



# ***AGRICULTURE AND ENVIRONMENT COMMITTEE***

**Members present:**

Mr JP Kelly MP (Chair)  
Mr JE Madden MP  
Mr LL Millar MP  
Mr PT Weir MP

**Member in attendance:**

Mr B Gordon MP

**Staff present:**

Mr G Thomson (Acting Inquiry Secretary)  
Ms M Salisbury (Assistant Committee Secretary)  
Ms S Stephan (Assistant Committee Secretary)

## **PUBLIC HEARING—INQUIRY INTO THE NATURE CONSERVATION (SPECIAL WILDLIFE RESERVES) AND OTHER LEGISLATION AMENDMENT BILL 2017**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 12 JULY 2017**

**Brisbane**

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### **Committee met at 1.33 pm**

**CHAIR:** Good afternoon. I declare open this public hearing for the committee's inquiry into the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017. I start by acknowledging the traditional owners of the land on which we are gathered today. On 14 June 2017 the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, the Hon. Dr Steven Miles MP, introduced the bill to the parliament. The parliament has referred the bill to the Agriculture and Environment Committee for examination, with a reporting date of 11 August 2017. My name is Joe Kelly. I am the member for Greenslopes and the chair of the committee. With me here today are Mr Pat Weir, the member for Condamine and the deputy chair of the committee; Mr Jim Madden, the member for Ipswich West; and Mr Lachlan Millar, the member for Gregory. We have apologies from Mrs Julieanne Gilbert, the member for Mackay, and Mr Robbie Katter, the member for Mount Isa.

The purpose of today is to hear evidence from stakeholders who made submissions as part of the committee's inquiry. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath, but I do remind witnesses that intentionally misleading the committee is a serious offence. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee.

The proceedings are being recorded by Hansard and broadcast live on the parliamentary website. The media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from the committee staff, if required. All those present today should note that it is possible you might be filmed or photographed during these proceedings. I ask that everyone turn off their mobile phones or switch them to silent mode. The program today has been published on the committee's web page and there are hard copies available from the committee staff.

**BAKER, Mayor Anne, Isaac Regional Council, via teleconference**

**HAYTER, Ms Frances, Policy Director, Environment, Queensland Resources Council**

**KAVANAGH, Ms Chelsea, Policy Manager, Environment, Queensland Resources Council**

**STEVENSON, Mr Gary, Chief Executive Officer, Isaac Regional Council, via teleconference**

**CHAIR:** I welcome Ms Frances Hayter and Ms Chelsea Kavanagh from the Queensland Resources Council. On the phone we have Mayor Anne Baker and Mr Gary Stevenson, CEO, from the Isaac Regional Council. Good afternoon to you all. I invite each group to make a short opening statement.

**Ms Hayter:** Thank you very much for the opportunity to appear before the committee in regards to the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill. I am joined by my colleague Chelsea Kavanagh, who has been principally involved in the drafting of our submission. As you would be aware, the Queensland Resources Council is the peak representative group for the minerals and energy sector in Queensland. We work on behalf of our members to ensure Queensland's resources are developed profitably and competitively but in a socially and environmentally sustainable way.

As the QRC's submission states, we do not oppose the introduction of the special wildlife reserves and government's intent to increase the state's protected area estate. However, we have long stated that any current or future land use interest must be adequately and fairly considered by

Public Hearing—Inquiry into the Nature Conservation (Special Wildlife Reserves) and Other  
Legislation Amendment Bill 2017

government, in addition to the conservation of existing natural and cultural values, prior to proceeding with any SWR declaration. That includes not only the resources sector but also agriculture, urban and other industrial development and forestry.

I would like to give credit to the Department of Environment and Heritage Protection and the Department of Natural Resources and Mines, which engaged with us very early on, in the middle of last year, about this proposal. Unlike some other legislation at times, we have been fully informed of where this is going to go and given a lot of opportunity to be involved in how it might operate in relation to the resources sector.

From the beginning, we have raised our concerns that if the legislation was not well provisioned and had sensible boundaries in terms of the risk that land use interests other than conservation potentially could be blocked by individuals or groups who felt that a special wildlife reserve was a mechanism to do so without due consideration of the existing economic, community and environmental parts of the SWR being proposed, and the holder's rights under an existing lease, licence, permit or other authority or, just as importantly, the prospectivity or feasibility of any future activity there, particularly pertaining to resources.

In our submission, we have recommended a couple of points. Firstly, we did appreciate the interdepartmental memorandum of understanding that clearly set out the way the government would operate between its own departments to ensure that due consideration is given to all interests be recognised in the bill or, at the very least, referred to in the explanatory notes, the facilitation of existing and future land use interests other than conservation where valid and justified over an SWR proposal, and the accommodation of existing land use interests other than conservation in the transition to a special wildlife reserve where the government and minister have determined that a special wildlife reserve be in the state's best interests. Therefore, we seek recommendations from the committee in consideration of the issues raised in our submission and before you today that will minimise conflicts with the intent of a special wildlife reserve, and most of them are focused, in fact, on better recognition in the explanatory notes but with some suggestions for greater clarity and more certainty for the resources sector.

**Mayor Baker:** Thanks for the opportunity to put our thoughts forward. The Isaac Regional Council does not purport to have studied the entire bill; nor have we analysed its full implications. We have come to understand that the bill seeks to amend 10 separate acts, including the Fossicking Act 1994. That has caused some quite serious concern relayed by the community to us regarding the potential impacts on access to the general permission areas for fossicking activity. The general permission areas allow fossicking and they relate only to state forests and timber forests, not private or leasehold land.

To give a bit of context, Clermont is a small community with an average population of about 2,450 people. The local economy is underpinned by agriculture, coalmining and tourism. The opportunity to fossick for gold at nearby general permission areas in itself attracts approximately 1,000 people per year, which contributes \$0.5 million to the local economy. While the bill appears to primarily relate to voluntary agreements between state government and private landholders or leaseholders regarding the creation of special wildlife reserves, the Isaac Regional Council is seeking clarification that the proposed amendments to the various acts, for example the Fossicking Act, will not impact access to and fossicking activity on general permission areas.

Council also notes that section 12 of the bill does not require the minister to issue notification to the local government of the area when declaring a special wildlife reserve. That means that such action could have a direct impact on our local community without the local government even being aware of it. On behalf of council, we respectfully submit that section 12 should be amended to include local government in the list of those entitled to receive notification.

**CHAIR:** Thank you, Mayor Baker. With the indulgence of those who have come as witnesses today, we will adjourn the meeting for a few short moments to deal with some committee business. We will take a break for two or three minutes and then we will be back. Member for Cook, you are most welcome to join us.

**Proceedings suspended from 1.42 pm to 1.43 pm**

**CHAIR:** I welcome to the committee the member for Cook, Mr Billy Gordon. Welcome, Billy.

**Mr GORDON:** Thank you.

**CHAIR:** I start with a quick question for the QRC. In your submission, recommendation 2 relates to amending the definition of 'mining interests' to include mining and petroleum interests. Why is it necessary to separate mining and petroleum in terms of definitions in the bill?

**Ms Kavanagh:** The Nature Conservation Act currently captures mining interests—that is the definition. It does include petroleum activities under the two petroleum acts. In terms of prominence, when you read that and see ‘mining interests’, you generally relate it to mining activities, per se, as opposed to the gas. We have had some concerns raised, saying, ‘We do not think petroleum activities have been well captured.’ As you can see in some sections of the notification component, they have now specifically called out petroleum when it is not necessary. It is already captured in that one definition; it already exists. We are just recommending that we tack on ‘and petroleum and gas activity’ so it is very clear that it captures both activities under the one definition.

**Ms Hayter:** It is an administrative issue with the way it is written. A wording change in the act is all we are suggesting.

**Ms Kavanagh:** It actually avoids duplication.

**Ms Hayter:** You do not want them separated.

**CHAIR:** Under recommendation 8 in the body of your submission you state—

... activities be considered under the new section 43H of the Bill as a previous use, particularly where the proponent is able to demonstrate intent to undertake activities within the unexpired term.

I assume this is relating to continued exploration for minerals on a particular piece of property and that you have a right to do so. How do you demonstrate an intent to do that? If you have not already started, if you have done no work, what is the legal test for demonstrating intent?

**Ms Kavanagh:** Many proponents have to provide reporting through to the Department of Natural Resources and Mines about the resource itself and the feasibility of prospecting that area and extracting from that area as well. That would be one mechanism to demonstrate the intent. Holding all those relevant permits and licences as well demonstrates the intent.

**Ms Hayter:** You have to provide a work plan. Obviously if you have done nothing for 10 years maybe it is questionable. However, if you have been doing your exploration and you have a work plan or you have been communicating about what you are doing, that is intent.

**Ms Kavanagh:** It is all through reporting.

**Mr MILLAR:** I will direct my question to my local mayor, Anne Baker, the Mayor of Isaac, with regard to her concerns with the bill and section 12. Mayor Baker, you are looking for clarification about being able to continue to fossick on state owned land in Clermont. That is for tourism reasons only; is that right?

**Mayor Baker:** It is about the clarification of the impact on that industry that is currently happening. If there is an issue with special wildlife, clearly there needs to be protection of that. How will the bill provide the balance to protect the wildlife and also enable the fossicking activity to continue or expand?

**Mr MILLAR:** When we are talking about fossicking activities, we are looking on state owned land. What we are finding there is people, classically in Winnebagos, caravanners and people coming to Clermont—because Clermont does identify itself in the tourism sector as a gold-fossicking town or one of the towns that used to have gold. What you are trying to establish is that as a community we need to capitalise on that to make sure we continue that tourism activity in town; is that right?

**Mayor Baker:** Correct.

**Mr MILLAR:** Has there been an opportunity to get any clarification from the department of environment itself on whether this will continue? What sort of feedback have you had on that?

