



(FOUNDED 1930)

National Parks Association of Queensland Incorporated

Unit 10
Fortune House
Cnr Finchley & Black Sts
Milton 4064
(Not for postal purposes)

Telephone
(07) 3367 0878
Fax
(07) 3367 0890

POSTAL ADDRESS:
P.O. BOX 1040, MILTON CENTRE
QUEENSLAND 4064
Website: www.npaq.org.au
Email: npaq@npaq.org.au
ABN 60 206 792 095

Monday, 1 May 2006
Committee Secretary
Senate Environment, Communications, Information Technology and the Arts Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia



Dear Secretary,

I am pleased to attach a copy of the Association's submission to Department of the Environment and Heritage, Canberra about the shortcomings of the National Reserve System. Page 6 and 7 provides the more detailed costing information, which you asked for at the hearing on Friday 21st April 2006 to confirm the statements I made at this meeting. Please advise if you require this document in electronic form.

In addition I refer you to our email of the 15th March 2006 covering a submission by the Protected Estate Coordinating Committee (PECC) for which our Association provides secretarial assistance. An attachment to this particular email refers you to Growing Pains pdf, which was a workshop run by the PECC. On page 12 in Des Boyland's paper "The Current Situation" provides Park Management Expenditure on a per hectare basis, for all States, for 1998/99 and shows Queensland expenditure being less than ACT, NSW, Tasmania and Victoria. I realise this is not seventh out of eight States but the figures are for 1998/99 and not 2005. The values shown indicate Queensland is well below ACT, NSW, Tasmania and Victoria. Paul Sattler's paper at the same workshop, "An Evaluation of Queensland's Protected Area System in a National Context for Comprehensiveness, Extent and Standard of Management" quotes in his conclusions (page 18) that the results of his evaluation are of concern ranking Queensland seventh out of Australia's eight states and Territory jurisdiction. Queensland contains much of Australia's biodiversity and a new commitment is required by both levels of Government to put in place a protected area system that is fully representative of the State's biodiversity. This information supports my claims at the hearing and hence the need for more Commonwealth Funding for the National Reserve System and the Protected Area Estate in particular.

We thank you for your indulgence at the hearing and trust this additional information provides the answers you were seeking. Please advise if you are unable to source the Growing Pains pdf for these references.

Yours sincerely,

John Bristow, President.

**SUBMISSION ON
THE NATIONAL RESERVE SYSTEM
FEB 2006**



NATIONAL PARKS ASSOCIATION OF QUEENSLAND INC.

PO Box 1040, MILTON Q4064

CONTENTS

- The National Reserve System (NRS) is the appropriate vehicle for meeting Australia's obligations under the Convention on Biological Diversity (CBD). All jurisdictions should commit to meeting CBD targets and align all policy objectives to those targets. The NRS should include Marine Protected Areas and Regional Forest Agreement areas. 3
- Queensland shows poor progress to meeting CBD targets and Australia's biodiversity decline shows no sign of slowing. 4
- The NRS is the most appropriate, most effective way to meet Australia's CBD commitments. NHT funding should be audited to examine the comparative effectiveness of acquisition and land management approaches. 5
- The NRS is drastically underfunded. NHT should boost funding of the NRS to \$30M/year for Queensland disbursed on a 2:1 matching basis with partners. 6
- National standards are need to categorise protected areas by ongoing management cost. Funding the NRS should not be left to "user-pays" approaches. 6
- NRS inclusion standards should include connectivity, resilience and maintenance of ongoing ecological and evolutionary processes alongside the CAR principles. 7
- Many areas presently included in the NRS may not match inclusion criteria. A rigorous formal "listing" process is needed for inclusion of areas in the NRS. 7
- Summary of recommendations 11
- APPENDIX. IUCN assignments for Queensland's protected areas by CAPAD, by the Queensland Government, and as recommended by NPAQ. 12

The National Reserve System (NRS) is the appropriate vehicle for meeting Australia's obligations under the Convention on Biological Diversity (CBD). All jurisdictions should commit to meeting CBD targets and align all policy objectives to those targets. The NRS should include Marine Protected Areas and Regional Forest Agreement areas.

