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Sub # 43  
**RECEIVED**  
 19 DEC 2012  
 HEALTH AND COMMUNITY  
 SERVICES COMMITTEE

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

Email address – hcsc@parliament.qld.gov.au

18<sup>th</sup> December 2012

Dear Mr Dowling

**RE: Submission on Nature Conservation and other Legislation Amendment Bill 2012**

I have been directed by the State Council of the Wildlife Preservation Society of Queensland (Wildlife Queensland) to forward a submission for consideration by your committee on the above legislation.

Wildlife Queensland is one of the most respected wildlife-focused conservation groups in Queensland. With over 5000 supporters spread across numerous branches throughout Queensland, Wildlife Queensland is a strong voice for our wildlife and its habitat.

Wildlife Queensland is apolitical. Our aims include;

- **Preserve** the flora and fauna of Australia by all lawful means
- **Educate** the community in an understanding of the principles of conservation and preservation of the natural environment
- **Discourage** by all legal means, the possible destruction, exploitation and unnecessary development of any part of the natural environment.
- **Encourage** rational land use and proper land planning of existing and future development, and the use of the natural environment and its management.

Wildlife Queensland welcomes the opportunity to make comment. Wildlife Queensland appreciates the necessity to achieve a balance between conservation and preservation of our biodiversity and provision for ecologically sustainable industries and recreational opportunities. Wildlife Queensland is not opposed to increasing visitation and tourism to national parks broadly speaking but tourist activities and recreation must remain secondary to the cardinal principle of management as defined in the current legislation- in broad terms the protection and conservation of our biodiversity, its habitat and the landscape that houses our unique wildlife. Wildlife Queensland is opposed to commercial tourist infrastructure on national parks but may not necessarily be opposed to tourist infrastructure on other protected estate tenure subject to an approved management plan. When the Hon S.L. Dickson introduced the Bill into the House his focus was on private investment in permanent ecotourism facilities on national parks to address tourism industry demands, leases of up to 30 years with the potential for another 30 years and yet the

comprehensive policy framework and associated procedures are yet to be developed. There was no business case presented and no analyses of alternatives to increase visitation and attract more of the tourist dollar at the State and regional level than currently experienced. Apparently this legislative initiative is in response to the tourist industry not necessarily the wishes of the Queensland community and certainly not the desire of the conservation movement as acknowledged in the Explanatory Notes accompanying the Bill. (page 12).

The amendment Bill impacts on three pieces of Queensland Legislation namely

- *Nature Conservation Act 1992*
- *Forestry Act 1959*
- *Brisbane Forest Park Act 1977*

Mention is also made to the Queensland *Petroleum and Gas (Production and Safety) Act 2004*.

Wildlife Queensland's views on the amendments and ramifications to the various Acts are provided for consideration by the committee.

#### *Nature Conservation Act 1992 (NCA)*

The thrust of the amendments is to provide for the authorisation of permanent tourist infrastructure/ resorts on the various classes of national park tenure except for national park (scientific). It is the opinion of Wildlife Queensland that this conflicts with the cardinal principle of management of terrestrial national parks in Queensland that has stood the test of time for well over fifty years and in fact reflects the management strategy employed since Witches Falls National Park was proclaimed on the 26<sup>th</sup> March 1908. On terrestrial national parks, operators were encouraged to acquire land adjacent to the national park. Classic examples are O'Reilly's rainforest Retreat and Binna Burra Lodge. Granted tourist resorts were established on a small number of island national parks and islands supporting national parks prior to the NCA but even then the same philosophy endured that wherever feasible the resorts were established on land adjoining or in close proximity to national parks.

Should permanent tourist resort facilities be allowed to be located within the national park boundaries the potential damage is not only substantial but cumulative. Access roads besides causing fragmentation of habitat act as corridors for feral animals and invasive plants. Fire regimes are impacted as not only do the roads provide easy access and potential risk the actual infrastructure changes the focus of fire strategy to protection of property rather than that of the biodiversity.

The argument put forward that this occurs in other jurisdictions has to be examined closely. In Queensland there is less than 5 % set aside for national parks well below recognised international standards. Some of the countries or locations quoted in the Explanatory Notes have reserves well in excess of Queensland. This is not the only aspect that requires examination. There is a need to consider when and under what circumstances such tourist facilities were established in those national parks. In some cases such as New South Wales the facility establishment occurred when the national parks were managed by a board of trustees who had to generate their own income. That was not part of Queensland's history where conservation was given precedence in the development of an integrated national park system.