**Mayor Baker:** It is an issue that has raised its head. There have been historic conversations over the licences and the permits of the general permission areas. I see that as being part of this but it is separate, if that makes any sense. There is a process that needs to occur to enable future fossicking and approvals. There is also this bill that is in front of us now and it is only the fossicking act that has raised its head with us at the moment. We are more than happy to receive clarification from the department, but that is not clear with us at this moment.

**Mr MILLAR:** The department needs to get back to the Isaac Regional Council and people involved in gold fossicking in the Clermont area to provide some clarification over how this bill will impact that?

**Mayor Baker:** Correct.

**Mr MADDEN:** Thanks very much for coming in today. I have a general question with regard to your submission, which is quite a long submission.

**Ms Hayter:** That is a short submission for us.

**Mr MADDEN:** It took me a while to read it. I guess it is a concern that we have generally that this legislation may be misused to the point of preventing mining proceeding. Could you give us some examples of where that may happen? Secondly, short of this bill being voted down, are there any suggestions you have to avoid the bill being misused?

**Ms Hayter:** Let's take the second question first. I think that is why we are specifically looking for that clarity around the recognition of the memorandum of understanding and that departmental process so that there is that adherence, if you like, to that process where all the government departments that do understand the potential future interests in that area are there. That is a way. With regard to the first question, I cannot give you an example because the legislation does not exist. There are certain groups that I think most people would be aware of who are actively working to prevent a particular mining operation, but there are more than just one. There are certain major types of groups, like the wildlife conservancy and those sorts of organisations, that may very legitimately be looking at areas of a national park's value equivalent or we are just expressing caution about any opportunity that might be given for those areas to be bought and recommended as a special wildlife reserve with the intent of preventing any future mining without due consideration. Hopefully that will not happen and that is the reason for the MOU.

**Mr MADDEN:** The way to prevent a misuse is enforcement of an MOU?

**Ms Hayter:** It is a way, but ultimately it is government will to see through any of those tactics.

**Ms Kavanagh:** The government has made clear in its policy intent through some of the additional information provided to the committee highlighting—and also through earlier consultation material to us—that the intent is for government not to put a special wildlife reserve over active mining leases as well as petroleum leases. Again, it is another safeguard in that regard. If that intent can be reflected in the explanatory notes, which is quite a powerful tool, that is another safeguard on top of using the memorandum of understanding as another line of defence.

**Mr MADDEN:** It was not your submission that was long so much as all of the attachments, all the letters. Thanks for that. That is great.

**Ms Hayter:** That just shows how good EHP's consultation has been.

**CHAIR:** I think you need to compare it to the other bill.

**Mr WEIR:** I notice you had a couple of concerns about some of the wording in there at various stages such as 'will not occur in areas of resource tenures'. I do not know if you have heard any feedback on your suggestions of changing the wording or strengthening it up a bit. That is probably one part of it. Also there is the appeals process if there is a proposal for an SWR in an area somewhere near your mine. Obviously mines can impact on noise and they can impact on dust. What is your understanding of your rights of appeal if there was one coming close to one of your mining activities as it stands now?

**Ms Kavanagh:** It is really in relation to interest over that particular piece of land. If we as an organisation did not have the interests on that land there would potentially be no appeal rights. However, if there was an interest held by the company on that particular piece of land there would be the one clause in there under proposed new sections 43B and 43D where there is a notification process which then says that a conservation agreement cannot proceed unless all relevant interest holders provide consent. That is that one line of defence currently available to object but not necessarily appeal, per se.

**Ms Hayter:** You could argue that it would be useful to have an appeal mechanism if the decision is made. I am not sure how that would work, but it could be useful. I did notice one of the other submissions talked about neighbours, particularly in terms of weeds, feral animals and management of the park—let's call it that—and how that might encroach. I think that is a really good point. I guess a site next to an SWR, whoever is there, could well have similar issues, particularly if you are required not to have weeds on your property and they are potentially coming from an ill-managed block.

**Mr WEIR:** You also had some concerns about finishing up mining activity, rehabilitation and so forth. Have you received any confirmation of your concerns there?

**Ms Hayter:** That is directly related to the—

**Ms Kavanagh:**—the previous use authority. There has been no further clarification from the department on that front. Our biggest concern is if it has been decided to go forward with the reserve, if there is no suitable transition, then there may not be sufficient timing underneath the allowable

terms or under the three years that has been proposed following the declaration. The other concern for us is that it really depends on the chief executive's discretion as to whether they even grant that previous use approval. If he or she does not grant that approval then you are going to be stuck in the same situation of not being able to have the flexibility to do those activities in the first place.

**Ms Hayter:** In terms of a response, this was another example of a very truncated time frame for everybody in terms of submissions and particularly for the committee to even look at them. I would hope that the usual practice is that the government department will respond in some way to the submissions. Yes, we would look forward to seeing a response to that one.

**CHAIR:** Yes, it was tight, but I can assure you that we have read those submissions and the comments you were making there.

**Ms Hayter:** It was not any comment on the work of that; it was more a comment—

**CHAIR:** I have bags under my eyes. I was up late last night reading all these. In relation to this notion that groups or individuals might misuse the legislation to effectively achieve environmental outcomes at the expense of mining, is similar legislation enacted in other states or territories in Australia? If so, is that an experience that has occurred elsewhere?

**Ms Kavanagh:** I do not believe there is any existing legislation, but I believe there might have been discussions about potentially moving forward with something similar. However, I do not think there is anything out there right now to compare it to at this stage.

**CHAIR:** Thank you very much for appearing here today. We greatly appreciate your time. Thank you.

**BURNS, Mr Shannon, Policy Officer, Cape York Land Council Aboriginal Corporation,  
via teleconference**

**PIPER, Mr Terry, Chief Operating Officer, Balkanu Cape York Development  
Corporation**

**CHAIR:** Welcome. Thank you for appearing. For the benefit of Mr Burns, I also have here with me Mr Pat Weir, who is the member for Condamine and deputy chair of the committee; Mr Lachlan Millar, member for Gregory; committee member Mr Jim Madden MP, member for Ipswich West; and appearing today also is the member for Cook, Mr Billy Gordon. I would invite either Mr Burns or Mr Piper to make a short opening statement.

**Mr Burns:** I will make a short opening statement and then Terry can fill in some of the details. The Cape York Land Council is the native title representative body for the Cape York region. As a native title representative body, we fulfil functions under the Native Title Act. In addition to our native title representative body function, we also have a broader range of functions in our capacity as a land council. In the capacity of the land council, we are involved in commenting on all things that affect land in Cape York, the impacts of those changes to land, or the uses of land that may impact upon the rights and interests of Aboriginal people. That is our interest in this bill—because of its potential to impact upon land use on Cape York. That is why we are interested in the bill and interested in participating in this inquiry.

We have had a fairly long involvement in the special wildlife reserves proposal. We have commented on a range of draft proposals, the exposure draft of the bill and the bill itself. We have been keeping an eye on this for quite a while and have a fairly good understanding of the way in which it works and the impacts it could have. We have a number of fairly serious concerns about the bill. We request that the committee recommends to parliament that the bill does not progress any further until these important concerns have been addressed. I will leave the opening statement at that and throw to Terry to start discussing some of the detail of the issues. I will chime in as necessary as we go.

**Mr Piper:** I will focus our comments on Cape York and not speak for anywhere else in Queensland. On the cape, we see this bill as being a wolf in sheep's clothing. We have had quite a lot of experience with conservation organisations buying properties on Cape York and then shutting the gate, shutting out traditional owners and stopping mining. They treat it as if native title does not exist. These properties are merely pastoral leases. They have a right to only graze cattle and conduct agriculture if their lease provides that. This is trying to use the provisions of the legislation to extend the operations of these leases well beyond what they were ever intended to do and disregard native title in that process.

Leaseholders have the right to graze cattle. Native title holders have a whole lot of other rights on that lease. The problem we have had with nature refuges is the consistent ignoring of native title in that process. We see this as potentially a way of the conservation organisations being able to bypass native title to get their conservation outcomes on Cape York. They argue that all of Cape York has World Heritage values. We do not necessarily agree with that, but that hurdle of having conservation values is something that these groups will argue is the case. These groups are very well funded. There is a lot of money coming out of the US into these groups at the moment to buy up land around Australia and in Queensland. We have seen that with a lot of these US philanthropics—the Nature Conservancy, Pew, and all of those organisations—that have a great deal of money.

Our position has always been that conservation should be by consent on Cape York. We have had a very good process operating of achieving national parks on Cape York for many years now where it is done by Indigenous land use agreements. It is a respectful process. Native title holders—Aboriginal people—get an Aboriginal land outcome out of that. We see this as potentially being used by groups on the cape to bypass that process and by the government to achieve the reserve system outcomes by giving lip-service to native title holders by invalidly using pastoral leases for something that was never their purpose.

**Mr Burns:** To add to that, the mechanisms that are being proposed by the bill are quite perverse. Why would we go through a process of declaring a special wildlife reserve over a pastoral lease and then have the other provisions in this bill which require that the land continue to be used for pastoral purposes and yet still call it a pastoral lease? It is a really quite perverse and misleading way of managing land. If land use is to be converted to conservation, there should be a change of tenure to a conservation tenure. That should be a transparent and clear outcome—that that land is no longer a pastoral lease; it is to be used for conservation purposes.

Public Hearing—Inquiry into the Nature Conservation (Special Wildlife Reserves) and Other  
Legislation Amendment Bill 2017

We can only interpret that this perverse arrangement of a special wildlife reserve to be declared over a pastoral lease is simply to get around the native title consent requirements. We think that is quite a dangerous and silly way to proceed with legislation in Queensland.

