


Submission No. 74


26 November 2015

The Secretary
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000


Dear Secretary

I refer to the committee's current inquiry into the Nature Conservation and Other Legislation Amendment Bill 2015.

I submit:

- that the committee rejects the Bill in its present form; and
- that it reports to the House that the Minister be requested to prepare an amended Bill incorporating the proposals as outlined.

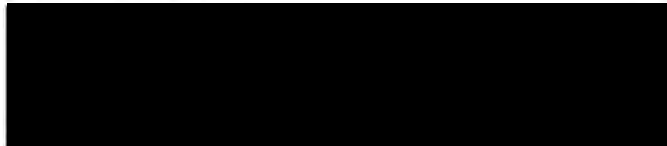
I make this submission on my own behalf.

My email address is: 

My daytime telephone number is 

I'd appreciate acknowledgement of receipt.

Yours faithfully



D.I.Marshall

Submission to the Queensland Parliament's Agriculture and Environment Committee re the Nature Conservation and Other Legislation Amendment Bill 2015, introduced by the Hon.Dr.S.Miles, MP, on 27 October 2015 and referred to the Committee.

I agree with the general intent of this Bill. However, I believe the committee should reject it in its present form largely of technicalities adopting past legislation and take a much wider view. This could result in a far more effective Act incorporating internationally recognised standards.

The key problem is the use of the term 'national park'. In recent years this tag has been added to all manner of landscapes and seascapes for many reasons. For example in Queensland, 'marine national park' is one of eight use zonings in the Great Barrier Reef Marine Park. 'National park' also applies to a 1-416ha stand of black bean trees and a 1,012,000ha desert, however each may be contributing to the conservation of nature. Governments, departments, organisations, communities, tourism bodies, cartographers, media and individuals continue to be greatly confused by its use with a wide range of impressions and understandings. Different meanings apply interstate and overseas. Much of this Bill is directed to the use of this term in various ways and in various Acts.

The Nature Conservation Act (as proposed to be amended) has the object of the conservation of nature in Queensland in the broadest sense in the same manner that the Environmental Protection Act's object is to protect Queensland's environment by maintaining ecological processes on which life depends. 'National park' is not the very foundation of nature conservation but merely a cornerstone of a complex structure involving governments and people with lands in State and private ownership.

This 'national park' conundrum has been faced by nature conservation authorities around the world. A solution is the World Commission on Protected Areas developing a system of protected area categories for the International Union for the Conservation of Nature (IUCN). Seven types of protected area are currently accepted globally for adoption by national and state authorities. [see attached.] Department representatives made no reference to IUCN or the categories in the committee's hearing on 11 November.

My feature article in the National Parks Association's *Protected* magazine in August-September 2015 (attached) addresses the Queensland situation. The matters raised deserve the committee's close consideration. Even the proposal to re-establish the term 'national park (scientific)' would be a retrograde step. Its impact could be expected to give tacit approval to the amended classes of protected area to the exclusion of a new approach.

What is required is a review of all the classes of publicly-owned protected area in Queensland 23 years after the 1992 Act and 40 years after its predecessor the *National Parks and Wildlife Act 1975*. This would have the benefit of the IUCN categories and multiple reviews of the estate as late as this year by the Queensland Parks and Wildlife Service, managing Departments and other bodies. I was assured by the Minister in May that my views on the overall system of protected areas would be considered.

I believe that 'national park' should be restricted to relatively large areas to protect processes, habitats and species and for public use and enjoyment (IUCN category II). Many terms might be used for classes under other categories. For example, category Ia could be a 'scientific reserve', category Ib a 'nature reserve', category III a 'geological reserve', category IV a 'significant environmental area', category V a 'conservation park' with Aboriginal and Torres Strait Islander land, and category VI a 'resources reserve'. One or more titles might be included in a category. [In memory, the Forestry

Act was amended to declare all Queensland national parks of less than 1000 acres to be 'scenic reserves'.] Management principles of these classes could observe the IUCN's primary and detailed objectives respectively. All the terms used would have far more specific meanings to the community than the generic 'national park'.

