

Nature Conservation and Other Legislation Amendment Bill 2015 – Amendments During Consideration in Detail

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	Member: Mr Bennett MP.
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Explanatory Notes

Amendments During Consideration in Detail (by Stephen Bennett MP)

Title of the Bill

Nature Conservation and Other Legislation Amendment Bill 2015

Policy Objectives of the Amendments

The proposed amendments to be moved during consideration in detail amend the Nature Conservation and Other Legislation Amendment Bill 2015 (the Bill):

To amend the commencement provision so that the Act will commence by assent, rather than a day to be fixed by proclamation.

To bring common sense and much needed fairness to otherwise regressive legislation that will strip rights from leaseholders and deny the right of appeal while setting a precedent in giving sole discretion to the Director General or Chief Executive. No other Act has this provision. No other Act gives sole discretion to the Director General and no other Act has the fundamental right of appeal removed.

To remove dangerous precedent that goes against fundamental legislative principles. Specifically, the Government's proposed amendments to the Land Act contained in Clauses 39 and 43 of the Bill would destroy rights and liberties of individuals and families who wish to continue with their grazing operations.

These amendments needed because the Government has said no to any further assessment or public consultation – and no Regulatory Impact Statement.

These amendments, which include the removal of Clauses 39 to 42 of the Bill, will preserve the status quo for rolling-term leases and preserve the right to renewal of leases.

Achievement of Objectives

The policy objectives will be achieved by amending the Bill. This will result in the Bill commencing by assent and provide protection and some certainty for grazing families and their businesses and eco-tourism businesses whose rights would otherwise be destroyed. The amendments will also maintain the status quo on the broader community uses for conservation areas.

Notes on Provisions

The amendments, which include the removal of Clauses 39 to 42 of the Bill, will preserve the status quo for rolling-term leases and preserve the right to renewal of leases.

The amendments will improve the rights of leaseholders; ensure that access to national parks is preserved for educational purposes; and also for eco-tourism operations.

Amendment to Clause 2 will ensure the changes to the renewal of leases will take effect on the ascent of the Bill and not be delayed to 1 July, 2016.

Amendment to Clause 4 will ensure access to protected areas for educational purposes and also for eco-tourism.

Removal of Clause 5 is necessary to expand on 'conservation of nature' as the sole object of Act - to include other activities as mentioned above.

Clause 9 will be opposed and amended to provide for eco-tourism.

Clarification is sought from the Minister that Clause 4, paragraph (8) that allows for indigenous management does, in fact, allow for a range of traditional activities such as hunting and fishing and specifically the collection of crocodile eggs.

While the Government's Bill seeks to change multiple pieces of legislation, these amendments will better protect the rights of individuals; provide common sense and fairness; ensure access to protected areas for educational purposes and also for eco-tourism.

The amendments will seek to ensure that indigenous Queenslanders are fully included in management of protected areas and their right to continue with traditional practices are not impinged.

Notes on Clauses

Amendment 1 amends Clause 2 so the Act will commence by assent.

Amendment 2 amends Clause 4 to ensure access to protected areas for eco-tourism and education.

Amendment 3 amends Clause 5 to allow amendment 4 to go ahead. Links to objectives of the Act.

Amendment 4 amends Clause 9 to allow educational and recreational activities consistent with the area's natural and cultural resources and values.

Amendment 5 after Clause 14 removes the consent requirement of the second Chief Executive in an application to extend the term of a rolling-term lease. The Chief Executive of NRM will manage the process.

Amendment 6 amends section 160 of the Land Act 1994 to broaden appeal rights in renewal of a term lease.

Amendment 7 preserves process 164C (under the Land Act) to ensure rolling-term leases in protected areas aren't excluded from the definition of 'rolling-term' leases.

Amendment 8 ensures rolling-term lease extension applications made before the commencement of the new laws are not subject to the consent of Chief Executive of the Department that administers the Nature Conservation Act.

Amendment 9 amends Section 160 of the Land Act 1994 to strengthen the right of appeal for a renewal application for a term lease.