HEALTH AND COMMUNITY SERVICES COMMITTEE

Members present:

Mr TJ Ruthenberg MP (Chair)
Ms RM Bates MP
Dr AR Douglas MP
Mr JD Hathaway MP
Mr JM Krause MP
Mr DE Shuttleworth MP
Mr WS Byrne MP

Staff present:

Ms S Cawcutt (Research Director)
Mr K Holden (Principal Research Officer)

PUBLIC BRIEFING—NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL (NO. 2) 2013

TRANSCRIPT OF PROCEEDINGS

Monday, 2 SEPTEMBER 2013

Brisbane

MONDAY, 2 SEPTEMBER 2013

Committee met at 2.31 pm

CLARE, Mr Geoff, Executive Director, Nature Conservation Services and Conservation and Sustainability Services, Department of Environment and Heritage Protection

JACOBI, Mr Jason, Acting Deputy Director-General, Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing

UNDERHILL, Mr Barry, Acting Director, Forestry, Department of Agriculture, Fisheries and Forestry

YOUNG, Dr Liz, Director, Policy Reform, Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing

CHAIR: Good afternoon and welcome. I declare this public briefing of the Health and Community Services Committee open. Our purpose today is to be briefed by departmental officials on the Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013.

My name is Trevor Ruthenberg. I am the member for Kallangur and the chairman of the committee. Here with us today are Ms Ros Bates MP, member for Mudgeeraba; Mr Jon Krause MP, member for Beaudesert, will be joining us—he is not here now; and Mr Dale Shuttleworth MP, member for Ferny Grove. On the telephone at this time we have Mr Bill Byrne MP, member for Rockhampton, who is replacing Mrs Jo-Ann Miller MP, member for Bundamba, who is unable to attend. We also have Mr John Hathaway MP, member for Townsville, and hopefully we will be joined by Dr Alex Douglas MP, member for Gaven.

I now welcome the officials here to speak with us: Mr Jason Jacobi, Acting Deputy Director-General, Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing; Dr Liz Young, Director, Policy Reform, Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing; Mr Geoff Clare, Executive Director, Nature Conservation Services and Conservation and Sustainability Services, Department of Environment and Heritage Protection; and Mr Barry Underhill, Acting Director, Forestry, Department of Agriculture, Fisheries and Forestry.

I remind those present that these proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. Mobile phones should be turned off or switched to silent please. Hansard is making a transcript of the proceedings. The committee intends to publish the transcript of today's proceedings, unless there is good reason not to. Our proceedings today are also being broadcast live on the parliament's website.

The Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013 was introduced into the parliament on Tuesday, 20 August, and the committee has invited submissions on the bill by Friday, 13 September. The committee intends to hold a public hearing on 20 September to hear from invited witnesses. We are required to report to the parliament on this bill by Wednesday, 9 October. I will invite each of you to make an opening statement prior to questioning by the committee. First, Mr Jacobi, if you would please give a short introduction for us.

Mr Jacobi: Thank you, Mr Chair. I appreciate you providing the Department of National Parks, Recreation, Sport and Racing with this opportunity to brief the Health and Community Services Committee on the Nature Conservation and Other Legislation Amendment Bill (No. 2), the NCOLA Bill. I would like to acknowledge my colleague Dr Liz Young, who will assist me today, and also my colleagues Mr Geoff Clare from the Department of Environment and Heritage Protection and Mr Barry Underhill from the Department of Agriculture, Fisheries and Forestry.

Before I start I would like to table, if I may, a proposed tenure structure for the consideration and review of the committee.

CHAIR: We will need to get permission for that. Mr Hathaway, are you okay with that being tabled?

Mr HATHAWAY: Yes, thanks.

CHAIR: Mr Byrne?

Mr BYRNE: What is being tabled?

Mr Jacobi: It is a proposed tenure structure to assist the committee in understanding some of the tenure changes that are proposed under this bill.

Mr BYRNE: Fair enough.

CHAIR: Thank you. Please continue.

Mr Jacobi: I would note that the majority of the NCOLA Bill is sponsored by the Department of National Parks, Recreation, Sport and Racing. But I have colleagues from the Department of Environment and Heritage Protection and the Department of Agriculture, Fisheries and Forestry who can speak directly to their portfolio interests, and they will do so later today.

From an NPRSR perspective, there are five main areas of reform that the bill introduces. These are (1) broadening the object of the Nature Conservation Act, or the NCA, to provide for recreational and commercial outcomes in managing protected areas; (2) reforming the protected area tenure structure to reduce the number of tenures under the NCA; (3) reviewing the management principles associated with protected area tenures to achieve a better balance between conservation and other outcomes; (4) streamlining the protected area management planning process to allow for greater efficiency in planning; and (5) reducing the state's exposure to liability arising out of incidents that occur on Queensland Parks and Wildlife Service, QPWS, managed land—

Dr DOUGLAS: Sorry I am late. I have been through blind zone after blind zone.

Mr Jacobi: If you do not mind, I will repeat that last point (5) reducing the state's exposure to liability arising out of incidents that occur on Queensland Parks and Wildlife Service, QPWS, managed land given key risks associated with increasing access. I would like to take the time to go through each of these areas of legislative change and discuss their implications. However, before I do so, I would like to explain the broad objectives of the changes to the act to assist the committee to understand the wider intent of the government.

The Queensland government was elected on a platform to deliver particular outcomes in relation to land managed by QPWS. In particular, the key areas of reform identified were: improve access to national parks and other public lands; reduce red tape; and streamline regulations and legislation. Each area of reform delivered through the NCOLA Bill is directed at achieving these outcomes.

I turn now to the first area of reform: broadening the object of the NCA. The NCA covers a broad variety of issues relating to the protection and management of protected areas and wildlife. It is often assumed that protected area management is only about the protection of conservation values and in particular those values on national parks. While this is an important part of what the act provides for, it is not the only thing.

The NCA is a framework that covers the management of all protected areas from World Heritage to national parks and to areas where resource extraction may occur. It also provides the framework for the varied activities that may take place in these areas. Currently, the object of the NCA is the conservation of nature. This narrowly defined object can create impediments for access to protected areas and the use of these areas for other activities, sometimes even to necessary management tools that may assist in the conservation of the values for which the protected area was created. The amendments broaden the object of the act to recognise the variety of activities already allowed for under the NCA. In particular, the bill amends the object of the NCA to explicitly provide for some of the most significant uses of a protected area such as for recreation and commercial outcomes.

The amendments also rightly highlight the important role of Indigenous people in the management of their land. The conservation of nature will remain the primary purpose of the act while providing for outcomes relating to the involvement of Indigenous people in the management of their country; the use and enjoyment of protected areas by the community; and the social, cultural and commercial use of protected areas in a manner that is consistent with their nature conservation and other values. The object has been constructed in a way that makes it clear that the importance of nature conservation does not automatically override the other values in determining how

protected areas should be managed and for what outcomes. However, the object of the act still highlights the importance of the conservation of nature while providing for these additional activities or management outcomes.

The next area I will move on to is reforming the protected area tenure structure, and I refer you to the table that I handed out previously. There are currently 14 different tenures under the NCA—refer to the attachment, table 1. This broad variety of tenures can result in an unnecessary degree of complexity and confusion around the purpose of these different classes and how they are to be managed.