The Minister told the House that reinstating three classes would provide better consistency with the IUCN categories. If that is the stated desire, why not seek the best consistency under all categories? He said this Bill was to restore certainty for areas to be used for conservation, scientific and recreation purposes. Now with this Bill is the time to consider these matters and not have more than 300 areas all termed 'national park' in Queensland.

Just as important is not to include in titles functions such as recovery, heritage, wilderness, international agreement and co-ordinated conservation, regardless of how these actions can help maintain a range of protected areas.

The Minister told Parliament that he looked forward to engaging with stakeholders about "how we can improve our national parks for all Queenslanders". Here's how, with this committee taking the lead role as part of its overview of legislation!

There is an opportunity here to have an Act that is able to respond to more frequent weather events such as higher temperatures, more storms, more floods and more droughts with climate change. Nature conservation management practices and policies will need to be amended over the years ahead with results of computer modelling and as climate changes become more obvious. Queensland landscapes, habitats and species will be affected. Science, engineering and wildlife relocation and revegetation projects may become vital. IUCN categories-based classes would give greater flexibility.

Over the years, the Government has acquired many properties 'for national park purposes'. Many of these were used for grazing. Regardless of how many general musters have occurred, many current national parks continue to be grazed by stock owned by neighbours or near neighbours and unbranded stock. Such grazing affects the landscape, watering points, the vegetation and opportunities for people to use and enjoy the parks.

The Bill provides for the declaring of special management areas (controlled action) for 'manipulation' and 'continuing existing use'. By notices erected on boundary fences, Nairana National Park (less stock routes and a reserve from 1880) and Mazeppa National Park have recently been declared special management areas. This is to allow cattle to biologically control invasive pests (buffel grass) and protect native, fire-sensitive Acacia communities, the reason for which both were declared protected. Initial results are good. [The term is also used in the Great Barrier Reef Marine Park legislation.]

The practical effect is that these areas totalling more than 23,500ha and very accessible via bitumen roads will never be 'national park' in the true sense, open for public use and enjoyment. The term is best removed from the title to reflect their 'nature reserve' purpose and to avoid confusion in the minds of would-be visitors. 'Special management (controlled action)' might be used as a term of zoning a protected area not national park. Further, should any special management area (controlled action) be declared, notification should be at least in the Government Gazette or an approved management plan for it to have legal status, not merely by a hand-corrected sign on a fence that might be seen by chance by a passer-by. (See attached.)

Technically, the insertion of a section 17(1A) is incorrect as this would be contrary to the cardinal principle.

In concluding his remarks to the House, the Minister said that more reforms would be delivered in the future. Why not use this single opportunity to address all outstanding matters? No one expects that a practical review and re-categorisation of the 575 State lands in the protected areas Regulation can occur immediately and that several months would be required by experienced staff to undertake all the associated work. (Some no longer exist or cannot be seen normally.) Better to make a start now than to have a reconsideration and a repeat process some time in late 2016 or 2017.

Opportunities for public input to proposed legislative changes are limited. There are even fewer to offer suggestions for changes to major details. I trust the committee will give serious consideration to my points above.

D.I.Marshall
26 November 2015

IUCN Protected Areas Categories System

IUCN protected area management categories classify protected areas according to their management objectives. The categories are recognised by international bodies such as the United Nations and by many national governments as the global standard for defining and recording protected areas and as such are increasingly being incorporated into government legislation.

Ia Strict Nature Reserve

Category Ia are strictly protected areas set aside to protect biodiversity and also possibly geological/geomorphical features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values. Such protected areas can serve as indispensable reference areas for scientific research and monitoring. The primary objective is to conserve regionally, nationally or globally outstanding ecosystems, species (occurrences or aggregations) and/or geodiversity features: these attributes will have been formed mostly or entirely by non-human forces and will be degraded or destroyed when subjected to all but very light human impact.