The Convention on Biological Diversity (CBD) requires Party states to "Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity"¹

The 6th conference of parties to the Convention on Biological Diversity in 2002 adopted a *Global Strategy for Plant Diversity* protection with important numerical targets:

- Target 4: At least 10 per cent of each of the world's ecological regions effectively conserved (noting grasslands, coastal and estuarine areas poorly represented. "Effective conservation" means managed to improve conservation status for plant species and communities.)
- Target 5: Protection of 50 per cent of the most important areas for plant diversity assured (through effective conservation measures, including protected areas).
- Target 6: At least 30 per cent of production lands managed consistent with the conservation of plant diversity.
- Target 7: 60 per cent of the world's threatened species conserved in situ.

CBD CoP7 (2005)³ adopted a decision on Protected Areas with targets, among which were:

- Target: By 2010, terrestrially and 2012 in the marine area, a global network of comprehensive, representative and effectively managed national and regional protected area system is established as a contribution to (i) the goal of the Strategic Plan of the Convention and the World Summit on Sustainable Development of achieving a significant reduction in the rate of biodiversity loss by 2010; (ii) the Millennium Development Goals - particularly goal 7 on ensuring environmental sustainability; and (iii) the *Global Strategy for Plant Conservation* (see above).
- Target: By 2015, all protected areas and protected area systems are integrated into the wider land- and seascape, and relevant sectors, by applying the ecosystem approach and taking into account ecological connectivity and the concept, where appropriate, of ecological networks.
- Target: All protected areas to have effective management in existence by 2012, using participatory and science-based site planning processes that incorporate clear biodiversity objectives, targets, management strategies and monitoring programmes, drawing upon existing methodologies and a long-term management plan with active stakeholder involvement.

Australia's CBD commitments are "rolled-out" through several key national policy instruments:

National Strategy for the Conservation of Australia's Biological Diversity 1996

set the following targets and actions:

- By 2000 complete development of a nationwide system of protected areas on public land, and waters, that are representative of the major ecosystems in each biogeographical region.
- By 2005 implement management plans for the protected area network.
- Action 1.4.1: Undertake a 10-year Commonwealth, State and Territory cooperative program, which includes the provision of adequate resources, to ensure that the terrestrial and marine protected area systems are comprehensive, adequate and representative.
- Action 1.4.2: Undertake a 10-year Commonwealth, State and Territory cooperative program to develop management plans for all protected areas.

¹ Convention Art. 8. See also Convention Art.2: "Protected area" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives. Conservation means the maintenance and recovery of viable populations of species in their natural surroundings.
(<http://www.biodiv.org/convention/articles.asp>)

² Decision VI/9 <http://www.biodiv.org/decisions/default.asp?lg=0&m=cop-06&d=09>

³ Decision VII/28 <http://www.biodiv.org/decisions/default.aspx?m=COP-07&id=7765&lg=0>

Australian Guidelines for Establishing the National Reserve System

- Laid out criteria for including areas in the NRS
- Set up the Bioregional and CAR frameworks for the NRS
- Did not set numerical targets or deadlines

National Objectives and Targets for Biodiversity Conservation, 2001-05

Target 1.2.2 By 2001, ANZECC to develop an action plan for the National Reserve System which includes targets for the protection and restoration of terrestrial ecosystems on indigenous-owned estates and private land.

Target 1.2.3 By 2005, a representative sample of each bioregion (as specified in the ANZECC action plan) is protected within the National Reserve System or network of Indigenous Protected Areas or as private land managed for conservation under a conservation agreement.

National targets do not incorporate explicitly the CBD targets.

All jurisdictions should commit to meeting the CBD targets and align policy objectives with CBD targets.

The *Directions Statement*⁴ observes that the NRS only applies to terrestrial biodiversity protection. NPAQ believes this is too narrow a focus to fully address CBD obligations. The appropriate scope for the NRS should include marine protected areas currently dealt with under the National Representative System of Marine Protected Areas and forests currently under the Regional Forest Agreements.

The NRS should bring both marine and forest protected areas into one system to improve coherence of planning and effectiveness.

Queensland shows poor progress to meeting CBD targets and Australia's biodiversity decline shows no sign of slowing.

