Leeuwin Group goes into further detail about its concerns. I could go on to talk about the World Wildlife Fund's concerns, the Environmental Defender's Office's very thorough summary of the concerns that I already outlined, and the Conservation Council's concerns. On 21 March, Piers Verstegen said —

> "There is no provision for an independent biodiversity authority, no targets for wildlife recovery, and no requirement for the Minster to use any of the powers in the legislation or to publicly report on the condition of wildlife," …

There are many concerns with this legislation. Considering the breadth of the legislation and how long it has taken this government to put it together, it is a concern that the bill is wanting in so many key respects. Perhaps that should not be so surprising to us if we look at this government's track record on an important environmental issue that has been much debated since May 2014—that is, the decision to proceed with Roe 8 and to fund the road through the Beeliar wetlands in the form of Roe 8 and the Perth Freight Link. The merits or otherwise of

a road through those important wetlands has been a subject of debate across this chamber for many years, but was again brought into sharp focus when the federal government decided to fund the Perth Freight Link in May 2014—the first component of that being Roe 8. Previously, the Environmental Protection Authority had made very clear its very deep concerns about that road proceeding over the Beeliar wetlands; however, under this government, I think it would be fair to say that the credibility of the Environmental Protection Authority has taken quite a hammering. The Environmental Protection Authority has changed its position on Roe 8 through the Beeliar wetlands, only to have that decision overturned by the Supreme Court. A number of the EPA's approvals have had to come before Parliament because of conflicts of interest within the EPA's board and problems with internal processes. The government has had to not only attempt to redo the environmental approvals for the Roe 8, but also conduct an internal examination of the Environmental Protection Authority. I do not think anyone who has looked at the Beeliar wetlands and the merits of Roe 8 in any depth would say that they think that that road can traverse those wetlands without serious damage being done to that important habitat, which is one of only a few very important wetlands and woodlands in the metropolitan area.

I will briefly relist the concerns, which are many, stated in a letter to save Beeliar wetlands, which include —

> 3. **The removal of 79ha of native remnant vegetation will have unacceptable ecological consequences.** The remnant vegetation to be removed is largely comprised of banksia woodland, which is currently undergoing assessment as a Threatened Ecological Community. This will directly impact the EPBC listed Carnaby's Black Cockatoos and Forest Red-Tailed Black Cockatoos, resulting in the loss of 249 potential nesting trees, 78ha of Carnaby's Black Cockatoo foraging habitat and 73ha of Forest Red-Tailed Black Cockatoo foraging habitat …
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> 4. **The potential loss of an EPBC listed Threatened Ecological Community tumulus (organic mound) spring is unacceptable.** In a letter to the community group Save Beeliar Wetlands, respected botanist Malcolm Trudgen stated that the analysis undertaken by —

His group —

> did not follow what would be considered good practice. Trudgen's independent analysis of AECOM's data strongly indicated the presence of a tumulus (organic mound) spring vegetation assemblage within the project area.

I am sorry, I will give some references for that to Hansard. Essentially, it refers to some very important habitat within the Beeliar wetlands. Incredibly, in July last year, the Environmental Protection Authority produced a very sizable report on what it called the environmental impact risks and remedies of Perth and Peel@3.5 million. The report, released in July last year, has the subheading "Interim strategic advice of the Environmental Protection Authority to the Minister for Environment under section 16(e) of the Environmental Protection Authority Act 1986". In fact, if we look at the sort of advice that was being given to the government, it seems completely contrary to the decision to proceed with Roe 8. Particularly galling is, of course, that there are good and very sound alternatives to the Roe 8 proposal that would take freight traffic away from the metropolitan area. Roe 8 has been referred to as "the road to nowhere" for some time, and it continues to live up to that name because it is, in fact, a plan that is 50 or 60 years old and should, like many of the Liberal Party's philosophies, be left back in the 1950s.

[Member's time extended.]

**Ms S.F. McGURK**: In his foreword to the Environmental Protection Authority interim strategic advice report, "Perth and Peel @ 3.5 Million: Environmental impacts, risks and remedies", the chairman of the EPA, Dr Paul Vogel, notes that most of the population in the Perth and Peel regions sits within one of the world's 34 biodiversity hotspots. He states —

> There has been extensive clearing of native vegetation and the habitat it provides for many species. Today, only 29 per cent remains of the original extent of vegetation on the Swan Coastal Plain portion of the Perth and Peel regions.
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> …
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> The quality of our rivers and estuaries has deteriorated and many of the wetlands on which a wide variety of flora and fauna depend have been filled or degraded.
>
> However, while mistakes have undoubtedly been made, Western Australia also has a history of taking bold steps to protect and repair our natural endowment.

