Submission on the
Amendments to the Nature Conservation Act 1992
Nature Conservation and Other Legislation Amendment Bill (No 2) 2013

11-September 2013

The stated policy objectives are worthy of support. Genuine opportunities to do so effectively have been overlooked by failing to address underlying existing causes and by introducing more scope for bureaucratic embellishment in future.

It can be anticipated that under the amended arrangements the Queensland Parks and Wildlife Service, (QPWS), will have a “free lunch” with Special Management Areas, (SMAs), with little to restrain them because of lack of sufficient Ministerial or Parliamentary oversight.

The Office of the Queensland Parliamentary Council, (OQPC), has raised important issues and some unconvincing commentary rationalising the overlooking of these issues. These concerns need to be taken more seriously, at least in some cases.

REDUCTION OF RED TAPE

Introducing consistency across the Nature Conservation Act 1992, (NCA), The Forestry Act 1959, (FA), Recreation Areas Management Act 2006, (RAM) and the Marine Park Act 2004, (MPA), especially regarding administrative and management matters, is desirable.

In the past the FA, arguably, had the best record in able administration.

At least two key areas have provided a focus for bureaucratic excesses in the past.

- Firstly, overuse of the Cardinal Principle (CP) as a blunt instrument to bludgeon QPWS agendas through, without adequate scrutiny, and as a blunt instrument for informing management decision when its use was inadequate.

- Secondly, making the Management Plan process so unwieldy that QPWS were able to ignore the will of Parliament and merrily introduce their own Management Statements as well.

Proposed possible legislated means of reducing these past red tape producing excesses

The solution of the first, CP overreach, is not to water down or mitigate its effect when suitable, which will be the effect of some of these amendments, taken

together, but to make the CP more finely tuned and useful. This would keep its application to cases where its use would be informative and beneficial in properly discharging the existing worthy Object of the NCA, 1992, which has enjoyed past bi-partisan support. Please retain the past Object and the CP, possibly improved, as suggested.

The opportunity to put National Parks (scientific) and National Parks (recovery) together under a land tenure such as Restoration Parks, (my name suggestion to avoid confusion), and temporarily exclude them from full compliance with the CP appears to have been missed.

This is to the detriment of these parks, and the future, slightly enlarged, national parks estate once their restoration has been achieved. Appropriate actions could be cleanly implemented under such a new land tenure under the amended NCA.

The solution to the second is not to reward QPWS-invented Management Statements and thus compromise Management Plans in their existing Parliament-intended purpose but to get rid of Management Statements and streamline the Management Plan process to make it effective.

The stalling of Management Plans for protected areas was identified in an audit of the NCA some while back as a major failure of QPWS. Their release should be staggered according to a publicly available itinerary. Each park, or group of parks, should continue to have a Management Plan. The means for doing so remain in place.

In each case, an almost final draft of the updated or proposed Management Plan and one community consultative review followed by the existing Parliamentary approval is what is required across all these Acts.

STREAMLINING LEGISLATIVE PROCESSES

The implementation of consistency across the NCA, FA, RAM and MPA is desirable, where possible, and may be expected to streamline legislative processes and reduce red tape arising from duplication of similar effort.

INCREASING ACCESS TO NATIONAL PARKS AND OTHER PUBLIC LANDS

Worldwide, the clear distinction between national parks, and what they mean, is so different from other public land uses that this distinction needs to be maintained and not compromised.

The existing requirement to **present** national parks gives ample scope for increasing access to national parks. Why not just manage national parks according to this requirement?

Increasing access to other public land currently is such a hotchpotch that there is not only considerable scope to increase access, but to minimise red tape as well. Bringing these under one land tenure might assist.

Previously, adequate emphasis has been lacking by QPWS on active participation in the landscape to maintain natural capital and sustainable delivery of a broad range of ecosystem services to the benefit of the wider community.

SMAs might be an effective and consistent way to manage these under a broad requirement to maintain natural amenity in all its evolving forms. This would provide a means to ameliorate damage from fire and floods, for example, manage sensitive areas, protect against species loss, and manage weed and feral animal control issues. The problem will be to make SMAs an effective management tool rather than a bureaucratic plaything.

There is no need to destroy our meagre national parks system to full-fill the genuine need to provided better access to public lands for recreation, social and compatible commercial purposes. Improved access is overdue.

Commercial infrastructure should only be permitted outside the total protected area estate. This will give business certainty, allay fears of possible future taxpayer-funded compensation, reduce conflict of interest, and promote wider sustainable economic activity.

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Submission to Health and Community Services Committee. via email at hcsc@parliament.qld.gov.au .

PRIVATE INFORMATION FOLLOWS:

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