Poor progress in meeting CBD obligations

- Less than 4% of Queensland's land area presently qualifies for the NRS.
- Queensland is building its National Park system. Over a million hectares are being added this year from former State Forests and the Cape York Tenure Resolution process. By end of 2006, broadscale land clearing will end, hopefully forever.
- Even at current rates of growth, however, Queensland will not reach even close to the 10% target of the *Global Plant Diversity Strategy* by 2010, even at the gross level of percent of statewide area.
- Protected areas in Queensland are far from comprehensive, adequate or representative. Only about 6.5% of the land area of all endangered regional ecosystems so far mapped in Queensland⁵ are inside protected areas (including Resources Reserves and excluding Nature Refuges). The ban on land clearing through the *Vegetation Management Act* does put an important layer of protection over the other 93.5% of endangered regional ecosystems. However illegal clearing discovered in the past year shows that the level of security required for the NRS is not yet in place. Also, there are other ways to degrade endangered regional ecosystems besides just clearing them and land clearing is only one of the threats to biodiversity in Queensland.
- Of Queensland's 19 bioregions, 11 are below 5% protected.⁶
- Queensland ranks 7th among the eight states and territories in comprehensiveness and

⁴ Natural Resource Management Ministerial Council (NRMMC) 2005. *Directions for the National reserve System- a Partnership approach*. Commonwealth of Australia. p. 14.

⁵ Large parts of western Queensland and the Cape have yet to be mapped.

⁶ Sattler P. 2006. An evaluation of Queensland's protected area system in a national context for comprehensiveness, extent and standard of management. *Journal of the Royal Society of Queensland* (in press)

standard of management (ibid).

- The proportion of the Great Barrier Reef in highly protected areas (IUCN I-IV) rose recently from 5% to 33% after research showed a need to exclude fishing from substantial areas to protect marine biodiversity.
- The Great Sandy Marine Park was proposed in 2005 with less than 4% set aside in highly protected areas (IUCN I-IV). Moreton Bay has less than 1% of state waters in highly protected areas.
- 60% of Queensland is state land under leasehold tenure mostly for livestock production in western Queensland. Leasehold areas of high conservation value could have been brought into the protected estate if current laws governing pastoral leases had been followed, which they have not.
- Only 23% or 96 of 417 EPA managed protected areas have management plans⁷

Threatened species register increasing not declining

Recent research shows that the three principal protections provided by the US Endangered Species Act have each had significant benefits for endangered species recovery.⁸

Unlike the US law, the EPBCA does not require regular monitoring and public reporting of recovery trends of listed species and communities and so no similar study is yet feasible for Australia.

Since the EPBCA was enacted, only four species all plants have been downlisted from endangered to vulnerable or from extinct to endangered/critically endangered. In contrast there have been 35 uplistings during the same period, in addition to 140 new listings of threatened species or communities.

Of the 10 listed species and ecological communities removed from the list under the EPBCA, not one was due to success of recovery programs. All were due to technicalities.⁹

No arrest of biodiversity loss is evident in these admittedly sketchy data.

The NRS is the most appropriate, most effective way to meet Australia's CBD commitments. NHT funding should be audited to examine the comparative effectiveness of acquisition and land management approaches.

The most effective way to halt biodiversity is to reserve areas protected from all major threats to biodiversity, primarily extractive uses and human settlements.

Renowned tropical ecologist John Terborgh recently noted the lack of science to support the present trend of policy makers away from "hard" reserves toward "soft" options like private reserves and "sustainably managed" lands. Other studies have shown private land conservation to be less effective than public protected areas for biodiversity protection.¹⁰

The Prime Minister's Science, Engineering and Innovation Council (PMSEIC) found that the National Reserve System is one of the most cost-effective means of protecting biodiversity. They estimated that \$300-400m would achieve 80% protection of the full range of regional ecosystems, save 14,700 native species and return other benefits of the order of \$2,000m.¹¹

Improved land (and sea) management practices may benefit biodiversity protection and in many cases may be the only realistic option. However the evidence to hand suggests that it is may not be as effective as acquisition into the NRS.

⁷ Queensland Parliament, question on notice 864 26/5/2005.

