



**LEADERS IN THE ART  
OF FINDING GOLD**

J R & F K Berry-Porter  
T/A **The Outback Prospector**  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 - [REDACTED]

**Submission to:**

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

**Submission by:**

Jonathan & Frieda Berry-Porter  
Small Business Owners/Prospectors

9 July 2017

To members of the Queensland Parliament - Agriculture & Environment Committee:

We submit the following for your consideration with reference to the following documents: (1)

- **Ministerial Statement** 14Jun17 Nature Conservation (Special Wildlife Reserves) and Other
- **Explanatory Notes** B16\_0121 Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017E
- **Briefing** cor-4Jul2017 Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017 Agriculture Environment Committee
- 5517T980 Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment **Bill** 2017

**Opening Comments**

As small business owners in Clermont, Central Queensland, we engage with many customers who visit our region to enjoy recreational prospecting in the local State Forest areas, where permission has been granted by grazing leaseholders, described as General Permission Areas. (GPA's)

Many of our visiting prospectors are 'grey nomads' who support our town and community organisations during their annual detecting trips. For close to 15 years there has been ongoing 'dialogue' between various local & State departments (Qld Parks & Wildlife Service, Dept Natural Resources & Mines & Isaac Regional Council) and relevant stakeholders regarding access to areas of State Forest not currently under the GPA framework.

When we became aware of the Bill proposed by the Minister (just last week on 5 July), the long-debated issue of increased access to State Forests had been recently raised at a 'Politics in the Pub' on 27 June 2017 in Clermont at which close to 100 'grey nomad' recreational prospectors attended to discuss the issue with Federal Minister for Natural Resources Senator Matthew Canavan & Member for Capricornia, Michelle Landry, both of whom forwarded our correspondence to Queensland Minister for Natural Resources, Anthony Lynham, to which we await his response.

Further discussions with Member for Burdekin, Dale Last, on Friday 7 July has increased our concerns as to the implications, should this Bill be passed, for ALL users of the vast areas of State Forests around Clermont, including graziers, recreational prospectors, timber harvesters, bee keepers & everyday people who enjoy getting out in the bush.

It seems what started as a push on behalf of recreational prospectors to highlight and seek to resolve the ongoing delays by QPWS (who manage our local State Forests) to negotiate the opening of more GPA's, has rapidly escalated to a very real concern that instead of increased access, we may end up with reduced or zero access over time as Forestry grazing leases expire or are not permitted to be renewed, thus leaving the status of these lands open to conversion to SWR, rendering many activities including 'fossicking' (in this case 'metal detecting') as an 'incompatible use'.



## **LEADERS IN THE ART OF FINDING GOLD**

J R & F K Berry-Porter  
T/A **The Outback Prospector**  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 - [REDACTED]

We present the following points to support our concerns, should this Bill, through its additional amendments to the Fossicking, Forestry and Land Acts, allow State Forests to be converted to SWR over time and reduce available lands for fossicking/prospecting activities:

### **Quiet Enjoyment of Public Lands for All**

There are six General Permission Areas managed by QPWS within the State Forests around Clermont. Prospectors and graziers who have given their permission to access GPA's, have co-existed reasonably well since these areas were established around year 2000, yet there remains extensive tracts of prospective country across the State Forests lying outside these GPAs, currently 'off-limits' to fossicking activities. (*refer attached Clermont GPA Overview map, darker areas = GPA*) (2)

Since the early 1990's, Clermont has been a popular destination for CQ locals, Queensland and interstate visitors, keen to participate in recreational electronic prospecting and many return each year for the winter months to enjoy the thrill of the find, camaraderie and health benefits this hobby brings.

Electronic prospectors are not thieves or environmental vandals; many have direct or past connection to Australia's agricultural heritage and have a respect and appreciation for the grazier as well as the natural beauty and history of our Queensland goldfields.