CHAIR: Dr Douglas, Mr Byrne and Mr Hathaway, the proposed tenure structure that was just tabled has been scanned and emailed to you.

Mr Jacobi: The majority of people who visit protected areas do not understand the difference between a national park, national park (recovery) or a conservation park. With this in mind, the government has decided to simplify the tenure category structure, resulting in halving the number of tenures under the NCA from 14 to seven. While there will still be seven tenure types, in the main part the new tenure structure will focus on two main types of tenure: national park and regional park. This focus on two tenures with clearly defined uses will result in visitors to our parks having a better understanding of what areas are being managed for.

The term 'national park' is one that the average Queenslander understands as having values that are of national significance, particularly environmental and cultural values. The term 'regional park' builds on the idea that the park is of regional significance, not just in terms of conservation and cultural values but in terms of having a wide range of uses that are important to regional communities and visitors to those communities. There are some tenure classes that have never been used—for example, wilderness areas or World Heritage management areas. The removal of these tenure classes will allow the legislation to be simplified.

As the handout provided indicates, tenure categories will either be abolished, grandfathered or grouped around like classes, resulting in national park and regional park being the two primary categories of protected area under the NCA. The tenure classification around Indigenous areas, including national park (Aboriginal land), national park (Torres Strait Islander land) and national park (Cape York Peninsula Aboriginal land), will remain in place for the time being.

Reviewing the protected area management principles: The bill will revise the management principles of protected areas under the NCA to reflect the new tenure categories and achieve a balance between conservation and other outcomes. Management principles will be consistent with the values of the areas, with national parks retaining a strong focus on nature conservation, and regional parks having a greater focus on the use for recreation and commercial purposes. Table No. 2 in the attachment provides you with an overview of the different types of activities that will be allowed in national parks and regional parks under the NCA and it also shows what is allowed on state forests, which is a Forestry Act tenure managed by QPWS.

There have been community concerns that the cardinal principle of national park management might be abolished. It has not; however, the management principles for national parks have been expanded to allow for the promotion of education, recreation and ecotourism outcomes. It should be noted that the management principles of national parks have been drafted to ensure that these outcomes are consistent with the natural and cultural values of the area. The management principles of the newly created tenure regional park have been developed to strongly reflect those of the old conservation park tenure.

Special management areas: the bill provides for the chief executives to declare special management areas, or SMAs, over a national park or part of a national park. SMAs were developed to provide for a number of policy outcomes related to the government's decision to streamline legislation and remove a number of tenures from the NCA. The declaration of an SMA (scientific) is designed specifically to allow for scientific activities to occur on national parks, ensuring a continuation of uses that previously took place under the tenure national park (scientific). In a similar way, the declaration of an SMA (controlled action) will allow the activities that had previously occurred under the tenure national park (recovery). The national park (recovery) tenure was originally created as a holding tenure for areas that would ultimately become a national park.

National park (recovery) differed from a national park in that the management principles provided for the manipulation of the area's natural resources to restore its conservation values. For example, national park (recovery) allowed for the removal of unwanted plantation timber and subsequent active management by planting or passive regeneration of the affected land. The management principles for an SMA (controlled action) take this principle of giving managers of national parks the opportunity to manipulate an area's natural resources for conservation purposes

and applying this tool with greater flexibility. Where an SMA (controlled action) differs from a national park (recovery) tenure is that an SMA is not limited to manipulating solely for the purpose of restoring an area, but enables such actions to be undertaken on a long-term basis where the outcome is to protect an area's natural and cultural values.

An SMA (controlled action) can also be used to provide for the continuation of existing interests even where that interest is not compatible with the management principles of a national park. Historically these interests have been managed through a grandfathering provision within the act or a previous use authority. The amendments provide a definition of an existing use, which is the purpose for which the land was being used immediately before the declaration of the SMA. The intention is to provide an opportunity for these activities to continue; however, the amendment specifies that the continuation of an existing use must be consistent with maintaining the area's natural and cultural values. For example, if an apiary site or a grazing lease is to be allowed to continue through the use of an SMA, then the continuation of that activity must not diminish the values of the national park. The bill specifies that the decision to create an SMA can only be done by the chief executive and may not be delegated.

Resource use areas: the bill also provides for the declaration of a resource use area over all or part of a regional park to allow for mining, geothermal activities and GHG storage activities. A resource use area will be declared by a regulation. Resource use areas will allow for the distinction between former resources reserves where resource extraction activity is permitted, and conservation parks, where this activity is currently not allowed. A resource use area may be declared on a new area of any regional park in the future through a regulation requiring governor in council approval. A resource use area will only be allowable on regional park tenure to maintain the current government commitment to not allow mining activities on national parks.

Streamlining protected area management planning: the Queensland government's decision to reform management planning is based on the current process for the development of protected area management plans being overly restrictive, lengthy and resource intensive. In addition management statements, which are used as an important tool to guide protected area management in particular areas, do not have any standing under the NCA. The amendments will allow for a streamlined and more flexible approach to management planning under the NCA. The bill amends the NCA to replace the requirement that the minister prepare a management plan with a requirement that the chief executive prepare a management statement for the area. However, the bill still enables the minister to prepare a management plan where he or she considers there are specific circumstances which make a more detailed planning process appropriate; for example, significant public interest concerns with regards to these values.

Where a management plan is developed it supersedes the management statement and, consistent with the current wording in the NCA, an area must be managed in accordance with the management plan. The bill has also implemented specific measures to streamline the management planning process when it is used. For example, it removes the obligation for the first rounds of mandatory public consultation on management plans, which is consistent with the standard practice under other state legislation. The amendments also remove the requirement for the review of management plans to go through a full process if the plan is (a) still operating effectively; or (b) only minor amendments are needed. The amendments also allow the minister to change a management plan to reflect a state government policy decision without going through the full amendment process. This is designed to enable the minister to make changes to a management plan to ensure it remains contemporary without going through a lengthy process. In these instances, the additional requirement has been included that the minister publishes on the internet (a) his or her decision to revise the management plan; (b) the basis for that decision. This will provide greater transparency in the decision-making process.

Reducing state liability on QPWS lands: the Queensland government is encouraging access to our national parks and other public lands for recreational and commercial purposes. This creates a risk for the state in its potential exposure to large personal injury claims by individuals or commercial operators on these lands. The proposed amendments provide civil immunity coverage to the state, the minister, the chief executive or any employee or volunteer of the relevant department managing the land for death, personal injury, property damage and any resulting economic loss. Civil immunity coverage will also protect policy makers regardless of their physical location; for example, in relation to decisions about the management of QPWS lands. It will operate differently to section 37 part 2 of the Civil Liability Act 2003 (CLA) and how it applies to roads, as it will apply even when prior knowledge of a risk exists. The amendments do not affect current provisions within the NCA to protect some or all of the nominated agents of the state for civil liability in cases without negligence.

In addition to these provisions, the new provision applies to any act done, or omission made, in relation to the management or operation of a state protected area. This will take effect in any proceedings for damages based on a liability for personal injury, damage to property or economic loss arising from personal injury or property damage. Matters of contract, except those relating to personal injury or property damage, are not captured in the provisions to ensure that current and future authorities issued under the act are not affected. The amendments also identify specific circumstances in which this civil immunity coverage does not apply. This recognises that there are a number of activities and functions for which the state should be appropriately responsible and are within the control of QPWS in managing protected areas.