**CHAIR:** You mentioned in your submission the fact that right now there are people buying up pastoral leases and effectively doing this, even where there are no laws in place to manage it and regulate it. Doesn't the creation of a legal framework for this provide greater certainty for all groups, but particularly native title holders, around the rules applying to people doing these sorts of activities?

**Mr Piper:** No, because at the moment native title holders are marginalised in this bill. Native title holders should be regarded as a landholder in the same way as the pastoral lessee is. If you have somebody coming in who may buy a property a year ago and then move to have a nature refuge—there is nature refuge legislation there at the moment—the rights of native title holders in this process are not at all recognised. That is our problem. If the definition of 'landholder', for example, were amended to include native title holders, that would address that.

At the moment, these things are happening generally under nature refuges. The nature refuge is seen as much more than it is. People are arguing to stop mining under nature refuges, as we know, on Cape York. Yes, we believe that it is not providing certainty, particularly for native title holders; it is excluding native title holders.

**CHAIR:** I am interested in the various levels of employment. In terms of a comparative, do the people who are currently using the nature refuges that you are talking about employ Indigenous people? How does it compare to, say, a grazing or a pastoral lease or a mining activity?

**Mr Piper:** Indigenous people on Cape York have generally grown up in the pastoral industry. They are stock people. That is where people see a lot of employment opportunity. Native title holders have rights to negotiate about mining. If there is mining on a pastoral lease, native title holders have the opportunity to negotiate jobs and economic opportunity from that mining. Native title holders are pursuing forestry operations on Cape York. With nature refuges, no, there is very little employment for people and very little long-term economic opportunity. We are saying that, if you want to remove that economic opportunity from traditional owners by preventing the opportunity to negotiate about mining, it should happen only with the agreement of the native title holders, who otherwise would have benefited from it.

This is potentially a broadscale removal of economic opportunity without giving the people who could very much benefit from it a say in how that happens. Our position is that if native title holders agree for a special wildlife reserve and no mining then fine. That has to be done through a proper agreement, through a proper consultation process.

**Mr Burns:** That also leads to the issue that it has denied that Indigenous people's interests are materially affected by the declaration of a special wildlife reserve. It denies the opportunity for employment in ongoing agricultural activities on that land and also the potential for mining or other land use activities that could come along in the future. We have said that the most important thing should be that the definition of 'landholder' is expanded to include native title parties. If that were not going to happen, the fallback option would be to acknowledge that Indigenous people's interests are materially affected by the declaration and, therefore, their consent should be required through that mechanism.

**CHAIR:** Do the people or organisations who purchase properties or attempt to have their land declared wildlife refuges generally seek to engage with the Cape York Land Council to consult, or is it just that they do not talk to your organisation?

**Mr Piper:** They generally do not.

**Mr Burns:** They are not seeking native title consent, because the act currently does not require that—or that is the interpretation that is taken. The land council's views are not sought and contact with the traditional owners is not sought either.

**Mr WEIR:** In your submission you are saying that, to agree in terms of any mineral resource on your land, you have to go through the ILUA process but not through this process if it is to be determined as a nature refuge?

**Mr Piper:** We are saying that, with mining on Indigenous land, yes, native title holders have a right to negotiate. It goes through an Indigenous land use agreement process. People have negotiated good benefits and employment outcomes from mining. This removes that opportunity for mining, particularly where future leases and exploration might happen, without any consent process of native title holders. The bizarre thing is that we believe that you have land interests who have much less right than native title holders in this bill but who get more rights in relation to consultation and consent than native title holders.



**Mr GORDON:** You mentioned that you were going to speak only with reference to Cape York. What is the danger of a piece of legislation like this in terms of setting a precedent around the country for other mob who are striving to look outside and beyond economic development opportunities that are presented to them as we speak?

**Mr Piper:** I think the situation across north Australia—and we have discussed this with the land councils in Western Australia and the Northern Territory—is that any diversification of a pastoral lease in each other area requires the consent of native title holders. If you want to diversify the use of a pastoral lease beyond grazing or agriculture, it needs the consent of the native title holders. We are seeing here such a diversification completely beyond being a pastoral lease, because it requires destocking. It is no longer a pastoral lease; it is a completely different animal. Our position is the same as what happens in the Northern Territory and Western Australia: it needs a native title agreement.

**Mr Burns:** We emphasise that, if the land use is going to be converted to conservation, that needs the up-front consent of all the people who have interests and concerns about that piece of land. That has to include native title parties. If the same thing were happening to convert that land to a public national park it would have to go through a consent process, through an ILUA with traditional owners to get their consent for the conversion of the land tenure to national park. In this case, because it is this sort of perverse private national park sitting on top of a pastoral lease, it is a way of avoiding that native title consent requirement. We say that, on the basic principle of native title and land use in general, there needs to be consent for these major, perpetual changes that are made to land use.

**Mr GORDON:** With all due respect to Terry, Shannon may be best placed to answer this question. As outlined in issue No. 4 of your submission, can you tell us a bit about section 10 of the Racial Discrimination Act?

**Mr Burns:** The Racial Discrimination Act basically says that native title holders should be treated in an equal way to non-native title holders and that their interest in land should be recognised. Here we are talking about native title holders—people who have had their native title determined. They have gone through a High Court process to confirm that they are the traditional owners of that country so there is no question about that: they are the traditional owners. The Racial Discrimination Act says the same provisions which apply to non-Indigenous people with an interest in land should also apply to Indigenous people.

Currently the bill proposes that the consent of the landholder is required—that is defined as the freehold landowner or the lessee—regardless of the impact on that party's interest. For example, you could declare a special wildlife reserve over a pastoral lease and potentially it could still be used for grazing purposes and the interests of the pastoral lessee would not be affected in any way. However, even though the state is claiming that a native title party's interests are not materially affected, it does not seek their consent for this change. The Racial Discrimination Act would say, 'How come you afford this right to a landholder whose interests may not be materially affected by the declaration of the special wildlife reserve but you do not require the same consent of the native title party whose interests—so the state argues—will not be materially affected?' It basically says that a double standard is being applied to holders of an interest in the land. That is an issue we have not raised simply for the purposes of this inquiry. It is an issue we intend to pursue through legal means if we have to, but obviously we would prefer to simply have the matter addressed by having the legislation amended to expand the definition of 'landholder' to also include native title holder.

**Mr MILLAR:** I have a question for both Terry and Shannon. My issue is that opportunities for Indigenous employment in the cape—whether it be on cattle properties or tourism—are very important. What impact will this bill have on opportunities for Indigenous employment in the cape? What impact will this bill have on opening up the north to agriculture, whether it is in the cape, the Northern Territory or Western Australia? Certainly for Queensland it is important around the cape for further development in agriculture in northern Australia.

**Mr Piper:** The opportunity to misuse this kind of thing has been brought up. We are concerned that there is potential to misuse strategic wildlife reserves to lock up country from economic development and to strategically use them to purchase properties that may be integral to other irrigation schemes or whatever. Yes, we have been concerned about that. Generally our position overall is that for traditional owners in the cape meaningful employment and economic opportunities are critical. We have always been about looking at conservation while also ensuring that we protect economic opportunities for traditional owners in the cape. It is the most impoverished area of Queensland, and a job in the cape is probably very hard to come by compared to jobs down here. Our experience has been that the conservation sector does not provide much in the way of meaningful employment opportunities. It is important, but the grazing sector and other options are also very important.

**Mr MILLAR:** There are also opportunities with Indigenous programs down in the lower part of the gulf and also going up to the mouth of the Gilbert, whether it is irrigation or cattle work. You mentioned that this could be a wolf in sheep's clothing. Do other Aboriginal corporations or land councils up there share similar concerns?

**Mr Piper:** I think the other land councils are only at this stage becoming aware of this. As Shannon said, we have been engaged in this for a while, but it has really only struck us recently as to the potential agenda and how these things may be used. I think the other land councils have probably not picked up on that as much, but on Cape York we are at the forefront of some of these things. Cape York has always been one of those places that has been a high target for conservation. One of the big concerns we have on Cape York at the moment is that, with the Adani mine, Cape York will be seen as the place to balance the ledger. There will be a lot of pressure on delivering conservation outcomes on Cape York to balance the Adani mine side of it. We are much more conscious of that pressure in the cape, and that is why we very staunchly stuck to a conservation-by-consent position. As you probably know, we spent several years in the courts on wild rivers to finally have it overturned in the Federal Court. We believe that conservation can be achieved on Cape York by agreements and mutual respect between the parties, and we are working towards those outcomes at this stage. There are people out there who are itching to jump the gun by purchasing properties to have their own private national park arrangements.

**Mr MILLAR:** Are you seeing money from overseas already coming into the cape?

**Mr Piper:** I think we see it generally across the environmental movement. There is a lot of money flowing in to support the purchase of land in Australia and to support lobbying across Australia. There is international money coming in for environmental campaigns. Yes, there is quite a lot of money floating around that can provide the opportunity to strategically purchase land.

**Mr Burns:** To add to that, we are constantly fighting this Jekyll and Hyde approach from the state government. On the one hand, whenever we raise issues about Indigenous economic engagement, creating jobs and getting people off welfare and into home ownership and these types of outcomes we are seeking on Cape York, the government always agrees: 'Yes, we fully support that and we want that to happen. We are trying to push policies to make that occur.' Then the very next minute we hear proposals for things like a special wildlife reserve, which completely undermines and cuts across that agenda. It always seems to be that the conservation agenda has the upper hand in this. Even though there is lip-service given to Indigenous employment and economic development, in reality what we have seen are more conservation agreements and more actions being taken to restrict people's opportunities to use land, create employment for themselves and create an economy.

