

From: [E Kirsch](#)
To: [Health and Community Services Committee](#)
Subject: submission: Nature Conservation and Other Legislation Amendment Bill (No 2) 2013
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For the attention of: Health and Community Services Parliamentary Committee

Re: Nature Conservation and Other Legislation Amendment Bill (No 2) 2013

Submission by: E Kirsch, [REDACTED], Clayfield QLD 4011

In making this submission I am writing as an individual and a member of the public. I would like to outline my concerns about the following aspects of the *Nature Conservation and Other Legislation Amendment Bill (No 2) 2013*. My concerns are all focused on the **impact of the Bill on national parks** in Queensland, both existing NPs and areas that may be suitable for national park status in the future.

1. Clause 24 - Amendment of s 4 (Object of Act)

I would urge examination by the committee of the replacement of the current Object of the *Nature Conservation Act 1992* with clause 24. Replacing the current Object of the *NCA* with this amendment changes the purpose of the Act completely. For example, when considered in the light of management of national parks, it goes against the cardinal principle of national park management (*NCA* s17(1)(a)) as stated in the Minister's first reading speech: "...a national park should be managed to the greatest possible extent for the permanent preservation of the area's natural condition and the protection of its cultural resources and values". Currently this can be achieved with the "protection" of the stated Object of the *NCA* – the conservation of nature.

I strongly propose that the amendments to the Object of the *NCA* should be rejected.

The proposed clause 24 changes the whole purpose and intent of the Act. The Object is of prime consideration in statutory interpretation by a court, and a change to the Object in this way completely changes the purpose of nature conservation legislation. A change to the Object of the Act is unwarranted and has far-reaching effects. The "conservation of nature" should remain paramount and should not be "watered down" by other interests (including commercial interests). Such interests should remain subordinate to, and not the prime concern, of the Act.

2. Clause 26 - Amendment of s 14 (Classes of protected areas to which Act applies)

The following categories are to be omitted from the NCA under this clause:

- • (j) wilderness areas; and
- • (k) World Heritage management areas; and
- • (l) international agreement areas

WHMAs and IGAs could have a place in the future and, in fact, were considered for declaration in the past. The declared focus of this Bill is to make things simpler, and yet the removal of these categories has no effect, financially or in terms of administration on the management of protected areas. Indeed, significant red-tape issues would arise if these categories became necessary and had to be restored in future years.

I strongly propose that the amendments to s 14 (Classes of protected areas to which Act applies) by clause 26 be rejected.

3. Clause 114 - Amendment of s 14 (Classes of protected areas to which Act applies)

This clause is of grave concern to me and again seems another unnecessary measure of this Bill. The loss of the two classes of protected area (national park (scientific) and national park (recovery)) achieves nothing other than saving a few lines in the legislation. Combining these 2 categories into the national park class is unnecessary and substantially undermines the level of protection that is afforded to national parks.

In fact, the loss of these 2 classes is then supplemented by *Special Management Areas* as outlined in **Clause 153 - Insertion of new pt 12, div 5, sdiv 2**. Under this clause it seems to me that 'National parks (scientific)' become national parks and designated 'special management areas (scientific)'. This is "double handling" and contrary to the Minister's stated intention to reduce administrative load. This is similar in the case of national park (recovery) becoming national parks and designated 'special management areas (recovery)'.

I strongly propose that the amendments to s 14 (Classes of protected areas to which Act applies) by clause 114 and 153 be rejected. Maintaining the current classes of protected areas does not cause a greater administrative load and I fear that in transition the strict protection and management for a particular conservation purpose (currently afforded by the national park (scientific) category) would be removed. To simply absorb fragile ecosystems such as Epping Forest into national parks and create a special management area (scientific) is

unacceptable and unnecessary.

4. Replacement of Management Plans with Management Statements

The replacement of the current process of *management plans* for protected areas with *management statements* removes the public consultation requirement that is currently in place. Management statements involve no consultation with the public prior to coming into force. It is important that some public feedback be facilitated.

I would like to request that management statements be subject to a single public consultation process thus ensuring accountability of all agencies involved.

Conclusion

In my view, the Bill before this committee destroys the national park system as it stands in Queensland today. I refer again to the cardinal principle of national park management: *a national park should be managed to greatest possible extent for the permanent preservation of the area's natural condition and the protection of its cultural resources and values*. Allowing the commercial use of national park land in particular is in direct opposition to this principle – “permanent preservation” cannot be achieved when commercial interests are given an opportunity (and are, in fact, invited) to dominate the natural environment. Let us all keep in mind that national parks in Queensland only represent 4.8% of Queensland. Dramatically behind the national average of 8.6%. Generations past have fought for the establishment of national parks and now is not the time to undo that work.

Whilst I have not had an opportunity to examine each aspect of the Bill in as much detail as I would like, could you please duly consider the points that I have raised in this submission.

Yours,

E Kirsch

