




Speech By  
**Julieanne Gilbert**

**MEMBER FOR MACKAY**

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**NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL**

 **Mrs GILBERT** (Mackay—ALP) (8.51 pm): I rise to speak in support of the Nature Conservation and Other Legislation Amendment Bill 2015. Queensland's national and marine parks protect our natural heritage—our plants, animals, landscapes and prehistoric fossil remains—for our future. Our parks also protect our cultural heritage—reminders of early European settlement and Aboriginal cultural values. Many parks are part of the traditional country—land and water—of one or more groups of Aboriginal people. These traditional partners share spiritual beliefs about how the landscape was created and their rights and responsibilities for using and caring for their country. To Aboriginal people, their country is a living cultural landscape interwoven with Aboriginal names for places, traditional stories, cultural sites—such as middens, burials and rock art sites—and spiritual beliefs. All aspects of our landscape—both natural and cultural—hold great importance for our traditional owners.

Queensland's parks protect the best of our natural and cultural heritage. That is why the objective of this bill is to make substantive amendments to the current acts. In 2014, the Land Act 1994 was amended to convert term leases for agriculture, grazing or pastoral purposes in national parks, regional parks and forest reserves to rolling term leases. Applications to extend a rolling term lease can be lodged at any time in the last 20 years of the lease term and the decision by the Land Act minister to refuse the application can be appealed on any grounds. The Land Act minister must have the agreement of the chief executive for the Nature Conservation Act before an extension to a rolling term lease on a national park, regional park or forest reserve can be approved.

The conversion to rolling term leases under the previous government created an incorrect expectation among some leaseholders that leases over national parks may continue. The proposal to return these authorities to term leases is intended to address this misconception. National parks, regional parks and forest reserves are reserved for the conservation of nature and are not private lands. Collectively, these areas make up less than six per cent of the state but are essential to maintaining biodiversity and to provide essential habitat and refuge for threatened flora and fauna. Protecting these areas for current and future generations is in the public interest.

Leases for agriculture, grazing and pastoral purposes located within Queensland Parks and Wildlife Services' managed areas are generally inconsistent with the government's long-term aspirations for the state's protected area estate. Many of these leases that currently exist on the protected area estate are merely in recognition of a pre-existing use that existed at the time a particular property became a protected area. The lease afforded an opportunity for a gradual phase-out of the inconsistent use over time, with the intention that the property became solely protected area upon expiration.

The bill will revert all rolling term leases for agriculture, grazing or pastoral purposes in national parks to term leases. Under the rolling term lease provisions, an application for an extension can be lodged at any time within the last 20 years of the term of the lease. By reverting to term leases, the application for an extension can be made in only the last 20 per cent of the term of the lease. That

provides a more contemporary time frame for a decision to be made. It is logical that decisions about grazing on these protected areas are made based on contemporary information, not 20 years in advance.

Concern has been raised that a difference in appeal rights between rolling term leases and term leases will disadvantage leaseholders. Currently, the Land Act minister may approve the application for an extension of a rolling term lease on a protected area only if the chief executive of the Nature Conservation Act agrees. That means that rolling term leases are not intended to be automatically extended when they are on national parks, regional parks or forest reserves. That is different from rolling term leases on rural leasehold land, where there is a clear intention that applications for extensions would generally be approved.

Under the Land Act, the refusal of the Land Act minister to grant a rolling term lease extension may be appealed on any grounds. That is slightly different for term leases, where the refusal of the Land Act minister to grant a term lease renewal may be appealed only if the refusal was based on noncompliance with the conditions of the lease. Therefore, going back to the term lease appeal processes may appear, at face value, to reduce the grounds on which an appeal may be made.

The current appeal rights for rolling term leases and term leases are in relation only to the decision of the Land Act minister and not the decision of the chief executive of the Nature Conservation Act. Therefore, despite the different Land Act provisions governing appeals for rolling term leases and term leases on protected areas, the effect of the two sets of provisions is that there is no practical difference owing to the role of the chief executive of the Nature Conservation Act.

In reality, the appeal rights are not materially affected by converting rolling term leases to an ordinary term lease. That is because the ability of these leaseholders to extend their leases on protected areas depends on a decision of the chief executive of the Nature Conservation Act, which is not subject to merits appeal. Because this is the same whether the lease is a rolling term lease or a non-rolling term lease, the effect on the leaseholder's appeal rights as a result of the proposed changes is effectively neutral.

There are fewer than 80 rolling term leases under the Land Act for agriculture, grazing or pastoral purposes on protected areas that will revert to term leases. These affected rolling term leases range in expiry dates from 2016 to 2039. The change from a rolling term lease to a term lease does not impact on the remaining term of the leases, conditions of the leases or use authorised by the leases. The changes do not impact on other rolling term grazing leases that are on state forest and rural leasehold land.

There are about 2,500 rolling term leases on state forests and rural leasehold land for agriculture, grazing or pastoral purposes. They will continue as rolling term leases and are unaffected. There are over 6,300 other term leases currently in existence in Queensland, so the term lease attributes in relation to appeal rights for the use of state land is current standard accepted practice. I commend the bill to the House.