




Speech By
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MEMBER FOR CONDAMINE

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**NATURE CONSERVATION (SPECIAL WILDLIFE RESERVES) AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mr WEIR** (Condamine—LNP) (12.46 pm): I rise to make a contribution to the debate on the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2018. This bill was introduced into the House for the second time on 15 February 2018. The committee was required to report by 9 April 2018. This bill had been previously introduced to the House on 11 August 2017 and lapsed when the 55th Parliament was dissolved on 29 October 2017. I was a member of the former committee that scrutinised the previous bill, which was essentially the same as this one.

The explanatory notes show that this bill seeks to establish a new class of privately owned or managed protected area, called a special wildlife reserve. This would see a new class of voluntary, privately managed protected area that will provide a similar level of statutory protection to that afforded to state managed national parks. This new class of protected area would apply to freehold and leasehold tenure. The department advised the committee that under the Nature Conservation Act the term 'wildlife' includes both animals and plants, and the intent of the bill is to protect a broad range of natural and cultural values.

A number of submissions on the 2017 bill noted that, while the explanatory notes advised the introduction of the special wildlife reserve as a new class of private protected area was for the protection of lands of outstanding conservation value, the 2017 bill itself did not require the minister to be satisfied that an area of land had such values before proceeding to declaration. A number of submissions also raised a concern about a lack of clarity on what criteria the minister would use to make a decision on whether to declare an area of land as a special wildlife reserve.

The term 'state interest' is defined to mean 'an interest the minister considers to be an economic, environmental or community interest of the state'. The department told the committee that the definition of 'state interest' is 'deliberately broad', which means it is open to interpretation by the minister. That, to me, is very concerning. The potential for bad decisions to be made under pressure from green activists and political pressure is very real. These concerns are also held by the Queensland Law Society.

The Queensland Law Society submission noted that land use planning principles require that land is utilised for its highest and best use and recommended that proposed section 43A include a requirement that consideration be given to these principles when a determination is being made. My concern is about valuable profitable agricultural land, as the production of that land now and in the future for an ever-expanding population is high. If the minister is satisfied that an area should be declared as a special wildlife reserve, a proposal for declaration must be prepared and, under proposed section 43A(5), the minister must give written notice, including a due date for submissions about the proposal, to each person who has an interest in the land, each holder of an exploration permit and each holder of an authority to prospect. Consequently, proposed section 43C of the 2018 bill was amended to ensure that a conservation agreement for a special wildlife reserve must contain the same terms that prohibit the granting of authorities over the land that would be prohibited on declaration.

Some stakeholders expressed concern about the use of the term 'materially affected' as they considered that it was unclear what 'materially affected' means. The Queensland Resources Council recommended that the term 'materially affected' be defined in the bill and include those activities prohibited. AgForce Queensland Farmers Ltd proposed that, where a proposal for a special wildlife reserve is made within agricultural land, for example in a strategic cropping area, neighbouring properties should be included in the list of interested parties given the risks of third-party impacts from unmanaged reserves. The Property Council of Australia submitted that all parties with an interest in the land should be directly notified and that parties should not be notified by placing advertisements in newspapers.

The 2017 Queensland Law Society submission recommended a process be inserted to protect third-party interests, including elements of notification, a right to make a submission or an objection to the proposal, a requirement for the minister to provide written reasons in response and a right to appeal by the interest holder. Proposed new section 43B of the Nature Conservation Act provides that the minister and landholders must agree on the declaration of the area as a special wildlife reserve and agree to the terms of the conservation agreement and there must be an approved management program in place. The Queensland Resources Council also recommended that the explanatory notes be amended to clarify that special wildlife reserves will not be declared over land where there is an active exploration, prospecting and resource extraction interest unless granted by consent. The department responded that the explanatory notes are clear that any materially affected interest holder, including holders of the authorities mentioned, is required to consent to the conservation agreement.

According to the bill and advice from the department, upon declaration of a special wildlife reserve, the following land uses will be restricted: the state will be prohibited from getting or selling forest products on the protected area; the granting of mining, petroleum, geothermal and GHG authorities will be prohibited; commercial grazing will not be allowed on the reserve; and beekeeping would not be permitted on special wildlife reserves. The department advised that an option to renew a lease would not be considered part of the allowable term under proposed section 43H and this restriction would need to be considered by the holder of such a lease when considering whether to provide consent to the conservation agreement. A legally binding perpetual conservation agreement and an associated management program will be negotiated for each special wildlife reserve. AgForce stated—

The management of pests and weeds on crown land have created ongoing issues for landholders that abut these government-managed lands. The management practices used can be restrictive and frequently do not manage pests and weeds ... effectively.

The bill proposes to amend section 154 of the Nature Conservation Act, 'Other powers of conservation officer', to extend the powers of a conservation officer to access a protected area to investigate or monitor compliance with the conservation agreement. This means that special wildlife reserves will be retained in perpetuity. Proposed section 43C(1)(b) of the Nature Conservation Act will require a conservation agreement for a special wildlife reserve to state that it is binding on the landholder of the land and the landholder's successors in title. That is one area that causes me a lot of concern. In the event that that property is then to be sold or is part of a deceased estate, part of that property will be allocated as a special nature reserve. If the owners of the property after an estate have no interest in maintaining that land, it will become infested with weeds and pests.

There is also the potential for this legislation to be used by large corporations that will buy land for their social licence and also for their carbon credits. That land could be strategically located in areas where there could be future resources or there could be infrastructure such as dams or weirs constructed. I think there is a potential for this legislation to be misused and abused, and that is why I oppose this bill.