

Enquiries: Scott Buchanan

Phone: [REDACTED]

Your ref:

Our ref: 076/0000095



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Agriculture and Environment Committee
Parliament House
George Street
Brisbane QLD 4000
aec@parliament.qld.gov.au

Dear Chair

SUBMISSION: NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL 2015

On behalf of the Wet Tropics Management Authority, I wish to make a submission regarding the Nature Conservation and Other Legislation Amendment (NCOLA) Bill. The Authority is established under the *Wet Tropics World Heritage Protection and Management Act 1993* (Wet Tropics Act) to ensure that Australia's obligation under the World Heritage Convention in relation to the Wet Tropics of Queensland World Heritage Area is met. Under the Wet Tropics Act, the Authority *inter alia* must, as far as practicable, have regard to the Aboriginal tradition of Aboriginal people particularly concerned with land in the Wet Tropics World Heritage Area; and liaise and cooperate with Rainforest Aboriginal people. The Wet Tropics Act also establishes an independent board of directors which includes two Aboriginal directors. One of the Strategic Goals under the Authority's Strategic Plan 2013 – 2018 is that "Rainforest Aboriginal people are supported in expressing their knowledge, culture and management practices on country".

The Authority is generally supportive of the proposed provisions in the NCOLA Bill, further we support the stated intent (detailed in the Minister's explanatory speech) that reinstating the original object of the *Nature Conservation Act 1992* (the Act) will not impact on delivering a commitment to involving Indigenous people in the management of protected areas.

The Authority is of the opinion that having reference to Indigenous people's roles and interests in the management of national parks at the forefront of the Act is a positive step forward. It establishes the State's recognition of the importance of protected areas to Indigenous people. It also establishes the State's commitment and support for Indigenous people's involvement in management of protected areas. In regards to this, I make the following comments regarding Clause 4 of the Bill:

conserving...sharing...enriching

Cairns Port Authority, [REDACTED]

Clause 4 of the Bill proposes that section 4 **Object of Act** be amended to read:

4 Object of Act

The object of this Act is the conservation of nature.

The first part of section 4 of the *Nature Conservation Act 1992* (the Act) currently reads as follows:

“4 Object of Act

The object of this Act is the conservation of nature while allowing for the following:

- a) the involvement of indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom; ...”

The Authority notes section 5 of the Act refers to how the conservation of nature is to be achieved by a whole-of-state conservation strategy involving *inter alia* “recognition of interest of Aborigines and Torres Strait Islanders in nature”. However, while this reference is to remain, the Authority is of the view that it does not provide the same level of recognition of Indigenous interests as currently provided in s4(a) of the Act.

From a legislative perspective, it is appreciated that if the object of the Act is to include objectives other than the conservation of nature, then the Act needs to include a range of appropriate provisions designed to meet such objectives. At present this is not the case with respect to Indigenous interests other than those relating to Division 3 with respect to Torres Strait Islander land; Cape York Aboriginal land; and Indigenous joint management areas on North Stradbroke Island.

The Authority therefore recommends that the current Clause 5 of the NCOLA bill be amended to read as follows:

“Clause 5 Amendment of s 5 (How object is to be achieved)

Section 5, “The object of this Act is to be achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things, the following—”

omit, insert—

The conservation of nature is to be achieved by:

- (1) allowing for the involvement of indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom; and
- (2) an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things, the following— “

Such an amendment retains the current emphasis regarding Indigenous involvement. It also elevates the recognition and commitment of the State to involving Indigenous people in protected area management, over and above the references to Indigenous interests nestled under section 5(f) of the Act.

The Authority appreciates the opportunity to make comment on this most important Bill, if the Committee requires any further information or clarification, please contact me on (07) 4241 0501.

Yours sincerely

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Scott Buchanan
Executive Director