



**Wildlife Preservation Society of Queensland
(Brisbane Branch) Incorporated**

ABN: 98 822 357 323

PO Box 395
Clayfield Qld 4011
brisbane@wildlife.org.au
Ph: 3357 9009

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The Chairman
Health and Community Services Committee,
Parliament House,
George Street,
BRISBANE QLD 4000

Dear Sir/Madam

Submission objecting to changes proposed to the *Nature Conservation Act 1992* set out in the *Nature Conservation and Other Legislation Amendment Bill (No2) 2013* (Correction to dot-points 2 and 4 as presented in submission of 6 September)

The Wildlife Preservation Society of Queensland Brisbane Branch (WPSQ Bne) has a membership of approximately 150, and is an independently incorporated branch of the Wildlife Preservation Society of Queensland, a not-for-profit community environmental organisation founded in 1962. Our Branch was initially formed in 1979 and maintains a lecture and activities program to support its aim to advocate conservation through education.

On behalf of the Committee and members of WPSQ Bne, I write to express our concerns at the amendments that are proposed to be made to the *Nature Conservation Act 1992 (NC Act)* set out in the *Nature Conservation and Other Legislation Amendment Bill (No2) 2013*.

We believe that the amendments proposed to increase access to national parks and other public lands; reduce red tape, and streamline legislative processes will weaken the purpose of the Act, resulting in long-term negative impacts for the ecological integrity of our National Parks.

Our primary concerns are detailed as attached. In particular, we believe that:

1. The object of the NC Act should be retained as "**the conservation of nature**" only ;
2. The eight classes of protected area status defined in the NC Act *which are proposed to be abolished* should be maintained
3. National park (scientific) and National park (recovery) class should definitely be maintained;
4. The requirement to produce management *statements* should be strengthened and should allow for a public consultation process.

Queensland has only a small percentage of its land protected within parks and nature refuges. Any increase in the use of this biologically valuable land, and reduction of controls to ensure its protection will be detrimental to future biodiversity, as well as reducing the reason the land was protected in the first place.

Please consider amendments that strengthen the legislation, rather than weaken it.

Yours sincerely,

LEANNE BOWDEN
PRESIDENT, WPSQ BRISBANE

1. (a) The proposed amendment to the Object of the NC Act in Section 4 completely changes the purpose of the Act. No longer will it be primarily concerned with the conservation of nature, as is presently the case, but it will now have social, cultural and commercial use of protected areas as an object. This may look harmless at face value. However, the object of an Act is the first port of call by a court of law when interpreting any provision of an Act.
1. (b) Statements have been made that the amendments leave the cardinal principle for national park management untouched. By changing the Object, the cardinal principle has potentially lost much of its legal strength. It has been the foundation for the protection, to the greatest possible extent, of the natural and cultural resources on national parks. It relied on the Object for its mandate.
1. (c) The amendments to the Object of the Act should be removed. It is clearly an attack on national parks, because the three proposed additions only refer to protected areas, when the Act also contains provisions relating to the conservation of wildlife outside protected areas. The proposed changes have no place in the Object. The additions are all presently encompassed by the management principles for each class of protected area, where certain uses are qualified in terms of the extent to which they can apply. By placing them in the Object in such a broad and unqualified manner changes the whole basis of the Act.
2. (a) The proposed abolition of 8 classes of protected area is a step too far with minimal gain and some potentially substantial losses. It is fair comment that no areas had been declared as wilderness areas, World Heritage management areas and international agreement areas. So nothing changes by abolishing them. However, nothing is gained either. WHMAs and IGAs could have a place in the future and, in fact, were considered for declaration in the past. There is no requirement to remove that flexibility when its presence has absolutely no effect, financially or in terms of green tape, on the management of protected areas.
2. (b) Conservation parks and resources reserves have been abolished and rolled into a new class of protected area known as regional parks, which carries no implication of resource protection. When you combine two classes of protected area in a hierarchy, the resulting management principles tend to shift towards the lowest common denominator.
3. (a) The loss of national park (scientific) and national park (recovery) does need to be reconsidered. The loss of these two classes of protected area achieves virtually nothing. Rolling them both up and including them into the national park class substantially undermines the level of protection that is afforded to national parks.
3. (b) National parks (scientific) satisfies the IUCN category of protected area generally known as a nature reserve (the term used in NSW). These areas involve strict protection and management for a particular conservation purpose. Public access is strongly controlled. This class of national park is used for parks that protect, *inter alia*, bridled nailtail wallabies (Taunton) and northern hairy-nosed wombats (Epping Forest). They sometimes require strong manipulation of the environment (including other native species) in order to ensure the survival of an endangered species. To simply absorb them into national parks and provide for a special management area (scientific) is unacceptable and unnecessary.
3. (c) Similarly, national park (recovery), which was designed to allow for restoration of land that was destined to become national park, has been absorbed into national parks.

This also makes a mockery of national parks status as the restoration requirements could take many years to achieve. Once again, there is little to be gained and much to be lost by abolishing this class of protected area. A special management area (controlled action) has been created to cater for a national park on which this work is being carried out. National park (recovery) should be retained.

3. (d) National parks lose a lot by being obliged to absorb these two other protected area categories. The biggest loser is, in fact, the cardinal principle of national park management. Many activities that were legitimately carried out on national parks (scientific) and national parks (recovery) would be in breach of the cardinal principle. Consequently, the proposed action makes an absolute mockery of the cardinal principle and of national park status.
3. (e) Forest reserve has been abolished as a tenure. It was established to act as a holding tenure in the SEQ Forest Agreement process. Many State forests that were being transferred to national park status contained a number of encumbrances (eg grazing, occupation licences etc) that had to be determined and negotiated before the land could be dedicated as national park. It has been an extremely useful holding tenure and there would appear to be no strong reason why it should no longer be available. It has served a very useful purpose in the past. Forest reserve tenure should be retained. As with other abolitions, there is nothing gained by its loss, but future opportunities will be lost if it no longer exists.
4. (a) The slow rate of production of management plans for protected areas was identified in an audit of the NC Act some years ago as a major departmental failing. Action has been taken in the amendments to abolish the requirement for each park, or aggregation of parks, to have a management plan. That has been replaced with a requirement to prepare a management statement. The capacity to prepare a management plan is still available, though there is no compulsion and probably very little incentive.
4. (b) Any park that was subject to activities that are contrary to the cardinal principle, such as tourist resort development and grazing, should have a management plan developed before such an activity could be authorised. That would ensure that the key values of the park had been clearly assessed and expressed.
4. (c) Management plans are required to go through a public consultation process. That process previously had two consultation steps, but has now been reduced to one. Management statements involve no consultation with the public prior to coming into force. It is important that some public feedback be facilitated. If that does not happen, then it's difficult to know what value the management statement actually has. Management statements should be subject to a single public consultation process.