



*A voice for the environment*

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13 September 2013

Health and Community Services Committee  
Parliament House  
BRISBANE  
[hcsc@parliament.qld.gov.au](mailto:hcsc@parliament.qld.gov.au)

## **Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013**

Dear Committee Secretary

Capricorn Conservation Council (CCC), since 1973, has been the principal non-government organisation in Central Queensland covering environmental issues in the Fitzroy Basin, as well as coastal and marine areas from Baffle Creek to St Lawrence.

CCC opposes the Nature Conservation and Other Legislation Amendment Bill 2012 (NCOLA) as its stated objectives, are in direct conflict to the cardinal principal for creating and managing National Parks. National Parks are created to provide for the permanent preservation of an area's natural condition and the protection of cultural resources and values.

Queensland needs to catch up to the rest of Australia with National Park funding and the amount of land protected. Queensland National Parks cover less than 5% of the State and with a total protected area of 6.65%, Queensland lags significantly behind national averages of 8.6% National Park and 12.8% total protected tenures.

If we are to promote Queensland as preferred place to live work and operate ecologically sustainable businesses as well as attract international tourism and associated investment the State should make all possible efforts to achieve the international recommended standard of 15% of land and water ecosystems under protection.

If this is achieved and there is demonstrated scientific proof of a net benefit to biodiversity then and only then might there be scope for broadening allowed activities being suggested by the Amendment Bill. The Bill deliberately ignores our National and International obligations to protect biodiversity. There is no reference to the Queensland Biodiversity Strategy and the trend data of the series of *State of the Environment Queensland* reports showing the accelerating threat to our ecosystems and species.

CCC has previously submitted the following concerns regarding the failure to adequately define 'ecotourism' the state's Ecotourism Plan.

'Ecotourism' is ill-defined and could mean anything from simple promotion of Queensland's natural features, low impact nature and camping tours, right through to cabins, lodges, resorts, chair lifts and any amount of road, power and water infrastructure. Partnership agreements between the Government, tourism operators and peak bodies would exclude any reasonable local and public input about loss of amenity for non-paying visitors, or effective scientific scrutiny of the ecological impacts. The loss of significant resources from National Park's policy and interpretive areas is unlikely to be resourced and replaced by fees and levies from tourism entities facing great financial risk with any ventures approved in National Parks. This is especially so with current and uncertain economic conditions, severe weather, variable seasonal and probable climatic events.

The 'simplification' of categories of protected areas while seeming to be great value for internal reporting increases the probability of the misinterpretation of use and access to places like Taunton NP (Scientific) – refuge for the Bridled naitailed wallaby *Onychogalea fraenata*. Places such as this which are critical for the recovery and survival of endangered species could become fair game for uncontrolled access by Four-Wheel drive vehicles and bush camping with the inherent risk to the very species being protected from of fire, litter, destruction of sensitive habitats and contamination of natural water sources.

Similar management and access issues exist in marine protected areas e.g. Peak Island, (Keppel Bay) critical rookery for Flat back turtles *Natator depressus* but policing mis-use and illegal access to terrestrial areas is far more difficult. For example, decades of efforts by community groups, local government rangers, Police, Defence personnel and Forestry staff (Hancock Plantations Qld) cannot control escalating destruction of sensitive heathland and dunal vegetation and freshwater streams in the Byfield National Park and surrounding forest park.

The Bill totally (parochially) excises any reference to companion federal legislation such as the Great Barrier Marine Park Act and deliberately removes and reference to World Heritage legislation. In similar vein there is no recognition of the role of protected areas with respect to matters of national environmental significance such as species and regional ecosystems listed under state laws of the federal Environment Protection and Biodiversity Conservation Act.

This omission is a complete abrogation of legal and ethical responsibility for a State which wants the Federal Government to hand over complete licence for environmental approvals. It would defy common sense and reasonable community attitudes, for Queensland to promote itself as world class destination if this Bill is passed.

With respect to the bodies consulted for the draft Bill, only three (3) out of twenty-eight (28) had a specific focus on nature conservation. Given the declining state of our Biodiversity and the grave fears of the international scientific community about the “at risk” condition of the Great Barrier Reef the consultation is pathetically skewed to commercial rather the conservation outcomes. This creates a falsehood as most reasonable people understand that a healthy, resilient and adaptable environment underpins sustainable food production, water extraction, industry, and community wellbeing.

The draft Bill’s removal of public notification and to consultation requirements is promoted as improving cost effectiveness but creates the real risk of loss of public trust and in fact higher future costs of environmental repair loss of visual amenity and consequently unmeasurable permanent loss of economic productivity activity for *everything* which is dependent on a healthy ecosystem.

In the area covered by CCC Central Queensland National Parks are disconnected and most are very small. Previous submissions regarding Queensland’s Ecotourism Plan indicated their unsuitability of the majority of these for any substantial investment by commercial interests. The exception is the opportunity to connect the National parks and Resources Reserves and intact intertidal zones on Curtis Island, the largest in the Great Barrier Reef World Heritage Area into allowing for nature conservation and recreational experiences comparable to those on Fraser Island. CCC has submitted a report on the natural values of Curtis Island to the (former) federal Environment Minister and to Minister Powell and is awaiting a formal response to our recommendation to expedite the environmental offset requirement of Gladstone Harbour to achieve the outcome.

To illustrate our concerns about the Bill, Attachment A gives a tiny sample of the threatened species in Central Queensland. Most of the listed species and ecosystems and not within any protected tenure. Attachment B gives a snapshot of historical devastation of CQ landscape, loss of interconnectivity of ecosystems and a clue to the cause of the declining ecological health of our river system and the southern Great Barrier Reef lagoon.

CCC supports the following statements from National Parks Association of Queensland:

- The proposed amendment to the Object of the Act in Section 4 completely changes the purpose of the Act.
- Statements have been made that the amendments leave the cardinal principle for national park management untouched.
- Conservation parks and resources reserves have been abolished and rolled into a new class of protected area known as regional parks. The name should be objected to 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.
- 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) does need to be reconsidered. The loss of these two classes of protected area achieves virtually nothing other than saving a few lines in the legislation. Rolling them both up and stuffing them into the national park class is a travesty and substantially undermines the level of protection that is afforded to national parks.
- 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.

- 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.
- 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.
- 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 (e.g. grazing, occupation licences etc) 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.
- 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.
- There would be a good case to argue in a submission that 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 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. It would be appropriate for the submission to include a request that management statements be subject to a single public consultation process.

Yours Sincerely

Michael McCabe

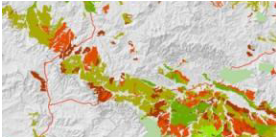
Coordinator

Attachment A – Sample of threaten species and ecosystems in Central Queensland

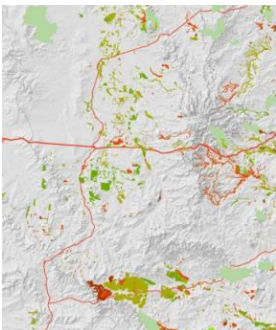
Attachment B – Illustration of historical destruction of CCQ ecosystems

Appendix A

## Appendix B



Central Queensland – Brigalow RE  
Pre-clearing



Central Queensland – Brigalow RE  
Post-clearing + 50 Coal mines and counting