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13 September 2013

The Research Director
Health and Community Services Committee
Parliament House
BRISBANE QLD 4000
Via email: hcsc@parliament.qld.gov.au

Submission on the
Nature Conservation and Other Legislation Amendment Bill (No 2) 2013

The Sunshine Coast Environment Council (SCEC) is the peak regional environmental advocacy group on the Sunshine Coast.). Established in 1980 it currently represents 50 community groups working on conservation and sustainability with a combined membership of over 15,000 individuals.

Our vision: *An ecologically sustainable world achieved through individual and community stewardship of the natural environment at local, regional and global level.*

Our mission: *Through leadership, education and environmental activism, to encourage Sunshine Coast individuals and communities to support and participate in working towards the goal of environmental sustainability.*

SCEC appreciates the opportunity to provide comment on proposed Bill to amend the *Nature Conservation Act 1992* and other related legislation – the *Nature Conservation and Other Legislation Amendment Bill (No 2) 2013*

EXECUTIVE SUMMARY

SCEC is extremely concerned the amendments as proposed could severely compromise the conservation outcomes of National Parks and areas of significant ecological, cultural and social value. The unqualified provision to allow commercial tourism operations is of particular concern. While a "focus on conservation of nature" appears to remain an element of the Act, there is little confidence there will be sufficient weight given to this imperative. Therefore, we do not support the proposed amendments, specifically those proposed under *Section 4,* and would seek to have the Act enshrine the conservation of nature as its primary intent supported by the cardinal principle.

CONTEXT

Queensland's Protected Area (PA) estate currently stands at a very low level (less than 5%) with biodiversity, globally, and within Australia in dramatic decline. Queensland is no

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exception. Instead of recognising the imperative to increase the overall extent and condition of the PA estate, the Queensland Government is risking irreplaceable conservation values by looking to subject these special places to activities that will potentially undermine necessary conservation outcomes. It is extremely concerning and misguided to see protected areas with high conservation values being exposed to unquantified impacts facilitated via the very instruments which should protect these values into the future. Weakening the framework to the extent that nature conservation is unlikely or limited in the face of cumulative impacts demonstrates a lack of scientific understanding of the State's tenuous biodiversity condition.

There is continued emphasis given to the false notion that National Parks and other natural assets have been “locked up” and need to be “unlocked”. This unjustified view and unsophisticated “catch-cry” ignores the status that PA’s have long been accessible (often to their detriment) and provide for a wide range of activities and levels of accessibility. Notably, most visitors prefer passive experiences such as bushwalking and nature appreciation. Allowing commercial operations and broadening the scope for inconsistent activities could potentially “kill the golden egg” of the State’s tourism pillar. It should be recognised that National Parks are assets for tourism, not tourism assets
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SPECIFIC COMMENT

- SCEC considers this next set of amendments to the *Nature Conservation Act 1992* (NC Act) as effectively destroying the Act’s capacity to operate as a nature conservation statute. In terms of protected areas, the legislation is now little more than a Nature Recreation Act. Rather than dismantling the national park system in an attempt to legitimise virtually all forms of outdoor recreation, including tourist resorts, the government should perhaps contemplate legislation to establish specific recreation areas instead.

SECTION 4

- The proposed amendment to the Object of the Act in Section 4 completely changes the purpose of the Act. While some reference is made to a focus on nature conservation, it will in fact no longer be primarily concerned with the conservation of nature, as is presently the case. The specific inclusion of social, cultural and commercial use of protected areas as an object fundamentally changes the Object and could have profound consequences for conservation considerations when interpreting any provision of an Act in a court of law.

- Suggestions that the amendments leave the cardinal principle for National Park management untouched have little basis given the raft of changes incorporated into this set of amendments. By changing the Object, the cardinal principle has potentially lost much of its legal strength and has been the foundation for the protection, to the greatest possible extent, of the natural and cultural resources on

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national parks. It relied on the Object for its mandate. To remove the legal weight articulated via the cardinal principle is unacceptable and irresponsible.

