

10th July 2017

Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017

Property Rights Australia (PRA) is a membership organisation which was formed in 2003 to protect the property rights of all landowners. Most of our members are based in rural Queensland but we have members in most states.

As is often the case there are clues only as to how this legislation will operate in practice. It would appear the exclusions would discourage or exclude most working agricultural enterprises.

This leaves large well-funded environmental organisations, including multi-national organisations who will be in line for various (unspecified) funding options from the state government and possibly the federal government as well.

PRA is not opposed in principle to environmental organisations “putting their money where their mouth is” so to speak. We would be vehemently opposed to these organisations with more than ample access to funding receiving government funds for any purpose.

Primary producers are continually lectured by the environmental movement about prioritising environmental outcomes and downgrading the profit motive. If it is so easy to implement, they should not need subsidy from the government.

Forestry, agriculture and mining are considered unsuitable. Recent information has floated the idea of cattle grazing as a management tool but not on a commercial basis. This builds on the demonization of all primary production and should not be enshrined in legislation.

Establishment of special wildlife reserves, through introduction of the Bill, is not considered controversial as negotiation and declaration of a reserve is entirely voluntary and a conservation agreement does not impact on the rights and/or interests of other relevant parties, including Native Title holders, without consent. The concept of a special wildlife reserve is supported by key stakeholders in the conservation land management sector. Government is committed to applying this mechanism on a case-by-case basis, in full consideration of all interests (including state interests in resources, forestry and agriculture) relevant to the proposal area.¹

This Bill may not be controversial but the reality is that National Parks are notoriously bad neighbours. Lobbying of government has met with mixed, mostly unsuccessful, results. Those who live and work beside National Parks or similar do not need the same problems magnified, with private owners.

PRA would consider neighbours to be “other relevant parties”.

The Government’s philosophy of “lock up and Leave” is considered a failure by those who need to live and operate a business near them.

¹ The Nature Conservation Bill Explanatory Notes

The stakes are raised where our wildlife reserve neighbours are likely to be a disparate bunch of often foreign owners with a management program of unknown content and whose enforcement procedures are unknown.

If there are to be conservation areas under private management there needs to be legislation, not regulation or solely management agreements, for the protection of neighbouring landowners.

Overseas special reserve owners will bring a different culture which will bring positives and negatives.

Good Neighbour Legislation

It must be made clear from the start that Australian law and local community values should be adhered to.

The inevitable advent of fire should encompass an intensive set of regulation. This would include fuel build-up and the use or not of fire as a management tool, adherence to local conventions and legal requirements for permits. It would include effective firebreaks and containment lines within the privately-owned conservation area suitable for the area of the park, the bioregion and the fire risk both to the special reserve and to neighbours. What recourse will commercial owners have if they are burnt out by a fire from an over-fuelled special reserve. If destructive fire escapes from a privately-owned wildlife reserve will they be liable for any damage caused?

The government's confusing rules at the moment will at some stage result in human death and have already resulted in many animal deaths.

The government through the courts has made it very clear that landowners are not legally able to construct firebreaks that will actually keep out a fire from a neighbouring property that is carrying a high fuel load and volatile flammable vegetation.

George Street does not recognise vegetation types which feature exploding trees and fast and furious fires moving rapidly through the treetops. Ten metre fire breaks and no provision for containment lines does not protect life and property.

It will need to be clear that firearms are not to be discharged across neighbouring properties.

The needs to be regulation about how management of weeds and feral pests will occur including weeds that may wash down a watercourse.

What part will private managers play in wild dog control?

Government owned national parks are neglectful of their fencing with trees and vines pushing fences down and allowing neighbouring livestock in. This was a poor situation when landowners were recognised as the inalienable owners of those cattle and were allowed to retrieve them. Now that National Parks are allowed to dispose of them however they wish they need to take more responsibility for cleared and maintained fencelines. This has not happened.

If conservation parks are to be privately owned this maintenance of fences is essential. In spite of recent changes to the Native Conservation Act an acceptance that landowners are able to retrieve livestock and dogs without fear or intimidation needs to be reinstated. There are numerous overseas examples of locals being intimidated and assaulted by conservation park personnel operated by large well known multinational environmental organisations.

The government also needs to be responsive to any landowner complaints and needs to recognise that, unlike a conservation area which is funded, other landowners are required to make a profit and repay bank loans. This requires the keeping of livestock and the growing of crops. This needs to be recognised in all legislation that impinges on this imperative.

The government also needs to be mindful of areas being taken out of agricultural production. This trend needs to be evaluated on a regional basis so that supply of product to regional processing facilities, packing

sheds, other agricultural handling facilities and wholesalers do not have product supply disrupted. This has been neglected in withdrawal of commercial fishing licenses.

Until all of these questions are legislated for this legislation must be postponed.

Agriculture and Special Reserves

Special Wildlife Reserves will survive tenure. PRA is well familiar with the pressure / blackmail of landowners to hand over portion of their leases when freeholding is requested. The establishment of these reserves must not occur in concert with freeholding or other change of tenure by agricultural operators.

Making landowners believe they have done something illegal before asking them for a conservation area is also not an acceptable means to increase the conservation estate.

Length of Tenure of Special Reserves

Special Wildlife Reserves are intended to exist in perpetuity. The declaration will be binding on successors and assigns and will be on title.

There is no withdrawal procedure.

The only situation that the government can envisage is that a reserve loses all of its nature conservation values. This possibility is considered remote. In this case the governor in council will need to invalidate the declaration.

The possibility of a park becoming a public nuisance and remedy for such has not been considered.

Public Objections

Considering the likely effect on neighbours PRA believes that special wildlife reserves should be open to objections by neighbours.

Eco tourism.

If small landowners do take up this option, PRA expects that small family landowners will be encouraged and facilitated to be able to conduct eco-tourism on their properties.

Mining

In reality, this legislation will offer very little protection from mining. Any existing mining authorities will still take precedence and run their courses.

Most of the state is covered in mining authorities so this aspect of the legislation will be of minor consequence.

Conclusion

Property Rights Australia asks that this legislation is postponed until a proper public discussion occurs about how risks and effects on neighbouring properties can be minimised. As part of this discussion there needs to be about what what recourse there is if there are unacceptable consequences.

This is not a minor issue.

Yours sincerely

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