Ib Wilderness Area

Category Ib protected areas are usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition. The primary objective is to protect the long-term ecological integrity of natural areas that are undisturbed by significant human activity, free of modern infrastructure and where natural forces and processes predominate, so that current and future generations have the opportunity to experience such areas.

II National Park

Category II protected areas are large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities. The primary objective is to protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.

III Natural Monument or Feature

Category III protected areas are set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value. The primary objective is to protect specific outstanding natural features and their associated biodiversity and habitats.

IV Habitat/Species Management Area

Category IV protected areas aim to protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular, active interventions

to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category. The primary objective is to maintain, conserve and restore species and habitats.

V Protected Landscape/ Seascape

A protected area where the interaction of people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value; and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values. The primary objective is to protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.

VI Protected area with sustainable use of natural resources

Category VI protected areas conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area. The primary objective is to protect natural ecosystems and use natural resources sustainably, when conservation and sustainable use can be mutually beneficial.

Further information is available at <http://www.iucn.org/about/work/programmes/>

Nairana National Park

Special Management Area (controlled action)

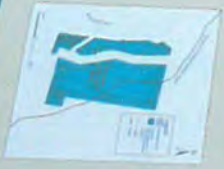
A special management area (controlled action) has been declared over Nairana National Park as shown on the map.

The area is being managed to protect the natural values of the park's natural resources to help achieve the aims of the park's management plan.

Controlled action means that any activity that may affect the park's natural resources is subject to a permit system. Activities that are not permitted include:

- any activity that may affect the park's natural resources
- any activity that may affect the park's natural resources
- any activity that may affect the park's natural resources

For more information, see the park's management plan.



Special Management Area

(controlled action)

A special management area (controlled action) has been declared over Nairana National Park as shown on the map.

This area is being managed to protect the natural values. Activities carried out here may involve manipulation of the area's natural values to help achieve this aim.

Controlled cattle grazing may be allowed in this area to reduce the impact of introduced buffel grass on endangered Acacia communities, subject to ongoing monitoring.

Cattle may be present. Please drive carefully.

For further information visit www.npsr.qld.gov.au



Queensland
Government

Special Management Area (controlled action)

A special management area (controlled action) has been declared over Mazeppa National Park as shown on the map.

This area is being managed to protect the natural values. Activities carried out here may involve manipulation of the area's natural values to help achieve this aim.

Controlled cattle grazing may be allowed in this area to reduce the impact of introduced buffel grass on endangered Acacia communities, subject to ongoing monitoring.

Cattle may be present. Please drive carefully.

For further information visit www.npsr.qld.gov.au



REINSTATING TRUE NATIONAL PARKS

Don Marshall
NPAQ Member

Peter Stanton (*Protected* April-May 2015) eloquently wrote of ...*some of Queensland's grandest scenery ... the upper reaches of four of the largest perennial streams ... highest mountains ... and vast beautiful landscapes with inspiring beauty.*

NPAQ's 85th birthday reminded us of the ideals sought by founders Romeo Lahey, Arthur Groom and others with wide community support in 1930. They saw a national park as a personally attractive treasure, a relatively large area of outstandingly beautiful landscape worthy of keeping for its nature, for recreation, and for desirable uses such as maintaining physical, mental and spiritual health. Romeo's particular dream was for a high quality graded walking track system for Lamington National Park that provided easy access to its natural wonders for people of all ages.



A youthful Romeo Lahey with boots and billy about 1910 in what became Lamington National Park.

The remarkably valuable 'invention' of a national park in the United States in the mid-19th century was driven in part because of a sense of cultural inadequacy compared with Europe's historic memorials. Large natural

'cathedrals' like Yellowstone, Yosemite and Grand Canyon became special grand landscapes that still stand in the American psyche (Sydney Morning Herald Traveller, 25-26 April 2015). Only subsequently were they found to have important biological values.

