

NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL (NO 2) 2013

AMENDMENTS TO THE NATURE CONSERVATION ACT 1992 - IMPLICATIONS FOR THE MANAGEMENT OF THE GONDWANA RAINFORESTS OF AUSTRALIA WORLD HERITAGE AREA

This submission is provided by the Chair of the Gondwana Rainforests of Australia World Heritage Area Community Advisory Committee.

Significant concerns have been raised in relation to the meeting of the obligations under the World Heritage Convention should the proposed changes be made as outlined below.

Changes to the Object of the Act

Of primary concern is the changing of the Object of the Act from “the conservation of nature” to include “social, cultural and commercial use of protected areas.” This change effectively reduces the legal protection of the Queensland reserves within the Gondwana Rainforests of Australia World Heritage Area. By changing the Object, the conservation of nature is no longer the primary purpose of the Act which diminishes the strength of ensuring protection of natural values as required for World Heritage Areas under the World Heritage Convention, the Australian World Heritage Intergovernmental Agreement and the *Environment Protection and Biodiversity Conservation Act*. The Australian World Heritage management principles are set out in Schedule 5 of the EPBC Act and include the following principle:

“The primary purpose of management of natural heritage and cultural heritage of a declared World Heritage property must be, in accordance with Australia’s obligations under the World Heritage Convention, to identify, protect, conserve, present, transmit to future generations and, if appropriate, rehabilitate the World Heritage values of the property.”

Changes in tenure

Abolition of Forest Reserves

A number of Forest Reserves in Queensland have been identified as containing World Heritage values and potentially appropriate for addition to the Gondwana Rainforests. The loss of this tenure, and return of these areas to extractive use, may have an impact on values of outstanding universal value as World Heritage.

Abolition of World Heritage Management Areas

Under the current Nature Conservation Act, if an area has been included in the World Heritage List, the Minister responsible for that Act may propose that the whole or part of the area be declared a World Heritage Management Area. Before a World Heritage Management Area is declared, a management plan for the area must be approved. This ensures that all landholders involved are made aware of any implications and establishes the commitment of the state to manage the area. Designation of a World Heritage Management Area would establish precedence of the Nature Conservation Act over other statutes, such as the *Forestry Act 1959* or Land Act, to the extent of any

conflict between the statutes. The proposed removal of this tenure, although not currently in use, removes the flexibility to ensure that a World Heritage management area is to be managed to:

- meet international obligations in relation to the area
- protect the area's internationally outstanding cultural and natural resources and its biological diversity
- transmit the area's World Heritage values to future generations.

Removal of requirement for management plans and replacement by statements

Removal of requirement to prepare management plans

Within the Queensland section of the Gondwana Rainforests of Australia World Heritage area, only Lamington National Park has a management plan and it is understood that, under the proposed amendments, management statements could be prepared for the remainder of the parks in the World Heritage Area and that management of these areas are not specifically required to be consistent with these Management Statements. This does not appear to provide adequate protection for World Heritage values as required under national and international obligations.

Public consultation on management plans

Public consultation is required in the development of management plans for World Heritage Areas, as detailed in under the World Heritage Convention, the Australian World Heritage Intergovernmental Agreement and the management principles outlined in the *Environment Protection and Biodiversity Conservation Act*.

RECOMMENDATIONS:

Noting the above, it is recommended that, in order to meet Queensland agreements and obligations in relation to World Heritage management:

1. There be no amendment to the Object of the Act;
2. Forest Reserve and World Heritage Management Area tenures be retained;
3. Management plans be required for national parks, including public consultation in their preparation.

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Gondwana Rainforests of Australia World Heritage Area

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