



Property Council of Australia  
ABN 13 008 474 422

Level 6, 300 Queen Street  
Brisbane QLD 4000

T. +61 7 3225 3000  
E. [info@propertycouncil.com.au](mailto:info@propertycouncil.com.au)

[propertycouncil.com.au](http://propertycouncil.com.au)  
[@propertycouncil](https://twitter.com/propertycouncil)

10 July 2017

Mr Joe Kelly MP  
Chair  
Agriculture and Environment Committee  
Parliament House  
George Street  
Brisbane Qld 400  
Via: [aec@parliament.qld.gov.au](mailto:aec@parliament.qld.gov.au)

Dear Mr Kelly

Thank you for the opportunity to provide a submission on the *Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017*.

The Property Council understands that the Bill seeks to establish a new class of privately managed protected areas called Special Wildlife Reserves (SWRs).

SWRs can be declared over a variety of land tenures. Of interest to the Property Council is the fact that SWRs can be declared over freehold land and land subject to a lease under the Land Act 1994.

The Minister can trigger the process for preparing a SWR if, after considering the State interest, the Minister is satisfied the area should be declared a SWR. We are concerned that the State interest as defined in clause 43A(8) is very broad, and means the Minister can consider the interest to be an economic, environmental or community interest of the State.

In effect, there is no clear criteria on which the Minister bases his or her decision to prepare a proposal to declare an area as a SWR.

Once the trigger is satisfied, the Minister must prepare a proposal to declare the area as a SWR and give written notice about the proposal to each person who has an interest in land in the proposed reserve area.

If the Minister considers it is impracticable to give written notice to a particular class of person, the Minister may give notice to the class by taking all reasonable steps to ensure the class is made aware of the proposal.

It is important that all parties with an interest in land being declared a SWR are directly notified. The proposal in the Bill to notify parties by placing an advertisement in newspapers and other publications, or publishing a notice on the Department's website, should accompany direct notification and not substitute this requirement.

We note that, if the rights or interests of a person who has an interest in the land will be materially affected by the conservation agreement over the SWR, the Minister must not enter into a conservation agreement without the person's consent.

Given the potential consequences of a conservation agreement, the Property Council is of the opinion that the consent of all persons who have an interest in land should be required, not just the landholder.

Also, there is no criteria for what constitutes "materially affected" and in such circumstances, it is unclear how the Minister will be in a position to make this determination accurately.

The Property Council is not opposed to the Government establishing a voluntary mechanism that allows landholders to manage conservation areas, however, identifying these areas needs to be part of a wider planning process that assesses competing land use issues, and the process itself needs to take adequate account of the rights of all persons with an interest in the land.

Once again, thank you for opportunity to provide a submission on the *Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017*. If you require any further information or would like to discuss this matter further please don't hesitate to contact me on 3225 3000 or [REDACTED]

Yours sincerely



**Chris Mountford**  
Queensland Executive Director