- We strongly propose that the amendments to the Object of the Act should be removed. National Parks are obviously under threat from these amendments 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 goes too far-there is minimal gain and some potentially substantial losses from this move. Just because no areas had been declared as wilderness areas, World Heritage management areas and international agreement areas doesn't mean there shouldn't have been or shouldn't be in the future. There is nothing to be gained by abolishing them and having the provision for such declarations to occur is an important recognition of Queensland's outstanding natural areas.

- The abolition of Conservation parks and resources reserves to roll them into a new 'regional parks' suggests it carries no implication of resource protection. It is likely that inherent conservation values will be overlooked within such a hierarchy resulting in management principles favouring the lowest common denominator. That has happened with regional parks.

- We welcome the retention of nature refuges and the outcomes that are delivered by this and similar mechanisms. The opportunity to prohibit mining on nature refuges should be explored as part of these amendments.

- 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.

- SCEC strongly objects to the loss of the National parks (Scientific) class. This class 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 ail wallabies (Taunton) and northern hairy-nosed wombats (Epping Forest). They sometimes require strong manipulation of the environment (including other native species) in

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order to ensure the survival of an endangered species. It is simplistic to absorb them into National Park and provide for a special management area (scientific) which would be clearly 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. It takes many years and often concerted efforts for National Parks undergoing recovery to achieve an improved status which would subsequently be reflected in its tenure. Pursuing this change represents very little gain; however, there is much to lose if this class of protected area is abolished. A special management area (controlled action) has been created to cater for a national park on which this work is being carried out, however this could underrepresent the true requirements and approach. We reiterate that National Park (Recovery) must be retained.

- Further, National Parks and the cardinal principle of national park management lose much by absorbing these two other protected area categories with the potential tension of legitimate activities carried out on National Parks (Scientific) and National Parks (Recovery) with those of National Parks status

- SCEC calls for the retention of Forest Reserve as a tenure. It was established to a as a holding tenure in the SEQ Forest Agreement process-the result of robust negotiation, consultation and ultimately agreed intent. We are extremely concerned that many State forests that were being transferred to national park status and had a number of encumbrances (eg grazing, occupation licences etc) which needed to be determined and negotiated before the land could be dedicated as national park will lose this useful holding tenure. There appears to be no strong reason why this useful tenure should no longer be available. We feel the abolition of this tenure is further demonstration of the State government to not increase Queensland's Protected Areas estate via the rightful and overdue transfer of State forests to protected area. We submit that the Forest Reserve tenure should be retained.

- While we recognise the lack of Management Plans for existing National Parks has been an impetus to suggest they not be required, we submit that a management statement may not sufficiently encapsulate the management efforts commensurate with the values. The incentive to develop a management plan by comprehensively assessing the site thereby determining operational and management approaches could well be dispensed with leading to incompatible uses and loss of baseline data, ongoing monitoring and adaptive management.

- SCEC strongly advocates that a Management Plan should be mandatory for any National Park or Protected Area (including areas currently designated as Forestry Reserve containing high ecological values) that is likely to be subjected 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

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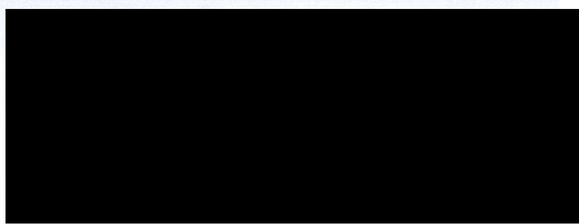
authorised. This would at least ensure that the key values of the park had been clearly assessed and expressed.

- Management plans are required to go through a public consultation process. The reduction in the consultation process is not supported. It is unacceptable that Management Statements involve no consultation with the public prior to coming into force. It is important and a fundamental right of the community that a meaningful public consultation process is facilitated. If there is no opportunity, it is difficult to know what value the management statement actually has and how it will affect the local community. Management Statements should be open to for a minimum of one round of meaningful consultation.

Should clarification or further information be required, please do not hesitate in contacting me. SCEC would also appreciate the opportunity to participate in the forthcoming public hearing.

Yours sincerely



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