He then talks about the decision to set aside land in Kings Park, the John Forrest National Park in Greenmount and Yanchep National Park, the establishment of the EPA in 1971, and Western Australia's 1992 signing of Australia's National Strategy for Ecologically Sustainable Development. We have to wonder how the

government that the Minister for Environment is part of will be judged by history in terms of its contribution to the state's environment, particularly with regard to its decision to try to proceed with Roe 8.

The foreword continues —

> With the Perth and Peel regions likely to accommodate a population of 3.5 million in coming decades, the environment faces its greatest challenge.
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> …
>
> If we are to give life to the principles of ecologically sustainable development, then we must place an appropriate weight on environmental values in decision making.

I turn now to some of the specifics in this report about wetlands. This is a sizeable report and has been passed on to the government, and on the subject of wetlands it is quite specific. I quote from page 29 of the report —

> Wetlands, rivers and the surrounding vegetation provide refuge habitat for fauna and allow movement within urbanised landscapes. In particular, the large wetlands of the Peel region provide significant foraging habitat for thousands of migratory shorebirds annually during the summer months.
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> …
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> Further reduction in the size and number of these remnants through their removal for urbanisation and infrastructure will increase the pressure on a number of fauna species already of concern in the Perth and Peel regions, and is likely to lead to a higher level of conservation status for these species.

The report is very clear in its comments about wetlands. This is important and it is something that I have raised before in this house. I give credit to Gary Adshead, who pointed this out on his program on 6PR. I quote again from page 30 of the report —

> Wetlands ecosystems provide habitat for a wide variety of flora and fauna—many support threatened and priority ecological communities. They also provide a broad range of ecosystem services, have cultural significance and are important for recreation. Upland vegetation adjacent to wetlands also provides habitat critical for parts of the life cycle (breeding and foraging) of many fauna species that rely on wetlands for their survival. For example burrowing frogs, including the Moaning Frog, lay their eggs in burrows dug into sand or mud that may be hundreds of metres from water.
>
> …
>
> When these wetland/upland ecological links are lost ecological processes collapse, leading to species decline and loss.

Notwithstanding these very clear comments about our wetlands, the government would have us think that it can lay five kilometres of tarmac over wetlands and that it will be okay because it is on a bridge that is slightly raised, but I do not think anyone seriously buys that. Certainly, the Supreme Court was aware that the EPA had not abided by its own policies or even considered them when it made its assessment of the Roe 8 proposal through Beeliar wetlands. The result has been farcical management of this issue but, as I say, what is very frustrating for the community is that there are some very sound alternatives to taking a massive road through those wetlands.

Finally, I want to make some quick comments about the Carnaby's black cockatoo. We know that the wetlands provide important nesting places for the black cockatoo, yet this government's management of this endangered species is really dubious. An ABC News article from 25 August 2014 reads —

> **The iconic Carnaby's black cockatoo may die out in the Perth region within 15 years, a report has found, prompting calls for the state and federal governments to protect remaining habitats.**
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> The 2014 Great Cocky Count report by Birdlife Australia and Western Australia's Department of Parks and Wildlife estimated the current rate of decline in the cockatoos' population on the Perth–Peel coastal plain was 15 per cent per year.

Ms Vine from Birdlife Australia was quoted as saying —

> "We've done some really robust analyses and shown they're declining by 15 per cent per year at the moment," Ms Vine said.
>
> "If this continues we're likely to see extinction of the [Perth] population in the next 15 years."

The 2015 Great Cocky Count has occurred since then and that trend of population decline at a rate of 15 per cent a year has continued. A summary of the 2015 count by Birdlife Australia states —

> Trend analysis of roost counts for Carnaby's Black–Cockatoo in the Perth–Peel Coastal Plain found significant declines in both the fraction of occupied roosts and flock size over the last six years (2010–15).
>
> The combined effect of fewer occupied roosts and fewer birds in each roosting flock is an estimated current rate of decline of 15% per year in the total number of Carnaby's Black–Cockatoos on the Perth–Peel Coastal Plain.

