

Review of the *Nature Conservation Act 1980*

I thank you for the opportunity to comment of the review of the *Nature Conservation Act 1980*.

My comments pertain to certain parts of Section 15.1 of the Discussion Paper.

Ian Smith

Comments and recommendations

Section 15.1.1 Unauthorised vehicle use

Vehicle in this context should include motorized or non-motorised vehicles and cover cars, 4WDs, motor bikes, and bicycles.

The Act should be strong enough to allow for the prosecution of anyone, be they the driver or owner of a vehicle, in an unauthorized area.

The Act should disallow non-compliance based on supposed ignorance by a driver or owner of a vehicle.

The Act should encourage the use of surveillance devices that can remotely detect non-compliant vehicles.

Section 15.1.2 Hunting in reserve areas

Hunting is inimical to the ethos of the Act and it should be prohibited in reserves. This includes hunting for so-called cultural purposes – the outcome is the same regardless of the motive.

The elimination of feral animals from reserves should not be included in the definition of hunting but should nevertheless be strictly controlled.

The Act should prohibit 'Conservation hunting', as is allowed in NSW State forests, in the ACT reserve systems.

The Act should allow for the permanent confiscation of any hunting equipment or animal. This includes weapons, hunting aides, dogs, and vehicles.

Section 15.1.3 Taking animals and plants into reserve areas

The Act should discourage, and where necessary prohibit, the taking of any non-native animal or plant into reserve areas, especially wilderness areas.

It is well-documented that horses have an adverse impact on natural ecosystems, both by actual physical impacts and destruction, and also by the introduction of potential weed species. The Act should actively discourage horse-riding in reserve areas.

See further comments below under Section 15.1.6.

Section 15.1.4 Commercial and non-commercial activities

The Act should have a fundamental guiding principle of prohibiting, with appropriate penalties, any commercial or non-commercial activity that is inimical to the protection of natural ecosystems.

Financial gain for the ACT government should never be a factor for allowing any activity in reserves.

Financial gain or support for a commercial company should never be a factor for allowing any activity in reserves.

Certain activities such as car-based low impact eco-tourism may be appropriate for some reserve areas but inappropriate for others, e.g. wilderness areas.

The Act should prohibit certain sporting and related activities that may adversely impact on reserves e.g. mountain biking, car racing, events attracting large numbers of competitors or spectators.

The Act should disallow the erection of structures (e.g. spectator stands, huts) on reserves for commercial or non-commercial activities.

Section 15.1.5 Restoration in reserved areas including wilderness

It is essential that the restoration of reserve, and especially wilderness, areas should be a necessary part of any work impacting on these areas. Consequently, the Act should include and reflect the following points:

- The cost of restoration should certainly be borne by the person undertaking the damaging act, be they a private individual or organization or government agency.
- The cost of the restorative work and assessment of its effectiveness should be set by the relevant authority in charge of the reserve area.
- Penalties should be stipulated in the Act for partial or whole non-compliance.

Section 15.1.6 Wilderness protection

I strongly support the strengthening of those provisions of the Act that recognize, protect, and support the expansion of wilderness areas, both within the ACT and adjoining areas. The Act should allow for penalties for activities contrary to these aims.

Consequently, the Act should:

- Prohibit the existence of tracks, roads, huts or other structures. The Act should also behoove the relevant government agencies to eliminate from the wilderness areas and such tracks, roads, huts or other structures.
- Encourage the eradication of pest plants and feral animals should be given priority in wilderness areas over other areas. This includes feral horses, dogs, dingoes, and pigs.
- Prohibit, with relevant penalties, any activity that adversely impacts on wilderness areas. Such activities include, but not limited to, horse riding, vehicular access, bicycle riding, and certain sporting events (e.g. orienteering competitions).
- Prohibit the use of fire within a wilderness area (e.g. campfires, prescribed burning).
- Encourage the expansion of wilderness through restorative measures (e.g. elimination of roads, bush regeneration) in areas adjoining wilderness.
- Prohibit the undertaking of commercial activities in wilderness areas.

In respect of the Aboriginal view of wilderness, I strongly oppose any such views and activities that are inimical to the protection and expansion of wilderness. The Act should encourage the ethos of the primacy of values of the natural environment over those of humans, including aborigines.

Section 15.1.7 Clearing and damaging native vegetation in reserved areas

The definition of material damage and harm should not be primarily based on a spatial measure alone. Whilst in certain circumstances such a definition may be appropriate it should certainly not stand alone.

Material damage and harm should also be defined on the values (e.g. rarity) embodied in the thing being harmed. For instance, serious damage to a relatively small spatial area containing a rare and endangered plant (e.g. *Rutidosis leptorrhynchoides*) would be an extremely serious breach compared to other areas.

The Act should have a flexibility that reflects the above.