



ACT NATURAL RESOURCE MANAGEMENT COUNCIL

A partnership between ACT communities and the ACT and Australian Governments

Ms Kathryn Tracy
Senior Manager, Natural environment and Resource Management
Department of the Environment, Climate Change and Water
GPO Box 158
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Dear Ms Tracy

Review of the Nature Conservation Act 1980

The ACT Natural Resource Management Council (ACT NRM Council) appreciates the opportunity to provide comment on the issues raised in the ACT Government's discussion paper. As mentioned in the paper, much has progressed since the Nature Conservation Act was first enacted as a Commonwealth Ordinance prior to self-government. Although the legislation was significantly amended in 1995 to provide for the recognition and management of threatened species and threatening processes, it is now in need of major revision in the light of our current knowledge and the natural resource management issues facing the ACT community

The ACT NRM Council is a non-statutory council of the ACT that brokers investments in natural resource management in the ACT on behalf of the ACT and the Australian governments. It is one of the 56 regional NRM bodies around Australia that perform a similar role. The Council and its staff have particular expertise in the integration of natural resource management issues in the ACT, that is, how the water, land and biodiversity challenges interact with land use across all ACT landscapes.

Council recommends that the review of the NCA take into account the recent report *NRM Governance System: Foundations and Principles for Meeting Future Challenges* prepared by the Australian Regional NRM Chairs. (Ryan S, Broderick K, Sneddon Y, Andrews K (2010). It includes principles and a framework for NRM governance in Australia that may help guide drafting of the new Act. In particular the paper makes a case for the need for players across the public, community and private sector to form better relationships and partnerships to achieve more enduring environmental outcomes across all land tenure types.

Council's response focuses on the major strategic issues we have identified as relating to this Council's responsibilities. We look forward to an opportunity to review the draft Act at a later stage, when the structure and detailed clauses will be clearer.

Purpose and Objectives

The existing NCA is deficient because there is no purpose or objectives. This needs correction, and there are examples elsewhere in Australian jurisdictions that can assist in this regard, for example the *National Parks and Wildlife Service Act* (NSW 1974). That Act contains many objectives that are relevant in the ACT for the foreseeable future and might be a useful model to start with. It is now generally recognised that conservation and management of our natural resources is a consideration across the whole landscape and is not confined to nature reserves and similarly recognised sites.

Additional matters warranting inclusion into the purpose and objectives of a new Act are:

- **ecological connectivity** within the ACT and between the ACT and surrounding region;
- **land outside nature reserves** - protection and conservation management of places and natural resources not located in nature reserves (that is on leased Territory land and on National Land), in created habitats and across all landscapes (that is, urban, rural and other lands where there the primary use is not a nature reserve);
- **Commonwealth Government and Commonwealth Government agencies** to be covered in all facets of the new Act (for example the National Capital Authority, Department of Defence, and CSIRO have management responsibility for some of the ACT's important biodiversity, land and water assets and their management of these should be integrated with the ACT Government's activities);
- **research** into the identification, protection, conservation, recovery and monitoring of natural ecosystems;
- **building resilience** into the ecosystems of the ACT, particularly in relation to adaptation to climate change; and
- **a role for the community** (including recognition of Indigenous people, Park Care, Landcare and other appropriate groups) as valued participants in natural resource management activities (including consultation processes, and appropriate management and monitoring activities).

Parks and Conservation Service

Council would like to see the new Act establish a conservation agency that is focused on the identification, protection and management of natural and cultural resources of the ACT. Cultural resources are included here because of the close relationship of indigenous people with the natural resources of Country. A model similar to a previous agency (Environment ACT) should be considered as this agency was successful in bringing together all relevant functions and responsibilities and delivered integrated natural resource management.

For a small jurisdiction the expertise, staffing and administration required for conservation of natural resources needs to be efficiently organised with clear processes that lead to integrated and strategic policy and on ground action in relation to the environment, land and water. Council is concerned that the current arrangements by which responsibility for policy, on ground management, law enforcement, and rural lease management are fragmented across two Departments (or two Directorates under newly announced proposals) and greater integration is likely to lead to be an improvement on current arrangements.

If the new Act contains a clear statement of its purpose and objectives then it seems appropriate for the conservation agency to be charged with carrying out these objectives.

Flora and Fauna Committee

The Discussion Paper asks several questions regarding the Flora and Fauna Committee and the Natural Resource Management Advisory Committee. The ACT NRM Council believes that the Flora and Fauna committee should remain as the primary source of technical expertise for identification of threatened flora and fauna and threatening processes. Representation of non-technical bodies on the Committee is not supported. The role of the Flora and Fauna Committee might be expanded to include oversight of the preparation, implementation and monitoring of Action Plans, and be required to provide advice to the Conservator as well as the Minister.

The ACT NRM Council recommends that the new Act remove any confusion in the names, roles and responsibilities of the ACT NRM Council and the Natural Resource Management Advisory Committee.

Nature Conservation Strategy

The first (and so far only) Nature Conservation Strategy (NCS) was prepared about 15 years ago and is now out-dated. The NRM Council's *Bush Capital Legacy – Plan for Managing the Natural Resources of the ACT* is a more recent strategic plan that guides ACT and Australian government investment in natural resources and to some extent builds on and complements the NCS. Council believes there is room for greater coordination of strategies such as the NCS and the NRM Plan because their strategic priorities, implementation actions and funding are so closely related. There is also merit in the suggestion that policy plans relating to the ACT's natural resources be given legal status and that actions be required to be monitored and reported on.

There may be scope for the NCS and NRM Plan to be brought closer together and for reporting purposes linked to the State of the Environment Report prepared by the Commissioner for the Environment and Sustainability.

If it suits the review process and time-table, Council will welcome a further opportunity to review and comment on the proposed new legislation, particularly where this may impact on Council's role and responsibilities.

Yours sincerely

A handwritten signature in cursive script that reads "Sarah Ryan".

Dr Sarah Ryan
Chair

18 February 2010