### **Proven Mineral Resources – Low Impact Extraction**

Metal detecting involves minimal disturbance of existing landscape, no chemicals and uses renewable energy sources, providing a positive outcome to local and State economies as well as the mental and physical health of our 'grey nomads', the major participants in this popular recreational activity. The resource is proven; the miners are Australian (and free); the impact on the Great Barrier Reef and world air quality will be negligible and there are very few opposing voices on this issue.

The point must be made to State departments responsible for managing State Forests that the economic benefit to Clermont from our local and visiting prospectors is considerable and many local businesses depend upon this inflow of the tourist dollar to support their families in an otherwise depressed economic environment during the last few years of the mining downturn in our region.

***Should this Bill permit conversion of State Forest lands to SWR, with the associated limitations on 'compatible' activities, it would adversely impact Clermont's local economy by removing the attraction for both local and the 'grey nomad' recreational prospectors to visit and stay in Clermont.***

### **Misleading Media Statements**

*Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef  
The Honourable Steven Miles, 14 June 2017 (3)*

*"And just like our immensely popular national parks, these new reserves could become great tourist attractions. "Whether it's koalas or wombats, platypus or birds or even entire ecosystems – this new class of protected area will protect them and their habitat into the future from incompatible activities including mining.*

The Minister makes much of promoting the attraction of the warm and cuddly inhabitants of our bushlands but conveniently omits references to the impact of highly restrictive land uses under an SWR of the human inhabitants formerly conducting their livelihoods and recreational pursuits under the terms and accessibility of grazing leasehold tenures currently existing over State Forests, that may result from forced conversion of State Forests to SWR.



## LEADERS IN THE ART OF FINDING GOLD

J R & F K Berry-Porter  
T/A The Outback Prospector  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 - [REDACTED]

### Contradictory Public Statements

Steven Miles MP FaceBook page - Community post (4)

**Steven Miles:** "Hi Frieda, the bill will have no effect on state forests. It's purpose is to allow private land holders to voluntarily protect their properties. Steven"

This appears to contradict the Minister's own Statement when introducing the Bill in his **Ministerial Statement** (1)

"I present a bill for an act to amend the Biodiscovery Act 2004, the Environmental Offsets Act 2014, the Environmental Protection Act 1994, the Forestry Act 1959, the Fossicking Act 1994, the Land Act 1994, the Land Title Act 1994, the Mineral Resources Act 1989, the Nature Conservation Act 1992 and the Vegetation Management Act 1999 for particular purposes"

We therefore seek clarification of the Minister's FaceBook post when there quite clearly are references on the Parliamentary inquiry Overview webpage to amendments to: (5)

*the Forestry Act 1959, the Fossicking Act 1994 and the Mineral Resources Act 1989*

- to add a special wildlife reserve to the types of areas defined as protected area under these Acts

*the Land Act 1994 and the Land Title Act 1994*

- to streamline the process by which conservation agreements, for new and existing protected areas, survive tenure dealing processes such as tenure conversion and **lease renewal**
- to clarify (in the Land Act) that where a protected area declaration is made over a lease, the purpose of the underlying lease is consistent with nature conservation

and specifically referred to in the Explanatory Notes as follows: (1)

#### **Part 6 Amendment of Forestry Act 1959**

##### **48 Act amended**

Clause 48 states that this part amends the Forestry Act 1959.

##### **49 Amendment of sch 3 (Dictionary)**

Clause 49 adds a special wildlife reserve to the types of area that are defined as a protected area under this Act. The effect of this is that the State will be prohibited from getting or selling any forest products or quarry material on a special wildlife reserve (see sections 46 and 48 of the Forestry Act).

#### **Part 7 Amendment of Fossicking Act 1994**

##### **50 Act amended**

Clause 50 states that this part amends the Fossicking Act 1994.

##### **51 Amendment of s 3 (Definitions)**

Clause 51 adds a special wildlife reserve to the areas defined as protected areas under the Act. The effect of this amendment is that special wildlife reserves are excluded from the application of the Fossicking Act.

