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Sub # 23

Mr Peter Dowling MP, Chair,  
Health and Community Services Committee,  
Parliament House,  
Brisbane 4000



Dear Mr Dowling,

We thank your committee for the invitation to comment on the proposed amendments to the Nature Conservation Act 1992.

The Moreton Island Protection Committee Inc., (MIPC) was formed over 30 years ago and currently represents 150 members. The committee

- lobbies and campaigns to protect the pristine Moreton Island from inappropriate developments.
- organises volunteer programs for Moreton Island National Park which survey flora and fauna, conduct weed control, propagates plants for re-vegetation projects, and provides interpretation for visitors to the National Park.

MIPC followed the previous government's initiative to place semi-permanent accommodation within National Parks by seeking FOI which documented the then government's deliberations around 1999. This is the same initiative which is referred to in the explanatory notes for the Nature Conservation and Other Legislation Amendment Bill 2012

MIPC is fundamentally opposed to private leases being granted from the Queensland National Park estate. We are yet to be convinced of the need to place built accommodation within the Queensland National Park system.

The amendments fail to define what appropriate ecotourism facilities are, e.g.

- The definition of ecotourism facility is loosely defined with no limits to size by way of either land area or bed capacity.
- No framework of regulations has been developed.

The amendments fail to restrict authorization of ecotourism facilities within National Parks even when reasonable practical alternatives exist.

MIPC fully endorses submission No 11 by Prof Ralf Buckley. We find his statements both knowledgeable and balanced. We urge the committee to study his submission thoroughly.

The only supporters of these amendments (for ecotourism facilities) are some sections of the tourism industry who intend to gain directly, public servants in the Parks who are employed to develop opportunities for entrepreneurs in National Parks and the current Queensland Government.

We expect leases granted under these amendments will be extremely unpopular with local electorates, park visitors, many Commercial Tour Operators and operators of accommodation adjacent to National parks.

These amendments to the Nature Conservation Act 1992 demonstrate that the Minister's

environmental responsibilities are subservient to his tourism responsibilities. This poses a real threat to the future good environmental management of National Parks.

MIPC is also at a loss as to why these amendments were not referred to the Agriculture, Resources and Environment Committee, surely more appropriate given the role of National Parks as a refuge for Queensland's most significant environmental communities.

The MIPC executive unanimously endorses this submission.

Yours sincerely

Alan Gennings President  
Moreton Island Protection Committee Inc.

## Submission by Moreton Island Protection Committee Inc. Summary

**The amendments pose a significant threat to the natural environment of National Parks**

Accommodation infrastructure poses a threat to the integrity of National Park through the unavoidable introduction of weeds and pests.

**Amendments to the Act will make changes in perpetuity to Queensland National Parks.**

The amendments to the Nature conservation Act will have a significant permanent deleterious impact on Queensland National Park system by authorising private 30 year leases with a conditional 30 year renewal within National Parks.

**The amendments do not limit the size of a lease, or the size of the buildings, or the number of occupants allowed for a privately owned ecotourism facility lease within a National Park.**

**Ecotourism facility leases should only be authorised when reasonably practical alternative sites outside the Park are not available.**

**The Explanatory Notes overstate the value of this initiative to the tourism industry.**

**The impact on visitor accessibility is understated in the Explanatory Notes.**

**There is no provision in this legislation for the Minister to seek stakeholder or public input before authorisation of ecotourism facility leases.**

**Provision should be made in this legislation for the Minister to seek stakeholder or public input before authorisation of ecotourism facility leases.**

**The Moreton Island Protection Committee Inc is fundamentally opposed to National Park land being leased to the private sector.**

## Detailed Comment

### **Threat to the environmental integrity of National Parks.**

Any construction activity within Parks will provide opportunity for weeds and pests to be brought into the Park.

MIPC's experience with weed control on Moreton Island National Park has demonstrated the degree to which weed invasion is related to disturbance. Any disturbance to native plant communities results in significant weed incursion.

Moreton Island is cane toad free, but individual toads have been found on the island and are mostly found close to recent building activity at the townships. Toads were apparently transported to the island in building and landscape materials. This highlights the real threat posed by building in pristine environments.

A particular threat to fauna in Queensland National Parks is through introduction of rats to a National Park and is associated with built accommodation. This is especially concerning. Such impacts can spread way beyond the footprint of the resort buildings.

### **Amendments to the Act will make changes in perpetuity to Queensland National Parks.**

The amendments to the Nature conservation Act will have a significant and permanent deleterious impact on Queensland National Park system.

The amendments to this Act enable the transferring of ownership of National Park land to the private sector in perpetuity. The Act provides for a lease initially granted for 30 years to be renewed for 30 years if performance criteria are met. In reality - in perpetuity.

The Nature Conservation Act 1992 to date has provided security from all economic development for natural areas deemed to have natural values worthy of declaration as a National Park. National Parks currently are quarantined from all developments except for the

- provision of essential service development and then, only if there is no practical alternative.
- provision by Government of essential services and interpretation facilities for visitors, including commercial tour operator patrons, to National Parks.

These amendments significantly decrease the protections afforded by National Park declarations.

### **Significant investment is being lost.**

The Minister stated to Parliament that "*significant opportunities are currently being lost due to restricted access to these areas for private investment in ecotourism infrastructure.*"

In the Explanatory Notes, not one investor was found in 1999 who was prepared to invest in semi-permanent accommodation with an authority to operate for 15 years with an option for an extension of 15 years within a National Park site. This implies that projected day to day operating profits were not enough to warrant investment even with a 30 year time horizon.

These amendments provide for a 30 year lease with a 30 years renewal. In reality - in perpetuity.