Land is the only asset that Aboriginal people hold, and they should be given the opportunity to develop it in the same way that other people in Australia have, yet they are constantly frustrated by new legislation and policies which prevent that from occurring. As Terry says, it is their land and their interests which are being traded off for the interests of a coalmine or some other land user in another part of Queensland. We are not opposed to conservation. We agreed that most of Cape York would end up in some conservation zone, but to deny any opportunities and take all the options that Aboriginal people have to use their land for development is simply unfair. It will continue to exacerbate the social and economic problems that we see on Cape York. Bills like this just add to that problem. That is why we want people to consent and agree to the change so they are conscious of it, have a chance to think about it, consider it and make that decision if they think that is the best thing for them.

**CHAIR:** Thank you, Mr Burns and Mr Piper. We greatly appreciate you appearing here this afternoon.

**BADENOCH, Ms Tamara, Special Policy Adviser, AgForce Queensland**

**HEWITT, Ms Lauren, Special Policy Adviser, AgForce Queensland**

**CHAIR:** Would you like to start by making a short opening statement?

**Ms Badenoch:** AgForce would firstly like to thank the committee for the opportunity to appear today. AgForce is a peak rural group representing the majority of beef, sheep and wool and grain producers in Queensland. Primary production in Australia is of paramount importance to our economy, with agriculture occupying 84 per cent of the state. AgForce members actively manage just under half of this agricultural land and, of this, 1.7 million hectares is currently managed by AgForce members under the Nature Refuges Program. The possibility of future special wildlife reserves being declared over existing agricultural land and therefore taking that land out of production is extremely high and should be considered a major risk to the Queensland government.

In summary of our submission, AgForce holds concerns about the special wildlife reserves bill in relation to the exclusion of agriculture. We know that national parks have recently had to reintroduce grazing as a management method in a number of parks to reduce the risk of fire from buffel or introduced grasses. In many ways it is a cost-effective management mechanism. There is a potential impact to neighbouring agricultural properties if the potential pest, weed and fire risks of the special wildlife reserves are not managed appropriately into the future. There is a cost associated with the implementation and ongoing management of declared special wildlife reserves, including the risk of default of the deliverer of the special wildlife reserve or management being deferred back to the state government and the risks to the current Nature Refuges Program—an existing program which we have previously supported but which now seems to have little interest from the minister—and ongoing resourcing of both programs.

Additionally, should this bill go ahead we would like to see neighbouring properties of any proposed special wildlife reserve included in the list of interested parties for ministerial notification. We note a number of submissions made to this bill have the same view with regard to the exclusion of agriculture, the broadening of interested parties notification and ensuring that neighbouring productive agricultural land is not adversely affected by the declaration of special wildlife reserves such as Cape York Land Council, Property Rights Australia and Queensland Farmers' Federation. We will take comments or questions.

**Mr WEIR:** You have covered a bit there. You mentioned nature reserves. Do you see any need for special wildlife reserves that cannot already be covered under the nature reserves? You talked about the loss of productivity. Obviously when you go to a special wildlife reserve that means your stock must come out, so there is no grazing even though that block is deemed high value enough that it can be deemed a wildlife reserve with cattle on it. Do you have any thoughts on that?

**Ms Badenoch:** As we have made pretty clear in the submission, we think they can co-exist, and they already do. We are of the opinion that if those conservation values are found on that property while grazing is already established on that property then there is no reason to remove grazing from that property. Obviously the special wildlife reserves bill aims to take away some risks to conservation values such as mining and gas, and that is something that we have worked with the department previously on to try and achieve for current nature refuges. Whether there is a need for a special wildlife reserve or not, I do not know that we have a position on that. We would like to see the Nature Refuges Program potentially expanded to include those who have already undertaken that work on nature refuges to be resourced and supported in such a way.

**Mr WEIR:** Obviously, weeds are a big issue. Recently this committee looked at prickly acacia in the north. Let us say that a landowner decides to make part of his block a wildlife reserve and at some stage the property becomes part of a deceased estate. Whoever takes over that block says, 'I couldn't care less about that patch up there. Let it grow prickly acacia. It's just costing me money.' How do we see that being managed? We know that, as it stands, people do not like to live beside national parks. Do you take any comfort that that situation will not arise?

**Ms Hewitt:** It is already occurring on nature refuges, so the lack of funding and resourcing available to that and the fact that it was, I guess, the greatest latest thing eight or nine years ago means that a bundle of people—and I think we have half of them—signed up to nature refuges. Quite a number of those people are trying to get them taken off their property and titles at the moment, because they have passed on to new people who do not share the same views or for other reasons, but the perpetual covenant prevents them from doing so. That is the issue that we have. We do not know what will happen in the future. If you put a perpetual covenant on that, we are not sure. In our

previous submissions we asked that a bond be put aside for the management costs of these places for 50 years or so. As the committee well knows, it costs a lot of money to manage weeds on those extensive properties.

Our concern is that circumstances will change. If you cannot generate money from agriculture or mining, there might be a change of heart. We know that there have been instances in the past where the conservancies have approached the national parks department to take back land that had been previously acquired for that purpose. That is our concern.

**Mr MADDEN:** I am interested in the idea of grazing being compatible with nature conservation. Can you give me some examples that AgForce has been involved in? You said you had eight or nine properties with perpetual covenants.

**Ms Badenoch:** There is one in Gilberton. They have quite a large nature refuge on their property. They have a section of their property that cattle are not allowed into. There is a spring on the property that is protected under the Nature Refuges Program. They utilise cattle to control their pests and weeds. They use it to reduce the fire risk. However, at the same time, they have an established nature refuge that is well maintained. I have been there.

**Mr MADDEN:** Is it fenced off?

**Ms Badenoch:** No, it does not need to be fenced off. It is naturally protected by elements of their property. In respect to having areas fenced off, there are properties under the nature refuge that have portions of the property fenced off from cattle. Whilst we are talking about cattle and conservation being compatible, obviously there are management techniques that come into play in order to do so.

**Mr MADDEN:** I understand there are conservation groups that follow this practice. The Queensland Conservation Council has a number of properties where they do a similar thing. They acquire a property or a property is given to them. They identify the high conservation areas and allow grazing in the appropriate areas. They sell the properties at times. Is that a model you endorse?

**Ms Hewitt:** We are fairly pragmatic. Conservation and grazing do not always co-exist. We are not silly about that. Sometimes they need to be fenced off or excluded to prevent further damage occurring. We have a pretty amazing state with some pretty amazing things in it. Our members manage over 80 per cent of it or the grazing or agricultural industries do. The best custodians they have are the guys out there who are trying to do the right thing. Always our first principle is that we have conservation by consent.

Where we cannot and where we have a situation where you do want to exclude grazing or agriculture of any sort, our preference is that that is done under some sort of national park by the state government. That is why we have basically said that perhaps these special wildlife areas would be better utilised where it is just a portion of a property where some particular thing is recognised that you need to do. Our concern is that this is targeted at whole properties and it is underpinned by a Labor premise that they are looking for hectare targets. We think those hectare targets are unnecessary. They come after 10 to 15 years of previous policies that have similar philosophies. You may remember as far back as the western hardwoods policy, future conservation areas under the Delbessie agreement, the bush to beach corridors and wild rivers, again. It is taking large systems out of production without being clear, concise or thinking about what needs to be done and what is most cost effective for the state.

**Mr MADDEN:** Where high conservation areas are identified, do you endorse the perpetual covenants as a mechanism for preserving those areas?

**Ms Hewitt:** Our view is that that would be better done through a national park, which has the resources and the backing to provide ongoing management, which is our other concern. A private landholder may not have the resources to do so in the future.

**Mr MILLAR:** Following on from the question of the member for Ipswich West and so that the committee can understand, effectively we will have absentee landholders. What is the impact of absentee landholders on agriculture through wild dogs and pests? Secondly, what is the impact it has on the environment in those areas?

**Ms Hewitt:** I will preface what I will say by being up-front: our landholders do not always live on their properties, either, Lachlan, but they are certainly out there putting money into them and managing them on a daily basis. Therefore, I will take those guys out of the equation because they are present and are managing the risks to the environment locally.

Our concern is that when you take these areas out of production, be it from resources or vegetation—and I will use Terry's example of sitting at the top end of the cape somewhere—at the moment you could look at a map and see half a dozen viable grazing properties that are left there. We know that they are the target for future additional conservation. What hope in hell do you have of getting additional local grants to do up your local road? How is DAF ever going to service those areas if there is some sort of outbreak? They are at the end of the line and much of Queensland is extremely remote. We are talking about people living far out and not having services in terms of transport, health and those sorts of things. How will we ever attract people to live out there and manage those properties well when we continue to take the economic opportunities out of those areas? It is getting harder and harder for those guys.

**Mr MILLAR:** Looking at absentee landholders or properties that do not have people on them, correct me if I am wrong but one of the problems we have with wild dogs and their eradication is that four or five producers will be baiting, trapping and shooting wild dogs but in the middle we will have a couple of absentee landholders and that breaks the chain. There is no real impact in terms of bringing down the number of wild dogs. It is the same with prickly acacia. We have people who are managing prickly acacia, but the property next door and the property down the road have absentee landholders so the prickly acacia still has a habitat to base itself off and can move back into those areas. Please agree or disagree with me, but my concern with this legislation is that it is not really going to protect the environment; it is going to enhance pests and weeds and will have very little impact for people trying to control or manage those outbreaks. As you say, with a biosecurity incident such as a foot-and-mouth outbreak, if we have absentee landholders on the gulf we have a greater chance of seeing some sort of biosecurity incident happening there. Is that right or wrong?

**Ms Badenoch:** It is a risk, absolutely. If there are not appropriate management practices in place and there is not appropriate resourcing and funding, it is absolutely a risk.

**Mr MILLAR:** Would you suggest that this legislation may be to the detriment of not only biosecurity but also agriculture in general?

**Ms Hewitt:** Absolutely. It is proposing to take agriculture out of production on a large swathe of Queensland, if I understand the election policy correctly.

