Speech By

Hon. Dr Steven Miles

MEMBER FOR MOUNT COOT-THA

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NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Hon. SJ MILES (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (5.37 pm): I move—

That the bill be now read a second time.

I thank the Agriculture and Environment Committee for its examination of the Nature Conservation and Other Legislation Amendment Bill 2015. I note the committee tabled its report on this bill on 5 February 2016. I would also like to thank all of those who made submissions to the committee and those who participated in the public hearings. The committee's report contained seven recommendations and four points for clarification. The government's response to that report was tabled on 5 May 2016.

The Palaszczuk government is strongly committed to preserving Queensland's rich and diverse natural values and cultural heritage. Our world-renowned national parks play a crucial role in conserving our natural and cultural heritage for the enjoyment of current and future generations. National parks and other protected areas contain iconic landscapes, they protect threatened flora and fauna and they provide unique experiences for Queenslanders and other visitors from across Australia and the rest of the world.

It is our spectacular national parks that draw people from around the world and those visitors support tens of thousands of jobs. We must set a global standard for protecting these places so tourists keep coming here safe in the knowledge that they are visiting a state that appreciates and conserves its natural icons. We cannot take these for granted. We must be vigilant in ensuring that the legislation governing these areas delivers appropriate protections that enhance rather than detract from achieving conservation outcomes.

The previous government made a raft of changes to the Nature Conservation Act which weakened the protections that were in place under the legislation and undermined the purpose of the act. These views were reflected in many of the submissions the committee received in relation to the bill. This government has made a commitment to ensure that the protected area estate is managed in accordance with the cardinal principle—that is, to preserve and protect natural conditions, cultural resources and values to the greatest extent possible. This bill is a significant step towards delivering on that commitment.

The amendments in this bill primarily relate to the protected area estate which fall into six key areas. Firstly, this bill will reinstate 'the conservation of nature' as the primary purpose of the Nature Conservation Act, while also continuing to recognise the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or island custom. Conflicting purposes added to the object of the act by the previous government will be removed.

The definition of 'conservation' in the act is not changing. This provides for the protection and maintenance of nature while allowing for its ecologically sustainable use. Despite concerns raised by the opposition, the amendments will not impact on recreation, ecotourism or other commercial uses that are authorised in protected areas. Holders of existing licences, permits or other authorities will not be affected by the change to the object of the act, and we will continue to explore opportunities across our national parks to improve facilities and support tourism jobs.

Secondly, this bill will reinstate the former national park (scientific) conservation park and resources reserve classes of protected area and their associated management principles. The previous government converted national parks (scientific) into national parks and amalgamated conservation parks and recreation reserves into a new class called regional park. Reinstating the former classes of protected area will clarify that these areas have different purposes and management requirements. As suggested by the name, a resources reserve allows for the controlled extraction of resources where a conservation park does not. The national parks (scientific) are set aside for the protection of highly significant natural values and represent the highest level of protection under the act. The amendments, for example, will allow Raine Island—a significant nesting site for turtles—and eight other special areas to be reinstated as national parks (scientific). This ensures access is limited to people who are engaged in bona fide research activities and management actions to protect and conserve the unique ecosystems and species in these locations. Their park status cannot be changed without going through parliament, which provides further protection for these areas.

This bill will remove exemptions that the previous government introduced to allow amendments to be made to management plans under the Nature Conservation Act, the Marine Parks Act and the Recreation Areas Management Act without consultation. This will ensure that appropriate consultation occurs with the community on changes to management plans.

This bill will remove a now redundant section of the Nature Conservation Act that was inserted by the previous government to allow stock grazing permits for emergency drought relief to be extended on six prescribed national parks until 31 December 2013. These provisions were allowed to lapse by the LNP, who by their own admission had no plans to extend them, as outlined to the House by the member for Buderim on 29 October 2013 where he stated, 'I have always said that this would only be available as a temporary, emergency fixed term of six months,' and also going so far as to say that 'the Newman government will not extend emergency grazing measures in national parks'.

AgForce also acknowledged the temporary nature of these measures in its media release on 11 November 2013 where they stated that 'the next responsible course of action was to take steps to make alternative arrangements for stock grazed under the permits', also stating that 'it is now time for producers to make more permanent plans about seeing out the end of this dry'. No permits remain in effect, nor can any be issued under the current act. Therefore, removing the expired sections from the act will not impact on any current grazing operations.

This bill will amend the Land Act 1994 to revert rolling term leases for agriculture, grazing or pastoral purposes within national parks, regional parks and forest reserves back to term leases. The committee made a recommendation about these amendments and I will provide a detailed response to that recommendation shortly.