The Explanatory Notes also state that permanent rather than semi-permanent buildings will be a more attractive proposition to build. An authority to operate semi-permanent buildings for (15 + 15 years) offered in 1999 was, in reality, for permanent buildings.

MIPC believes private investment will be only be attracted by

- government providing land to the investor at lower than market value so the investor can profit by on-selling the lease.

Or

- the type of accommodation to be allowed to be much bigger than envisaged in the 1999 initiative enabling economies of scale to improve the return on investment.

Neither of these scenarios is acceptable.

These amendments are all about enabling profit-taking by investors through obtaining private ownership of National Park lands and not about providing facilities for visitors.

### **Loss of Park visitor amenity**

Transferring National Park lands to private leases will reduce visitor amenity. Lessee's guests will be provided with privacy by excluding other Park visitors from leased lands. Investors will be seeking land with high aesthetic value, which will be land that visitors currently access and enjoy. The experience of Park visitors will be significantly impacted by them being excluded from areas of the Park operated by a private resort. This is contrary to the Government's stated election goals of increasing visitor's access to National Parks.

Such a resort, due to its remote location will have high operating costs and would therefore be expensive and would not be sought out by park visitors.

The electorate is being asked to trust the current and future Ministers to ensure public access to Park features is not restricted by the Minister authorising private leases.

### **Negative impact on established accommodation adjacent to Parks**

Granting of leases for the purpose of accommodation within National Parks will result in unfair competition with current businesses that provide accommodation adjacent to National Parks. These small business operators have made significant personal investments and their business will be negatively impacted if a resort is located within the Park their business adjoins. Properties adjacent to Parks with accommodation leases within them will decrease in value. It is ironic that the Government, who claim to champion small business, will be disadvantaging small accommodation providers by changing the goal posts.

**No electoratorial mandate for these changes.**

The amendments to facilitate turning National Park's land over to private ownership has not been discussed with the electorate and is purely a response by the Minister to lobbying by some sections of the tourism community who seek personal benefit from these amendments.

In fact, these amendments, if implemented, will decrease visitor access to National Parks, which is contrary to the Government's stated election policy.

**The definition of *ecotourism facility* is much too flexible and naive.**

*'ecotourism facility , for land, means a facility that –*

*(a) is designed and managed to facilitate the presentation, appreciation and conservation of the land's natural condition and cultural resources and values (the **primary purpose**); and*

*(b) is managed in a way that does not allow an activity to be carried out on the land that-*

*(i) is inconsistent with the primary purpose; and*

*(ii) would require a significant change to the land's natural condition or would adversely affect the conservation of the land's cultural resources and values.*

*Example of an activity for subparagraph (ii)-*

*the construction of a golf course, amusement park or casino on the land*

It is unacceptable that the dictionary section of the Act (Clause 17) does not define with more precision what the Act means by an "*ecotourism facility*". The definition is so imprecise that it has to specifically list three facilities considered not to qualify as an ecotourism facility i.e. golf courses, amusement park or casino.

The amendments do not set any limit to the size of an ecotourism facility. For such a facility to attract private investment it will need to be unacceptably large so that economies of scale can generate profits. The amendments provide no safeguards against unacceptably large ecotourism facilities being built within Queensland National Parks.

We believe this flexible definition is in fact purposeful to give the Minister free reign to authorise a wide range of developments.

Also of concern is that "*significant change*" is not defined and so is open to personal interpretation by the executive of the day.

**The requirement that "there is no reasonably practical alternative" should be added to the amended Section 35 (1)**

In the current Act the cardinal principal is over-ridden to enable the use of National Park land for provision of service facility (eg. pipelines, power lines) only if *there is no reasonably practical alternative to the use;* (Section 35(1)(b)(v))

It is significant that in the amended Act the requirement that there be *no reasonable alternative* is dropped from the condition for an ecotourism facility but is retained for service facility (pipelines etc).

The addition of this requirement for an ecotourism facility within a National Park would protect the interests of owners of established private accommodation services adjacent to National Parks.

The addition of this requirement for an ecotourism facility within a National Park will also encourage future investment in accommodation facilities on private land neighbouring National Parks.

The requirement that “there is no reasonably practical alternative” should be added to Section 35 (1)

### **Significant diminution of the cardinal management principal of the Nature Conservation Act.**

The Nature Conservation Act currently has as its cardinal management principal Section 17 (1)

*A national park is to be managed to -*

*(a) provide, to the greatest possible extent, for the permanent preservation of the area's natural condition and the protection of the area's cultural resources and values;*

The amendments diminish the cardinal principal of the Nature Conservation Act 1992 by enabling the granting of a lease for an ecotourism facility. The very action of the Minister allocating a lease within a National Park is contrary to the Act's cardinal principal but is made possible by the a new Section 35 (1) which gives the executive the power to grant a lease for an ecotourism facility thereby overriding the Acts cardinal principal.

If the Minister decides a 200 bed resort is appropriate then the lease can be approved as long as the facility is built and operated in a way that *the use (ie a 200 bed resort) will provide, to the greatest possible extent, for the preservation of the lands natural condition and the protection of the land's natural resources and values..*

Any amendments which diminish the power of the cardinal principal of the Nature Conservation Act 1992 such as changing Section 35 (1) will diminish the power of the Nature Conservation Act to protect our biological communities in National Parks.

### **Provision should be made in this legislation for the Minister to seek stakeholder or public input before authorisation of ecotourism facility leases.**

There is no requirement that stakeholder's views be part of the Minister's decision-making process. The Minister and his departmental staff and tourism lobbyists do not have the knowledge with which the Minister can make an informed and balanced decision in the public interest.