




Speech By
Hon. Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 29 October 2013

**NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT
BILL (NO. 2)**

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (3.09 pm): The bill before the House, as we have heard, is about improving access to Queensland's national parks and other public lands while focusing on the protection and appreciation of the values of these areas, as the Minister for Tourism just outlined. Unlike Labor, who had that 'lock it up and throw away the key' mentality, this government believes that by allowing sensible, sustainable access to parks we are creating a new generation of nature lovers.

While broadening the object of the Nature Conservation Act 1992 recognises that protected areas are managed for a range of outcomes, not just the conservation of nature, conservation will remain the primary purpose. The bill also acknowledges that, currently and in the future, recreational, social, cultural and commercial outcomes are considered in determining how protected areas are managed. The bill also includes a number of provisions that reduce green tape and improve the act's enforcement and offence provisions in the interests of conservation. I would like to address its green-tape reduction intent first.

As Minister for Environment I am empowered under the act to prepare a conservation plan for any native wildlife, class of wildlife, native wildlife habitat or area that is, in my opinion, an area of major interest. The purpose of a conservation plan is to introduce a regulatory regime for the management and protection of a class of wildlife or a habitat. Likewise, I am able to require an applicant to prepare a conservation plan or meet the cost of its preparation.

The bill makes two amendments in relation to conservation plans. The first of these, and similar to the changes proposed for management plans for protected areas, is the removal of the requirement for two specified mandatory rounds of public consultation when making such plans. The policy intent is that consultation requirements for conservation plans will be aligned with those required for the making, review and amendment of regulations, which constitute subordinate legislation, under the act. In effect, this would mean that the extent of consultation would be determined by the extent of the proposed amendments, as determined by the regulatory assessment process that applies to the making of any regulation. As in the making of any regulation, the Office of Best Practice Regulation will assess the extent to which the proposal has implications for government, business or the community and provide advice on an appropriate process for consultation. This can of course range from the requirement to undertake a full regulatory impact statement process, with extensive consultation, to a lesser process whereby consultation may only happen across government or with a targeted group of stakeholders, as appropriate.

The second amendment is to require that before I require a proponent to make a conservation plan or pay for its preparation I be satisfied that this is the best course of action—in other words, I be satisfied that, for example, the proponent would be the sole beneficiary of the authority to be regulated by the conservation plan.

The bill will also reform enforcement and offence provisions under the Nature Conservation Act. The bill creates a new offence for selling meat or other products sourced from dugong or marine turtle from commercial premises. It is currently unlawful to sell such products from both commercial and non-commercial premises; however, the bill introduces a new higher sanction for sale from commercial premises. For the purpose of the offence, 'commercial premises' essentially means an establishment such as a restaurant or a fast-food shop. This would include giving such meat or other products away at a commercial premise if the giving away constitutes part of the business operations at that premise. Meat or other products could include a whole dugong or marine turtle.

This provision is not meant to apply to trade undertaken on the basis of traditional custom not involving an exchange of money or not occurring from commercial premises. Moreover, it is not the intention of the Newman government that this amendment should infringe upon any recognised native title right. Legal advice sought by the Department of Environment and Heritage Protection is to the effect that the proposed amendment does not infringe upon a native title right currently recognised under the Native Title Act.

One of the other amendments is around proof of authority. Currently there is no provision for a conservation officer to establish his or her proof of authority after a power is exercised. In some instances it may be impracticable to establish proof of authority before exercising a power; for example, where a conservation officer is not in uniform and observes a camp fire in a protected area that they reasonably believe is a hazard and gives an immediate direction to put out that fire and then produces his or her identity card for the person's inspection. This amendment ensures that the use of powers is not restricted in circumstances when it is not practical for a conservation officer to produce his or her identity card before the power is exercised, provided the officer produces their identity card at the first reasonable opportunity. The amendment will also reduce the risk of evidence being excluded on the basis that authority was not first established.

Another amendment is around false and misleading information. The act currently limits the application of the provisions regarding providing false and misleading documents to those received by designated conservation officers. The offence of providing false, misleading or incomplete documents to a conservation officer is being broadened to an 'authorised person', incorporating the chief executive and employees of the department who are performing functions under the NCA for the chief executive. A significant portion of permit and licensing application processes are now conducted online rather than through a conservation officer in person.

In order to properly administer the NCA, the department must be able to rely upon the information provided to both conservation officers and authorised persons including employees of the department. Documents provided to employees of the department who were not appointed as conservation officers that were false, misleading or incomplete may not be an offence under the current provision. Inserting a new offence acknowledges the increased manner in which a person can provide information to the department, including online application, and places a greater onus on individuals to check information before it is passed on to an authorised person. This provides increased accountability for users of protected areas and permit holders.

Collectively, these amendments reflect the government's intention to not only improve access to protected areas and reduce green tape but also strengthen offence provisions and enhance the enforcement capacity within the act. I support the bill.