



Submission to the

**QUEENSLAND PARLIAMENT  
HEALTH AND COMMUNITY  
SERVICES COMMITTEE**

in response to the

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

Prepared by:

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## POSITION OVERVIEW

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The Queensland Tourism Industry Council (QTIC) welcomes the opportunity to provide feedback to the Health and Community Services Committee on the *Nature Conservation and Other Legislation Amendment Bill (No.2) 2013* released in August 2013.

QTIC is in support of the principles and objectives of the Bill 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.

Legislative reform that achieves 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, aligns with outcomes of the DestinationQ Partnership Agreement between QTIC and the Queensland Government. This partnership was established to significantly grow the tourism economy as one of the four economic pillars for Queensland.

It is through this partnership that QTIC is able to commend the work achieved so far, and support the proposed amendments of the *Nature Conservation and Other Legislation Amendment Bill (No.2) 2013* (the Bill) in principle. The following recommendations in this submission refer to the implementation of these objectives into a legislative framework which raises a few concerns.

## RECOMMENDATIONS

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### 1. BROADENING OF THE OBJECT OF THE NCA

The Bill proposes to include the following supplementary outcomes into the object of the NCA:

*“Conservation of nature while allowing for the following—*

*(a) the involvement of indigenous people in the management of protected areas in which they have an interest;*

*(b) the use and enjoyment of protected areas by the community;*

*(c) the social, cultural and commercial use of protected areas in a way consistent with the natural and cultural and other values of the areas.”*

QTIC supports the broadening of the object whereby the intention of these amendments will result in the object of the NCA explicitly providing for recreation and commercial uses in protected areas that retain a focus on the primary purpose of nature conservation.

As part of the previous amendments to the NCA (*Nature Conservation and Other Legislation Amendment Bill 2012*, December 2012), QTIC was in full support of the proposed amendments to the NCA that enabled authorisation of privately operated ecotourism facilities in national parks. It is recognised that broadening the object of the NCA will enable this advancement to occur.

The NCA defines ecotourism facilities as follows:

*“ecotourism facility, for land, means a facility that—*

(a) is designed and managed to facilitate the presentation, appreciation and conservation of the land’s natural condition and cultural resources and values (the primary purpose); and  
(b) is managed in a way that does not allow an activity to be carried out on the land that—  
(i) is inconsistent with the primary purpose; and  
(ii) would require a significant change to the land’s natural condition or would adversely affect the conservation of the land’s cultural resources and values.”

The definition of an ecotourism facility relates strongly to the *natural* and *cultural* values of the area. These sentiments are expected to be carried through to any tourism activities and operations within protected areas. However, the broadening of the object of the Act has created some ambiguity around what constitutes “*other values of the area*”. This may be a potential threat to the sustainable use of the state’s protected areas, especially in protecting the *natural* and *cultural* resources and values, which underpin the principles of environmental conservation.

While QTIC supports the broadening of the object of the NCA, concern is raised regarding the unintended implications particularly within outcome (c); we have therefore scrutinised the wording of the supplementary outcomes. The concern is in regard to the inclusion of “other values of the area” when considering the justification for commercial use.

It is recommended that supplementary outcome (c) be amended to:

“(c) the social, cultural and commercial use of protected areas in a way consistent with the natural and cultural values of the areas.”

## 2. REDUCTION IN THE NUMBER OF TENURES

The Bill proposes to reduce the number of tenures under the NCA into the following groups:

Current Class	Future Class
National Park	National Park
National Park (Scientific)	
National Park (Recovery)	
National Park (Aboriginal Land)	For future consideration
National Park (Torres Strait Islander Land)	
National Park (CYPAL)	
Conservation Park	Regional Park
Resource Reserve	
Nature Refuge	Nature Refuge
Coordinated Conservation Area	Coordinated Conservation Area (grandfathered)
Wilderness Area	Abolished
World Heritage Management Area	
International Agreement Area	
Forest Reserve	

QTIC supports the reduction in the number of protected area tenure classes provided for under the NCA to remove an unnecessary degree of complexity and confusion around the purpose of these different tenures and how they are to be managed. QTIC also supports the abolishment of the

tenure that have never been used, should it not compromise any national, international or Commonwealth intents, principles and management provisions that would be applicable to it.

### 3. ABOLISHMENT OF THE FOREST RESERVE TENURE

The Bill proposes that the *Forest Reserve* tenure be abolished. The Explanatory Notes of the Bill state the following:

*“Review and reclassification process for all remaining forest reserves where, in some instances, the appropriate tenure is state forest”.*

QTIC raises concerns regarding the abolishment of the *Forest Reserve* tenure and the potential for existing *Forest Reserve* tenures to be reclassified to a *State Forest*, and have no protection under the NCA.

It is recommended that the current *Forest Reserve* tenures are provided with provisions that maintain the current level of protection.

### 4. MANAGEMENT PRINCIPLES OF REGIONAL PARK TENURE

QTIC raises concerns over the grouping of the current class tenures of *Conservation Parks* and *Resource Reserves* into a future class of *Regional Park*, due to the considerable and incompatible differences in the management principles of the current two tenures.