Finally, this bill will amend the Aboriginal Land Act 1991 to streamline the process of converting regional parks in the Cape York Peninsula region to Cape York Aboriginal parks. Currently, only national parks are transferable land with a streamlined conversion process. The Cape York Peninsula Tenure Resolution Program, administered by the Department of Aboriginal and Torres Strait Islander Partnerships, acquires various land tenures on Cape York Peninsula and negotiates the transfer of that land to traditional owners. The program also converts existing national parks on Cape York Peninsula to Cape York Aboriginal national parks. The amendments to the Aboriginal Land Act will facilitate the tenure resolution program by also allowing regional parks to be transferred with a streamlined conversion process to Cape York Aboriginal national parks.

This bill also includes an unrelated amendment to the Environmental Protection Act to defer the expiry of the existing eligibility criteria and standard conditions for low-risk mining activities which is now no longer required. Recent amendments to the Environmental Protection Regulation 2008 have addressed this matter by ensuring that the eligibility criteria did not expire for low-risk mining activities. I will be moving an amendment during the consideration in detail stage of the bill to omit the relevant provisions from the bill accordingly.

I will now turn to the committee's report and the seven recommendations made by the committee in relation to the bill. The first recommendation is that the committee could not agree on whether the bill should be passed. The concerns of two non-government committee members, as indicated in their statement of reservations, related to: (1) reinstating 'the conservation of nature' as the sole object of the Nature Conservation Act; and (2) the perceived loss of appeal rights associated with reverting rolling

term leases on protected areas back to term leases if a decision is made not to renew a lease. I would now like to take the opportunity to address both of these matters and the recommendations of the committee.

Recommendation 2 of the report addresses the first issue raised by opposition members by recommending that one of the references being removed from the object of the act, the reference to 'the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or island custom', be inserted into section 5 of the Nature Conservation Act. While no significant concerns were raised about this amendment by the native title representative bodies consulted during the drafting of the bill, concerns were subsequently raised in submissions to the committee about removing this reference from the object of the act. The government has therefore reconsidered this matter and has decided to retain this reference in the object of the act and will move the relevant amendments during consideration in detail. Consequently, the government has not accepted recommendation 2 of the committee which was to relocate that reference to section 5 of the act. The government acknowledges the significant connection Indigenous people have with protected areas and we support an inclusive approach to the management of those areas.

Recommendation 3 is that the bill be amended to require that the department consult with and seek the consent of the landowner of a Cape York Aboriginal national park when making a declaration of a special management area. While no special management areas have been declared over Cape York Aboriginal national parks and the amendments through this section in the bill were simply intended to remove redundant references to special management areas (scientific), the recommendation is consistent with the current practice of working collaboratively with joint managers and the government accepts this recommendation.

Recommendation 4 involves amending the management principles for a conservation park to specifically reflect that these areas provide opportunities for educational and recreational activities in a way consistent with the area's natural and cultural resources and values. This recommendation simply provides further clarification about the management intent for conservation parks when they are reinstated and the government accepts the recommendation.

Recommendation 5 is that clause 17 be amended to remove the reference to national park (scientific) from the definition of prescribed national park. The government accepts this recommendation on the basis that the management principles being reinstated for a national park (scientific) can provide the same outcome as the declaration of a special management area—controlled action over a national park—(scientific).

Recommendation 6 involves amending clause 27 to incorporate a legislative requirement for amendments to management plans for Cape York Aboriginal national parks and Indigenous joint management areas to be prepared jointly with the Indigenous landowner and to be consistent with any Indigenous land use agreement and Indigenous management agreement for the area. The government accepts this recommendation on the basis that it reflects the current practice of working collaboratively with the Indigenous joint managers of our protected areas.

Recommendation 7 is that I consider the rights of agricultural and grazing leaseholders in regard to their rights of appeal over lease renewal decisions and consider if this administrative power is still subject to appropriate review. As I indicated earlier, the Land Act amendments in this bill were the second area of concern in the statement of reservation provided by two non-government committee members. These amendments have attracted a lot of attention in the media recently and I would like to take the opportunity to dispel some of the misunderstandings that exist around the nature of these amendments.

The amendments in this bill will address a legacy issue associated with pre-existing grazing on land before it became a national park, regional park or forest reserve. There are approximately 70 rolling term leases under the Land Act for agriculture, grazing or pastoral purposes that remain in these areas and are due to expire between now and 2039. Their conversion to rolling term leases under the previous government created an incorrect expectation among some leaseholders that rolling term leases may continue in perpetuity. I need to stress the fact that the current provisions for extending rolling term leases under the Land Act treat leases on protected areas differently to all other rolling term leases.

Before the minister for the Land Act can approve an extension of a rolling term lease on a protected area, the minister must obtain the agreement of the chief executive administering the Nature Conservation Act. If agreement is not provided, the Land Act minister cannot grant the extension of the lease. Unlike leases on rural leasehold land, there is clearly no statutory intent for an automatic extension to occur for leases on protected areas.