**Mr MILLAR:** It is also detrimental to the environment in a way that will see an increase in pests and weeds and biosecurity risks.

**Ms Hewitt:** That is our concern.

**CHAIR:** Wouldn't the biosecurity risks that apply to this property be managed in the same way that any other property would be managed in terms of the Biosecurity Act?

**Ms Hewitt:** Yes, certainly they come under the same legislation.

**CHAIR:** They would have the same obligations, wouldn't they?

**Ms Hewitt:** They absolutely would.

**CHAIR:** If someone was not managing pests, dogs and other biosecurity issues on their property, what would be the penalties and the mechanisms for dealing with that under the current Biosecurity Act?

**Ms Hewitt:** There are heaps of them, but we know that the compliance is very poor under that act. I think it is more a practical thing of not having necessarily the resources to go out there and do those ongoing management programs, which as a committee you know can be pretty expensive when you get an incursion of sorts, and also having someone with the skills up there to recognise when something out of the ordinary occurs. The concern might be that they are remotely managed. Parks do that already with some of their current areas. You have seen how well that policy has worked for them.

**CHAIR:** What would you say the comparison is for the bar of being granted a special wildlife reserve status as proposed by this bill compared to the current bar for being a nature refuge? In the view of your organisation, is this bill attempting to set a higher standard?

**Ms Hewitt:** My understanding is that what we are seeking through this new bill and the creation of the special wildlife tenure is an IUCN classification. It does exclude all those resource activities, so the state can stand up and say, 'We have X per cent under conservation.' They cannot do that currently with the nature refuges, because they still allow those things to occur.

**CHAIR:** What is the standard needed to attract nature refuge status? How special does something have to be to be a special wildlife reserve? Surely it is a fairly high bar compared to a nature refuge. Have you done modelling around what percentage of the state might qualify under this legislation?

**Ms Hewitt:** We have no idea what the department will call special and non-special.

**CHAIR:** We have heard that there are many organisations moving into this area and buying up land, which is not new; I think it has been going on for a while. Does that suggest to you that it would be better that we had some rules and regulations in this space to try to manage this activity which has been happening on a fairly ad hoc basis up to this point anyway?

**Ms Hewitt:** Yes.

**Mr MILLAR:** Have you been consulted by the department of environment on this piece of legislation?

**Ms Hewitt:** The department has done very good consulting on this. They started talking to us about 12 months ago, when they came up with the concept. It was called something different then. It was a private protected area. Somehow it has been moved to only wildlife, but I would argue that flora and fauna are equally as important in the country. That has changed. They came back with an exposure draft several months ago and we provided comment to that and got comment back on ours. I have to say that they have done a reasonably good job.

**Mr MILLAR:** Have they answered the questions? Have they been able to see the concerns that you have and I have in regard to the potential risks that this poses for agriculture, such as through an increase in pests and weeds?

**Ms Hewitt:** I do not see anywhere that they have been able to respond in amendments made in that bill or otherwise that address our concerns. It is relatively unchanged from what was proposed to us and I assume that is because the policy intent stands.

**Mr WEIR:** You said that there was a lot of consultation done through this process. I find it very strange that still nobody knows what is going to be the standard for a wildlife reserve. You would think there would be some sort of status for that.

**CHAIR:** The explanatory notes state—

To be considered as a special wildlife reserve, a proposed area must support outstanding conservation values and the landholder must possess or source high-level conservation-focussed management capabilities.

I guess that is what I was driving at. Have you done any assessment of what the tests are around that?

**Ms Hewitt:** No.

**Mr MILLAR:** Have the department done any tests around that? Have they indicated what would be regarded as a special reserve and what would be a refuge?

**Ms Hewitt:** I am not aware of that.

**CHAIR:** We will certainly put that question to them this afternoon, Lachlan. Thank you very much for appearing, Ms Hewitt and Ms Badenoch.

**KLAPPER, Mr Martin, Member, Mining & Resources Law Committee, Queensland Law Society**

**KRULIN, Ms Vanessa, Policy Solicitor, Queensland Law Society**

**CHAIR:** Welcome to you both.

**Mr Klapper:** I proffer my president's apologies.

**CHAIR:** No problems at all. Would you like to start with a short opening statement, please?

**Ms Krulin:** We would like to thank the committee for inviting the Law Society to appear at this hearing on the Nature Conservation (Special Wildlife Reserves) and Other Legislation Amendment Bill 2017. As I am sure you all know, the Law Society is an independent, apolitical body and the peak professional body for Queensland's legal practitioners, nearly 12,000 of whom we represent, educate and support. Our ethos centres around advocating for good law, good lawyers for public good. In this, the society proffers views which represent our member practitioners.

This particular submission was provided to the committee and was created with feedback collated from several of our committees, particularly the Mining and Resources Law Committee and also the Property Law Committee. There was previous feedback from the Planning and Environment Committee as well. The submission draws attention to issues of particular concern to the society and also contains a number of recommendations for your consideration. Mr Klapper will expand on two key concerns, particularly the scope of this framework—what land can be a special wildlife reserve—and obtaining consent of the affected parties. We would be pleased to speak to other parts of the submission and clarify any aspects.

**Mr Klapper:** The first part I want to briefly talk to you about was the subject of questioning to AgForce representatives a moment ago, so I hope I can expand on that. The minister said in October 2016 in launching this process that the purpose of the reserve would be to protect private land of outstanding conservation significance to help to conserve and protect the diversity of plants, animals and ecosystems found in Queensland. You will remember that the draft Queensland protected area strategy came out after that and it said much the same—I will not read it out to you. The explanatory notes to the bill tell us that special wildlife reserves are to be created to allow for the protection of lands of outstanding conservation value. Again, that was just referred to.

The bill in proposed section 21B tells us that the management of these reserves is to permanently protect an area's exceptional natural and cultural resources and values and scientific values; present the cultural and natural resources and values; and ensure the only use of the area is nature based and ecologically sustainable. Further, the object of the Nature Conservation Act—that is relevant because the department tells us that it has a particular effect in section 4—tells us the purpose of the act is the conservation of nature. It goes on to talk about Indigenous interests, but that is the core of it: the protection of nature.

The nub of the concern we have put in our submission is that the only matter the minister must consider in deciding whether or not to propose a special wildlife reserve—and this kicks the whole process off—is the state interest, which means an interest the minister considers to be an economic, environmental or community interest of the state. I cannot really imagine much broader language. Effectively 'state interest' means an interest of the state. The answer therefore to the question put to your previous witnesses is: it is impossible to know because the minister has to decide for himself or herself what a state interest is from time to time.

The department in response proffered for inclusion in the present section 43A(4) a provision to the effect that a proposal for an SWR must include information about an area's natural ecosystems—and that is laudable. That is fantastic; that is terrific. The proposal has to include it. The department has said to another industry group of which I am also a member—not to this society—that the reason for the inclusion was to ensure that reserves are about protecting nature. That has nothing to do with it. The words are in the wrong place. The legal effect of the proposition that is put in section 43A is that a special wildlife reserve can be declared for any land for any reason that comes within those three broad terms I gave you, which include economic interests and community interests. That is the simple answer to that earlier question. Our proposal is that a very small amendment can be made to do what the minister said in October 2016, in the draft protected area strategy, in the explanatory notes and in a bunch of other documents. I am happy to give you some words for that proposal.

Very briefly, the second part is about consent. The consent that the society has in mind here is: since this process began, it has been made plain that if someone's interests are affected by a proposed declaration then the declaration will not be made without consent. That is fine; I have no

issue with that. The way it has been implemented in section 43B(2) is that consent is required only if there is a material effect—let's leave that aside—if the interest of the person is materially affected and then the words are 'by the conservation agreement'. No-one's interests will be affected by a conservation agreement. This has been the subject of a number of submissions to the department to none of which has there been an answer.

Let's say there is a holder of an exploration tenement. As things stand, in the case of freehold land the holder can explore and if the holder finds something really valuable to the state and to the explorer then the holder can apply for a mining lease or a petroleum lease or whatever. The holder loses two things by the making of the declaration, not by the making of the conservation agreement. He loses the ability to explore. The holder can say, 'I'm not happy about that; it is material effect.' The holder will not under any circumstances then be able to apply for production. Who is going to spend money on exploration if you are allowed to explore but not produce?

Our point is this: if the consent is focused on the making of a conservation agreement, the consent is illusory. I just wanted to bring that term out for you. Again, a very simple amendment will fix that. We have made a couple of other submissions. From a pure law point of view they are perhaps less significant. I am happy to answer questions.

**CHAIR:** I note your point in relation to the small amendment you have suggested. Is there any case law out there defining state interests?

**Mr Klapper:** Not in those terms, no. In particular contexts, absolutely. The Foreign Acquisitions and Takeovers Act defines it. The Mineral Resources Act and the Environmental Protection Act all use the term 'state interest' or equivalent terms in particular contexts. They are contextual. Sometimes a state interest is defined generally, whatever the minister considers. Sometimes it is focused on specific things. Our research really has not thrown up anything that tells us that a state interest undefined has a particular meaning—not that I can help you with.

**CHAIR:** Would the ministerial decision, if it was made under this bill, be subject to administrative review or capacity for challenge in any way, shape or form?

**Mr Klapper:** It would be subject to judicial review, but it would not be subject to successful judicial review if the power is exercised within the ambit of its terms. The department's suggestion is that the minister's power to decide that something is of state interest would be read down by the objects in section 4, nature conservation. The core of our submission is that this is not so.

**Mr MILLAR:** His decision would be final?

**Mr Klapper:** It would be subject to judicial review, but I do not think judicial review, given how broadly state interest is defined, is likely to succeed or have much merit.

**Mr MILLAR:** That is what I am saying.

**Mr Klapper:** I am sorry; you are quite right.

**CHAIR:** Just out of interest—and you are from the Mining and Resource Policy Committee—I assume that the members of that committee are primarily people who work in the area of mining law?