Specifically, the civil immunity coverage will not apply to: the construction, installation or maintenance of a state fixture, that is, a building, structure or other thing constructed by the state like a lookout or a stairway or state road that is defective, except where the defect is the result of a natural event; the failure to give adequate notice of a defective state fixture or state road, except where that defect is the result of a natural event; carrying out a State management activity which is limited to programmed shooting or poisoning of animals and programmed burning or poisoning vegetation. These are the high-risk management activities undertaken by QPWS for which the public has a reasonable expectation of a particular high duty of care. Workers' Compensation and matters associated with the comprehensive insurance of motor vehicles will remain unaffected by the amendments.

Consistency with fundamental legislative principles: in the development of the provisions a number of fundamental legislative principles, or FLPs, have been raised. I would like to briefly discuss a number of these matters and the issues that have been raised; firstly, reducing the state's exposure to liability on QPWS lands.

The Office of the Queensland Parliamentary Council, OQPC, has advised that the proposed amendments are inconsistent with the FLPs outlined in the Legislative Standards Act on the basis that they provide immunity to the state from a proceeding without adequate justification and fail to have sufficient regard to the rights and liberties of individuals. OQPC considers that the provisions in the Civil Liability Act with regard to dangerous recreational activities, as well as those provisions currently within sections 142 of the NCA, are adequate without the additional measures included in these amendments. The Queensland government considers these reforms to be justified on the basis of the dramatic increase in personal injury claims and compensation paid over the past decade. Even when signs provide a warning to visitors, claims of negligence have been brought against the state. Given the government's commitment to extend access to national parks and other areas for recreation and commercial purposes, there are increased potential risks that the state will be exposed to large personal injury claims. This trend towards increasing claims demonstrates that reliance cannot be placed on the existing provisions of the CLA to minimise the liability of the state for the present use of protected areas under the NCA, let alone the wider variety of uses that may result from the policy direction of the Queensland government to encourage access to lands managed by QPWS.

Consideration of other policy options was undertaken, but it is simply not possible to put in place management practices that sufficiently reduce the risk of an incident occurring on a protected area due to their high degree of unpredictability and the costs associated with attempting to implement such management practices. In addition, many of the risks are the very reason why people visit these places in the first place: to test themselves and to seek adventure.

Providing for the creation of SMAs under the NCA: the process through which an SMA is established and ends has been identified by OQPC as inconsistent with FLPs. The basis of this FLP is that the chief executive is able to override a decision of parliament to declare an area as a national park. OQPC's concern is that parliament, in declaring an area to be a national park tenure, intends that the management principles of a national park are applied. The chief executive, by placing an SMA over a national park without reference to parliament, is enabling contrary management principles to apply to this area. The justification for this approach is that it is the only option that meets the government's policy objective of creating an operationally efficient and flexible approach to park management that will enable (a) an improvement in the management of national parks; and (b) a reduction in regulatory red tape. All other options would either reduce the capacity of park managers to effectively manage the park by requiring all actions to be consistent with the management principles of a national park or result in a process with an unacceptable level of administration. It should also be noted that the management principles of an SMA will be stated in the NCA for parliament's approval as part of this bill.

Streamlining management planning processes under the NCA: the amendments allow the minister to amend a management plan without complying with all aspects of the management planning process. The OQPC has identified these clauses as inconsistent with FLPs with regard to not having sufficient regard to parliament by allowing the exercise of administrative power in a manner that is unconstrained and not appropriately defined. In particular, the bill provides the minister with the ability to amend a management plan to reflect government policy changes without undertaking the full public notice process provided for under the acts. This approach is considered justified on the basis that it provides the only way the minister can amend a management plan to reflect government policy in a timely fashion without significant costs.

The OQPC has also raised a concern with the requirement that a draft management plan only be published on the department's website and not necessarily in other locations such as newspapers. This measure is considered appropriate on the basis that there is an increasing trend towards accessing all information online and that the breadth of access to this technology is now considerable. Also, it is a cost-effective way of disseminating information and it is consistent with the overarching policy intent of achieving improved resource efficiency.

CHAIR: Thank you, Mr Jacobi. Mr Clare, would you like to make a statement?

Mr Clare: Thank you, Mr Chair. My voice is not the best. Can the committee hear me alright?

CHAIR: Yes.

Mr Clare: Thank you. I am Geoff Clare and I am the executive director of Nature Conservation Services.

CHAIR: Just a second, Mr Clare. Members on the phone, can you hear Mr Clare okay?

Dr DOUGLAS: I can just hear him.

Mr BYRNE: Barely.

CHAIR: Townsville? We have lost Townsville, I think. Mr Clare, please continue.

Mr Clare: Certainly. Thank you, Mr Chair, and thank you to the committee for the opportunity to present the Environment and Heritage Protection portfolio provisions in this bill. If I might, by way of introduction, explain the interests of the department, the EHP, in the Nature Conservation Act. Essentially, it relates to the management of conservation outside of protected areas managed by NPRSR.

CHAIR: Just a second, Mr Clare; we may be out of order here. Mr Byrne, are you there?

Mr BYRNE: Yes, I am.

CHAIR: Thank you. Mr Hathaway?

Mr HATHAWAY: Yes. It was me who dropped off. I pressed the wrong button.

CHAIR: Thank you. Dr Douglas, you are still there?

Dr DOUGLAS: I am here, Chair.

CHAIR: Thank you. Sorry, Mr Clare. We are legal.

Mr Clare: Thank you. I will summarise that again: the interests of the department in this bill or, more generally, the Nature Conservation Act include the management of conservation outside of protected areas managed by NPRSR, the acquisition and revocation of protected areas managed by NPRSR and the department also provides specialist enforcement services to the departments that are responsible for the Nature Conservation Act. There are four amendments that Minister Powell is sponsoring through this bill. I will just briefly summarise each of those and then go through them in a bit more detail. The first is the creation of a new offence for selling marine turtle and dugong products, particularly meat, from commercial premises. The second is streamlining preparation processes for conservation plans under the act. A conservation plan is a form of subordinate legislation under the act. Third, providing a capacity for conservation officers under the act to present proof of authority when undertaking compliance actions at the first reasonable opportunity. Also, broadening restrictions on the provision of false, misleading and incomplete information, particularly in relation to applications made under the act. I will go through each of those in a little more detail.

The first, in relation to turtle and dugong: the bill creates a new offence for selling meat and other products sourced from dugong and marine turtles from commercial premises. It is currently an offence to sell such products in general, but the bill introduces a new higher sanction for sale from commercial premises. For the purposes of the offence, a commercial premises essentially means a

restaurant. It will not include a public place where the selling or giving away of those products only occurs from time to time in association with a public event, although such activities may still constitute an offence under the current law. This amendment would include giving such meat or other products away at a commercial premises if the giving away constitutes part of the business operations at that premises. The new offence provisions will apply regardless of whether the dugong or marine turtle from which the meat or other products were sourced had been initially lawfully or unlawfully taken, for example, harvested from the wild. This provision, I would emphasise, is not meant to apply to trade undertaken on the basis of traditional custom or for that trade not occurring from commercial premises.

