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Health and Community Services Committee
Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013
Parliament House
George Street
Brisbane Qld 4000

via email: hcsc@parliament.qld.gov.au

Dear Sir/Madam,

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

Please find following my submission on the review of the Nature Conservation Act.

National Parks are for nature, full stop. They should be treated with respect and humility. They ARE NOT for human exploitation or commercial gain. There are plenty of examples in Australia and throughout the world where commercial developments outside of National Parks offer the type of 'balance' and 'open access' that you desire with this bill, without impeding on the National Park.

I am very concerned that this proposed change to legislation is yet another of the many apparent attacks on nature by the current LNP government (i.e. proposed changes to the Vegetation Management Act and the Water Act etc.). The incremental effect of these legislative changes will do nothing to stem the demise of natural areas and species and habitat loss. They are likely to make the situation worse. Queensland's biodiversity is in crisis yet this government appears to be blinded by their own perception of imbalance and appear to thrive on greed and opportunism.

Given time constraints I cannot respond to all the concerns I have with these changes; therefore, I will highlight just a few.

I respond specifically to the Explanatory Notes (excerpts are in italics):

The policy objectives are stated as:

"The objectives of the Bill are to amend the Nature Conservation Act 1992 (NCA) and other related legislation in order to:

- *increase access to national parks and other public lands;*
- *achieve red tape reduction; and*
- *streamline legislative processes."*

What happened to "*the conservation of nature*"? How can you take away that right! National Parks are for the conservation of nature! Not for commercial opportunism.

As stated in the NPAQ Advice Sept13, 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.

"These amendments contribute to the Queensland Government's commitment to open national parks for the enjoyment of all Queenslanders and to deliver improved access for both tourists and the wider community."

National Parks aren't closed!! I just don't get it. Why is the government making such an arbitrary commitment? What does 'open national parks' mean? All Queenslanders can already 'enjoy' these areas! Perhaps the term 'enjoy' needs a definition.

National Parks cover less than 5% of Qld and are the ONLY refuges where nature can carry on with reduced influence from humans. There are currently many recognised threatening processes which are slowly, incrementally but surely degrading these areas. We expect governments to protect and properly manage these areas so that we can 'enjoy' them as they are, without commercial exploitation. Currently, ANYONE and EVERYONE have access to these areas. You are responding to a problem that doesn't exist.

1. a)

The current object of the NCA is the 'conservation of nature', which is to be achieved by 'an integrated and comprehensive conservation strategy for the whole of the State'. This narrow definition of the object of the NCA does not reflect:

- *the Government's commitment to achieving recreational and commercial outcomes in the management of protected areas; or*
- *what the Act currently provides for in regard to providing access to, and use of, protected areas.*

The 'conservation of nature' is far from a 'narrow definition', rather, it is a clear premise that is unambiguous and is potentially all-encompassing. Perhaps the governments perception of the conservation of nature is narrow because they don't understand what nature is or why it should be conserved? The premise is ridiculous and wrong.

Consistent with government commitments to open up national parks and increase access for tourists and the community, the Bill includes the following supplementary outcomes with regard to meeting the objective of the conservation of nature:

- *the use and enjoyment of protected areas by the community;*

National Parks aren't closed! What is it that needs to be opened up? Oh, I see, you have to get out of your air-conditioned car and walk for a while to see some 'nature', is that what you mean by closed? How do you reconcile 'increased access' with conservation?

How is "the use and enjoyment of protected areas by the community" a "supplementary outcome" of the conservation of nature? This is political spin gone mad!

The social, cultural and commercial use of protected areas in a way consistent with the natural, cultural and other values of the areas

"Commercial use" and "protected areas" is an oxymoron.

It is intended that these amendments will result in the object of the NCA explicitly providing for recreation and commercial uses in protected areas while continuing to retain a focus on the primary purpose of nature conservation.

I have absolutely no confidence that the current LNP government knows what the "primary purpose of nature conservation" even is.

1. b)

Specifically, the Bill will amend the tenure classes to:

- *combine the national park, national park (scientific) and national park (recovery) tenures into one tenure class called 'national park';*

- *combine the conservation park and resources reserve tenures into one tenure class called 'regional park';*
- *abolish the 'wilderness area', 'World Heritage management area' and 'international agreement area' tenures;*

This part is of particular concern and shows apparent contempt for international agreements and requirements.

As stated in the NPAQ Advice Sept13 , 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 naitail 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.

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. National park (recovery) should be retained.