History and overseas experience indicates that such facilities may dominate visitor use and even prioritise or at least influence management decisions and directions. The legal constraints, as well intended as they may be, are frequently found wanting and activities totally inappropriate may be the outcome. In the current situation there are no defined guidelines or policies as these are yet to be developed. No comfort was received by statements at the public briefing on 28<sup>th</sup> November

2012 by Departmental staff. Statements such as ‘..unduly fetter entrepreneurial enterprises..’ , ‘...flexibility around design...’ and ‘...freedom to develop..’ gives cold comfort. Has consideration be given to the rehabilitation of sites and cost associated with that, provided irreversible harm has not occurred, because history shows that all businesses are not viable in the long term. Studies such as Buckley (2009)\* indicate that this approach to achieve increased visitation, revenue, enhanced benefits for conservation and benefits for the broad private park user do not lead to significantly beneficial outcomes.

Wildlife Queensland also has considerable concerns about the inappropriateness of definitions. Again until the policies and guidelines are available the most pessimistic view must be taken in order to protect our wildlife and its habitat the prime purpose for national park existence.

The granting of long term exclusive use leases on public land for a tourist resort is not appropriate. There is absolutely no need or public demand for tourist resorts to be established in national parks. Quite likely the broader community will be restricted and have limited access to some of the key areas of some national parks that will be exclusively used for the operator’s clients. Some sections of the tourist industry may be seeking this but that alone is no justification to add to the ever increasing threats to our declining biodiversity.

Other amendments to the NCA facilitate the authorisation of service facilities that were in existence when the national park was proclaimed. Service facilities may include a range of infrastructure such as electricity grids, communication towers, and various pipelines. It would appear that such amendments would have little to no impact. However the devil is always in the detail. It is recommended that the authorisation is time bound, not automatic but subject to assessment and any interest is confined strictly to the facility and immediate essential environs. Substantial improvements should be banned but obviously maintenance must be permitted. Furthermore such facilities should attract a significant fee. Wildlife Queensland does have a concern that while the current legislation prohibits the opening up of national parks to ‘service facilities’ this amendment may be used by a future government to broaden the permitted use of a national park by drawing on service facilities being ‘authorised’. Wildlife Queensland is of the opinion that such facilities should be excised from the national if at all feasible.

#### Forestry Act 1959

It appears the amendments to the Act are to facilitate mining and related industries.

The amendment to Section 26(1A) simply clarifies that under the *Petroleum and Gas(Production and safety) Act 2004* a holder of a pipeline licence can create an easement over the State Forest land. In fact it is saying that in such situations disregard the meaning of clause 26(1A).

The amendment to section 35 removes area and time constraints on a permit to occupy. The outcome of this virtually results in an open ended permit. Why a Government would elect to lose control over land it owns beggars belief. Wildlife Queensland may hold a different view if a strong compliance and enforcement regime was in place but such is not the case.

These amendments will lead to further fragmentation of vegetation and wildlife habitat with scant regard for the biodiversity values that a responsible and caring government would protect.

#### Brisbane Forest Park Act 1977

Wildlife Queensland has no issue with the repeal of this Act. The purpose of this legislation is no longer relevant as the land covered by this legislation is currently part of the protected area estate protected by other legislation.

\* Buckley, R. (2009) Parks and Tourism. *PLoS Biol* 7 (6): e1000143.doi:10.1371/journal.pbio.1000143

**Conclusion**

Wildlife Queensland is not opposed to increasing appropriate visitation to national parks but is strongly opposed to the amendments that facilitate the development of commercial tourist infrastructure within national parks. The demand appears to be driven by a sector of the tourism industry that has been advocating such access for several years and rightfully denied. Other strategies can be used to lift visitation and boost regional economies more effectively. Wildlife Queensland has some reservations about the superficially benign amendments dealing with service facilities.

The amendments to the Forestry Act are designed to facilitate the mining and related industries at the expense of the environment. There is the potential for possible loss of control of government owned land by the lack of a strong compliance and enforcement program. These amendments do not have Wildlife Queensland's support.

Wildlife Queensland supports the repeal of the *Brisbane Forest Park Act* as it is no longer required to guide the management and operations of the subject land.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Des Boyland', with a large, stylized initial 'D' at the end.

Des Boyland, Policies and Campaigns Manager on behalf of Wildlife Queensland