In Queensland, as in other States, the human psyche was to keep some natural bush where for almost a century all suitable land had been allocated to grazing, agriculture, mining, forests, roads, railways and townships. Lamington, Springbrook, the Bunyas, Eungella and even Carnarvon National Parks were seen as most desirable destinations for ordinary people, particularly for walking among wondrous trees and plants, seeing even rare species and creatures, and enjoying views from close-up to the horizon. Bush camping and boiling the billy over an open fire were enjoyable events. The Government responded in part by building a network of walking tracks with fireplaces in Southeast Queensland so people could reach some almost inaccessible, but very scenic places like Purlingbrook and Coomera Falls. Camping, tramping and campfires were common uses.

This approach was continued by governments and the community into the 1950s and 1960s, particularly as the population and visitor numbers grew and more vehicles could reach distant places, even for a weekend's camping and walking. In the early 1970s, there was growing concern for maintaining 'biological diversity'. In the absence of a

broad range of land classifications and management responsibility, the rationale for national parks shifted from the scenic to the scientific. 'Biodiversity' became the prime criteria for park selection and acquisition.

Over time, we as individuals, members of urban, regional and rural communities, organisations, commercial operators, and voters of governments with many departments have come to accept that 'national park' is synonymous with nature conservation. This is not so. While parks may be a cornerstone, they should not be considered as the be-all and end-all of what today is but a part of the vast concept we know as 'the environment'.

This situation has come about for many reasons. NPAQ members and others sought more national parks and expansion of the existing park estate. Educators convinced students that nature could be preserved best in national parks. Students chose tertiary science courses like botany, zoology and biology and demand grew for professional ecology positions. Green politics emerged as lobby groups sought to stop expansion of grazing and agriculture. No longer were politicians persuaded that there was a need to protect more relatively large areas merely for their stunningly beautiful appearance, people's outdoor pastimes and good health. Scientists and researchers sought to sway the argument by invoking 'biodiversity'. New satellite colour imagery and ground-truthing of newly designated



'biogeographic regions' helped support estimates of threatened plant and animal species. The community embraced this approach, as did park managers and rangers.

Politicians responded by combining 70 years of national park management under forestry departments with wildlife expertise under primary industries departments in the National Parks and Wildlife Act 1975. More national parks were declared and some existing ones enlarged. NPAQ was delighted. However, over time, more and more national parks were effectively 'locked up'. Their management became easier by limiting visitor numbers, requiring permits, or simply banning uncontrolled activities. Little attempt was made to address people's wishes to use a park and to consider separating conflicting interests. The original national park concept was largely buried in the nature conservation avalanche, such as the Nature Conservation Act 1992. Over several decades, increasing the extent and percentage area of Queensland for nature conservation through national parks became the goal. This strategy continues.

The result is that Queensland, the world's sixth largest sub-national entity (population >4,580,700) has 301 named national parks. These range from 1.416ha (Sarabah) to 1,012,000ha (Munga-Thirri). Thirty-six exceed 30,000ha. Another 39 cover 10,000ha to 29,999ha. The Queensland Parks and Wildlife Service is required to manage 12,339,275ha,

the largest area in the state with a single owner.

Some are relatively pristine and spectacular. Many have histories of grazing, agriculture, timber extraction, bee-keeping and mining. Some have been seismic tested, drilled for oil, water, coal and minerals, and fossicked. Some are highly significant for recreation and tourism. Others exist primarily to protect and maintain certain species. Others are historic ruins. Most have been subject to flooding, fires, drought and storms, feral animals and weeds. So there are many values, many variables, many uses, and many management responses.

Australia has more than 700 national parks with definitions varying state by state. New South Wales has 203. After 140 years, the United States including Alaska has 59 national parks; the USA Parks Service has managed to handle intense pressures by people and uses based on decades of research and practice. After 101 years, Switzerland is considering a second national park surrounded by 13 villages.