1. c)

These management principles have been revised to reflect changes to the tenure classes and to implement the government commitments to achieve a greater balance between nature conservation and access for recreational and commercial purposes.

Again, I don't get it. Where's the "balance" for nature? Recreational and commercial interests already have access to greater than 95% of Qld! How is less than 5% available for nature a lack of balance? Where is the balance for natural areas? To tip the balance on the side of nature conservation would require greater areas purchased for National Parks. It appears that commercial interests want access to everything at the expense of natural areas and they have the backing of this government. The only "balance" this government is interested in is one they have at the bank.

This cry for 'balance' is repeated often throughout this Bill and it is fundamentally flawed.

The cardinal principle has been retained as the basis of national park management.

Say what? Pardon? Let's just have a look at what your own website states as the cardinal principle:

*"The cardinal principle for managing national parks is to provide, to the greatest possible extent, **for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values. Natural condition means protection from human interference - allowing natural processes to proceed.**"*

<http://www.nprsr.qld.gov.au/managing/principles/>

Did you spot that? The bit that says: "Natural condition means protection from human interference - allowing natural processes to proceed."???

To suggest that these proposed changes retain the cardinal principle is an insult to our intelligence.

In particular, the management principles of a regional park retain a focus on allowing for commercial use of natural resources while retaining an emphasis on conserving an area's natural and cultural

values. Additionally, the management principles of the new regional parks will also provide opportunities for recreational activities, reflecting the government commitments to encourage this type of use of protected areas.

"Commercial use of natural resources" and an "emphasis on conserving an area's natural and cultural values"...? Another oxymoron.

"...provide opportunities for recreational activities, reflecting the government commitments to encourage this type of use of protected areas."

Why is this government so committed to using protected areas for recreation when 95% of Qld is already available??? They should be PROTECTING protected areas, not exploiting them!

1. e)

There is currently a statutory requirement to prepare a formal management plan for all protected area tenures. This process is extremely resource intensive. By contrast, Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013 management statements are a simpler expression of management intent for protected areas without requiring public consultation and are considered a satisfactory planning instrument for many protected areas.

"This process is extremely resource intensive". So what! So it takes a bit of cost and hard work to properly manage these areas does it? So what! That is the government's role!

"... are a simpler expression of management intent... without requiring public consultation..."

I find it hard to believe that you lot are actually in charge of a whole state when you couldn't be bothered producing a management plan for a tiny portion of the state! And why are you running scared of public consultation? Are you concerned that this might find flaws in your intent? This is incomprehensible contempt for public experience and opinion.

"...are considered a satisfactory planning instrument for many protected areas."

By who?? I certainly don't consider any watering down of a proper management plan for a National Park to be satisfactory.

On this basis, an alternative planning process has been identified that will provide greater management flexibility and deliver on the government commitments to reduce legislative complexity and red tape.

Sure, but will it deliver better conservation outcomes? Or just save you lot a few dollars?"

As stated in the NPAQ Advice Sept13, 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.

Any park that was 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 had been clearly assessed and expressed.

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 very 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. Management statements should be subject to a single public consultation process.

In summary, I am very, very concerned with the plight of our natural areas, even with limitless funds for their protection and a willing government (which this government is not).

The pattern of legislative change from this government shows an unacceptable contempt and apparent hatred for nature and natural areas. Why? Why is this government so adamant to exploit the tiny part of Qld that is for nature? Why is it so hard to leave a few bits alone, leave them for nature and natural processes? Greater than 95% of Qld is already available to modify, drive over, change, climb on, gawk at, put resorts and cabins on, use recreational animals and vehicles over... why do you want the whole lot? It's as though you are a selfish bunch of kids who suddenly have the keys to the lolly shop and you're leaving nothing behind for anyone else!!

Except this is far more serious; the changes being made and being proposed are affecting our precious natural areas, our biodiversity, the very life-force of our being. Governments are supposed to protect these areas for future generations, not exploit them for short term gain.

These changes will go down in history as one of the greatest attacks of natural areas and biodiversity since the great vegetation clearing eras of the 19th and early 20th century.

A recent news article on the fires in Yosemite National Park in the USA stated that the park was the pride and joy of the American people... well Australia's National Parks are our pride and joy too! Why can't this government respect that and keep them for nature, not for commercial exploitation?

In conclusion, it appears that this review does nothing about helping to preserve and enhance National Parks; rather, it focuses on commercial development and a perverse definition of "balance" at the expense of conservation.