The second amendment relates to the preparation of conservation plans which, as I said, are a form of subordinate legislation under the act. Currently, the act requires two rounds of public consultation on both the making of a conservation plan and also the amending of a conservation plan. The bill proposes that requirement be removed and that the preparatory processes for conservation plans be amended to parallel that which would apply to the making of an amendment of regulations more broadly. Following this amendment, the extent of consultation to be undertaken on a conservation plan will be determined by the extent of the proposed amendments. That will generally be determined through the regulatory assessment process that applies to the making of any new regulation and the office of best practice regulation will assess the extent to which the proposal has implications for government, business or the community and require an appropriate process. This can range for major pieces of legislation from a full regulatory impact statement process with extensive consultation to a lesser process whereby consultation may only happen across government or with targeted groups of stakeholders. This amendment, as I said, brings the consultation process into line with other regulatory processes.

Section 120H of the act will enable the minister to prepare or require a conservation plan for any native wildlife, class of wildlife, native wildlife habitat or an area that is in the minister's opinion an area of major interest, that is, the minister can decide that a particular species or activity requires a regulatory framework around it and require the making of a conservation plan in respect of that matter. That is, broadly speaking, the power that the minister currently has. Currently, the act enables the minister to require the department to undertake the making of a conservation plan but may also require another party from outside of government to make a conservation plan or to pay for its preparation. Generally, that provision is intended to apply where a conservation plan or the subordinate legislation that it provides is for the immediate and sole benefit of an individual, for example, where harvesting of a protected species of plant under the act was required to be authorised under a conservation plan and it only related to a specific property, so the benefit would flow to an individual person. Because under the bill the public consultation processes would not be mandated, it is intended that this bill places a requirement on the minister to be satisfied that, before proceeding to require another party to prepare a conservation plan or to pay for a conservation plan, the minister must be satisfied that that course of action is appropriate and provides greater protection for individuals in that situation.

The third amendment was in relation to proof of authority. This amendment will provide the opportunity for conservation officers under the act to provide proof of authority at the first reasonable opportunity where it is not practical to do so before exercising power. Under the NCA, there is currently no provision for proof of authority to be established after a power is exercised in relation to a person and, in some instances, it may be impractical to exercise this power in advance of the enforcement action. The bill will enable a conservation officer to present his or her identity card for inspection at the first reasonable opportunity if not practical to first produce their card for inspection before exercising any power. This issue has relevance in cases of investigation enforcement were enforcement letters requiring information are sent to individuals suspected of having committed an offence which could have otherwise been addressed at the time the suspected offence was occurring. An example of such a situation might include a vehicle owner who has been observed driving on a restricted access track within a protected area. Such an amendment will allow the admissibility of any information provided in response to such an enforcement letter if the conservation officer had not presented his or her identity card for inspection prior to the delivery of that letter. Under the current act, the strict interpretation could prohibit the admissibility of any information gathered through such means if an identity card had not been presented in advance of the enforcement action.

The final amendment under Ministers Powell's sponsorship is related to the provision of false, misleading and incomplete information. Currently it is an offence under the act to provide false, misleading and incomplete information to a conservation officer. The bill will require that persons submitting documents, including applications made electronically, for authorities under the Nature

Conservation Act to the relevant departments or to officers of the relevant departments who are not conservation officers must not contain information that the person knows is false, misleading or incomplete. Conservation officers are appointed under the act and not all staff of those departments are conservation officers. The broadening of this provision beyond conservation officers acknowledges that a significant proportion of permit and licensing application processes are now conducted online rather than through conservation officers in person. Clause 81 amends section 158 of the NCA to insert a new offence of giving a document containing information that the person knows is false, misleading or incomplete in a material particular to an authorised person unless the person informs the authorised person the extent to which the information is false, misleading or incomplete. This broadens the scope of providing information to include any information provided to the department and those acting on behalf of the department. Consequently, the inclusion of a new offence raises a fundamental legislative principle and requires that sufficient regard be given to the rights and liberties of individuals. The new offence retains the maximum penalty of 100 penalty units and is necessary to improve the proper administration of the NCA by responding to the increasingly common manner in which a person may provide information to the department, including by way of online application.

The new offence places a greater onus of responsibility on individuals to check information before it is passed on to an authorised person. A penalty may apply in cases where due diligence has not been carried out and false, misleading or incomplete information is consequently provided. In the context of the fundamental legislative principle raised by this new offence, I draw the committee's attention to the provisions that require that the prosecution would still be required to prove that a person knew the information was false, misleading or incomplete and in a material particular.

CHAIR: Dr Young, I apologise. After Mr Jacobi finished, I should have turned to you to see whether there was anything you wanted to add to his statements.

Dr Young: No, there is nothing I wanted to add, thank you.

CHAIR: In that case, we will move to Mr Underhill.

Mr Underhill: Thank you, Mr Chair, and thank you to the committee for providing the opportunity to address you this afternoon. I will provide a few brief comments about the role of the Department of Agriculture, Fisheries and Forestry and the minister in terms of sponsoring the amendments in this bill to the Forestry Act. Under section 46 of the Forestry Act, the Department of Agriculture, Fisheries and Forestry is responsible for the commercial harvesting of native timber and other forest products as well as quarry materials on state forests and timber reserves. So we have joint responsibilities between our department and the Department of National Parks, Recreation, Sport and Racing. Of course, DNPRSR has custodial responsibilities for state forests and timber reserves.

The Minister for Agriculture, Fisheries and Forestry is also responsible for the oversight of the 99-year plantation licence issued to HQPlantations Pty Ltd under section 61Q of the Forestry Act. The plantation licence grants HQPlantations Pty Ltd exclusive rights to manage, harvest and re-establish plantations on areas of state forest declared as state plantation forest. As such, the Department of Agriculture, Fisheries and Forestry provided a supporting role in the development of the bill in relation to those amendments to the Forestry Act relevant to its forestry business, and the Minister for Agriculture, Fisheries and Forestry has sponsored these provisions in the bill. In particular, these provisions included the grandfathering of the timber reserve tenure from further use and the protection of the state and nominated officials from civil liability in the management or operation of the state forest and timber reserve. This provision in the Forestry Act is consistent with the amendments being made to the other acts related to the management of land managed by the Department of National Parks, Recreation, Sport and Racing that were outlined earlier by Mr Jacobi.

Also, the bill provides the same level of protection as that given by the state to HQPlantations in respect of the exercise of certain powers and functions delegated to them under the Forestry Act as part of the plantation licence—that is, where HQ plantations and its employees stand in the shoes of the state. As part of the plantation licence, HQPlantations was granted delegated powers to issue recreation and commercial permits on plantation licence areas to allow it to manage public access on plantation licence areas alongside its commercial plantation timber operations.

HQPlantations also employs plantation officers who are appointed under the Forestry Act. The act under section 18A empowers plantation officers to exercise very specific operational duties and responsibilities in relation to plantation licence areas such as directing a person on a plantation

licence area to stop committing an offence against the act, requiring the production of a licence, permit or other authorisation and other certain powers in relation to fire management. As such, the amendments to the Forestry Act in the bill extend the protection from civil liability provisions to the minister, the director-general, authorised state employees, authorised delegates including HQPlantations employees and authorised volunteers including HQPlantations authorised volunteers.

