

Kedron Brook Catchment Branch (Inc.)
Wildlife Preservation Society of Queensland.

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

11th September 2013

Dear Sir, Madam,

Submission to the Nature Conservation and Other Legislation Bill (No 2) 2013

We have deep concerns about many aspects of these proposed amendments.

First among them is that the proposed amendment to the Object of the Act in Section 4 (Clause 24) 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. Statements have been made that the amendments leave the cardinal principle for national park management untouched; however 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.

Thus we strongly object to the insertion of these amendments, which have no place in the Object.

Secondly we feel that the abolition of most of the classes of protected areas is somewhat reckless. Whilst many may not have been used they do not hinder the administration of the Act and indeed provide some flexibility for future arrangements. The loss of national park (scientific) and national park (recovery) needs to be reconsidered. The loss of these two classes of protected area achieves virtually nothing other than saving a few lines in the legislation. Rolling them both up and stuffing them into the national park class substantially undermines the level of protection that is afforded to national parks. National Parks stand 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.

As part of that exercise we find the title “Regional Parks” to be ineffectual as it carries no reference to resource protection.

Changing forest reserves into state forests in an exercise in subversion since the strong requirements making it difficult to revoke a forest reserve under the Nature Conservation Act are effectively sidestepped in another Act. This is a mere smokescreen to facilitate easier exploitation of our natural resources.



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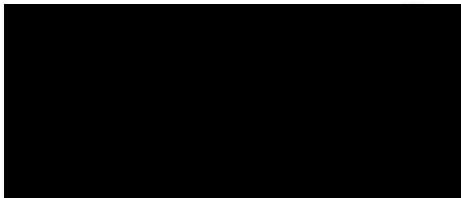
Thirdly, whilst we can appreciate the wish to reduce delays and dragging of feet in allowing management plans to be replaced with management statements, we do feel that any park that may be subject to activities that are contrary to the cardinal principle, such as tourist resort development and grazing, should have a management plan developed before such an activity could be authorised. That would ensure that the key values of the park have been clearly assessed and expressed.

Finally, in regard to consultation we note that plans now only require one public consultation and a statement none at all. 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. We argue that some public engagement be required in all instances.

We object to the carte blanche proposed in Section 120A (Clause 72) where the Minister can sidestep any notification or consultation as required in sections 115 and 116 and make changes that "...ensure the plan is consistent with State government policy..." or where he decides "...there has already been adequate other public consultation...". These loopholes are an encouragement to deliberately ignore public concerns in the pursuit of narrow agendas, and will be far too easy and tempting to abuse. Leave them out.

We support the regular review of how national parks and protected areas might be managed and taken into the future, but not at the expense of despoiling them for short term commercial or political gain. Our children deserve better than that.

Yours faithfully



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