⁸ M. Taylor, K.F. Suckling and J.J. Rachlinski. 2005. The Effectiveness of the Endangered Species Act: A Quantitative Analysis. *BioScience* 55, 360-367.

⁹ <http://www.deh.gov.au/cgi-bin/sprat/public/publiclistchanges.pl?proc=delisted> accessed 13/2/06

¹⁰ cited in Sattler 2006 *op.cit.*

¹¹ Possingham, H., Ryan, S., Baxter, J. and Morton, S. 2002. *Setting Biodiversity Priorities*. A paper prepared as part of the activities of the working group producing the report: Sustaining our Natural Systems and Biodiversity for the Prime Minister's Science, Engineering and Innovation Council in 2002. DEST: Canberra. P 9.

The Natural Heritage Trust (NHT) evidently thinks otherwise.

Since 1997, about 95% of NHT money has flowed into natural resource management mostly on private lands through programs such as Landcare and regional NRM, leaving slightly over 5% for building the National Reserve System. Unfortunately the NHT has done no analysis of cost effectiveness to justify its decision to funnel ~95% of funds to NRM instead of the NRS.

NHT outcomes should be audited to see if the assumption that NRM is more effective than funding NRS is justified.

The NRS is drastically underfunded. NHT should boost funding of the NRS to \$30M/year for Queensland disbursed on a 2:1 matching basis with partners.

The mid-term review of the NRS found:

"The NRS as a whole, including those areas acquired through the NRSP, constitutes an asset of substantial biological and economic value. The value of this asset is not currently reflected in funding for the management of parks and reserves, or in funding for their acquisition and creation. The NHT has provided a substantial boost to the level of funding available to the Program, nevertheless, the current level of funding is inadequate to achieve the goals of the Program."¹² (emphasis added)

*Of the ~\$2110M spent by the Natural Heritage Trust (NHT) from 1997 to 2005, only ~5% went to progress the NRS. Of that only ~10% was spent in Queensland.*¹³

Spending just 0.5% of NHT on building the National Reserve in Queensland is inadequate considering that Queensland has the highest percentage of bioregional area with high priorities for inclusion in the protected estate.¹⁴

Queensland ranks 7th among the eight states and territories in comprehensiveness, extent and standard of management of the protected estate.¹⁵

Queensland should become a priority area for NHT investment in building the NRS, and the NRS should become the core mission of the NHT with 50% of NHT funding going to the acquisition program and 20% of that or about \$30M/year to Queensland on a 2:1 matching basis.

National standards are need to categorise protected areas by ongoing management cost. Funding the NRS should not be left to "user-pays" approaches.

A major stumbling block to acquisition of National Parks is the uncertainty surrounding the ongoing management costs of acquired lands. Understandably, treasury officials balk at acquisitions which entail poorly-estimated future management costs. The states differ dramatically in level of spending per hectare, due to differences in management demands, showing that this is not a reasonable yardstick to use.

A national conference should be organised specifically to develop national standards for categorising parks by management cost so that all jurisdictions can build reliable, consistent estimates of ongoing costs into acquisition proposals.

NPAQ opposes efforts to devolve the obligation for funding the NRS program to the States or to "users", through "user pays" approaches like visitor fees and commercialisation:

¹² O'May, J 1999. Mid term review of the National Reserve System program. <http://www.nht.gov.au/review/mtrfinrpt/pubs/nrs.pdf&e=10384>

¹³ Figures from NHT annual reports and Queensland Environmental Protection Agency (EPA).

¹⁴ NLWRA 2002. *Australian Terrestrial Biodiversity Assessment*. Commonwealth of Australia.

¹⁵ Sattler 2006 *op cit.* and Sattler, P. 2005. *An evaluation of Queensland's protected area system in a national context for comprehensiveness, extent and standard of management*. Presentation to a workshop Growing Pains: managing a larger protected estate. Indooroopilly, 6 Apr 2005 http://www.npaq.org.au/Growing_pains_report.pdf.