And within the Committee Briefing: (1)

"The new class of protected area will apply to freehold and leasehold tenures and ownership and management responsibilities will remain unaffected"

and further reported by:

#### **Property Council of Australia "Government Proposes Special Wildlife Reserves" (6)**

"SWRs can be declared over a variety of land tenures including freehold and land subject to a lease under the Land Act 1994."



## LEADERS IN THE ART OF FINDING GOLD

J R & F K Berry-Porter  
T/A The Outback Prospector  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 – [REDACTED]

Does this not directly refer to grazing leases granted within State Forests? We have advice that the 'Department of Resources and Mines (DNRM) issue leases under the Land Act and manage the Fossicking Act' so we query how the proposed Bill would 'have no effect' on State Forests and thence GPA's?

### Undefined Permitted Activities

#### ABC News Online Article (7)

*"Dr Miles said the special wildlife reserves would also be ideal for tourism. 'What we expect to see on these special reserves is new eco-tourism, new multi-day walks, new accommodation; ways of enjoying the bush.'"*

There seems very little detail within the Bill as to the nature of permitted use or activities on an SWR. Is recreational prospecting included in this list of eco-tourism opportunities within Special Wildlife Reserves?

The **Explanatory Notes** states that in the Consultation process: (1)

*'Some interest groups did, however, argue for the continuance of certain activities on special wildlife reserves (e.g. commercial grazing, forest harvesting, mining), however this is not considered compatible with the intent of the legislation.'*

We then ask the Committee to seek advice from the Minister if recreational prospecting, utilising hand tools only, is considered 'mining' or an eco-tourism opportunity, similar to the Central Queensland Gemfields, or are these areas also under threat?

We also seek the Minister's confirmation that a grazier holding a grazing lease in a State Forest would not be enforced to comply with a recommendation that the lands being leased, if considered to be of sufficient environmental value, would be re-classified to SWR and thus 'incompatible' activities would no longer be permitted in that State Forest, including fossicking as currently permitted *with landholder's permission?* (8)

### Worrying Trend

Evidence of other State government attempts to 'lock the gate' on fossicking/prospecting activities within public lands such as in Victoria gives Queenslanders cause for concern. The Prospectors and Miners Association of Victoria has long been advocating for maintaining access for recreational prospectors in that State's Parks and Reserves (9). Recent rallies in Bendigo show a high level of support in the community for the continuation of these activities in Victoria's State Forests as posted on PMAV's FaceBook page. (9)

Under the terms of this proposed Bill, it would appear the Minister intends to 'lock the gate' on the Queensland public to deny them access to these public Forest areas as is the case in other 'green-influenced' jurisdictions.

***At a local level, there has been little co-operation and progress on opening GPA's from QPWS and communication from regional officers has ceased to be productive for many months. it is this lack of engagement on this issue that is causing greatest concern to recreational prospectors in light of the possible implications of this proposed Biii.***

### Precedents of Co-Existence

There are precedents in other parts of Queensland and Australian States where prospectors and graziers co-exist when there are clear legal and moral definitions of each party's rights and responsibilities while undertaking their respective activities within a State Forest.

NSW encourages fossicking as detailed in *A Guide to Fossicking in New South Wales*. "Fossicking offers an opportunity to discover the beauty and diversity of this state's mineral wealth. It combines leisure, pleasure and treasure all in one" (10)



## LEADERS IN THE ART OF FINDING GOLD

J R & F K Berry-Porter  
T/A The Outback Prospector  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 - [REDACTED]

Regions such as Eurobodalla have declared the whole Shire a Fossicking District, surely Queensland can overcome the legislative challenges to attract recreational prospectors to our State, rather than lose this valuable resource to our southern neighbours! (11)

Where the efforts of such representative bodies as PMAV has managed to influence government policy, Victorian recreational prospectors have been able to maintain access to historically accessible areas (12)

Former Qld Minister for Natural Resources, Andrew Cripps in his Media Statement 7 October 2013 stated: *"DNRM and DNP will continue to work closely to identify State forests with high fossicking potential where increased access will not compromise forest harvesting activities, the rights of existing users or areas of habitat value."* (13)

It would be interesting to seek a response from our current State Ministers if the sentiment displayed in this 2013 media statement still exists within our State ministerial and bureaucratic ranks. It seems the current situation does not appear to be supported by this statement and may further be eroded should the intent of this Bill be to change the status of State Forest to SWR, thereby preventing the opening of any further GPA's.

