



13 September 2013

The Chairman,
Health and Community Services,
Parliament House
George Street, Brisbane QLD 4000

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

Dear Sir/Madam

Nature Conservation and Other Legislation Amendment Bill (No2) 2013

Wildlife Logan was established in 1989 and has worked tirelessly to achieve a balance between conservation and the expanding impact of urban and peri-urban development.

When the Nature Conservation Act was originally introduced the Act was seen as being at the cutting edge of conservation legislation. Wildlife Logan agrees that a review is warranted to strengthen the current legislation in light of its failure to arrest biodiversity decline. However this current Bill weakens the purpose of the 1992 Act and sets conservation in Queensland back decades. 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. The object of an Act is the first consideration by a court of law when interpreting any provision of an Act.

Statements have been made that the amendments leave the cardinal principle for national park management untouched. By changing the Object, the cardinal principle has potentially lost much of its legal strength. It has been the foundation for the protection, to the greatest possible extent, of the natural and cultural resources on national parks. It relied on the Object for its mandate.

Wildlife Preservation Society of Queensland, Logan Branch Inc. ABN 62 837 587 456
PO Box 3340, LOGANHOLME, QLD 4129 Facsimile: (07) 3829 9344
email: Registered address: 105 Wuduru Road, Cornubia, QLD 4130

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The amendments to the Object of the Act should be removed. It is clearly an attack on national parks, because the three proposed additions only refer to protected areas, when the Act also contains provisions relating to the conservation of wildlife outside protected areas. The proposed changes have no place in the Object. The additions are all presently encompassed by the management principles for each class of protected area, where certain uses are qualified in terms of the extent to which they can apply. By placing them in the Object in such a broad and unqualified manner changes the whole basis of the Act.

The proposed abolition of 8 classes of protected area is a step too far with minimal gain and some potentially substantial losses. It is fair comment that no areas had been declared as Wilderness Areas, World Heritage Management Areas (WHMA) and International Agreement Areas (IGA). So nothing changes by abolishing them. However, nothing is gained either. WHMAs and IGAs could have a place in the future and, in fact, were considered for declaration in the past. Why remove that flexibility when their presence has absolutely no effect, financially or in terms of so-called green tape, on the management of protected areas?

Conservation Parks and Resources Reserves have been abolished and rolled into a new class of protected area known as Regional Parks. The name is misleading 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 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 bracketing 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 nail-tail 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.

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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 government's 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 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.

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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 can 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. This is only acceptable if all reasonable public submissions are taken into consideration in formulating the management plan. Much of our experience particularly under the previous government was that on lip service was paid to public submissions.

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 is difficult to know what value the management statement actually has. We request that management statements be subject to a single public consultation process.

In conclusion, we live in a world of change and need to be adaptive to such threats as climate change, we urge the committee to think about the proposed changes to the legislation will have on the future protection of our unique fauna species. We have and continue to lose species at an ever increasing rate and our wildlife habitats need more protection not less. Your decisions will have a profound effect on the future of Queensland's wildlife, please apply the precautionary principle and look to make the legislation smarter and resist selling out on Queensland's natural heritage.

Yours faithfully,



David Keogh
President
Wildlife Logan