



EDO NQ

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6 July 2017

Committee Secretary
Agriculture and Environment Committee
Parliament House
George Street
Brisbane Qld 4000

by email: aec@parliament.qld.gov.au

Dear Committee Secretary,

NATURE CONSERVATION (SPECIAL WILDLIFE RESERVES) AND OTHER LEGISLATION AMENDMENT BILL 2017 – EDO NQ SUBMISSION

1. Thank you for the opportunity to make a submission to the Agriculture and Environment Committee in relation to the *Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017 (the Bill)*.
2. The Environmental Defenders Office of Northern Queensland Inc. (EDO NQ) is a not-for-profit, non-government, community legal centre specialising in public interest environmental law. For over 20 years we have provided legal representation, advice and information to individuals and communities, in both urban and rural areas, regarding environmental law matters of public interest. We also deliver community legal education and undertake law reform activities. We provide services to communities in northern and far northern Queensland.

Our support for the Bill

3. Overall, we support the changes set out in the Bill. The Bill appears to faithfully address the matters raised in the Draft Protected Areas Strategy and EDO NQ's submission to the Department of Environment and Heritage Protection on the draft strategy dated 23 February 2017 (**copy attached**) by establishing a privately owned protected area in perpetuity from which incompatible uses, such as mining and timber harvesting, can be decoupled.
4. The exercise of mining rights in the Bimblebox Nature Refuge was a well-publicised case and acted as a powerful disincentive to others to using the existing mechanisms for protection of private land. Hopefully, the changes proposed by the Bill will solve the problems that arose in the Bimblebox case by decoupling incompatible use rights from the protected land and providing an incentive to private landowners to invest in and conserve land in perpetuity.

Please contact me with any queries.

Yours sincerely
EDO NQ

A handwritten signature in black ink, appearing to read 'Tania Heber', written in a cursive style.

Tania Heber
Principal solicitor

**EDO NQ**

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23 February 2017

Protected Area Strategy
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane, QLD, 4001

by email: protectedarea.strategy@ehp.qld.gov.au

DRAFT PROTECTED AREA STRATEGY – EDO NQ SUBMISSION

1. Thank you for the opportunity to make a submission about the Draft Queensland Protected Area Strategy.
2. The Environmental Defenders Office of Northern Queensland Inc. (EDO NQ) is a not-for-profit, non-government, community legal centre specialising in public interest environmental law. For 20 years we have provided legal representation, advice and information to individuals and communities, in both urban and rural areas, regarding environmental law matters of public interest. We also deliver community legal education and undertake law reform activities. We provide services to communities in northern and far northern Queensland.

General comments

3. Overall, we are encouraged to see this draft strategy and we are supportive of the strategy in general. We applaud the acknowledgement that there is an urgent need to declare protected areas at this time.
4. However, we do have some concerns with the tone of the strategy where it suggests that conservation is at odds with jobs and other economic factors. National Parks and other protected areas are absolutely crucial to the Queensland economy, and generate billions of dollars annually for the tourism industry, and many thousands of jobs¹. Policy and funding decision for the parks estate should reflect this economic value.
5. The strategy should acknowledge and incorporate the Queensland Biodiversity Strategy. It needs to ensure a representative system of parks and reserves by adopting a whole of landscape approach.² This means recognising the interdependence of the terrestrial and marine habitats and ecosystems within the entire landscape, preserving or repairing old bridges between systems while working to restore their health and resilience.

¹ “Valuing tourism spend arising from visitation to Queensland national parks” Ballantyne, R, et al; *Sustainable Tourism CRC*, 2008.

²<https://www.cabinet.qld.gov.au/documents/2010/dec/draft%20biodiversity%20strategy/Attachments/biostrategy%5B1%5D.pdf> 16, 27.

6. The strategy should also acknowledge and incorporate the policies, strategies and targets contained in the Commonwealth's *Biodiversity Conservation Strategy 2010-2030*, and its *Strategy for the National Reserve System 2009-2030*.
7. There are a few proposed action areas where we would like to offer comment on the further development of the strategy.