Should this bill be passed, along with other recent legislative changes by this government, it will go down in history as being one of the more profound backward environmental steps that a Government can take. What you are proposing is nothing short of environmental vandalism. Given that Australia has one of the worst extinction records in the modern world and what we know about the causes of biodiversity loss, surely we should be reinforcing, not watering down, protection of our natural areas, particularly those within National Parks.

I also enclose a relevant article by eminent Australians regarding the demise of National Parks in Victoria. The situation is identical for Queensland National Parks which should be protected by governments, not exploited.

With grave concern for natural areas,

Yours sincerely,

David Jinks

Comment

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SEPT 7, 2013

The insidious threat to our natural heritage

Eminent Australians August 19, 2013



Illustration: Jim Pavidis.

Moves by the Napthine government towards the privatisation and commercialisation of national parks are a betrayal of public trust, writes a group of eminent Australians.

Australian national parks are very special places. They contain the outstanding examples of our natural and cultural heritage remaining after the major settlement and development phases of our past.

Australia's first national park, Royal National Park south of Sydney, established in 1878, was the second in the world (the first being Yellowstone in the United States). Our national parks are recognised internationally by world authorities not only because of their diversity and quality of the natural systems they protect, but also because of the way they have been managed over the past 135 years.

Until now our national parks have been securely protected under state legislation, having been created after thorough scientific assessment and extensive comparative studies.

Why then is it now proposed to introduce uses into our parks that are inimical to the very reason for establishing them? National parks have not been set aside for grazing by cattle, logging, prospecting, hunting or commercial development. These activities, to be permitted in national parks in several states, are incompatible with the fundamental reasons for creating them - protecting our natural and cultural heritage. Such uses compromise and diminish the reasons for visiting national parks - to enjoy the beauty of natural landscapes and to relax in natural settings removed from the complexities and stresses of modern living.

The most insidious of these intrusive uses are the proposals of the Victorian government to lease areas within our national parks for up to 99 years to encourage commercial development by private corporations.

20/08/2013

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In reality, a 99-year lease transfers ownership of a public asset, something we all own and can share, to a private benefit enjoyed by a privileged few. Once the private sector develops resorts and associated infrastructure, the return of this land to the public will never occur. Thus, with long-term leasing provisions embedded in legislation as is now occurring through the National Parks Amendment (Leasing Powers and Other Matters) Bill, most land in our national parks is vulnerable, because leased areas can be readily expanded.

Indeed, the bill now before State Parliament makes clear that up to two-thirds of the land in our national parks could be placed under long-term leases. Of further concern is the provision that allows the decision to lease land in our national parks for 99 years to be made by the responsible minister. A 99-year lease would essentially remove land from the park and transfer tenure and management to the private sector. Currently, such an action can only occur by a decision of the Parliament to pass an amendment to the National Parks Act.

New resort development within national parks is now recognised internationally as undesirable and in conflict with the very things that national parks are established to protect.

Resort developments established in the 19th and early 20th centuries in Canada and the US by the railroad barons are today substantially constrained with only modernising and replacement now occurring.

Closer to home, the new visitor development and camping ground at Cradle Mountain National Park in Tasmania has been built outside the park, as is the Cradle Mountain Lodge. Recently, the calamitous Seal Rocks development at Phillip Island cost taxpayers \$55 million in compensation when the private development foundered. There was also the proposal, to the dismay of many, to develop a resort on the sand dunes of our much-loved national park at Wilsons Promontory. Such a possibility becomes increasingly probable with statutory provisions in the National Parks Act permitting leases of 99 years.

We cannot understand why the government would wish to pursue high-risk policies that threaten the security of our national parks when low-risk, attractive development could be encouraged in outstanding locations just outside our national parks.

Bill Borthwick, the Liberal MP who was Victoria's first minister for conservation, held grave fears about commercialising our national parks. In 1992 he said: "The Americans all know that they made that dreadful mistake years and years ago of allowing concessionaires in and taking over. I implore, whether it be Liberal or Labor government in the future, don't fall for the fast-buck concessionaires within national parks." His deeply felt concerns then are just as real today.

Government policy that starts the journey of incremental privatisation and commercialisation of national parks would be a betrayal of public trust.

Professor Graham Brown, AM

Professor Michael Buxton

Professor Peter Doherty, AC

Mrs Aicia Fogarty

Justice John Fogarty, AM

The Hon. David Harper, AM, QC

Professor Barry Jones, AO

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