CHAIR: We have plenty of time now for questions. If members on the phone have a question, please simply state your name and I will come to you as soon as it is you turn. I open it up for questions.

Ms BATES: Thank you for your presentations. This question is probably directed more to Jason. We all recall the damning Auditor-General's report back in October 2010 which clearly showed that only 17 per cent of our protected areas actually had management plans. The then member for Ashgrove, Kate Jones, was quoted as saying that formal plans for every national park would cost up to $60 million and take more than 30 years. For those of you who are not aware ,the Springbrook World Heritage management area is in the electorate of Mudgeeraba. I am wondering particularly about the World Heritage management area that is now going to be abolished. Is this in relation to the lack of outcomes not just for the fact that we do not have a management plan in Springbrook but also under ARCS restoration agreement that it is being abolished. Is that one of the reasons?

Mr Jacobi: I thank the member for Mudgeeraba for the question. It is important to clarify that the World Heritage status of Springbrook remains under the Commonwealth legislation and that the World Heritage management tenure class that exists under the Nature Conservation Act is being abolished because there is no need for the duplication that would exist between the two. In relation to your question as to the status of the management plan for Springbrook, under the proposed arrangements the minister may decide to progress that management plan to finalisation or, alternatively, to replace it with a management statement, for example.

Ms BATES: So that would then go in under national parks. I notice here that the uses are for recreational use et cetera. You may or may not be aware of the oval in the settlement in Springbrook. Does that mean that by bringing it into national parks and encouraging recreational use that the residents of Springbrook will not have to fill out mountains of forms to have an organised game of cricket on the oval?

Mr Jacobi: The best answer to that question is that the government has made it clear that it is undertaking a scientific review of all national parks that were created since 2002, of which Springbrook oval is one, and that review will determine the best and most appropriate use for the Springbrook oval. Depending on the types of activities that the community wishes to hold on that oval, some of them may not be consistent with a national park tenure and therefore the scientific review would provide the opportunity to consider those types of activities along with the natural and cultural values of that particular site and determine an appropriate tenure for that particular location.

Ms BATES: I have a quick follow-up question. You mentioned the funds that the government will potentially save if we are not being litigated for stupid things that people do in national parks even when the signs tell them not to. Can you give me an example of how much we would ordinarily have to pay in a year for litigation? Obviously if you have to take it on notice I will understand. My real question is: will the savings from not being sued go back into infrastructure, upkeep and management of tracks such as the Great Walk in Springbrook or Purlingbrook Falls?

Mr Jacobi: I will refer to Dr Young in relation to that answer.

Dr Young: In relation to the actual amount that we pay, I think I would take it on advice and check that we are legally able to provide that publicly because I am not sure that we can. So we will get our legal people to provide that information. In terms of where that funding sits, all those cases sit outside the specific budget of NPRSR. Our only budget is in relation to the amount that we pay for our civil liability coverage as insurance so the two things are not directly related.

Ms BATES: Thank you.

Mr BYRNE: My question is to Mr Jacobi. I have a number of questions so pull me up if I run too long. The object of the act is amended to be substantially greater now. You would think that these objects are going to at some stage compete or clash with each other. I am a little perplexed as to how the department or the management regime gets the balance of these competing objectives in terms of their on-ground impacts as well as the management of risk across a variety of profiles. Can you enlighten me as to any of that?

Mr Jacobi: I appreciate your question. There are a number of mechanisms that allow for different types of activities to be assessed and considered and those criteria exist within the Nature Conservation Act. They will continue to be used and there are assessment processes that often require a proponent to demonstrate that all reasonable and practical alternatives have been explored and exhausted before the department assesses and considers the activity that is proposed. Those assessment arrangements will remain.

The amendments to the object of the act maintain the cardinal principle for the conservation of natural and cultural values but acknowledge that there are other activities that occur or may occur on classes of protected area under the Nature Conservation Act. So my answer to your question is that the normal assessment and approval processes will continue to exist and be applied in consideration of any activity regardless of what it might be.

Mr BYRNE: Will the officers who are delegated to make such decisions be required to document their decisions?

Mr Jacobi: Yes, that is correct. All of our assessment processes are documented so that they may be considered by the appropriate delegate for that decision.

Mr BYRNE: Can I move on, Mr Jacobi, to the tenure issues and the tenure classes? You said earlier in your evidence that issues such as World Heritage management listings et cetera are not affected by such matters. I am concerned about the interaction between the national park estate and the Environment Protection and Biodiversity Conservation Act federally. There are automatic triggers when anything occurs on those sites that may present a risk to those sites. How is this act interacting with that federal legislation?

Mr Jacobi: Thank you for the question. This act does not in any way impact on the EPBC Act or the decisions that are subsequently made by the Commonwealth under the EPBC Act. If an activity were to occur on a protected area class, it would fall under the same assessment requirements as any activity that does now.

Mr BYRNE: Fine. When we talk about regional park areas, I notice the inclusion now of conservation parks into this category where the uses are now potentially mining, CSG and grazing. Is there a possibility that an area now currently considered a conservation park is going to be opened up to mining, CSG or grazing activity?

Mr Jacobi: Thank you for the question. I will take that question on notice.

Mr BYRNE: Right.

CHAIR: Anything more, Mr Byrne?

Mr BYRNE: I have a few more, but maybe someone else wants to have a shot.

CHAIR: We will come back to you shortly.

Ms BATES: This question is probably directed more to Geoff. In the past, despite many requests from me in opposition of the old department DERM, you may well be aware that there were structures that were removed in the $40 million buy back at Springbrook. I raised the issue at the time that a structure called Kanimbla, which was the oldest property in Springbrook, was demolished. I want to make sure that in any future process like that that the heritage value of these structures is retained. Springbrook Road for example is a heritage listed road. The suspension bridges are heritage listed.

It appeared when we were in opposition that the heritage value of these properties was not checked. I recall very clearly in *Hansard* where the former minister for environment said that there were no properties over 30 years of age in Springbrook yet people like Graham Hardy, who is now 75, used to play at Kanimbla when he was five. Is there a process with the new department that ensures that the heritage value of a property is actually assessed before anything like that happens again?

Mr Clare: Can I clarify that you are asking that question in relation to properties on protected areas?

Ms BATES: Yes.

Mr Clare: It is not the direct responsibility of EHP to deal with the properties that are on the protected area. That would fall more properly to my colleagues in NPRSR. We do have responsibility for heritage protection more generally. It would be my understanding and belief that there would be a requirement for any activities that occurred on protected areas to be consistent with the legislation as it applied more broadly. I do not believe that I can comment further than that at this stage because I am not familiar with the specific circumstances. The responsibility for potential heritage listed facilities on protected areas would fall more under NPRSR's responsibility.

Ms BATES: Obviously the department has been split since the change in government. I understand that you cannot comment on what happened with the former government. I would like to make sure that if that situation ever arose again we were not knocking down with a huge wrecking ball one of the oldest buildings of historic value in Springbrook.

Mr SHUTTLEWORTH: When we looked at the first tranche of this bill some time ago I looked at ecotourism facilities that are currently operating throughout the world. South African parks seem to be areas that featured very highly primarily because one of the key benefits of their undertaking was facilitating and empowering their local Indigenous peoples with the management of parks and ecotourism facilities and so forth to derive a long-term benefit across a number of areas. Do you see us being able to achieve those types of outcomes—that is, opening up our national parks to ecotourism—in any other way other than the method being undertaking now?