### Legal, Moral and Historical Considerations

Recent conflicts within the Queensland Fossicking, Land and Forestry Acts regarding the granting of 'permission' by grazing lease/permit holders for prospectors to access Queensland State Forests have been identified. (Refer Leesa Beatson, Senior Project Officer, DNPSR, Mackay Office). It is within the power of the relevant State and Local authorities to review the current conflicts within these Acts, consult with stakeholders and then to act in the best interests of the wider community by implementing the necessary legislative amendments...why not encourage multiple activities to co-exist in State Forests by resolving the current legislative barriers, instead of seeking to 'dissolve' the legislative framework under which fossicking/prospecting activities currently operate through the introduction of this Bill.

It must be remembered that Clermont has been a declared goldfield since 1862. The discovery of gold is the primary reason this district was developed, leading to further mineral discoveries, building of infrastructure required for development of the agricultural and modern mining industries and ultimately to the prosperity our region enjoys today. It is an affront to think that over 150 years later, prospectors may potentially be denied access to public land areas where their predecessors toiled to create the very wealth our State relied upon in the early days of its financial independence. Need it be stated again that the economic potential of our town is dependent upon attracting visiting prospectors and is currently being severely limited by the non-progress on opening of other State Forest areas outside the existing GPAs. The ramifications of this new Bill, if passed, to restrict or worse, prohibit access to the tax and fee-paying members of the public to undertake perfectly legal activities within State Forests is nothing short of an infringement of our democratic right to freedom of movement over these public lands.

### In Conclusion

This proposed Bill, if it extends to the inclusion of State-owned lands such as State Forests upon expiration or non-renewal of grazing leases, threatens the activities of a wide range of the community from graziers, recreational prospectors, timber harvesters, bee-keepers, motorbike and bicycle riders and all everyday members of the public.

Until clarification from the Minister is forthcoming, it seems that the Queensland Labor Government, in its scramble to appease both unionists and environmentalists in its push for broad-scale voter approval, seeks to sub-contract management of permitted land uses of not only privately owned bushland areas (under 'agreement') but also that which belongs to the people (by virtue of relinquished control by a leaseholder to the State upon expiry or forced non-renewal of grazing leases/permits within State Forests) to the highest environmental corporate bidder, for perpetuity, under the guise of reducing administrative burden.



## LEADERS IN THE ART OF FINDING GOLD

J R & F K Berry-Porter  
T/A **The Outback Prospector**  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 – [REDACTED]

*"The state recognises the vital role that landholders of privately owned or managed land can play in ensuring that representative and viable samples of Queensland's biodiversity are protected in **perpetuity**." (Explanatory Notes - (1)*

We would go so far as to say that this proposed Bill, being hurried through before announcement of the next Queensland State election, is Labor's effort to win 'greenie points' to offset the environmental impacts of the Adani/Carmichael Mine.

On the broader scale, the ramifications of foreign 'environmental corporates' exercising control over permitted land management practises and activities, natural resources and freedom of movement over public lands by citizens of this country should be cause for concern way beyond our own local concern of restricted access for recreational prospectors in the State Forests of Queensland.

In considering the proposed Bill, we urge members of the Committee to look deeply into the proposed amendments to the Fossicking, Forestry and Land Acts to determine the implications for Queensland's State Forests and the real concerns of the varied users of these lands that activities conducted under long-existing legally permitted tenures and licences, may be restricted or over time, prohibited entirely.

Thank you for the opportunity to make this submission and for your consideration of our concerns.

