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Health and Community Services Committee  
Parliament House  
BRISBANE QLD 4001

By way of email to:  
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**Proposed Amendments to the Nature Conservation Act 1992  
Nature Conservation and Other Legislation Amendment Bill (No 2) 2013**

Statements have been made by Newman Government representatives that the proposed amendments being considered by the Health and Community Services Committee leave the cardinal principle for national park management untouched.

This is completely untrue, and an active misleading of the Queensland people, who have a long and proud history of support for our special natural places, protected at international standard, to conserve our public natural resources.

I write to express to the Committee my very strong objection to this latest set of amendments to the *Nature Conservation Act 1992*, which will effectively destroy the Act's capacity to operate as a nature conservation statute.

As a proud Queensland citizen, I have enjoyed, appreciated and loved many of our State's national parks since I was a young child. Even previous National Party governments valued these places for their natural integrity.

It saddens me immeasurably that the Newman Government is now moving to negate the many years of shared government and community investment in keeping these special places intact, and immune from harmful impacts such as mass visitation access, major development or exploitative commercial activities.

The proposed amendments also represent a significant undermining of international standards underpinning the protection of natural values in Australia recognised through the International Union for the Conservation of Nature (IUCN).

My substantive concerns are set out below and I trust the Committee will consider these in good faith, and that they will be published as a submission objecting to the proposed amendments on the basis of my stated concerns.

***Changing the Object of the Act from “the conservation of nature” to encompass “social, cultural and commercial use of protected areas”***

1. The proposed amendment to the Object of the Act in Section 4 completely changes the purpose of the Act.

Social, cultural and commercial use of protected areas as an object to the Act deletes, negates and castrates the current Object of the Act, being the conservation of nature.

- By changing the Object, the cardinal principle has potentially lost much of its legal strength, having been the foundation for the protection, to the greatest possible extent, of the natural and cultural resources on national parks. The Object of an Act is the first port of call by a court of law when interpreting any provision of an Act. The Act relies on the Object for its mandate.
- The proposed new Object of the Act should be removed. The proposed changes have no place in the Object.
- The proposed 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.

***Abolishing a number of classes of protected area: (i) national park (scientific), (ii) national park (recovery), (iii) conservation park, (iv) resources reserve, (v) coordinated conservation area, (vi) wilderness area, (vii) World Heritage management area, and (viii) international agreement area. introducing a new class, regional park, to encompass conservation parks and resources reserves.***

2. The proposed abolition of 8 classes of protected area is extreme, without gain and with the potential for substantial losses. It actively undermines the precautionary principle and IUCN criteria to which Australia is a State Party.
  - Although not utilised to date, Wilderness areas, World Heritage management areas and international agreement areas may need to be declared in the future when the rest of the natural environment has been so totally compromised by development and mining that we actually need to protect such remaining natural areas to survive as a species. In my considered and informed view we have already reached this point.
  - Watering down important protections for natural places and native species erode our resilience to imminent and future climate change impacts.
  - These categories of protected area do not constitute ‘green tape’ – rather this is actually having capacity – now and in the future – to protect critical natural areas from the short-term benighted greed and blinkered views of vested interests.

3. Conservation parks and resources reserves should be retained as is.
  - The name 'regional parks' is totally inappropriate, a clear trend toward the lowest common denominator and without any focus on protection of resources. There is nothing remotely 'regional' about them as they are predominately smaller areas of known resource deposits, made more available for degradation and exploitation through a lowering of the protective grade, or isolated islands of nature within wastelands devoid of biodiversity.

***Substantially changing the management principles of national parks and effectively neutralising the cardinal principle of national park management***

***Undermining national parks by incorporating all the functions of national parks (scientific) and national parks (recovery) into the national park tenure***

4. The loss of national park (scientific) and national park (recovery) achieves virtually nothing other than saving a few lines in the legislation. In terms of international standards of protected area management set out in IUCN guidelines, to roll both of these up and lump them all into the national park class is a travesty and substantially undermines the level of protection afforded to national parks as a whole.