**Mr Klapper:** Mining law, land access. Our members act for landowners, councils, Indigenous bodies, mining companies, private law firm lawyers, yes.

**CHAIR:** Would I be right in assuming that the majority of your briefs and employment come from the mining industry?

**Mr Klapper:** No. We have not done a poll. It might be the case. I can think of four members offhand who work only for landowners, and so they are interesting meetings. Yes, there is a significant interest by the mining industry, clearly.

**CHAIR:** Is there some sort of an environmental policy? I think you mentioned it on your way through. When you started you talked about the fact you had consulted with the environment and property—

**Ms Krulin:** Yes, we have other committees as well. I will draw a little bit further on what Martin was talking about within the Mining and Resources Law Committee. It is geographically based as well. There is a member who is quite far north, and it is not just mining industry lawyers. We also spoke with the property committee—we were particularly interested around the consents and how the transition of land and succession of land would work—and also with the Planning and Environment Committee, which I think is what you were alluding to.

**CHAIR:** Will the Planning and Environment Committee be making a submission as well? Do they have a view on this?



**Ms Krulin:** The Queensland Law Society likes to take a consolidated view and put it forward, so this is not the view of the Mining and Resources Law Committee. Every submission has to go through a process whereby it is signed off by the Queensland Law Society's president, who is not a mining lawyer.

**Mr WEIR:** One of my concerns with this from the outset was the potential for it to be abused by large environmental groups to put a halt on mining and other activities. From what you have said, as it stands that is well and truly possible. This needs to be tightened up or it could be abused, as it stands.

**Mr Klapper:** I will make a comment rather than answer it. First, abuse really is not within our remit. We are trying to comment from the good law perspective. I understand where you are coming from. Second, the decision to have an area declared a protected area is not that of the landowner or an environment group but ultimately that of the minister. The answer to your question, therefore, is more and if an extremely broad power is available to the minister and the landowner is one of these environment groups, yes, there would be enormous pressure on the department and on the minister to cause a declaration to be made. In that sense, yes, but I can only answer it from a law point of view. It will be a matter of how the department and the minister administer it.

**Mr WEIR:** You might have heard me also talk about the potential for a landowner to—and it might end up in the hands of a deceased estate and the landowner who takes on that block might have no more interest in nature conservation than flying to the moon. There seems to be no capacity for this to be rescinded if that block is not being maintained, not being looked after for pests, weeds and whatever else and is an eyesore on the whole district.

**Mr Klapper:** Under the law as it stands, if the parliament has the power to make a regulation then the regulation can be revoked. Short of revocation, a conservation agreement would be enforced as any other agreement, perhaps terminating the land lease and proceedings in court. Another example there—it is not a deceased estate—is bankruptcy if the landowner simply cannot afford to perform the conservation agreement. It is not an issue purely of law as far as we are concerned. The document is enforceable; go to court and enforce it. From a legal perspective we see no issue with that. Your comment is quite correct though, yes.

**Mr MADDEN:** I am interested in a recommendation you made in your submission. The recommendation was that the legislation should include a process to protect third-party interests. I am focusing on those words 'a process to protect third-party interests'. Could you elaborate on what the Law Society meant by that and why you think this is necessary?

**Mr Klapper:** I will try to find those words for you. I have an answer for you; I just want to make sure I get the context. Do you have a particular place in mind? I will answer your question in a minute.

**Mr MADDEN:** If you can just answer that question.

**Mr Klapper:** Of course, absolutely.

**Mr MADDEN:** It may not be those exact words, but the process—

**Mr Klapper:** The thrust of the policy that led to the draft bill has been that the interests of third parties should not be adversely affected unless there is consent. That goes to the second thing I was talking about in terms of consent. Lots of other people out there are concerned apart from mining tenement holders, mortgagees and quite a few others who use land—easement holders and so on. There is a process to deal with those interests but, as our submission and my verbal submission a moment ago pointed out, that process is ineffective; it is illusory. When we say there ought to be a process, what we mean is: put a process in that provides for a genuine consent or do not bother because at the moment it is not a genuine consent, on my submission.

**Mr MADDEN:** What you are saying is that the current process simply means making an application to the minister but the minister can ignore those submissions?

**Mr Klapper:** Not quite. The current process says that if a person's interests are to be materially affected by a conservation agreement then a consent is required.

**Mr MADDEN:** How broad is that group of people?

**Mr Klapper:** It will include mining tenement holders, it will include holders of native title rights and interests, it will include mortgagees, by way of example, it will include holders of other interests in land—easement holders and someone who might be dependent on the land for access other land. It is quite a broad range. We have not tried to enumerate them. It is quite a range of interests. Our point is: give them a genuine consent that is not focused solely on the conservation agreement and it will be real.

**Mr MADDEN:** As a safety net, is it an option that there be something other than judicial review with regard to the decision of the minister?

**Mr Klapper:** It is possible. From a good law perspective, I would suggest no. Ministerial decisions and decisions under an enactment are commonly subject to judicial review, which means that the decision can be set aside but it cannot be remade. This would seem to be an appropriate mechanism so, no, I would not suggest anything else.

**Mr MADDEN:** That is the appropriate mechanism, given the nature of this legislation?

**Mr Klapper:** Correct.

**Mr MILLAR:** Martin, could this legislation be politicised or used as a political football? Let us say there is a property somewhere in Queensland that is being politicised by a certain group. The government of the day, which is probably aligned to that group, under the ministerial direction could say, 'This is an area that we would like to capture under this legislation.' The minister can make that decision purely at his discretion. Am I right there?

**Mr Klapper:** Almost, yes. The point I made in my first submission is: if the reason that minister can make the decision matches the public statements about the intent of the legislation I do not see a problem. Anything can be politicised at that level. From a legislative draftsman's perspective, if the discretion is so widely phrased that it includes the specific area of concern—nature conservation—and includes almost anything else, the scope for abuse from a commercial point of view, not a legal point of view, of that power grows, absolutely. It is politicisation, if you like.

**Mr MILLAR:** That is my concern with this legislation at the moment. It could be used for other purposes, for an agenda to be taken forward. I am not arguing whether that agenda is right or wrong. I am concerned if someone is of that persuasion and wants to make a decision about a critical piece of agricultural infrastructure. We can turn our minds to 2002, when there was a critical piece of infrastructure in southern Queensland that former premier Peter Beattie made a lot of statements about. Could it be a possible scenario that the land is up for sale or auction, a trust comes in and buys it, makes it an area under this legislation and takes it out of production?

**Mr Klapper:** It is possible.

**Mr MILLAR:** Do you see that as dangerous? It is not the intention of the legislation.

**Mr Klapper:** That is the thrust of my first point, yes. It is dangerous if the intent is to conserve valuable natural resources and the power is phrased in a way that includes many other interests. Yes, what you described is one possible element of that. That is not what our submission is framed as. Yes, I worry that it could be used in that fashion.

**Mr MILLAR:** This could be politicised.

**Mr Klapper:** It could be.

**CHAIR:** Dangerous in what way? How is protecting a valuable piece of land that has high conservation value dangerous? What would be dangerous about, say, protecting Uluru?

**Mr Klapper:** Nothing at all, apart from the fact that it is not in Queensland. I take your point, Chair.

**CHAIR:** That is an example.

**Mr Klapper:** Of course.

**CHAIR:** The reef?

**Mr MILLAR:** Mr Chair, you have missed the content of my question. My question is not about protecting conservation areas.

**CHAIR:** My question takes precedence. My question is: how is that dangerous? I am asking you to justify that statement.

**Mr Klapper:** Of course. I was responding to the earlier question. I would articulate it in this fashion: the purpose of the legislation, outside the scope of the bill or outside the ambit of the bill, is articulated as the preservation of high-value conservation values. If that is what the government wants to do, from a good law perspective the Law Society makes no comment and takes no position. Our point to the committee is that that is not what the bill does. It does that, but only to the extent that a narrow part of the state interest, as it is defined in section 43A(10), includes that as a subset even of the ecological and environmental criterion in that section, but it also includes everything else in the world. There is nothing wrong with the proposition you put to me in the context of the public announcements that have been made. Our point is that that is not all the bill does. The bill does far,

far more. In that context it is dangerous, because if the intent is to preserve high-value conservation and the power that is granted includes a power to do almost anything else, our respectful suggestion to the committee is to ask: is this good law? We do not think it is.

**Mr GORDON:** In your opening remarks you talked about ‘good law’, ‘good lawyers’ and ‘for the good of the community’. Is this a good law and is it good for the community?

**Mr Klapper:** Of the submissions that we have made, the two core submissions to which Joe spoke earlier suggest to us that there are elements about this that are not good law. It is good law if the government’s intention and the parliament’s intention is to make a law to give the minister an extremely broad power to declare something protected. This is fine law. There is nothing wrong with it. It falls within the legislative powers under the Queensland Constitution Act. If the intent is to protect high-value conservation, our suggestion is that it is not good law because it does so much else. The consent issue is another example.

**Mr GORDON:** There is honourable intent in the government’s position in terms of conservation, but it is the instrument or the means in which we do that that you are questioning?

**Mr Klapper:** That is my point, yes.

**Mr GORDON:** Would challenging the minister’s declaration over an SWR strengthen the law?

**Mr Klapper:** No, not at all. The core process that judicial review involves is the court examining what the minister has done, what the power is and whether the first exceeds the second. If the power is extremely widely drawn or if the power does not include a real consent then it is going to be very difficult to find grounds on which to properly argue that the power is improperly exercised. Judicial review is often successful, but that is generally because the minister makes a mistake. It happens that the department makes a mistake. It happens to all of us. It happens to me all the time. However, it will not overcome the breadth of the scope of that state interest point that I made.