A consequence of reverting these leases back to term leases—a kind of lease that applies to approximately 6,300 leases in Queensland—is that a decision to refuse a renewal on the basis that the land is needed for environmental or nature conservation purposes is not subject to appeal. Concern

has been raised that the difference in appeal rights will disadvantage leaseholders if this bill is enacted. This concern is fuelled by scaremongering by the opposition. For the former shadow minister for environment to suggest that the change to this amendment was, as he said, an attack on Queenslanders' basic rights and liberties is not only ridiculous hyperbole; it is also completely incorrect. The practical reality is that the appeal rights of rolling term leaseholders for leases in national parks will not be materially affected. This is because regardless of the differences under the Land Act between appeal rights for rolling term leases and non-rolling term leases, the ability of leaseholders in protected areas to renew or extend their leases depends on a decision by the chief executive of the Nature Conservation Act, which is not subject to merits appeal. In either case, it is only the Land Act decision that can be appealed.

If the chief executive administering the Nature Conservation Act refuses to consent, there is no right under the Nature Conservation Act to appeal against this decision on its merits. The chief executive may choose to do this on the basis that the lease is on national park land and that the use is inconsistent with the management principles of the national park. This is the same whether the lease is a rolling term lease or a non-rolling term lease. Therefore, there is effectively no change to appeal rights of a leaseholder by reverting rolling term leases on protected areas back to term leases. Amendments in this bill will not impact on the remaining term of the leases or the conditions of the leases.

These amendments do not impact on the vast majority of grazing leases, which are on state forest and rural leasehold land. There are about 2,500 leases in these areas for agriculture, grazing or pastoral purposes that will continue to be rolling term leases and unaffected by the amendments in this bill. The only practical difference for term leaseholders is the time frame in which a renewal application can be made, which will be after 80 per cent of the existing term has passed. This allows for contemporary considerations to be taken into account when deciding an application.

I will now move on to the four points for clarification identified in the committee's report. I have addressed each of these in detail in the government's response to the committee, which was tabled on 5 May. The first point for clarification sought further information about consultation with the outdoor recreation sector, holders of agricultural and grazing leases in protected areas and Indigenous stakeholders in relation to the proposed amendments in the bill. The Department of National Parks, Sport and Racing attended a forum organised by the Queensland Outdoor Recreation Federation to brief its members on the proposed amendments in the bill. Concerns raised about reinstating the former management principles for conservation parks will be addressed through an amendment during the consideration in detail. Consultation on the amendments to leases for agricultural, grazing or pastoral purposes on protected areas was undertaken with AgForce Queensland, the peak body representing graziers. AgForce did not raise any significant concerns about the amendments in the bill at the time and only one affected grazier made a submission to the committee on the relevant amendments in the bill. Consultation occurs with individual leaseholders in the period leading up to the expiry of their lease to inform them of their options, and this engagement will continue to occur.

Targeted consultation with Indigenous representative bodies occurred on the draft bill. As I indicated earlier, while no concerns were raised at the time, subsequent submissions to the committee did express concern about reinstating the original object of the Nature Conservation Act. The government has listened to these concerns and will be retaining the reference to involving Indigenous people in the management of protected areas in the object of the act and will move the relevant amendments during consideration in detail.

The second point for clarification seeks advice about whether the state should be identified as an affected person for consultation purposes if an environmental impact statement process involves a resource use area of a regional park that has no trustees. For clarification, where there is a trustee, the trustee is already identified as an affected person for an EIS process under the Environmental Protection Act. However, if there are no trustees, the state is not currently identified as an affected person despite the state being the land manager. The Department of Environment and Heritage Protection has confirmed that an amendment should be made to the Environmental Protection Act 1994 to ensure that all parties, including the state, will be identified and included in any environmental impact statement process that relates to a resource reserve.

The third point of clarification seeks advice about certain minor and consequential amendments, particularly in relation to the Mineral Resources Act. Advice was sought from the Department of Natural Resources and Mines in relation to these matters and it has been determined that no amendments are required to the Mineral Resources Act. A more detailed explanation of the reasons can be found in the government's response to the committee report.

The fourth point for clarification requested further consultation with affected holders of rolling term leases on the proposed changes in clauses 39 and 43 of the bill. I can assure the House that the Department of National Parks, Sport and Racing has been consulting with individual leaseholders in the lead-up to the expiry of their leases and will continue to do so in every case. The amendments in the bill will automatically change affected leases back to term leases without the leaseholder having to undertake any action. The remaining term, purpose and conditions of these leases continue unaffected by the bill.

I would like to thank the committee once again for their report on the bill. I am pleased to advise that the government has accepted five of the recommendations, and I will move amendments during the consideration in detail stage of the bill to give effect to these recommendations. I commend the bill to the House.