Specific comments

Expanding and better managing the protected area system

Establishment of an informal group to facilitate coordinated management (A1)

8. Suitable representatives of the public interest, preferably prominent members of conservation non-government organisations (NGOs), should be central members of this proposed group. Campaigns of conservation groups in protection of the public interest often precede a declaration of a national park. The inclusion of representatives of the community conservation groups will ensure that broad public interest views will continue to inform decisions about the protected area estate.
9. The scientific community, including conservation scientists, universities and academics, whose research knowledge and experience is vital to our understanding of protected areas, should be represented to ensure that conservation science informs decisions about the protected area estate.
10. Indigenous representatives of Traditional Owners should also be part of this group.

Building on initiatives to engage Traditional Owners in management (A2)

11. This is very vague. How will this be achieved? How will the success of 'building on' these initiatives be measured? The government should formally commit to targets for increasing Traditional Owner co-management of the parks estate. This would follow the Commonwealth's lead of working towards Indigenous management of all parks on the Girringun model.³

Including Indigenous Protected Areas (IPAs) in protected area reporting (A5)

12. Whether or not an area should be included in protected area reporting should be determined by, at the very least, the minimum requirements of a protected area under the *Nature Conservation Act 1992 (NCA)*. Where IPAs are V & VI in the IUCN categories, like nature refuges (which are counted) they should perhaps be included to avoid inconsistency. Perhaps a better guideline is if the IPA is also a nature refuge, Aboriginal national park land, or special wildlife reserve, then that IPA should be counted as part of the protected area estate.

³ <https://www.dpmc.gov.au/sites/default/files/publications/Girringun-SROI-Summary.pdf>

13. However, also like nature refuges, IPAs are not legally binding in perpetuity and resource extraction is permitted within them. Ideally, protected areas should be protected in perpetuity, and mining and other damaging developments should not be permitted in areas that are included in protected area reporting. It makes the government's efforts seem insincere and erodes trust in its conservation programs.

Private protected areas

The Special Wildlife Reserve (A6)

14. A large disincentive for landholders under the existing land conservation options is that their land is still subject to mining and other decoupled rights, such as logging and grazing. The exercise of mining rights in the Bimblebox Nature Refuge was well publicised and a powerful disincentive, and therefore such a case should not be repeated. Ideally, private protected area status should not be granted over land until these decoupled rights have expired, after which time the grant of new rights should be prohibited. The Special Wildlife Reserve could be an intelligent solution to this problem.

15. Special wildlife reserves could be useful to conserve habitat for the protection of specific species, such as Golden-shouldered parrots, Bilby, Bandicoot and Northern Bettong.

16. As an overriding consideration, the creation of these private reserves must not be at the expense of the public system. The public system should remain the core of the protected area estate.

Conservation as a consistent lease purpose on leasehold protected areas (A7)

17. The Queensland Biodiversity Strategy sets targets for conversion of existing leases to conservation purposes. This policy should be implemented. When eligible rural leases are renewed, biodiversity values can be protected through suitable Land Management Agreement conditions, or by transfer to the protected areas estate. This may be an opportunity for a broader review of the categories of lease purposes and lease conditions to align with current conservation and land management policies and obligations.

Broader regulatory tools under the NCA for privately managed lands (A8)

18. The Queensland Parks and Wildlife Service should have a broad range of enforcement mechanisms to ensure the maintenance of high standards of conservation and management required to keep land in the protected area estate. However, any changes to the NCA should seek to implement its object of nature conservation and to implement the Queensland *Biodiversity Strategy 2010*.

19. Breaches tend to be committed more often by landholders who succeed the covenanter, or by trespassing third parties⁴. To save resources, most monitoring efforts should focus on lands that have passed out of the hands of the covenanter, and areas that are known to be places where trespass often occurs.
20. One of the primary considerations in this area must be to ensure the respectful treatment of altruistic private protected area landholders. The best enforcement is preventative, by maintaining strong relationships with the landholders. Place the focus on support, and ensure that each landholder understands their obligations under the agreement.

Options for protecting local government conservation reserves (A12)

21. It is important to set baseline standards for including land in the public estate, and for management requirements.
22. There is currently little information available on how well local government conservation reserves are managed. A Queensland State of the Parks report should be undertaken.
23. Opportunities to create refuges for urban flying fox populations could be explored with local governments.

Review revenue and funding mechanisms (A13)

24. The amount of State funding allocated to the management of protected areas should be greatly increased in view of the value of these areas to the Queensland economy.