Mr Jacobi: I thank the member for Ferny Grove for the question. These proposed amendments do not materially reduce or change our ability to negotiate with traditional owners or Indigenous people about their level of access and use of protected areas, although those rights and opportunities remain and exist. You will note in the changes to the tenure classes national park Aboriginal land, national park Torres Strait Islander land and national park CYPAL have not been changed. They remain and stand as strong as they do today. Each of those pieces of legislation provide for the opportunities you have used in the example that exist in South Africa.

Mr BYRNE: Management plans are what I would like to talk about. I noticed earlier a reference by one of the committee members to the 17 per cent figure that came out of the Auditor-General's report in 2010. My understanding is that by the time the previous government left or was replaced, let us say, the number was approaching 46 per cent of national park estate covered by a management plan or its equivalent. What is the level of coverage of those types of plans presently in the national park estate?

Mr Jacobi: I thank the member for the question. I am pleased to advise that all of the national parks in Queensland are currently covered by a management instrument. That may either be a management plan or a management statement. It is our intention—and there has been a commitment given—to achieve a management instrument over all classes of protected area by 2015. We are well on track to delivering that.

Mr BYRNE: Can you provide to the committee a table of exactly what parks are covered by, whether it is a management plan or statement?

Mr Jacobi: I certainly can. I will take that on notice.

Mr BYRNE: How many staff are presently employed within the department on operational management plans? How does that compare with previous regimes?

Mr Jacobi: I do not understand how that is relevant to the bill that is being discussed today, and I defer to the chair on that question.

CHAIR: I am happy to take a question on staff—

Mr BYRNE: Quite simply, have there been any reductions or projected reductions in staffing as a result of stepping away from the management plan requirement?

CHAIR: Bill, I am not sure where that is relevant to the bill.

Mr BYRNE: Tell me exactly what the difference is between what is required for management plans and management statements—these management statements that are simply going to be replacing them? I can do a management statement in a half a page. What is the essential difference between a management statement and a management plan?

Mr Jacobi: Thank you for the question. The essential difference under the proposed amendments are that management statements inform and guide the way in which park management is undertaken on a protected area. Under the proposed amendments, a management statement can be prepared and therefore applied without going through the full process that is required for a management plan. The opportunity that that provides is that the department can prepare a document that clearly prescribes how a protected area should be managed and what should be done on that area to protect and conserve the natural and cultural values. It can do so without embarking on a full statutory process which, as you would be aware, involves rounds of public consultation and sometimes can significantly delay the preparation of a plan.

Mr BYRNE: I understand that. One of the issues to highlight from this is that there is no requirement now for public consultation on these measures, is that right?

Mr Jacobi: If the minister decides to progress with a management plan, which is a statutory document, then there will be a requirement to undertake a round of public consultation. That public consultation round provides the community with an opportunity to comment on what is proposed and to inform and advise the government about other matters that should be considered before the plan is finalised.

Dr Young: In addition, the management statements will be required to be publicly available. They will be accessible through the web.

Mr BYRNE: Thank you very much. Can I move on to the civil liability issue. I am a little perplexed about the advice that has been received or generated within the department regarding the risks of opening parks to, let us say, more dangerous, risky activities. My understanding of the law in its present shape is that it already allows quite substantially for contributory negligence to be considered in determinations in civil cases. I am a little perplexed, despite what I have heard so far and the minister's statement, as to, one, the necessity for this legislation, for this change and, two, whether it will stand up when it is tested ultimately by those who are likely to make a claim. Has the department undertaken a full-blown risk assessment of this notion of opening up parks to recreation and commercial activities? If so, is that available to this committee?

Mr Jacobi: I will get Dr Liz Young to answer that question.

Dr Young: There were about four questions in that. I might ask you to go through each part separately because I am not willing to try to recall exactly what each of the parts—

Mr BYRNE: I will need to make it really clear then. The department has obviously done an evaluation of the risks associated with opening the parks up to recreational or other activities that carry risk, is that correct?

Dr Young: A risk assessment was undertaken by the Queensland government based on its experience of increasing costs due to claims of negligence against the QPWS. On that basis and trend was where the risk assessment was undertaken. If you start from the premise that we have been exposed to increasing risks over the last 10 years and the quantum has more than trebled—

Mr BYRNE: That is irrelevant. The premise is that the Queensland Parks and Wildlife Service has been found to be negligent by an officer of the court, by a judge. That determination is appropriately made independently. I find it ironic that because you have increasingly found yourself to be at risk that now we are going to try to legislate that process away. What advice, other than increasing liability, which one would think given the proposals within this legislation are going to grow exponentially, has the department considered in framing this legislation?

Dr Young: Without going into the details of some specific cases that have been considered, issues such as having a sign but that sign not being clear enough have been raised and have been the basis of claims of negligence against the state. At least part of the basis for these provisions is to address that kind of concern.

Mr BYRNE: Hold on. A court is the appropriate place to look at contributory negligence. There is already substantial case law and legislation that supports that. If the individual is entirely negligent there would be no cost to the state. The state is trying to wash its hands of its responsibility by this legislation.

CHAIR: Bill, just let Dr Young answer the question, please.

Dr Young: In response to that, it was a direction of the Queensland government. It made a choice to legislate for this. That is a matter of policy. We have given the explanation as to why the government has requested this be reflected in legislation. I do not think I can answer the question any further unless there is a question about how it functions rather than why which is appropriately a matter for the government not the department.

Mr BYRNE: Will these amendments operate to restrict liability only to people who are considered to be negligent or reckless or do they apply to everyone?

Mr SHUTTLEWORTH: I think it was outlined previously that there are exclusion areas where this does not exist. Those points are already in the legislation, Bill.

Mr BYRNE: So this legislation does not preclude people from suing, is that correct?

Dr Young: No. There are specific circumstances outlined in the act. For example, we are responsible for the management of a track or something that the QPWS has built. One of the primary areas that it looks to exclude is where there is an act of nature, which the department is unable to manage for whatever reason. They are the kinds of activities that have been targeted for these provisions.

Mr Jacobi: If I can add, these provisions have arisen because of actions that have been taken against the state by individuals. The point that I made earlier was that regardless of how many signs the state erects to inform individuals of the danger, action is still being taken. It is not appropriate to comment on the legal outcomes or inherent liabilities of each of those actions. To answer your question, these amendments do not prevent any individual from taking action against the state, but where they do specifically address liability is that the state will remain liable and responsible for—as I mentioned before—assets or structures or fixtures that it builds. If we build a lookout or if we build a bridge and we maintain that fixture or structure, there is an expectation in the community and from members of the public that when they stand on it, it will not fall down. Those issues remain. There is also—and there should be—a reasonable expectation that when we undertake, for example, a planned burn program or a feral animal shooting program, that we adequately inform and notify the public of those activities and that we take due care and attention to ensure that when those activities are done, they do not result in an injury to a member of the public. We accept and honour those responsibilities under these amendments. But as I mentioned before in the introductory speech, the amendments allow for greater flexibility and remove the need for the state to erect a sign at every location in a national park where there may be a possibility of an incident occurring, resulting in a proliferation of unnecessary signage all throughout our natural environments.