***National parks (scientific)*** satisfies the IUCN category of protected area generally known as nature reserve, involving strict protection and management for a particular conservation purpose.

- Public access is strongly controlled for good and legitimate reason to protect important species, many of which are either threatened or endangered.
- This class of national park is used for parks that protect, *inter alia*, threatened or endangered species like bridled nailtail wallabies or northern hairy-nosed wombats.
- They sometimes require strong manipulation of the environment (including other native species) in order to ensure survival of an endangered species.
- To simply absorb them into national parks and provide for a special management area (scientific) is unacceptable and unnecessary.

***National park (recovery)***, specifically designed to allow for restoration of land that was destined to become national park, is to be absorbed into the standard definition of national parks.

- This makes a mockery of the national parks status as restoration requirements could take many years to achieve.
- Little is gained and much is 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 restoration work is being carried out. National park (recovery) should be retained.
5. The cardinal principle of national park management is lost in the proposed absorption of the National Park (scientific) and National Parks (recovery) categories.
- Many activities presently 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 operational intent of national park status.

***Abolishing the forest reserve tenure introduced as a holding tenure for State forest land that was destined to become national park***

6. Abolishing forest reserve as a tenure would be completely counterproductive. This tenure was established to act as a holding tenure in regional forest agreement processes.
- Many State forests under active transfer to national park status contained a number of encumbrances (e.g. grazing, beekeeping, occupation licences etc.) that had to be determined and negotiated before the land could be dedicated as national park.
  - As an extremely useful holding tenure there would appear to be no meaningful reason why it should no longer be available.
  - Why extinguish or diminish flexibility when it has served a very useful purpose in the past? Deleting the forest reserve status would seem to reflect the Newman Government's desire not to transfer any State forests to a stronger protected area tenure, judging from the move to return many forest reserves to State forest status.
  - As with other abolitions, absolutely nothing is gained by its loss, whilst it is very clear that future opportunities will be lost if this status no longer exists.
  - Processes to prevent forest reserves becoming protected areas are already in place through the Queensland *Forestry Act*.

***Abolishing the requirement to prepare management plans for all protected areas and replacing it with a requirement to prepare management statements.***

7. Action has been taken in the amendments to abolish the requirement for each park, or aggregation of parks, to have a management plan, proposed to be replaced with a requirement to prepare a management statement.

- Although the capacity to prepare a management plan would still be available, there would appear to be no compulsion, and most likely very little incentive, to do so.
- The slow rate of production of management plans for protected areas was identified in an audit of the NCA some three years ago as a major departmental failing. The last government at least attempted to start to address this failing. The Newman Government appears to be absolutely committed to walking away from resourcing any obligations it holds to protect nature for the benefit and enjoyment of future generations.
- Any park subject to activities that are contrary to the cardinal principle of the Act, such as tourist resort development, motorised recreation or grazing, should have a management plan developed before such activity is authorised to ensure that the key values of the park are clearly assessed and expressed.
- Management plans are required to go through a public consultation process, which to date has entailed two consultation steps. This is now proposed to be reduced to one. This is unacceptable in terms of community ownership of the processes feeding in to management of protected areas in Queensland and their natural values.
- Management statements are proposed to involve no consultation with the public prior to coming into force.
- It is important that public feedback be facilitated throughout the planning process as without thorough consultation, it is not clear nor transparent what value the proposed management statement actually has.
- Management statements must be subject to a single public consultation process which is well advertised, transparent and accountable.

Should these amendments be endorsed by the Committee and ascend through the deeply flawed unicameral parliamentary system in this State, the current legislation will be little more than a Nature Recreation Act. The Committee may as well endorse abolition of the entire *Nature Conservation Act* as it stands now.

Not exactly a legacy worth touting for either the environment we depend on as one of many natural species on the planet, nor any semblance of a sustainable legacy for our children's children.

Yours sincerely



Ellen Bock

Mena Creek, Queensland

Dated: 9 August 2013