That trend is worrying, but notwithstanding that, we have the government's green growth plan—or, as it is called in my neck of the woods, the "green growth scam". Despite quite significant criticism of that plan, the minister has claimed that the plan is the absolute best opportunity for the cockatoo population's long-term survival. Instead of addressing this decline, the green growth plan is poised to lock in the destruction of more than 30 000 hectares of Carnaby's habitat because the conservation measures it proposes are more than cancelled out by the loss of habitat in areas of prime habitat that are zoned for urban development. There has already been quite a bit of discussion in this house about the green growth plan, including the fact that it was tabled before there was any consultation, people could not read any of the maps and there was a lack of funding allocated to it. I will go on to explain some of the concerns. In exchange for the loss of more than 14 000 hectares of native habitat and 24 000 hectares of pine forest in the Perth–Peel region, the plan proposes that 5 000 hectares of pines should be replanted, but young pines take more years to produce the same amount of food as established trees, so there will be a time lag before the food source is even partly replaced.

**Mr A.P. Jacob** interjected.

**Ms S.F. McGURK**: The minister will get his opportunity to speak.

The plan also proposes to increase the level of protection of more than 100 000 hectares of existing feeding habitat, but, of course, that habitat is already there and is being used by cockatoos. Most of it is already protected to some degree, and the minister's position raises questions about how much genuine benefit schemes such as this really provide. We only have to look at those examples to see that this government has a very poor record in practice with some of our important natural habitat for which we have a very serious responsibility.

From the sublime to the ridiculous, I just want to mention again the felling of the tree in Coolbellup within the Roe 8 reserve in January this year. It was just after the Environmental Protection Authority decision had been overturned by the Supreme Court. It led locals to wonder whether there was something a bit more malicious in Main Roads' approval of the felling of a tree that was estimated by botanists to be about 500 years old. The tree was cut down because Main Roads said that there were bees in it and it caused a danger to the community. Main Roads cut down the tree, but it left the bees in the tree and went away. When we went there within the week to examine what had been done, the bees were still there. It was pretty incredible. But it was all right, because the person who produced a report after he had cut down the tree is called Paul Haning. He is an arborist and landscaper, and he does have qualifications—from Perth Bible College. Therein lies this government's credentials to manage our incredible and very important habitat. I hope that this bill is given very serious consideration and scrutiny, because it is an important bill.

**MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker)** [3.23 pm]: I just want to make a few comments about the Biodiversity Conservation Bill 2015, which of course will replace the Wildlife Conservation Act 1950 and make some quite significant changes to biodiversity conservation, including, in particular, providing strong disincentives against causing impacts on the environment. Of particular interest to me is that the bill will also repeal the outdated Sandalwood Act. These provisions will address the concern raised by the community and, in particular, the sandalwood industry in recent years that the current regulatory regime has not been satisfactory. In fact, the Sandalwood Act 1929 was identified by the Legislative Council Standing Committee on Environment and Public Affairs as inadequate for appropriate regulation of sandalwood harvesting. The Sandalwood Act 1929 does not provide meaningful deterrents to persons seeking to unlawfully harvest wild sandalwood. Under that act, the maximum penalty is $200, when the product itself is worth about $15 000 a tonne, so it is well worth the risk. Under this bill, the penalties will be increased to a maximum of $200 000 for individuals and $1 million for corporations per offence, with an additional penalty of up to $20 000 per tonne of unlawfully obtained sandalwood. The other thing about this bill that should be greatly welcomed is that it will provide a simple and effective means of demonstrating the veracity of sandalwood being traded and processed through verifiable record keeping. One of the issues that have been particularly prevalent in my electorate is the illegal harvesting of sandalwood and its transport, often out of the state, to be exported from other ports. There has been no chain of responsibility or identification. One of the things that I appreciate about the work that has gone into this bill is the negotiations and undertakings with the federal government to ensure that that chain of responsibility from harvest to export is in place.

At the moment, the sandalwood industry is managed under four governing statutes—the Sandalwood Act, the Forest Products Act, the Conservation and Land Management Act and the Wildlife Conservation Act—which

makes it very complex. It also, of course, is managed by two agencies—the Department of Parks and Wildlife and the Forest Products Commission. It has been far from satisfactory. Of course, the high demand for sandalwood in recent years has highlighted the shortcomings of the current legislation.