Currently, a *Conservation Park* management principle provides for “the permanent conservation of the area’s natural condition to the greatest possible extent”, whereas a *Resource Reserve* allows for “the controlled use of the area’s cultural and natural resources”.

QTIC raises its concerns regarding the *Regional Park* management principle proposed in the Bill which removes the key management principle and protection intent of a *Conservation Park* tenure being the “permanent conservation of the area’s natural condition”.

It is recommended the management principles of the *Regional Park* tenure, which amalgamates *Conservation Parks* and a *Resource Reserves*, be reassessed due to their currently disparate protection and conservation intents. The management principles of a *Regional Park* should adopt a higher level of conservation in order to maintain the integrity of the current provisions.

### 5. THE CREATION OF RESOURCE USE AREAS

The Bill provides for the declaration of a *Resource Use Area* over all, or part, of a regional park to allow for mining, geothermal activities and GHG storage activities, by regulation through inserting:

***“42C Declaration of resource use area***

*A regulation may declare a regional park, or part of a regional park, as a resource use area.”*

It is understood that under the new protected area tenure classes, this will mean that a *Resource Use Area* can be declared over what is now classified as a *Conservation Park*. QTIC does not support activities allowable under a *Resource Use Area* such as “mining, geothermal activities and GHG storage activities” over areas currently classified as a *Conservation Park*.

Some conservation parks within Queensland hold exceptional natural and cultural resources and values, including: Mon Repos Conservation Park which is home to the largest concentration of nesting marine turtles on the eastern Australian mainland; Joseph Banks Conservation Park which is where Captain James Cook, with Sir Joseph Banks, made his first landing in Queensland; and well-known tourism destinations such as Fraser Island and South Stradbroke Island.

Furthermore, QTIC notes that in a letter dated 9 September to the Health and Community Services Committee from the Department of National Parks, Recreation, Sport and Racing, regarding questions taken on notice during the public hearing of 2 September that the following statement was made:

*“It is intended that the proposed changes to the NCA and the associated transfer process will not change the current restrictions on the granting of a mining interest, geothermal tenure or GHG authority on conservation parks. As such, the Bill as currently drafted allows for the automatic transfer of all conservation parks into regional park tenure without a resource use area (RUA) over it. However, further provisions may be required to put beyond doubt that there is no opportunity for an RUA to be declared over a former conservation park in the future. The department proposes to work with the Office of Queensland Parliamentary Counsel (OQPC) to identify options in this regard.”*

QTIC strongly recommends that further provisions be included in the NCA to put “beyond doubt” that there is no opportunity for a *Resource Use Area* to be declared over a current *Conservation Park*.

## **6. STREAMLINING MANAGEMENT PLANNING PROCESSES**

QTIC support amendments to the management planning process under the NCA that will reduce legislative complexity and red tape, including the provision that removes the mandatory requirement for the Minister to prepare a Management Plan. The Bill amends the NCA to replace the requirement that the Minister prepare a management plan with a requirement that the chief executive prepare a management statement for the area. The Bill will also enable the Minister to make changes to a management plan to reflect policy decisions of Government without going through a public consultation.

QTIC supports the preparation of a management statement that is significantly less onerous than a management plan, but considers a public consultation phase to still be necessary.

It is recommended that at least one public consultation process be considered in the management planning process of preparing a management plan or statement.

## **7. SUPPORT FOR AN EXEMPTION FROM A COMMERCIAL ACTIVITY PERMIT FOR FILMING AND PHOTOGRAPHY**

QTIC strongly supports an exemption from a commercial activity permit for filming and photography in a protected area where it involves no more than 2 persons, and does not involve the erection, construction or use of a 'prescribed structure'.

## **8. SUPPORT FOR A SINGLE (COMBINED) COMMERCIAL ACTIVITY PERMIT OR COMMERCIAL ACTIVITY AGREEMENT**

QTIC strongly supports for a single (combined) commercial activity permit or commercial activity agreement to extend across more than one tenure type (e.g. marine parks, protected areas, recreation areas and state forests).

## **QUEENSLAND TOURISM INDUSTRY COUNCIL**

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QTIC is the State's peak body for tourism in Queensland and represents the interests of business operators, 20 sector associations, 3,000 regional members and all of Queensland's 13 Regional Tourism Organisations (RTOs).

QTIC works in partnership with government agencies and industry bodies at a local, state and national level to strengthen the voice of tourism in all relevant policy forums. QTIC's partnerships with the industry and government enable a greater level of responsiveness to increasingly diverse industry skills, training and business development needs of the tourism industry in regions.

## **FURTHER ENQUIRIES**

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We thank you for considering our comments in relation to this Bill. We welcome the opportunity for further discussion regarding the Bill and look forward to being involved in the next stages of the process. For all enquiries, please contact Daniel Gschwind, Chief Executive of QTIC on (07) 3236 1445 or email [policy@qtic.com.au](mailto:policy@qtic.com.au).