CHAIR: I am going to come back to you if you have got a few more, but I will just ask a couple of questions here myself.

I have a fairly large amateur beekeeping association in my electorate, and one of the matters that I need to talk to you about is: where beekeepers currently have permits or operations inside national parks, what occurs under the legislation now in that regard?

Dr Young: Under this legislation, at the time that those permits are up for expiry we can provide those beekeepers with an SMA for a controlled action for an existing interest. We can provide those beekeepers with an SMA to cover those particular areas so long as the keeping of those bees does not have a detrimental impact on either the cultural or natural condition of the area.

CHAIR: So when the existing permit runs out, it is able to be maintained?

Dr Young: Yes.

CHAIR: If they give up that spot, is there an opportunity for them to come back later or is it a—

Dr Young: No, it is gone forever.

CHAIR: So it is really a grandfathering clause that allows current operations?

Dr Young: And it is primarily directed towards those people who find that they have an existing interest on an area that the government would like to become national park and to provide a mechanism that allows that interest to continue as long as it does not have a negative impact on that park. At the time that they walk away from that interest, whatever it happens to be, then that sort of natural claim to that area we consider to have gone. If you decide that you want to leave the apiary site and not have the permit renewed, then it is gone forever and it becomes part of the national park and it cannot be reactivated.

CHAIR: Similarly for state forests?

Dr Young: For state forests it is the normal process.

CHAIR: It will not change?

Dr Young: This makes no difference to apiary permits on state forests.

CHAIR: Thank you, that is fine.

Ms BATES: Just going back to abolishing the World Heritage management area, you mentioned, of course, that we are now doing that because it duplicates the Commonwealth regarding that and also enlivens the EPBC if something occurs. Just for the benefit of the hysterics on Springbrook Mountain—particularly those who do not live there, such as Gecko—I have consistently said that in the Springbrook World Heritage area there will be no logging, and there has not been any in Springbrook for over 30 years. There is no cattle grazing there, and the minister took action earlier this year for those areas where cattle needed to have some grazing because of drought. We have also had the issue of the threat of CSG mining, and my understanding is there is no CSG on Springbrook Mountain anyway. Would you be able to just definitively say that none of those activities will be occurring on Springbrook Mountain?

Mr Jacobi: I can conclusively confirm that there is no intention for logging, grazing or mining on Springbrook National Park.

Ms BATES: Just one other follow-up question. Is there a management plan for Springbrook Mountain? Or do we just have to deal with the restoration agreement which, from the public's perspective in Springbrook, has not had any outcomes at all?

Mr Jacobi: I will take on notice the date and the current status of the Springbrook Management Plan. It is important to distinguish the difference between the two: the restoration agreement with the Australian Rainforest Conservation Society is a completely different instrument with a different intent than the Springbrook Management Plan would be.

Ms BATES: Thank you.

CHAIR: Mr Shuttleworth, do you have a follow-up on that?

Mr SHUTTLEWORTH: Yes, I do. Just in regards to the management of the message in regards to national parks, there is already evident in the media a fairly significant campaign of scare and rhetoric, let us say. But by looking at these tenure categories here, it seems fairly obvious to me that specifically around the national parks—so in my electorate we have the D'Aguilar National Park, Mount Nebo and Mount Glorious areas. I was from Mackay originally, so Eungella National Park and so forth up there—is it fair to say that none of those activities of mining or forestry would be undertaken within a national park area?

Mr Jacobi: That is absolutely correct.

CHAIR: Mr Byrne, if you would like to continue your questioning.

Mr BYRNE: A commercial operator is given a permit for whatever reason to operate on a national park, and an employee is injured undertaking their employment in the domain of the national park. Just to clarify what was said earlier, none of this bill or these amendments compromises the workers compensation rights of that employee?

Dr Young: Absolutely not.

Mr BYRNE: Is that correct?

Dr Young: Yes, that is absolutely correct.

Mr BYRNE: That is all, thank you.

Dr DOUGLAS: I have two questions and they are fairly simple. I will direct them to Mr Jacobi. I would like to know a little bit more about this public consultation process or the lack thereof. Is there any public consultation process, or is it purely optionally, or is it just removed altogether?

Mr Jacobi: To be absolutely clear, under these amendments if the minister should decide that a management plan is required and warranted for the national park, then one round of public consultation will occur. I will just explain that. The department would prepare a draft management plan on the basis of the best available information in relation to natural and cultural values, recreational values and socioeconomic values. That draft plan would be advertised and the community, as it does now, would have the opportunity to lodge submissions in relation to every aspect of that draft management plan. The department would then prepare submissions analysis, which details all of the comments that are received in relation to that draft plan, and then that submission analysis informs the preparation of a final management plan for that park. That is distinct from—

Dr DOUGLAS: I have an obvious further question, which I am sure you detect. You are saying that in no circumstances is there a situation where there is not a consultation process with regards to these management plans?

Mr Jacobi: No. There is a situation where there is no consultation process, and that situation would occur where the minister decides that a management plan is not required and that a management statement will suffice as the management direction for that park. So to be clear, if there is a national park, for example, but it is not considered necessary to prepare a management plan, for example, the issues and the complexity are not sufficient to warrant going through a public consultation process or a lengthy development of a planning process, then the department may, of its own volition, prepare a management statement. The management statement informs and guides rangers, scientists and professional officers in how that park should be managed, and there is no public consultation process required for the development of a management statement under that circumstance.

Mr SHUTTLEWORTH: But that is publicised?

Mr Jacobi: Yes.

Dr Young: Can I just add a point of clarification. Under the changes to the act, a management statement is required if there is no management plan. It is a requirement to have either a management statement or a management plan. If there is a management plan, then it has the additional consultation and other processes.

CHAIR: Mr Hathaway, is your question a follow-up to this?

Mr HATHAWAY: Yes, it is a follow-up just in regards to management statements. But the legislation does not preclude the minister from giving direction to the department to seek public consultation in the form of a management statement; is that correct?

Dr Young: That was not a scenario that was anticipated, but there is nothing in the legislation that would preclude that. My expectation would be that if such a need for public consultation was identified by the minister, then the legislation is established to allow that to go through a management planning process which—

Mr HATHAWAY: By way of follow-on question, if I may. Therefore, if the minister during his decision-making process has to decide whether a particular protected area requires a management plan, he may seek public consultation in the formation of its management statement to help inform him of his decision?

Mr Jacobi: One would expect that the minister, in deciding which park should be a management plan, would certainly take on board the level of community interest. So if representatives of the community advocated strongly that a management plan was important and that it was more important than just having a management statement, then you would expect that the minister would consider that in his final decision.

Mr SHUTTLEWORTH: Just to seek final clarification: but a statement then is made public?

Dr Young: Yes, it will be available on the web.

Mr SHUTTLEWORTH: So if that were to occur and there was an increased level of public interaction, let us say, with the department and so forth, it is quite plausible then that the minister could say, 'Okay, we have undertaken a statement, but clearly there is an increased public awareness or a public interest', and therefore undertake from that point forward then to do a management plan?

Dr Young: Yes, and the advantage of that is that while the management plan is being prepared, the park still has a management statement to assist in management decisions.

CHAIR: Go ahead, Mr Krause.