I will go into a bit of detail for the benefit of my constituents, who I am sure pore over *Hansard* every time I make a speech! Under this bill, sandalwood will be treated as an exceptional species of flora. That means that, if necessary in future, sandalwood can be protected under this legislation and more orders can be made. Sandalwood will be subject to the protected flora provisions, with special management arrangements and penalties. There is recognition and separation of management requirements for wild sandalwood on crown land, wild sandalwood on private land and cultivated sandalwood. As I mentioned before, the penalties will be significantly increased, so, hopefully, that will make a big difference.

Under clause 172 of the bill, a person must not take sandalwood on crown or private land unless that person has lawful authority. That lawful authority will be needed before sandalwood can be taken. Clause 176 provides that the sale and other supply of sandalwood must be done under the authority of a licence, and there is a penalty of $200 000 for individuals and $1 million for corporations. The only defence available is if the sandalwood can be proven to have been lawfully obtained or supplied as a gift. Clause 177 provides that dealing in sandalwood must be done under the authority of a licence, and the penalty is $200 000 for individuals and $1 million for corporations. That covers the purchase and supply of sandalwood and ensures that a chain of responsibility is in place.

Clause 178 deals with the processing of flora in general, but sandalwood is captured in the clause, so that processing cannot occur without the authority of a licence. It also provides that a person must not operate a sandalwood processing establishment except under the authority of a licence, and there is a fine of $50 000 for individuals or $250 000 for corporations in the event that that is not the case.

Finally, of course, looking at this whole chain of responsibility, sandalwood must be exported only under lawful authority, as provided in clause 179. The penalties for failing to have lawful authority when exporting sandalwood are fines of $200 000 for an individual and $1 million for a corporation.

The penalties in this bill are focused on individuals, and when a court convicts a person or a corporation of a sandalwood offence, there is the opportunity to impose an additional penalty per tonne of sandalwood. That really means that the amount of sandalwood that is being illegally harvested and exported should really dramatically reduce under this legislation. Perhaps a one-off penalty can then be added on through this per-tonne penalty to really ensure that the people involved in the sandalwood black market know that the government is well and truly earnest about bringing an end to this illegal industry.

The most important thing, and something that I have been very concerned about throughout my political career, is the sustainability of wild sandalwood harvests in regional areas and in the rangelands. The product takes up to 40 years to mature, and I think that while we had such a large illegal harvest happening, the actual existence of this beautiful tree, the aroma of which is second to none, was under threat. I really welcome this legislation and I really appreciate that the minister took note of the report of the Legislative Council committee. I look forward to seeing its effect as the legislation comes into force.

**MR V.A. CATANIA (North West Central — Parliamentary Secretary)** [3.33 pm]: I, too, like the member for Kalgoorlie, rise to support the Biodiversity Conservation Bill 2015 and its provision for better protection for Western Australia's wild sandalwood resource. The bill looks at replacing, as the member for Kalgoorlie said, very, very old legislation—the Sandalwood Act 1929. This Biodiversity Conservation Bill looks at better protecting our ecology and places greater emphasis on the conservation of this species.

The sandalwood industry is an important component in the state's forestry strategy, particularly for remote and regional communities. I, like the member for Kalgoorlie, have large quantities of natural native sandalwood in my electorate going right through Mt Magnet, Wiluna and into the goldfields, where the species requires conservation for it to continue to be a valuable resource for this state. The sandalwood industry is one of the oldest export industries in the state, would you believe. The first exports were recorded in 1844. At one time Western Australian wild sandalwood provided 30 per cent of the state's export income, which was a large proportion of the state's income. Given that iron ore is now by far the largest export in this state and this country's economy, it is amazing that sandalwood once set the record for providing large amounts of export finances to the state.

The time has come to better conserve our natural resource of sandalwood and this government is making much-needed changes in this space. As the member for Kalgoorlie said, it is important that we protect this resource. This bill truly reflects the government's will and the importance it places on updating this legislation. It has been on the drawing board for the past 10 years or so.