Do we really have 301 national parks covering 8,746,006ha representing the quintessential natural Queensland, the core of our beautiful places?

The International Union for the Conservation of Nature (IUCN) seeks to influence the actions of governments, business and other stakeholders by providing information and advice, and through lobbying and partnerships. Its World Commission on Protected Areas

(WCPA) has developed a system that classifies reserves according to their management objectives. Its categories are the global standard for defining and recording protected areas. Increasingly, these categories are being incorporated into government legislation. World Heritage and Biosphere Reserve declarations for securing the world's most important natural areas are actions that the United Nations Educational, Scientific and Cultural Organisation can take.

Currently 'national park' is IUCN category II of effectively seven, detailed at www.iucn.org. This reserve is described as a large, natural or near natural area set aside to protect large-scale ecological processes along with the complement of species and ecosystems characteristic of the area, which also provides a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities.

This very broad portrayal is qualified by a primary objective of protecting natural biodiversity with its underlying ecological structure, supporting environmental processes, and promoting education and recreation. Six supporting objectives address managing the natural state, maintaining populations of native species, contributing to conserving wide-ranging species, managing visitor use, considering indigenous people's needs, and contributing to local economics through tourism.



Category II also states that a national park's distinguishing features will typically conserve a large and functioning 'ecosystem', possibly complemented by sympathetic management in surrounding areas. A national park's key roles in the overall landscape/seascape are also addressed, and how it differs from the other six categories. There may be three pages of words, but authorities and managers still have a wide scope to determine and act, even considering related issues of the concept of 'naturalness', the challenges of commercialisation, and the impact of settled populations.

Where are we heading? Queensland today has an unequalled opportunity to clarify the roles of all areas currently called national park, but that have different management and conservation objectives as reflected in the IUCN classifications.

Consider the following process:

- A. Review and classify existing national parks in the context of the IUCN categories — a challenging but essential task.
- B. Establish a legislative framework for classifications.
- C. Allocate existing reserves to their respective categories.
- D. Ensure park management plans identify the category for each plan area and set appropriate specific quantifiable management objectives.

Terms other than national park could embrace wildlife/flora/fauna nature reserves and refuges, scientific reserves, wilderness areas, scenic areas, heritage areas, State parks, marine parks, forest parks, forest recovery, conservation, environmental or regional parks, natural monuments, indigenous joint management areas, special management, co-ordinated conservation areas, trusteeships, classes, estate, land for wildlife, and any combination of these. Areas or parts judged inappropriate protected areas could be revoked and declared other managed tenures.

The outcome would be an IUCN-based system of protected areas. Perhaps 10 or 12 true national parks in the original sense could emerge for all of Queensland. These could be managed accordingly with sufficient funding for staffing, facilities for various groups of users, returns of revenue raised, and of course for their nature conservation values. These would be recognised as world class, deservedly seen and enjoyed by multiple generations. Complementary protected areas could be managed with clear intents, with more or fewer people, with uses appropriate to the category, and with full regard to modelling for climate change. These would include limiting some uses to buffer zones around national parks, as well as manipulation of habitats to help preserve rare and threatened species.

The key purpose would be to restore the meaning of national park in the

community mind, with consequent respect for its specific purposes in designated areas. Nature conservation would continue in the sense of a broad concept applying everywhere.

Reinstatement now or in the near future might seem to be an impossible goal for politicians and people fearful of change, much less to the national park sacred cow. However, to thinking members of NPAQ, pledged to promoting the preservation, expansion, appropriate management and presentation of national parks in Queensland, the action outlined is logical and would produce a satisfying and lasting legacy.

Images

Pg3 - Pool in Mossman Gorge (Paul Donatiu).

Pg4-5 banner - Looking out from Freds Gorge, Minerva Hills National Park (Paul Donatiu).

Below - Keen climbers in the Glass House Mountains in the 1930s.

