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

**NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL (NO. 2) 2013
SUBMISSION BY RAY ISON**

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I have serious concerns with the content of the proposed Bill. I have reviewed and amended the dot points prepared by others and submit these points to the committee for consideration.

Yours sincerely,

██████████
Ray Ison

Keep it green: keep it on the screen.

- The proposed amendment to the Object of the 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. I request that conservation of the natural environment be the key purpose of the Act. Any commercial use of a National Park must be consistent with, and respective of, the conservation of the natural environment.
- 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. I request that conservation of the natural environment be the key purpose of the Act.
- Amendments to the Object of the Act 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.

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- 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. Why remove that flexibility when its presence has absolutely no effect, financially or in terms of so-called green tape, on the management of protected areas? I request retention of all classes of protected areas.
- Conservation parks and resources reserves have been abolished and rolled into a new class of protected area known as regional parks. I object to the name as it 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. That has happened with regional parks. I request retention of the name and intent of conservation parks and resources reserves.
- The abolition of coordinated conservation areas is not a substantial loss. It has been used sparingly and its objectives can be achieved through nature refuges.
- 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. Including them into the national park class is a travesty and substantially undermines the level of protection that is afforded to national parks. I request the retention of the category and intent of national park (scientific) and national park (recovery).
- 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. I request the retention of the category and intent of national park (scientific).
- 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. I request the retention of the category and intent of national park (recovery).

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- 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. I request that conservation of the natural environment be the key purpose of the Act.
- 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) as well as existing public access and use 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. Why wipe out that flexibility when it has served a very useful purpose in the past? The demise of forest reserve status would seem to reflect the governments desire not to transfer any State forests to protected area. In fact there is a move to return many forest reserves to State forest status. It is appropriate to argue that forest reserve tenure should be retained. As with other abolitions, there is nothing gained by its loss, but future opportunities have been lost if it no longer exists. I request that forest reserve should be retained as a form of tenure and the land continue to be transitioned to National Park status.
- Revocation of a forest reserve can also take place under the Forestry Act if the forest reserve is to become a State forest. The strong requirements making it difficult to revoke a forest reserve under the NC Act are effectively sidestepped in another Act. A resolution of Parliament would no longer be involved. Smoothing the process of preventing forest reserves becoming protected areas has been facilitated by using another Act.
- The slow rate of production of management plans for protected areas was identified in an audit of the NC Act some three 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. I request that each park, or aggregation of parks, be required to prepare a competent management plan in consultation with stakeholders and the resources be provided to implement the management plan.
- Any park, or aggregation of parks, that was subject to activities such as tourist resort development and grazing that are contrary to the cardinal principle of the conservation of the natural environment, should have a management plan developed and implemented before such an activity could be authorised. That would ensure that the key values of the park had been clearly identified, assessed and protected in any amendment to the operation of the park.

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- 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 public feedback be sought and facilitated. If that does not happen, then it's difficult to know what value the management statement actually has. I request that management statements be subject to a public consultation process that provides full and open access to all baseline surveys, reports and documents on which the management plans or management statements are based on and any submission from the public or stakeholders are considered and addressed in the revised management plans or management statements before they are adopted.

Yours sincerely,

 Ray Ison