Mr KRAUSE: I just had two questions. Firstly, the change to the act which provides for a commercial tourist use in national parks alongside the other purposes as well, in giving a permission or a permit for such operations to take place, do you know if there is any ability to condition those permits to allow for maintenance of national park areas? I ask the question because one of the issues we have had in national parks in my area over the last few years is the lack of maintenance and weed management—pest management in particular—and I wondered whether there was any scope to allow that to be undertaken by commercial operations, for example, tourist operators, as a condition of their permit?

Mr Jacobi: I thank the member for Beaudesert for the question. There is plenty of scope for that to occur now, and many of our commercial agreements or permits with operators actively allow for those operators to do a range of activities: from collecting litter on the beach, to pulling weeds in some locations. Many of them do it as a voluntary exercise. It is not often that we find ourselves having to make it a condition of their agreement, because it is often a voluntary and important contribution to the maintenance and management of our estate.

Mr KRAUSE: My other question was in relation to the acquisition of land for national park estate. Is there any change to the criteria for the acquisition of that land?

Mr Clare: Not as a consequence of this bill. There is, as was referred to earlier, a review process for lands that have been gazetted as protected area in the last 10 years. That process has a scientific methodology associated with it. But there is certainly consideration being given to the future criteria for purchasing of national parks and protected areas. That is essentially a policy matter for the government rather than anything that is prescribed in legislation. But the bill itself makes no change to that acquisition prioritisation process.

Mr KRAUSE: Thank you.

CHAIR: I have a question and this goes specifically to clause 72, which provides that a minister does not need to invite submissions on amendments to a management plan if the amendments are to ensure consistency with state government policy. Could you give some examples where that might not be the case? Where would that otherwise occur?

Dr Young: Which way around do you want the example?

CHAIR: Can you give us an example where an amendment may not be consistent with government policy?

Dr Young: So what you are asking for is where we might have a management plan and government makes a change in policy and then we would want to translate that into the management plan itself?

CHAIR: In that instance, as I understand it, if it is consistent with government policy, it can be done.

Dr Young: It can be brought in.

CHAIR: I am struggling to understand where that may not be the case. Where would a change occur where it is not consistent with government policy?

Dr Young: What could happen—and I will give you a nice non-contentious issue to make it a bit simple—is that, say, as part of our procurement policy we decided that all signs now had to go from being five-metres high to seven-metres high. At the moment the way that the planning process is established is that if we want to translate that into a management plan it has to go through a full process—through a consultation process and all of those other things—to enable that to happen. So we have a choice: we either have a management plan that has things in it that are inconsistent with government policy or we have to go through a significant process to make that change. So that is where, with something that is really quite pedestrian, you could end up having inconsistency between a management plan and government policy.

CHAIR: Mr Byrne, do you have any follow-up questions or would you like to add any more?

Mr BYRNE: No thanks, Chair. I am done.

CHAIR: Dr Douglas, do you have any questions you would like to ask? He must have dropped out. Mr Hathaway, do you have any other questions you would like to ask?

Mr HATHAWAY: No. I am good thanks, Chair.

CHAIR: Mr Krause, is there anything you would like to ask?

Mr KRAUSE: No, thank you.

CHAIR: Mr Shuttleworth? Ms Bates? No. I have a follow-up question. This is to do with the special management areas and resource use areas. The bill allows the chief executive to declare a special management area over a national park to allow activities that are inconsistent with the management principles for national parks. What will the chief executive consider before declaring a special management area?

Dr Young: I think it is important that before answering that question we go to the management principles of a special management area, which allow for something to be inconsistent with the management principles of a national park but the natural and cultural values of an area would still have to be taken into account. So the specific circumstances will dictate what the chief executive would have to take into account. For example, there is an area that is of scientific interest, and at the moment we allow all sorts of things to happen of a scientific nature—and that might be around manipulation of species and things like that—on areas that are currently under national park (scientific). To allow that sort of activity to happen in the future—we might find that we want to assess some breeding patterns of wombats and we need to manipulate the environment around the wombat to discover what sort of food encourages it to reproduce, because that is actually quite a significant issue—what the chief executive would be taking into account in making that assessment would be around scientific research. So, depending on the specific circumstances of the special management area, in that instance it would be the scientific validity of the research question.

In other examples, if we are looking at it as a management tool—so, say, we are looking at managing a particular weed and we need to do something that ends up having a more significant environmental impact than ordinarily to manage that weed—then that would be what the chief executive would have to take into account. That is the reason why the language around recognising the ongoing environmental and natural values becomes significant because in making that

assessment it is not as if the chief executive is saying, 'I will set aside all consideration of the normal management principles of a national park.' It is around that very specific thing and saying, 'We want to enable this to happen,' and then the conditioning around the special management area—the sign posts—will be very explicit that this area is being used for this reason.

CHAIR: So the opportunity for public consultation in specific circumstances exists. It is not out of the question.

Dr Young: It was not contemplated because it is primarily a management tool. If the chief executive decided that public consultation was warranted, then there is nothing to stop public consultation taking place. But for a lot of these decisions they might only be affecting a small amount of land. They might be issues for which public consultation is not appropriate—say, for example, a scientific project where engaging in public consultation might be nice, but it is very difficult to see how public consultation would be an effective use of time and resources for both the state and the people having input.

CHAIR: Thank you. I appreciate that. Are there any further questions from committee members?

Ms BATES: I have one quick one. Just to follow up on the Auditor-General's report in October 2010 when only 98 out of 576 protected areas had management plans, the quote at the time was that it was going to cost $60 million or take more than 30 years to enable that to happen. So what changed in that two-year period from 2010 to 2012 that enabled the majority of them to now be covered?

Mr Jacobi: I will take that question on notice.

Ms BATES: Sure. Thank you.

Mr KRAUSE: I have a question about the new tenure classes and the management principles. Would the changes to the tenure classes lead to any current national parks being reclassified to a different tenure?

Dr Young: No. In terms of the transfer, based on that table that you have, if it is a national park, a national park (scientific) or a national park (recovery), all three of those tenures, under the way this bill will operate, will automatically become national park. Areas that are conservation park and resources reserve will automatically become regional park.

CHAIR: Thank you. If there are no further questions, we have a little bit of time. I am simply going to ask if there is anything that you would like to convey to us that we have not already asked or that through our questioning has prompted you to clarify something? I would certainly encourage you to make a closing comment in that regard.

Mr Jacobi: I thank the chair for the opportunity, but I think we are satisfied that the questions have sufficiently interrogated the proposed amendments, and I have nothing further to add.

CHAIR: Mr Clare?

Mr Clare: No. I am in the same boat.

CHAIR: Mr Underhill?

Mr Underhill: No, nothing from me. Thank you.

CHAIR: If that is the case, then we have probably exhausted our level of knowledge at this point in time. I just remind you that we will need to receive the answers to questions taken on notice by close of business on 9 September, please. We have noted five questions taken on notice, Mr Jacobi. The transcript will clarify those for you.

Mr Jacobi: Thank you.

CHAIR: The committee intends to publish the transcript of today's proceedings, unless there is good reason not to. I thank Mr Jacobi, Dr Young, Mr Clare and Mr Underhill. I declare this briefing closed.

Committee adjourned at 4.09 pm