- Queensland's EPA already collects visitor fees where cost-effective to do so. However, in most places it is not.
- A "user pays" emphasis for funding distorts the mission of the management agencies away from biodiversity protection toward fostering commercial tourism, which may undermine biodiversity protection obligations.
- Visitors are not the only or even the principal "users" of protected areas and National Parks. The far greater value of protected areas is the passive use and other non-market values. The capitalised full-spectrum use value of protected areas in Queensland is estimated at ~\$7 billion, non-timber forest resources ~\$162 billion and ecological services ~\$71 billion.¹⁶
- *Protected areas already provide a massive public benefit and the public have already paid for acquisition and management of protected areas through their taxes. The government is obliged to spend those tax dollars toward building a protected area system that meets international treaty obligations, using approaches that are proven to be effective through auditing, research and monitoring.*

NRS inclusion standards should include connectivity, resilience and maintenance of ongoing ecological and evolutionary processes alongside the CAR principles.

The CAR (comprehensiveness, adequacy and representativeness) principles have been criticised as minimalist and inadequate to protect biodiversity.¹⁷

With global warming in full swing and species on the move, there is a desperate need for "over-design" through "landscape-scale" protection, emphasising connectivity and ecosystem resilience to give native animals and plants a buffer against the coming stresses of global warming and burgeoning human settlements.

Another key principle left out of the CAR framework is maintenance of ongoing natural ecological and evolutionary processes.

For example: northern hairy nosed wombats are 100% represented in the NRS – because the Epping Forest National Park population is the only known extant population. The Epping Forest wombats are in danger of being just an ecological and evolutionary relic on the verge of extinction, until their habitat is restored (primarily through exclusion of exotic livestock) on a sufficient scale to give them avenues for expansion, ongoing evolution and natural ecological interaction with the original spectrum of natural resources, competitors and enemies.

NPAQ supports the presentations of The Wilderness Society and the WildCountry Science Council in this regard.

The inclusion criterion 4 in the NRS Directions Statement (p. 35ff) should expand the CAR principles to include connectivity, resilience and maintenance of ongoing ecology and evolution.

Many areas presently included in the NRS may not match inclusion criteria. A rigorous formal "listing" process is needed for inclusion of areas in the NRS.

The *Directions Statement* (p. 35) defines six standards for inclusion of an area in the NRS:

1. must be especially dedicated for the primary purpose of protection and maintenance of biological diversity.
2. must fit the one of the six Protected Area Categories of the IUCN¹⁸

¹⁶ Asafu-Adjaye, J; Brown, R; Straton, A. 2005. On measuring wealth: a case study on the state of Queensland. *Journal of Environmental Management* 75, 145–155

¹⁷ Nix, H. 2005. *Wildcountry: A civil society response to the challenge of the long term restoration and conservation of Australia's biodiversity*. Presentation to a workshop *Growing Pains: managing a larger protected estate*. Indooroopilly, 6 Apr 2005 http://www.npaq.org.au/Growing_pains_report.pdf.

¹⁸ Ia Strict Nature Reserve: Protected area managed mainly for science; Ib Wilderness Area: wilderness protection; II National Park: ecosystem protection and recreation; III Natural Monument: conservation of specific natural features; IV Habitat/Species Management Area: conservation through management intervention; V Protected Landscape/Seascape: conservation of a landscape/ seascape resulting from the interaction of people with nature conservation and recreation; VI Managed Resource Protected Area: the sustainable use of natural ecosystems.

3. must be managed by legal or other effective means with effective security of purpose.
4. must contribute to the comprehensiveness, representativeness and adequacy of the National Reserve System.
5. must be managed in a manner which is open to public scrutiny
6. must be able to be accurately identified on maps and on the ground

As mentioned, criterion 4 should be reviewed to include connectivity, resilience and maintenance of ongoing ecology and evolution.

IUCN protected area categories split into those that are not (I-IV) and those that are open to extractive resource use (V&VI).

Categories I-IV require agencies to "eliminate and thereafter prevent exploitation or occupation inimical to the purposes of designation" (*Directions Statement* appendix).