Socio-economic analysis (A15)

25. An analysis of the socio-economic benefits of the parks estate should be high priority, as it demonstrates the value in public investment in conservation efforts.
26. The conservation sector must be included as a stakeholder in carrying out any socio-economic research and analysis.
27. The State should take advantage of the extensive work already carried out in relation to the value of tourism. See for example, *Valuing Tourism Spend Arising From Visitation to Queensland National Parks*⁵.

⁴ "Exploring the Permanence of Conservation Covenants" Hardy, M.J, Fitzsimons, J.A., et al; *Conservation Letters*, 2016.

⁵ Ballantyne, R., Brown, R., Pegg, S. & Scott, N. (2008), *Valuing Tourism Spend Arising From Visitation to Queensland National Parks*, CRC for Sustainable Tourism. Retrieved from: <http://www.sustainabletourisonline.com/1002/tourism-investment/valuing-tourism-spend-arising-from-visitation-to-queensland-national-parks>

Recreation use and best practice management (A16)

28. South East Queensland Forest Agreement studies show that 98% of visitors to National Parks are drawn by the prospect of quiet enjoyment of nature.⁶
29. Activities that have a comparatively high impact on the environment should be confined to areas outside parks and not within them.

Legislative mechanism under the NCA to allow third party management (A17)

30. Joint management of protected areas by Traditional Owners should be more prevalent than it is currently. As a matter of principle, we object to traditional owners being referred to as third parties on their own land.
31. Third parties with commercial interests should not be entertained as managers or trustees. Conservation comes first, before commercial interests. It would be counter-productive to open the door to third parties whose primary interest must be commercial survival.
32. However, third parties may have a role to play in some management activities such as invasive species control. In particular, the management and control of roaming predatory domestic animals such as cats and dogs.
33. The risk is that third party management is akin to divesting land and nature conservation obligations to private interests. If that occurs, the public interest in nature conservation will be lost.
34. In every case, the Queensland Parks and Wildlife Service (QPWS) must be more actively engaged in monitoring the management of our protected areas. The baseline standards must be upheld and the requirements must be fulfilled. If this requires a greater allocation of State funding, that is justified by the economic value of Queensland's tourism industry and visitor related spending.

Prospectus to encourage philanthropic investment in the parks estate (A18)

35. Our overriding concern is that there is no need for government to look for new and novel ways to fund the parks estate.
36. If this policy is adopted it needs strict controls. Greater public awareness of opportunities to donate privately to the parks estate would be beneficial. On the other hand, the government should try to avoid giving the impression that it is attempting to shift its responsibilities for funding the maintenance of the parks estate onto private actors.

⁶ http://www.agriculture.gov.au/SiteCollectionDocuments/rfa/regions/qld-south-east/social-economic/qld_se_raa_se4.1b.pdf

37. This Strategy is an opportunity for government to make explicit its policy of strictly prohibiting resort-based development on islands in the Great Barrier Reef Marine Park.

Medium-term target (A19)

38. The quantity of protected area land and the public to private ratio are less important than the quality and representativeness of the areas. Importantly, the public protected area estate should remain the overwhelming core of the protected area estate.

39. Further, EDO NQ challenges the notion that Queensland should limit itself to the 17% target.

40. If a target is set, it should be legislated for and reported on. Notably, Queensland has already committed to targets under the National Reserve System Strategy⁷. The State government should re-iterate its ongoing commitment to these appropriate targets.

41. Any target has limited usefulness unless applied to preserve biodiversity. If particular ecosystems are not at risk and are already well-represented in the parks estate because they are more cheaply and easily gazetted, the fact that more of the same can help fulfil a target of 17% does comparatively little to preserve native species from extinction. The CAR principle should be upheld.

Conclusion

42. Whilst we welcome the draft Strategy we have some concerns about the underlying assumptions in the strategy. We are particularly concerned that the Strategy draws on the considerable policy work that is already in place at the Commonwealth and State levels. From a northern Queensland perspective the Strategy is an opportunity to seek positive outcomes for urban flying-fox camps; for the State to make its policy of a prohibition of no further resort development on Great Barrier Reef islands explicit and for better management and control of roaming predatory domestic animals (cats and dogs) in national parks.

Yours sincerely
EDO NQ



Tania Heber
Principal solicitor

⁷ <https://www.environment.gov.au/system/files/resources/643fb071-77c0-49e4-ab2f-220733beb30d/files/nrsstrat.pdf>