THE GAP QLD 4061
13 September 2013

The Chairperson
Health and Community Services Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Chairperson

I object to proposed amendments to the *Nature Conservation Act 1992* as detailed in the Nature Conservation and Other Legislation Amendment Bill (No 2) 2013.

I object principally to the section 4 amendment that changes the very purpose of the NC Act. Instead of being directed simply and clearly to the conservation of nature, the Act would then attempt to also reflect recreational and commercial uses of protected areas whatever they may be. Contrary to statements, the amendment undermines the cardinal principle for the management of national parks, a principle that in effect has been part of Queensland nature conservation legislation since 1906. The principle – management to the greatest possible extent of natural and cultural resources – relies on the object for its mandate. In determining any provision, a court of law relies initially on the wording of an Act's object. The amendment should be withdrawn. Consequently many other related proposed amendments arising directly from the altered object should be withdrawn also.

The current object is not 'narrow'. The three proposed additions are all encompassed by the current management principles for each class of protected area where certain uses are qualified in terms of the extent to which they can apply. Placing them in the object in such a broad and unqualified manner changes the whole basis of the Act. Besides, they refer only to protected areas when the Act provides also for the conservation of wildlife outside of protected areas.

The explanatory notes accompanying the Bill do not spell out what if any problems are to be overcome by the changes to the Act. If nature in Queensland is being conserved under legislation in place basically for 21 years, why change it to become effectively a nature recreation act? If the Queensland Government wanted areas on which virtually all forms of outdoor recreation, including tourist resorts, can take place, then it should have contemplated separate legislation to establish specific recreation areas, rather than destroying the national park system to satisfy its commitment.

In more than 60 years of visiting Queensland national parks I've never had a problem with access to the parks privately or commercially, except the handful of reserves without gazetted road access or during times of fire or flood. What is the Government then really mean by "open national parks and increased access for tourists and the community" and "educational, recreational and ecotourism opportunities"? There's been minimal red (or green) tape involving matters like permits for management purposes. I've appreciated legislative opportunities such as the park management planning process to become involved and to comment on proposals with the benefit of my experiences.

I object to the proposed amalgamations of various classes of protected area. The term 'national park' has a specific meaning in terms of biological diversity, far more precise than a generic term for land unsuitable for any use including grazing, farming, tourism, recreation and mining. The classes were declared for specific reasons arising from the practical management challenges of the State's

largest land manager, the Queensland Parks and Wildlife Service. Merging these in one or more ways would reflect ignorance of the conservation of nature.

National park (scientific) satisfies the International Union for the Conservation of Nature and Natural Resources nature reserve category. These areas involve strict protection and management for a particular conservation purpose. Public access is strongly controlled. The merging of national park (recovery) into national park would make a mockery of national parks status as restoration requirements could take many years to achieve. Many activities legitimately carried out on national parks (scientific) and national parks (recovery) would be in breach of the cardinal principle. The term 'special management area' is far too broad and could be used for some unexpected or unrelated purpose. Why replace flexibility when SMA has absolutely no effect, financially or in terms of so-called green tape, on the management of protected areas?

The conservation park class was introduced partly to encourage nature conservation locally by local governments as trustees. Changing the name with a wider scope will not result in better management of involvement by today's regional councils. Merging with resources reserve into 'regional park' has no implication of resource protection. When two classes of protected area are merged, the resulting management principles shift to the lowest standard.

The good reason the forest reserve class was declared was to cover State forest land identified as biologically significant but unable to be declared protected area because of current and in some cases long-term encumbrances like grazing and occupation licences. Abolition of the class would give a false impression that no further State forest land would ever be considered for protected area dedication. A forest reserve requires a resolution by Parliament to be revoked. Use of another Act effectively sidesteps this so preventing forest reserves becoming protected areas.

I object to major changes proposed in protected area and conservation management planning. There must always be at least one opportunity for public scrutiny of proposed statements or plans about how a protected area or specific wildlife is to be managed and submissions made and considered before a statement or plan is approved and becomes legal. Merely placing notice of a draft final national park (or Marine Park) management plan/statement inviting submissions on an electronic website is no substitute for statewide and local newspaper advertising. Neighbours and known interested parties such as commercial, industry and conservation organisations should be sent letters. Open government demands all means. A legislated minimum community consultation period of six weeks is necessary.

The slow rate of production of management plans for the many hundreds of protected areas identified by the Auditor-General three years ago was a direct result of low department priority and lack of resources. Good management of protected areas requires detailed practical plans backed by adequate resources. Downgraded planning to simple overviews can result only in degraded or no management. Long-term funding must be committed for any incentive for a plan or statement.

Any protected area possibly or likely to be subject to activities contrary to the cardinal principle, for example a tourist resort or grazing, should have a management plan (as distinct from a statement) developed and approved before such an authority is authorised. This could ensure that the park's key values had been assessed and expressed clearly.

In summary, while the Bill proposes certain amendments and additions useful for the effective administration of the Act, the additions proposed for the object in such a broad and unqualified manner changes the whole basis of the Act. Consequent proposed amendments are therefore

negated. I propose that you put to your committee a proposal to reject the Bill in its present form and refer it to the Government for different actions as outlined in this submission.

Yours faithfully

D.I.Marshall