The Minister for Environment has already informed the house about the reduction of the sandalwood order as a conservation measure. Under the new Forest Products Commission order, it is licensed to harvest

90 per cent of the quota or approximately 2 250 tonnes a year. I welcomed the inquiry that the upper house committee did on sandalwood, which showed how much we take and that we need to protect our sandalwood. As time moves on and plantation sandalwood comes onstream—it takes 15-plus years for these plants to mature for harvesting—I think we will find a slight reduction in the quota for wild sandalwood. Hopefully, we will start to see the native sandalwood quota reduce. We need to manage this very important industry, the sandalwood industry, through the Forest Products Commission so that we continue the good work of protecting not only our native resource, but also the markets and income that sandalwood provides for the state.

The wild WA sandalwood's value remains pretty immense. It has an average commercial value of $11 000 per tonne. Last year, it generated more than $25 million of revenue for the Forest Products Commission. Given its worth, penalties for illegal harvesting of native sandalwood are currently inadequate. As the member for Kalgoorlie said, that problem is being addressed through this bill. When we have something so valuable—worth on average $11 000 per tonne—it is crazy to think that the current penalty is a fine of up to $200. That is pretty ludicrous given the importance of sandalwood from both an economic and conservation perspective; we need to conserve the natural resource of wild sandalwood. The penalty in this bill for individuals who are caught illegally harvesting sandalwood will be a fine of up to $200 000. That is a fair movement from $200. For corporations, the penalty is increased to a fine of up to $1 million. I believe this will act as a significant deterrent for what is becoming a really large problem—the illegal sandalwood trade.

It is good to see the collaboration between FPC and the federal government to ensure that we are made aware of illegal sandalwood being shipped from our ports. This is an important breakthrough to really crack down on sandalwood being shipped out illegally, as it affects our markets and those people who are licensed and doing it correctly. We are also ensuring that we do not go above our quota that we set as a state to protect our sandalwood resource.

Members may or may not know that the Forest Products Commission has recently undergone a restructure of its industry processing, sales and marketing arrangements. This was largely in response to the sandalwood inquiry conducted by the Legislative Council's Standing Committee on Environment and Public Affairs. The new industry structure was significantly shaped by industry and stakeholder feedback through a consultation process across regional Western Australia and Perth. It is designed to provide market stability to the sandalwood industry, opportunity for new entrants into the industry, employment and investment in regional Western Australia, greater Aboriginal employment in the industry, and a smooth transition to a mixed wild and plantation-based industry. It was basically a 10-week request for proposal process for sandalwood contracts and, under the new industry structure, concluded on 23 March this year with a view to awarding contracts by 1 October this year.

A strengthened industry will contribute to economic diversity in the regions and encourage greater regional involvement throughout the supply chain, from harvest and haulage to sales and marketing. The Forest Products Commission and the Department of Parks and Wildlife will continue to work together to implement better protections for wild WA sandalwood and allow its legacy to continue as an important state resource. FPC also plans to introduce a legal verification system to assist authorities and industry to track the resource through the supply chain. As I said, greater collaboration between state and federal governments will ensure we can track the illegal sandalwood leaving our ports. All new contractors must comply with a legal verification system that demonstrates that all sandalwood handled by the facility has originated from a legal source. This legislation complements industry reforms being led by FPC and the recent reduction in the annual harvest quota of wild Western Australian sandalwood to ensure the long-term protection and management of this natural resource.

This is a very good bill in regard to ensuring that sandalwood, one of the oldest exports in this state, is protected into the future. It ensures the penalties are sufficient in deterring sandalwood being illegally harvested, exported and sold. I commend the minister on this bill because it will have a great impact on protecting the resource of sandalwood.

**MR M.P. MURRAY (Collie–Preston)** [3.42 pm]: I follow the previous opposition speakers in my role as shadow Minister for Forestry. Sandalwood has been one of the bigger issues, especially for station people, who were ringing in to report the illegal harvesting of sandalwood for quite some years: It was great to see that even under current laws a group from the Kalgoorlie region were fined about $10 000 for an illegal harvest. Not only is illegal harvesting a problem, the method of harvesting wild sandalwood has also caused many problems. That includes having bigger machinery than was allowed at the time. There were rules about the size of machinery that harvesters were allowed to use. Blind eyes were turned to the rules that were in place. I think they were regulations through the ministerial process. People ignored some of the concerns about that. All of a sudden we

had over-harvesting problems because both legal and illegal harvesting went over the amount of sandalwood that was sustainable at the time. Some of those areas will take many years to recover.

