

**CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2021**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON NEIL THOMSON (Mining and Pastoral)** [5.05 pm]: I want to pick up on the comments that I made in the short time that I had prior to question time. I raised the issue of some alternative scenario that might have driven the timing of the entry of this bill into the house. I hope that is not the case.

Importantly, I want to talk about joint vesting and how that works in theory and in practice. The processes by which joint management arrangements are managed are the vital components here. It is through the management of the joint vesting that all the action occurs. Hon Tjorn Sibma also alluded to that in his comments. That is backed up by a document that I have found online in the archives of the federal Parliamentary Library. It is titled *Managing parks/Managing 'country': Joint management of Aboriginal owned protected areas in Australia*. That is quite an old document but, notwithstanding that, it is very insightful. It is research paper 2 of 1996–97 by Dr David Lawrence from the social policy group. I assume that the social policy group in the department was responsible for this, although that is not mentioned in the document. I wish to quote what I think is quite a pertinent and salient point —

From the perspective of traditional Aboriginal owners, joint management is a matter of process, not structure, and an aspect of community development rather than a specific conservation agreement. Their aim of control over traditional lands has been largely determined by the need for strengthening cultural identity, community development and economic self-sufficiency, and not environmental protection.

That is a very important point when we break it up. We want to strengthen the cultural values. I think all reasonable persons in Western Australia support that. Certainly the acknowledgement of cultural values is supported. When this work was done, it looked primarily at the terrestrial environment, because at that time I am not sure that any marine parks had been established with joint management. However, some terrestrial joint management parks were in play. I think Kakadu National Park was one of the first ones where that occurred, and very successfully. An important distinction needs to be made. In talking about the marine environment, I have become very aware of some of the commentary in and around Buccaneer Archipelago, which is close to Broome, where I live. I will allude to that shortly.

My understanding is that any acknowledgement of native title has been non-exclusive possession, which is probably a reflection of the uses that have occurred on those waters over several generations by the people in that space. Acknowledgement through the native title process is important because when we undertake the joint management of rules and procedures to identify how the zones will be managed, which was a matter raised by Hon Tjorn Sibma, a fulsome level of consultation will be undertaken with all the parties. But that part was sadly missing in the early stages, at least in the development of the Buccaneer Archipelago plan, and it became quite a significant matter in the lead-up to the 2021 state election. I met with many people at the time who were deeply worried. I alluded to that yesterday in my commentary on the fisheries motion because it was a similar situation in which I sat down with people who were in tears over the fear of losing the right to fish in a zone where they had lived for many years, if not all their lives; multiple generations of people live in Derby. These people are very close to the land and very connected to traditional owners. I am not necessarily talking about the traditional owners themselves, but I am talking about people who, by way of marital relationship or other family connections, friendships or longstanding associations, have lived in that community and have established a level of rapport and consideration and have a high degree of respect for each other to manage that process. That has worked quite well up until now.

I come back to the point about process. I think the process was sorely lacking, which comes back to the issue of who has control over the process. This government is pretty good at painting itself as being the paragon of virtue in matters relating to Indigenous rights, and, over the years, Labor governments have been at the forefront of reforms. But, increasingly, over time, as I speak to the hundreds of people I know who engage with traditional owners or Aboriginal people, they tell me that they have found a sense of practicality and delivery is lacking, which is concerning.

**Hon Kyle McGinn** interjected.

**Hon NEIL THOMSON:** The comments that I have received are that it has been Liberal governments that have —

**Hon Kyle McGinn** interjected.

**The PRESIDENT:** Order!

**Hon Kyle McGinn** interjected.

**The PRESIDENT:** Order! It is clear, honourable member, that the member on his feet is not taking interjections.

**Hon NEIL THOMSON:** Thank you, President.

We saw massive progress under the Barnett government in the delivery of Aboriginal housing in the Kimberley and a range of related matters.

I come back to this issue of control. Who actually has control? We still see that, ultimately, when it comes to these joint vesting arrangements, bureaucrats in the Department of Biodiversity, Conservation and Attractions have an incredible amount of control. I am not saying that should not exist, but with control and power comes enormous responsibility. That enormous responsibility places upon those bureaucrats an obligation to act with impartiality and fairness and within the broad context of the community. I had reports from people in the community that in the process that was undertaken in the early stages of 2018–19, when the first consultation was done, there was —

Several members interjected.

**The PRESIDENT:** Order! A bit of background noise and badgering is not welcome.

**Hon NEIL THOMSON:** There were reports saying it was “secret squirrel”. There were concerns from people in the community that there was —

Several members interjected.

**The PRESIDENT:** Honourable member, just try to focus your comments through the chair and directly to the chair.

**Hon NEIL THOMSON:** Thank you. There was a perception—I am not saying it was absolutely true, but it is the perception that is important. Perceptions are everything in this space. The perception was that some senior figures—we are not saying it was the minister; whether it was the bureaucrats, we do not know—effectively used some of the traditional owners as a smokescreen for a broader target in relation to the outcome of their single-level objective.

This is a major problem we see. According to some of the comments I have heard, there was a fear that the sealing of the road up the peninsula was going to mean that thousands of four-metre to five-metre vessels would be towed up there and there would be complete destruction of the fisheries as a result. That was the fear that was placed on them, and it was done in an uncontrolled situation. There was a period of at least 12 months, maybe 18 months or two years—we do not know fully, because we do not have the dates—during which the only consultation with the traditional owners was by a select group of people from DBCA.

This is a challenge. These processes have to be maintained in a transparent and open way. I have heard commentary from others about the potential weaponisation of the conservation movement in relation to the Fitzroy River, for example. It could be problematic if this is occurring. We cannot allow people with a single objective to go into a situation and create fear and concern, resulting in an outcome that is then dropped as a fait accompli into the community. That is exactly what happened. There were maps delivered to the community and everything was effectively locked down. It was only then that the minister paused and reflected, because suddenly there was a hue and cry from members of the community. Suddenly there was some engagement, to the credit of the community. There was engagement at a personal level, and that resulted in some compromises being undertaken and some change, but it created a lot of fear and concern in the community.

Debate adjourned, pursuant to standing orders.