**Mr GORDON:** Once again I refer to the opening remarks. You said that a number of internal committees reviewed this. You talked about the agriculture—

**Ms Krulin:** I am sorry, we do not have an agriculture committee.

**Mr Klapper:** It is the property committee and the planning and environment committee.

**Mr GORDON:** Was where they landed individually as internal committees different to where you guys are now?

**Ms Krulin:** No. There are cases where the society has really divergent views but this was not one of them. It was fairly cohesive.

**Mr GORDON:** There is some consistency here now with the general conversation internally amongst the society?

**Ms Krulin:** Yes. It should be noted as well that the department also gave us the opportunity to look at a confidential consultation draft of this bill, so it was not the first time we had seen it, like others. There was quite a robust consultation process that we went through. It was not the Law Society’s first opportunity to bring our views together from those different committees.

**Mr Klapper:** Put simply, the three committees looked at it twice and came up with a submission, which is consistent across the committees. Different committees came up with different issues. We agreed with each other.

**Mr GORDON:** How often do you all agree with each other?

**Mr Klapper:** Not always.

**CHAIR:** They might ask us the same question, Billy!

**Mr WEIR:** When we finalise a report, one of the last things we have to put at the bottom of the report is the fundamental legislative principles and whether it complies with those. I see you have expressed a little concern. Where do you stand on that?

**Mr Klapper:** It is in the submission, and I have to say that it was a very difficult one to draft, because this is not a case where I have something and the act takes it away. That is an obvious acquisition. We all accept that the state has the right to compulsorily acquire assets. There is no obligation to pay fair and just compensation at a state level and we all understand that. The submission we have kept to a page because, in the end, it comes down to a couple of simple propositions.

The first is: if there is no true right of consent then rights that I hold today as a mortgagee, easement holder or exploration tenement holder can no longer be exercised. They are not taken away; I just cannot exercise them anymore. There is a law at the federal level that tells us, yes, that is compulsory acquisition. The other side of it is where something is taken away, but does the state

gain or are rights simply extinguished? I am being a bit legal here, I am sorry. I will try to keep it simple. Yes, the state gains, because the state acquires the ability to preserve those conservation values under the thrust of the legislation.

In terms of the third and fourth points: the resources industry's and my committees' most telling issue is that land that becomes a protected area under the Nature Conservation Act ceases to be land under the Mineral Resources Act. If it is not land under the Mineral Resources Act, you cannot apply for a production tenement, which is the whole point of the Nature Conservation Act special protected areas anyway. I can explore. I can spend a lot of money exploring. The legislation might preserve my rights to do that, but I can never apply for a mining lease. I have a right to apply if I find some minerals, but that right is taken away. My suggestion is that at least consideration should be given to the proposition that this is in fact an acquisition of property. It is not a very obvious one, but when you think about it it makes sense. I am sorry to have waxed technical there.

**CHAIR:** Are you suggesting that if I have an exploration right over a piece of land I should be compensated?

**Mr Klapper:** I am not suggesting that at all. I am suggesting that there ought to be, as the preceding communications indicated, an open and free right of consent and we will not have those issues. If that compulsory acquisition occurs, a compensation is not practical here. It is not a practical remedy as it was, say, in New South Wales when coal rights were expropriated. However, at least an acknowledgement that that is in fact what is happening would be appropriate.

**CHAIR:** How is that of any value?

**Mr Klapper:** It is not at all. The government and parliament can do it. It is within the legislative competence. It is not for us to say what laws the parliament should make, only to point out when it is possible, as I think it is in these circumstances, that an acquisition does occur. I am not telling you what to do with it.

**CHAIR:** The fourth paragraph on page 3 of the explanatory notes states—

Establishment of special wildlife reserves, through introduction of the Bill, is not considered controversial as negotiation and declaration of a reserve is entirely voluntary and a conservation agreement does not impact on the rights and/or interests of other relevant parties, including Native Title holders, without consent.

Does that section deal with the concerns raised by the Cape York Land Council in relation to native title landholders having no rights in relation to these special wildlife reserve declarations?

**Mr Klapper:** I am sorry; I am not familiar with the content of that submission. I cannot answer the question.

**CHAIR:** The explanatory notes also talk about allowing perpetual conservation agreements to survive certain tenure processes, which I assume is somebody selling a block of land to somebody else and the declaration surviving that transfer of ownership.

**Mr Klapper:** It has more to do with renewals or replacements of leases. If you have a term lease for 20 years that is renewed for another 20 years, the perpetual agreement rolls over, if you like. It is more about that. Yes, it does include what you describe, but it is more about a tenure being replaced by another one and the agreement applying to that new one.

**CHAIR:** The proposition has been put that I acquire a lease but I have no interest in preserving that piece of land, so I am just going to let the weeds grow and I will not take care of it. Under the conservation agreement that is held over that piece of land, I would have obligations to preserve that land in some way, shape or form?

**Mr Klapper:** You will be bound by it as though you had been the person who signed it in the first place, yes. Our property committee had a close look at the process by which that occurs. We have no issues from a good law perspective. It makes sense.

**CHAIR:** As there are no other questions, I thank you very much for your appearance here today. We greatly appreciate it.

**HUGHES, Mr Timothy, Director, South Endeavour Trust, via teleconference**

**CHAIR:** Mr Hughes, would you like to make a brief opening statement before I open it up to the committee for questions?

**Mr Hughes:** Thank you very much for the chance to appear before you today. I do apologise that I cannot be there in person. I am actually up on Cape York, which is somewhat topical given your previous discussions, which I have been listening to.

South Endeavour Trust is a conservation land trust. We are one of the largest investors in biodiversity assets in Queensland and we do see it very much as an investment. In terms of this particular legislation and some of the discussions you have had, we own three former cattle stations on Cape York. They vary between being uneconomic and hopelessly uneconomic. Prior to our ownership of these properties I can say that not one of them had a single backpack weed sprayer on the property. There had been no weed management done on those properties for many, many years because they were uneconomic. We are now spending very substantial amounts of time, effort and huge amounts of money on weed and feral animal management, including wild dogs and olive hymenachne.

We do take our responsibilities as a landholder very, very seriously. We see the special wildlife reserve legislation as a very substantial advance on conservation legislation in Queensland. It would give Queensland a significant comparative advantage in terms of attracting conservation capital such as our own. More particularly for ourselves, as I said in our submission, as a landholder who is very much focused on our land as an investment, we do want to be able to get a good return on that investment, and the first and best use of our land is a combination of nature conservation and nature based tourism; however, under current the legislation in Queensland we do not have security over our assets. Even though we either have freehold title over this land or are about to have freehold title, we do not have security over our assets which would justify us making very, very substantial investments in tourism infrastructure. For ourselves it is a way of funding the management of our properties. Also in terms of economic development I think that tourism does tend to not get the attention that other things like agriculture get, yet it is one of the major employers in the state. I am quite sure that tourism employs more people than agriculture does in Queensland, but basically for whatever reason tourism jobs are not considered to be 'real jobs'.

Certainly for us this legislation would remove what is an overwhelming risk to investment and the reason we decided two years ago not to continue with a major investment that we were contemplating on Kings Plains Station. I do understand that there are many competing interests here, but from our perspective this is an Australia-leading piece of conservation legislation which is of great value for the natural environment, particularly if governments cannot afford to expand their national park system to the extent that would be necessary to be comprehensive, adequate and representative. Private sector owners like ourselves are very responsible landowners and managers, and this legislation would give the investment certainty we need if we are again going to seriously contemplate major tourism development on our properties.

**Mr WEIR:** I was just reading through your submission. You own some significant parcels of land there. Is it the tourism aspect that you are looking at as far as making any economic return on this land? It is not grazing land or anything else?

**Mr Hughes:** The three properties that we own on Cape York were all grazing properties. We are actually mustering two of them today, so we still have cattle on the properties but we are in the process of destocking them because the evidence is pretty conclusive for us that, apropos some of your previous questioning, cattle grazing and conservation are not compatible on these particular areas of land largely because of the impact of cattle on weed spread and weed development. In terms of being able to get an economic return off this land besides a nature conservation return, tourism is the first and best use of the land. I have discussed this at length with previous owners of these properties who are dyed-in-the-wool cattlemen, and they say exactly the same thing to me, 'Tim, you're dead right. That's the best use of that land now.'

To make a major tourism development is incredibly expensive, but if you run the risk of having your major tourism attraction being basically blown up and carted away on the back of a truck due to mining, or your beautiful trees are about to be cut down in the interests of forestry, then you would be crazy to go and invest \$10 million or \$20 million and end up not having an asset to attract the tourists with.

**Mr MADDEN:** I have a question with regard to the protections that you perceive will be offered by the proposed wildlife reserves legislation. What protections does your trust receive from this legislation?

**Mr Hughes:** The current nature refuge legislation does not offer any state level protection for land. It puts lots of responsibilities on the landholder, but under the recitals of the nature refuge agreement the state reserves itself the right to approve any number of things, including mining and forestry. The benefit for us—taking our existing land aside, because there are existing rights and interests which are protected under the legislation and therefore would not be impacted by this legislation—to buy a major piece of land and then end up with a big mine, whether it is economic or not, right in the middle of it would be a significant diminution of the value of the land. If you bought land to protect a particular forest and then the forest gets cut down, then again that is not protected under the existing legislation. The special wildlife reserve adds an additional level of protection. As I understand it, in the process of determining whether or not a piece of land will be dedicated a special wildlife reserve there is a notification process that goes to a range of affected government departments, and they all have significant input in terms of whether they continue mining or forestry interests or whatever. We do not get to the special wildlife reserve designation without going through quite a long and difficult process, but once you get there your rights and interests as a landowner are protected.

**Mr MADDEN:** Can you explain how you are funded? Are you funded through philanthropists or through some other funding source?