For:  
Jonathan & Frieda Berry-Porter

### References:

1. **Miles, Steven. Ministerial Statement 14 June 2017 Nature Conservation (Special Wildlife Reserves) and Other**  
<http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/170614/Nature.pdf>  
**Explanatory Notes B16\_0121 Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017E**  
[https://www.legislation.qld.gov.au/Bills/55PDF/2017/B16\\_0121\\_Nature\\_Conservation\\_\(Special\\_Wildlife\\_Reserves\)\\_and\\_Other\\_Legislation\\_Amendment\\_Bill\\_2017E.pdf](https://www.legislation.qld.gov.au/Bills/55PDF/2017/B16_0121_Nature_Conservation_(Special_Wildlife_Reserves)_and_Other_Legislation_Amendment_Bill_2017E.pdf)  
**Briefing cor-4Jul2017 Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017 Agriculture Environment Committee**  
<https://www.parliament.qld.gov.au/documents/committees/AEC/2017/NatureConserv/cor-4Jul2017.pdf>  
**5517T980 Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017**  
<http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2017/5517T980.pdf>
2. **Clermont District General Permission Areas.** Pdf attached
3. **Miles, Steven Media Statements (Online) 14 June 2017**  
<http://statements.qld.gov.au/Statement/2017/6/14/new-wildlife-reserves-to-put-queensland-ahead-of-the-nation-in-conservation>
4. **Miles, Steven MP FaceBook page - Community post (Online) 7 July 2017**  
<https://www.facebook.com/stevenmilesmp/posts/1889655941252591>
5. **Parliamentary Website, Work of Committees webpage (Online)**  
<https://www.parliament.qld.gov.au/work-of-committees/committees/AEC/inquiries/current-inquiries/NatureConserv>



## LEADERS IN THE ART OF FINDING GOLD

J R & F K Berry-Porter  
T/A **The Outback Prospector**  
ABN 769 227 395 89  
Shop 5, Clermont Plaza  
62 Daintree St, Clermont Qld 4721  
[info@theoutbackprospector.com.au](mailto:info@theoutbackprospector.com.au)  
[www.theoutbackprospector.com.au](http://www.theoutbackprospector.com.au)  
07 4983 3856 – [REDACTED]

6. **Property Council of Australia**, *Government Proposes Special Wildlife* (Online) 23 June 2017  
[https://www.propertycouncil.com.au/Web/Content/News/QLD/2017/Government\\_Proposes\\_Special\\_Wildlife\\_Reserves.aspx](https://www.propertycouncil.com.au/Web/Content/News/QLD/2017/Government_Proposes_Special_Wildlife_Reserves.aspx)
7. **ABC News Online Article** *Queensland could offer national park protections to private land owners* (Online) 29 October 2016  
<http://www.abc.net.au/news/2016-10-29/qld-government-to-give-national-park-protections-to-private-land/7977730>
8. **Qld Govt Website** *Fossicking Rules & Responsibilities* (Website)  
<https://www.qld.gov.au/recreation/activities/fossicking/rules/designated-areas/>
9. **Prospectors & Miners Association of Victoria**, *Land Access for Prospectors* (Website)  
<http://www.pmav.org.au/about/land-access>  
**PMAV Facebook page** [https://www.facebook.com/PMAVInc/?hc\\_location=ufi](https://www.facebook.com/PMAVInc/?hc_location=ufi)
10. **Forestry Corporation NSW**. *A Guide to Fossicking in New South Wales*. (Website)  
<https://fpos.fcnsw.com.au/A-Guide-to-Fossicking-in-New-South-Wales.PDF>
11. **Eurobodalla Shire Council**, Latest News, *Eurobodalla a gold mine for fossickers* (Online) 12 April 2017 <http://www.esc.nsw.gov.au/home/news-and-events/media-releases/media-releases/eurobodalla-a-gold-mine-for-fossickers>
12. **Parks Victoria**. *Fossicking and Prospecting* (Website) <http://parkweb.vic.gov.au/visit/popular-activities/fossicking>
13. **Cripps, Andrew**. Media Statement *Fossicking to be fuss free* (Online) 7 October 2013  
<http://statements.qld.gov.au/Statement/2013/10/7/fossicking-to-be-fuss-free>

# Clermont District General Permission Areas (GPA's)