The *Directions Statement* (p. 36) qualifies criterion 2 by stating that category VI inclusions in the NRS:

- 2.1 Must not impact on the primary goal of biodiversity protection
- 2.2 Must follow ecologically sustainable development principles
- 2.3 Must be confined to a small part of the area

NPAQ believes that current practices of automatically assigning whole protected area classes to IUCN classes by both CAPAD¹⁹ and the Queensland Environmental Protection Agency inflate the NRS and misrepresent that true extent to which Queensland is meeting CBD obligations (Appendix).

Not all Queensland National Parks may qualify for the NRS

Some National Parks are meant to preserve non-living features, and so may not meet NRS criteria, which primarily address biodiversity protection.

Fishing is allowed in the fresh and marine waters of 56 National Parks in Queensland contrary to the IUCN category II definition of National Parks as areas free of extractive uses.²⁰

Worse, a number of these same parks are subject to annual fishing competitions (Fraser Island) and commercial fishing, even though such commercial activities are at odds with applicable law.

The Queensland Government investigated the extent of fishing in National Parks and set up a working group in 2000, but has not taken systematic action since then.

Fishing, especially commercial fishing, downgrades National Parks to the status of managed production areas like a pastoral lease, or like state forests where timber is harvested. Such areas do not qualify for IUCN VI (*Directions Statement* p. 36).

Fishing should disqualify all or part of these National Parks from inclusion in the National Reserve. Such National Parks do not qualify for the IUCN category II "National Parks" and may not even qualify for IUCN category VI. EPA does not systematically monitor the scale of impacts of fishing on National Park biota and fishing is not confined to small areas contrary to standards 2.1-2.3 cited above.

All tenures except freehold in Queensland are subject to Native Title rights which include traditional resource exploitation. However the level and pattern of use by traditional owners is unlikely ever to be un-sustainable or to disqualify areas from the NRS. However, a case-by-case approach involving traditional owners may be needed to ensure this does not happen.

More generally, a poor standard of management may disqualify some National Parks from the NRS, by violating the "security of purpose" criterion. Queensland is not doing too well on this

¹⁹ Collaborative Australian Protected Area Database (*Directions Statement* p 16ff).

²⁰ *Nature Conservation (Protected Areas) Regulation* 1994. Queensland legislation.

score. *National Land and Water Resources Audit* figures indicate that Queensland should get a "C" for standard of management of protected areas.²¹

Adequacy of resourcing and the work environment for Parks staff were identified as key problem areas in a recent workshop on the subject.²²

Under the Southeast Queensland and Wet Tropics regional forest agreements, Forest Reserves are a holding tenure on track to become a protected area. State Forests are administered under the Forestry Act. The Queensland Environmental Protection Agency currently assigns IUCN categories to both State Forests and Forest Reserves. However CAPAD, quite properly does not. The *Directions Statement* rejects the inclusion of State Forests in the NRS.

Local government conservation parks purchased through levies on property rates are one class of public reserve with potential for inclusion in the NRS that are not presently included, but could be included if shown to meet the standards.

According to CAPAD, 3.9% of Queensland's land area was in highly protected reserves (IUCN I-IV) in 2002. This was only 0.3% above the 1997 figure of 3.6%.

Taking into account some of the exceptions noted above, we have calculated using EPA spatial data that less than 4% of Queensland's land area qualifies for the NRS.

CAPAD 2002 listed 54% of state marine waters in highly protected areas. This overstates the case.

The three major questionable inclusions were "Dugong Protection Areas" where fishing and other harmful activities like speedboats can still operate quite broadly, "fish habitat areas" where fishing is actually encouraged and Marine Parks where less than 5% of area was in Marine National Park or highly protected zones in 2002 (Appendix). The rest was open to fishing and other extractive uses.

The Great Barrier Reef Marine Park has since increased that figure to 33%, over combined Commonwealth and state waters.

The Great Sandy Marine Park is proposed with less than 4% and Moreton Bay only has about 1% in highly protected zones.

Freehold reserves could qualify for the NRS while most "sustainably used" areas may not.

There is no reason a private reserve cannot be as good as a public reserve. If the title is covenanted for biodiversity protection and owners can show they have the ongoing funds to meet inclusion standards, then surely it should count in the National Reserve. This could represent value for money since government does have to spend tax dollars in buying and managing the place.