**Mr Hughes:** We are largely funded by philanthropy, yes.

**Mr MADDEN:** I will put a scenario to you. If you were to go to an overseas philanthropist and you had a particular property in mind that you wished to acquire, would it make it more attractive for that philanthropist to contribute the money you needed to purchase that property if that philanthropist was aware that Queensland had legislation like this?

**Mr Hughes:** Whether it is overseas or domestic, this legislation would make investment in conservation in Queensland much more attractive than is the case at the moment.

**Mr MADDEN:** Is that compared to other states?

**Mr Hughes:** This legislation for the moment gives Queensland a comparative advantage in attracting philanthropic capital into conservation; however, I think South Australia is considering a similar piece of legislation and it might be that other states do at some future time. At the moment this would be leading legislation.

**Mr MADDEN:** You mentioned that this legislation would prevent a mine from being established on your property. Are there any activities other than mining that would be inconsistent with conservation of important properties that would be prevented by this legislation?

**Mr Hughes:** Agriculture does become excluded unless you are doing things for conservation management purposes. For example, we will be continuing to graze parts of one of our properties basically forever in order to control a weed of national significance which was introduced to provide ponded pasture for cattle.

**Mr MADDEN:** Buffel grass?

**Mr Hughes:** This is actually olive hymenachne. Obviously there are a range of economic activities which are excluded by the legislation. One of the things I wanted to present to you today is that there are other activities such as nature based tourism which are encouraged by the legislation, effectively. It is not an intent of the legislation necessarily, but that is part of the effect. From my experience, I would expect that this tenure would have a relatively limited impact in terms of the number of properties which would be so designated, but that would give them a significant cachet as an attraction for nature based tourism.

**Mr MILLAR:** Why do you need the special wildlife reserve? With the South Endeavour Trust on Kings Plains Station, why can you not just continue the way it is? You have the money. You have been able to acquire the property. It seems like you are in control of the way you want to run things. Why do you want a special wildlife reserve?

**Mr Hughes:** I do not want to argue the particulars of Kings Plains except to use it as an example of what can happen. We have an application for a limestone quarry right between Kings Plains and Alkoomie Station, two properties that we own. It is right in the middle of the properties. It would destroy some very, very major environmental values that we have invested in and the access road would be incredibly destructive. My background is in resource economics. This project will be uneconomic, but that will not mean that it would not happen. That is a case where we lose out in terms of the natural values that we have invested in but, in terms of the tourism development plans that we had, those two assets were absolutely integral to our proposed tourism development, and any money we spent on that would be an absolute and utter waste of time if that particular limestone

quarry got up and running. When you are looking at major investment decisions you have to assess all of the risks to those decisions, and this legislation takes away a lot of risks for nature based tourism on land which is included as a special wildlife reserve. For us it would be a major risk-reducing piece of legislation.

**Mr MILLAR:** I know you mentioned the property where you are still grazing, but on the other parts of the property what plans or procedures do you have in place to tackle pests and weeds?

**Mr Hughes:** When we bought the three properties there was not even a knapsack sprayer on those properties. We now have multiple 800-litre tank spray units. We have a highly integrated process to manage and kill pigs. The same thing applies for dogs. We are very active in fire management. To us they are integral to achieving the conservation outcomes we want.

**Mr MILLAR:** I certainly congratulate you on that. I think it is good that you take that seriously.

**Mr Hughes:** We are putting a lot of money in here. Our neighbours who are still trying to run cattle properties are not making any money. They cannot afford to put the resources in that we are putting in. The issues around weeds and feral animals et cetera are issues for all landholders. From what I have seen, people like us take these issues—maybe it is because we have some resources or maybe because they are so negative to the environmental values that we have invested in—much more seriously than many of our neighbours.

**Mr MILLAR:** I think you are doing a good job. I would love to come up to see you one day.

**Mr Hughes:** I would be delighted to show any of you around.

**Mr GORDON:** You have talked a bit about nature based tourism and how that could potentially grow and develop with the introduction of this legislation. Are there any metrics or studies or understanding about the potential for nature based tourism businesses in the cape?

**Mr Hughes:** In Queensland obviously there are. The Great Barrier Reef is the most classic example. You have nature based tourism based on the reef which is worth tens of billions of dollars a year to the Queensland economy. In terms of Cape York, you have places like Haggerstone Island, which you would know of very well, and Wizard Island. They are both basically nature based tourist developments.

I see this as being one of the major competitive advantages for the cape. As you know, Mr Gordon, we have vast numbers of four-wheel drives clogging up our roads at the moment with tourists heading up to the cape to have a nature based experience. It is a very substantial income earner for the cape as a whole.

The middle- to high-end nature based tourism that I am talking about would be relatively new to the cape. We have spent a lot of time looking at this overseas and how it works. What we are looking at is basically having something similar to African safari camps on our properties. There are a variety of ways of doing it. From what I have seen overseas, I think the cape is an absolutely ideal place—in the right parts of the cape—for this and would be a major generator of employment for people, not least Indigenous people.

**Mr GORDON:** I take that point. We have heard from witnesses earlier in the day and particularly the Cape York Land Council about how this particular piece of legislation could hinder Indigenous economic participation when it comes to land based economic development activities. Aboriginal and Torres Strait Islander people on the cape and in Far North Queensland are the most impoverished and marginalised people there are. You would know that.

One of things we have always talked about, and what I see and hear when I travel around the cape, is that we need some balance between sustainable economic development and some of the other traditional forms of economic development and some of the resource based economic development activity that we have seen on the cape. One of the concerns—and I want to know if you share this view—is that we do not want a piece of legislation that handcuffs or arrests the potential for us to address Indigenous disadvantage on the cape and marginalises our people further.

**Mr Hughes:** I will respond to that briefly. There are a number of Indigenous ranger groups on the cape that are doing fantastic work and are basically focusing very much on conservation as their core business. I use the Lama Lama people in Princess Charlotte Bay as an example. I have not talked to Gavin Bassani and his guys about this particular piece of legislation. I think they have a wonderful potential for generating an economic base from tourism off a piece of legislation like this. It would give their land a special cachet. I do not see this in any way being a negative for economic development; I think it is a positive. There are so many Indigenous people who are wonderful storytellers and have great interpersonal skills. That is exactly what you need in a nature based tourism business. I think this legislation will actually enable economic development opportunities.

Public Hearing—Inquiry into the Nature Conservation (Special Wildlife Reserves) and Other  
Legislation Amendment Bill 2017

I think we can maybe overstate how much land will be tied up by this. When I look at Cape York, besides our properties there are only two other private conservation properties—the Steve Irwin Wildlife Reserve and Piccaninny Plains. The other conservation properties are either national parks or Aboriginal land that Aboriginals have decided to manage for conservation.

I think we are looking at the wrong end of this particular pineapple. Fundamentally, I am an economist. I look at Cape York and I see one of its major comparative advantages being nature based tourism. I sit at night and try to think what we can do to enhance the opportunities for nature based tourism on Cape York. I see this piece of legislation as fitting very neatly within that basket.

**CHAIR:** I know you are not operating yet, but you have the capacity to do some forecasting if you have an economics background. How would you compare the volume or level of employment on your properties compared to, say, the neighbouring cattle properties?

**Mr Hughes:** Let me take Kings Plains Station as an example, because I have done a bit of a study on this. I collected data from former owners about how many people were employed, how much money was spent in the local economy and things like that. We are employing twice as many people as the property was employing as a cattle property and we are spending almost three times as much money in the local community as the previous owners were. For many of the previous owners most of the income for the property ended up going to a bank, so it was not actually advantaging people.

In terms of the properties that we look after, we are employing more people and spending more money. I do not see conservation in that sense as being any sort of economic threat at all, particularly on the scale that it is likely to be practised. Longer term, if I were doing some forecasting—looking 20 or 30 years down the track—I think we will see the next major industry on Cape York, after mining at Weipa, being tourism.

**CHAIR:** Without talking specifically about your property, does this bill give the capacity for an organisation like yours to apply for special wildlife protection for part of your property and allow you to continue to have grazing or other economic activities on other parts of your property or do you have to effectively apply it to the entire lease?

**Mr Hughes:** I should be careful here because I am not a lawyer.

**CHAIR:** That is all right, neither am I.

**Mr Hughes:** No, I have not gone through this line by line. Certainly under the nature refuge legislation you can declare part of your property a nature refuge. The discussions I have had with the department have been that we would only declare parts of our property, if we managed to get through all the hoops and hurdles—and that is a big ‘if’—as special wildlife reserve. As far as I understand this from my discussions with the department, it is the case that you can declare part of the property as a special wildlife reserve and have other areas which are for other purposes.

**CHAIR:** You stated at the start that you did not feel that the properties the trust had bought were economically viable or viable properties. Given that there is no legislation in place to do what this bill is attempting to do, why did the trust buy into this area? What was the long-term thinking if this legislation is essential to allowing you to move forward in terms of further investments?

**Mr Hughes:** The initial reason for investing was that the biodiversity values of these properties were so high and the prospects of them being part of the public reserve system for these reasons were not particularly high, largely because they were either freehold or perpetual leasehold and not term leases, which are the cheaper forms of land to buy. We bought them initially to protect their outstanding nature conservation values. These are the pieces of property that basically join the Wet Tropics with Cape York. We see that as being a pretty important transition zone in Queensland in terms of biodiversity.

I guess we did not do all of our sums as far as we should have. We did not fully appreciate the threats and risks to that nature based tourism until we owned the properties and were faced with the reality of how the process works and how powerless a landholder really is in the face of things like mining tenures.

**CHAIR:** Thank you very much for your time this afternoon. We have run out of time, unfortunately. Thank you very much for giving us your time this afternoon.

**Mr Hughes:** Thank you very much for the opportunity and good luck in your deliberations.

**Committee adjourned at 3.43 pm**