A lot more work needs to be done about sandalwood plantations. This year, when a major company on the Ord harvested its first lot of green sandalwood, it was not quite as good as hoped. The oil content was not quite as high, but it certainly gave a return. It is my understanding that after those first plantations on the Ord, sandalwood needs another type of host tree to feed off as a parasite. The host trees outgrew the sandalwood. They put too much shade on the ground. Because of the reduced sunlight, it reduced the amount of oil in the plant itself. In the latest plantations, they have changed the way they do it and which tree is used as a host. When I looked at the plantations up on the Ord, I asked "What are those lovely trees?" They said, "They're not really the ones we wanted to grow. We wanted to grow sandalwood but now we have these"—I forget the name of the host tree. They were certainly very good looking trees and very large, yet the sandalwood had not grown as well as it should have. That is about how we do things. That is up to the people. I believe the government should spend more money on research because it is a very valuable product. When I am camping in the wild, if I throw a stick of sandalwood on the fire, the smell from that fire is sensational, to say the least. I usually scrape around looking for the next bit but cannot find anymore. Many people have pieces of a sandalwood tree within their homes for aesthetic reasons. It produces an aroma without it being burnt.

The main issue, as our previous speaker said, is the export of illegally harvested timber. I wonder how that happened. I suppose if it is mixed up somewhere, it will get through. I am sure that the fines to be introduced, which I support, will certainly make people think about what they do—for example, whether running large tractors through the countryside in search of wild sandalwood will knock over much of the bushland. I understand that that occurred because it was so profitable and it was not policed very much at all, even though people complained. It will make people take a step back. Any fines in that area will be welcomed by many people.

Another part relates to station owners, who, at times, tend to think they are the owner of the product. That causes some confusion or a lot of agitation between different groups. The government has to portray the new laws about sandalwood, including how it works and who is allowed to harvest it. It has to be clear to stop some of those things that happen in country areas, like a couple of shots across the top and things like that, to chase off those who they believe are illegal harvesters. There is always that confusion. I hope that the management of this area is tidied up a little so that people are not confused about who is allowed to harvest and who is not. There are those problems. Some harvesters who probably go out illegally are salt-of-the-earth people. They are people who live rough and work very hard, doing a lot of manual work and hoping to reap the rewards. While there is a black market that keeps the price down, it hits their pockets because they are doing the right thing at a cost, whereas illegal harvesters are fly-by-nighters who do not give a damn about the damage they do. They are only worried about how much money they can make in a very short period before they move on, hoping not to be caught.

Anyone who has been to the Albany region to look at the processing of sandalwood will know it is quite an interesting process. It was mainly developed in Australia, which is great, and it was started by an entrepreneur who took a risk over a period of time and then sold out to a quite large company. I think he still retains a small share of Mount Romance. It is also a tourist attraction in that area, second to none. The only unfortunate part for me was that when I had a look at the place, I took my wife. That certainly emptied the wallet before I got out and that is always a bit of a pain. Looking at the process, it is extraordinary to see the amount of oil that comes out of what many people would consider a dry stick. The process rounded out, I suppose, right the way through from the native harvest, into bags of chips and then the process and the aroma that comes out. The amount of cosmetic products produced in that area is really amazing. We go overseas and see that some of the produce has "Australian sandalwood" written on the label, which is great. We do not need to have a black market in that area.

One of the unique properties of sandalwood is its ability to withstand variations in temperatures. Many of the other trees in that area suffer badly from white ant. Although sandalwood gets attacked to some degree, it is certainly not as much as some of the gum trees, where the white ant nests can cover the base of the tree. Sandalwood does not seem to suffer from that. I believe it is also very dependent on biodiversity. Animals will carry the seeds of the sandalwood plant, helping it to propagate. Animals will take the seeds to store for food, and then forget where the store is, and then with the next shower of rain sandalwood will grow.

Overall, there are still a few problems with the Biodiversity Conservation Bill 2015, and it is my understanding that a few amendments will be moved. I hope that the government will take these amendments in good faith, talk them through and assist us to tidy up the bill just a little on the way through.