However, there should be a strict process for "listing" such reserves in the NRS and an auditing process to ensure that all reserves remain valid for NRS inclusion.

Nevertheless, NPAQ is concerned that there may be an effort to inflate the NRS by including non-state lands under various forms of conservation covenants or conservation/sustainable land management, through a weakening of criteria.

Present criteria (with some improvements as suggested above) should not be weakened.

In Queensland a lot of effort has gone in recent years to private protected areas. The EPA's Nature Refuge scheme and Voluntary Conservation Agreements (VCAs) by local governments may give

²¹ Sattler 2006 *op.cit.*

²² *Growing Pains* report *op.cit.*

some security through covenants that run with the title, but it is questionable that they meet NRS standards because:

- they do not have an adequate monitoring and auditing framework open to public oversight.
- there is usually a primary commercial use like cattle production, which may undercut the primary purpose of biodiversity protection and is usually over the entire or most of the area of the subject land, violating standards 2.1 and 2.3.
- there is no protection in perpetuity as these agreements are subject to change by mutual agreement between the government and the landholder.

A comparison and recommendation for assigning Queensland's public reserves to IUCN categories is shown in the Appendix.

There should be formal listing process for the National Reserve System arbitrated by an independent scientific panel. All protected areas would be considered by the panel on a case by case basis for meeting inclusion standards of the NRS.

Indigenous protected areas on Cape York have great potential

Large areas of former pastoral leases on Cape York are due to become Aboriginal land under an ongoing tenure resolution process. The present formula for tenure resolution is for 50% of land to become National Park and 50% to become Aboriginal land with high conservation value areas under Nature Refuge Agreements.

Aboriginal land on Cape York should be a focus area for investment in capacity building for Traditional Owners willing to declare and manage Indigenous Protected Areas. The budget should be increased to meet the potential.

The Australian government could help build the NRS by using the critical habitat provision of the Environmental Protection and Biodiversity Conservation Act (EPBCA).

Critical habitat has been shown to be effective for threatened species recovery under US law²³. The federal government has failed to implement the EPBCA with respect to declaration of critical habitats. Only five listed species have critical habitat.

Under the EPBCA, critical habitat would provide a significant layer of protection that might qualify designated areas for inclusion in the NRS in certain circumstances.

²³ Taylor *et al* 2005 *op.cit.*

Summary of recommendations

- Commitment by all jurisdictions to meet CBD targets and align policy objective to CBD targets.
- NRS should bring marine and forest agreement areas into a unified system.
- An audit of NHT funding for comparative cost effectiveness of spending on NRM versus NRS in meeting biodiversity protection obligations.
- 50% of NHT funds should go to the NRS and 20% of that to Queensland: or \$30M per annum to fund NRS acquisitions in Queensland on a 2:1 matching basis with partners (state, local government, indigenous and other land trusts).²⁴
- Development of national standards for categorising parks by management cost
- Sourcing of NRS funding primarily from the tax base, trusts and environmental levies rather than "user pays" approaches like visitor fees and commercialisation of reserves.
- Revise NRS standard 4 to add connectivity, resilience and maintenance of ongoing ecology and evolution as principles alongside CAR.
- A formal listing process and follow-up audit procedure, by which all candidate areas for inclusion, of whatever tenure, are checked by an independent scientific panel for meeting standards for inclusion in the NRS.
- Aboriginal land on Cape York should be a focus area for investment in capacity building for Traditional Owners willing to declare and manage Indigenous Protected Areas. The budget should be increased to meet the potential.
- A program of designation of critical habitats as required under EPBC with a view to listing in the NRS where appropriate.

²⁴ This is a reasonable split, since partners have to cover ongoing management costs. If the NHT were to fund management costs of NRS-listed areas then a 1:1 arrangement may be more reasonable. At the very least, NRS acquisitions funding should be increased to the PMSEIC recommendation of \$40M/year for six years for all of Australia, on the 2:1 matching basis. Possingham *et al.* 2002 *op. cit.*

APPENDIX. IUCN assignments for Queensland's protected areas by CAPAD, by the Queensland Government, and as recommended by NPAQ.