**MR A.P. JACOB (Ocean Reef — Minister for Environment)** [3.53 pm] — in reply: I thank members for their contributions to the debate on the Biodiversity Conservation Bill 2015. I will deal with the big picture to start off

with. The Liberal–National government has been delivering environmental initiatives to an extent that we have never seen before in the state of Western Australia. As a part of this, the Liberal–National government made an election commitment in 2013 to introduce new modern legislation to replace the 66-year-old Wildlife Conservation Act. The bill before the house today sees us delivering exactly what we said we would. I draw attention to the fact that previous Labor governments, despite many commitments, have not managed to bring a bill such as this to the house.

The new Biodiversity Conservation Bill includes the ability, for the first time in Western Australia, to list threatened ecological communities. This is in line with modern expectations for a conservation bill. Importantly, it also has the capacity to list critical habitats, and includes opportunities to encourage and facilitate private conservation efforts. This is a growing movement within a modern conservation approach, particularly in a state the size of Western Australia. This bill recognises and facilitates very important private conservation efforts. The bill contains significant extra penalties, and this was a key plank of our election commitment. These penalties ensure that we will have the enforcement mechanism necessary to protect Western Australia's biodiversity. Penalties in the existing Wildlife Conservation Act of between $4 000 and $10 000, as a maximum, will be increased to $500 000 for infringements that affect not only critically endangered animals, but also cetaceans such as whales and dolphins. As the member for Kalgoorlie outlined, in the instance of sandalwood penalties of up to $1 million are provided for. Importantly, new sandalwood provisions have been rolled into this legislation, along with the repeal of the existing Sandalwood Act, which, if anything, is even more outdated than the existing Wildlife Conservation Act.

Most of the issues raised by the opposition about this bill came predominantly from the Environmental Defender's Office white paper, and these proposals, in my view, appear to be based on a misreading, and perhaps in some instances even a misrepresentation, of the proposed legislation, particularly in comparison with current legislation. I will call this scaremongering by some groups on this issue.

**Mr C.J. Tallentire**: Do you want to go through those things, minister?

**Mr A.P. JACOB**: I will, member.

Quite simply, to do nothing, as the EDO suggested, is not an option.

**Mr C.J. Tallentire**: That is not what they said.

**Mr A.P. JACOB**: That is what it said.

The government is committed to this new legislation, and it is committed to updating the outdated Wildlife Conservation Act. The Environmental Defender's Office also falsely claimed that the Wildlife Conservation Act contained provisions for imprisonment penalties, and that these had been dropped from the Biodiversity Conservation Bill. For the record, the Wildlife Conservation Act does not contain imprisonment penalties, and its grossly inadequate financial penalties, the maximum of which was $10 000, are to be replaced by maximum penalties of up to $500 000 for a critically endangered species, with a new ability for a court to require a person or company that has unlawfully damaged a habitat of a threatened species or a threatened ecological community to repair that damage. In addressing calls for jail time to be attached, I would say that putting somebody in prison is not going to repair the habitat damage that they have caused.

The EDO has also illogically claimed that the Biodiversity Conservation Bill is not an adequate replacement for the Wildlife Conservation Act, when the current act has none of the features that the EDO appears to be seeking. In particular, the current Wildlife Conservation Act contains no provision for public input, no recognition of threatened species rankings, no recognition of threatened ecological communities, no mechanisms for recognising and assisting community efforts for biodiversity conservation, no consultation with landowners about conservation of threatened species and communities, no mechanisms for repairing damage to habitat of threatened species and communities, and no adequate penalties to discourage unlawful taking of the most highly threatened native species and communities.

In summary, the EDO and the Labor Party have been promoting legislation that would involve unnecessary regulation and bureaucratic process, introduce new statutory advisory committees, each of which would require servicing with secretariats and new costs for sitting fees, travel and meeting expenses while delaying decision-making, and also require circuitous reviews that would severely diminish the government's ability to govern while adding immense time delays to the implementation of decisions. The suggestions for a compulsory biodiversity strategy and bioregional plans would add significantly to the cost of implementing biodiversity legislation, and divert scarce resources away from actual non-ground conservation actions; for example, this government's $103 million Kimberley biodiversity conservation strategy—a level of investment that has not been seen before for any biodiversity strategy.

Any fair-minded person would agree that the bill before the house will provide a major boost to biodiversity conservation in Western Australia and is, in every provision, superior to the grossly inadequate and outdated legislation it is designed to replace. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.