Legislation ²⁵	Protected area class	IUCN equivalent (CAPAD 2002)	IUCN equivalent according to EPA	Recommendation
Nature Conservation Act 1992	(a) national parks (scientific)	Ia	Ia/IV	Ia
	(b) national parks	II	II	Same, but exclude or count areas with non-conforming uses and fishing as VI
	(c) national parks (Aboriginal land)	II	II	Same, but exclude or count areas with non-conforming uses and fishing as VI
	(d) national parks (Torres Strait Islander land)	II	II	Same, but exclude or count areas with non-conforming uses and fishing as VI
	(e) national parks (recovery)	II	II	Same, but exclude or count areas with non-conforming uses and fishing as VI
	(f) conservation parks	III	III	Conservation Parks in Qld may allow fishing and livestock. If so they should be excluded or VI. ²⁶
	(g) resources reserves	VI (also II,IV)	VI	Exclude: Protection is secondary to use. NRS standard 1 not met.
	(h) nature refuges	Not included	?	Exclude: see text.
	(i) coordinated conservation areas	Not included	?	same
	(j) wilderness areas	Ib	Ib	same, but none in Qld.
	(k) World Heritage management areas	Overlaps other categories	same	same
	(l) international agreement areas.	Overlaps other categories	same	same
Forestry Act 1959 ²⁷	Forestry Scientific Areas	Ia	?	Ia
	Feature Protection Areas	V	?	III equivalent to National Monuments protecting specific features. FPAs protecting geological features may not meet criterion 3 for biodiversity.
Marine Parks Act 2004 ²⁸	Preservation (pink or no-entry zone)	Ia?	Ia	Ib wilderness is more appropriate as it closed to all entry except by permit and research is not a purpose.
	Marine National Park (green or no-take zone)	II?	II	same
	Scientific research zone (orange, no-take)	Ia?	Ia	same
	Buffer zone (olive green, trolling only)	III?	IV	Exclude or VI: fishing permitted throughout zone

²⁵ The *Vegetation Management Act*, *Environmental Protection Act* and *Recreation Areas Management Act* also throw layers of biodiversity protection over all tenures in Queensland, not necessarily to the extent however, of qualifying such areas for the NRS.

²⁶ http://www.epa.qld.gov.au/ecoaccess/parks_and_forest_management/recreational_uses/recreational_fishing/

²⁷ Protection of biodiversity is not an intent of the Act. Nevertheless, small areas are devoted to that purpose.

²⁸ Marine Parks are broken down into two layers: zones and designated areas. The Act leaves definition of zones to regulation. A Marine Park as such is too broad to link to any single IUCN category. ? s indicate that assignment by CAPAD is inferred only as CAPAD 1997 and 2002 did not break marine parks into zones for reporting. The Great Barrier Reef Marine Park (GBRMP) zoning plan is used as a model, as there are minor departures from this model in the other Marine Parks of Moreton Bay, Woongarra and Hervey Bay. GBRMP zones are (a) general use zone; (b) habitat protection zone; (c) estuarine conservation zone; (d) conservation park zone; (e) buffer zone; (f) scientific research zone; (g) marine national park zone (green); (h) preservation zone.

Submission of the National Parks Association of Queensland on the National Reserve System 24/2/06

	Conservation Park and Estuarine conservation (yellow, no commercial fishing)	III?	II	Exclude or VI: line fishing and oyster collecting permitted throughout zone.
	Habitat Protection (dark blue, only limits fishing of certain spp)	IV?	IV	Exclude or VI. Extractive uses allowed throughout zone
	General Use (blue, all uses allowed)	VI?	IV	Exclude or VI. Extractive uses allowed throughout zone.
	Special Management or Designated Areas (SMAs)	?	?	IV if for habitat/species protection and if inimical uses prevented. Overlay and may modify IUCN assignments for marine park zones.
Fisheries Act 1992	Dugong Protection Areas	IV	?	Exclude or VI: inimical uses such as net fishing and speedboats are not eliminated or prevented.
	Fisheries Habitat Area	IV	?	Exclude or VI: primary purpose is to facilitate fishing. Fails standard 1. Sect 38 of Act allows construction under permit and "infrastructure to facilitate fishing." Sect 87 prohibits taking molluscs & bait.