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Health and Community Services Committee
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Nature Conservation and Other Legislation Amendment Bill 2012

The proposed amendments to the *Nature Conservation Act 1992* (NC Act), introduced into the Legislative Assembly by the Hon Steven Dickson MP, Minister for National Parks, Recreation, Sport and Racing, to enable authorisation of privately operated ecotourism facilities in national parks, has major economic and social implications for the Magnetic Island community.

This is because nearly seventy per cent of Magnetic Island is National Park. That National Park is integral to the Island lifestyle and is its paramount tourism asset.

Magnetic Island, part of the Townsville City local government area, is located eight kilometres offshore from Townsville, within the dry tropics region of north Queensland and the great Barrier Reef World Heritage Area (GBRWA). The island is about 5184 ha in size;¹ Following the January 2011 Queensland Government announcement of the inclusion in the Magnetic Island National Park of the island's 'buffer zones' of Unallocated State Land – the areas of land between the National Park and urban development), near 70 per cent of the island (3616 ha) is protected (under the Queensland *Nature Conservation Act 1992*) as the Magnetic Island National Park.

The island has a permanent population of 2314 residents (2011 ABS Census figures) and attracts over 350,000 visitors per year.

We observe from the online Explanatory Notes on your Committee's website that while the tourism industry was supportive of the concept of ecotourism leases, conservation interests expressed concerns regarding potential tourism impacts on national park values. Yet with the rationale of consistency with a number of other Australian States, the government is proceeding with tourism leases to facilitate increased tourism opportunities in Queensland, albeit within an ecologically sustainable framework. We also note the statement in the Explanatory Notes that specific community consultation has been limited in relation to the Bill and that general discussions over the last 12 months have been with industry (infrastructure providers such as Powerlink and Ergon

¹ EPBC Policy Statement 5.1 Region Magnetic Island Queensland (2010)

Energy in relation to the provision of electricity infrastructure and a number of coal seam gas industry representatives).

This approach does not take into consideration the views of "gateway communities", the importance of which is recognised by national parks management in the United States and New Zealand. This letter communicates the views of Association members from the gateway community for the Magnetic Island National Park.

We call on the Committee to reject the proposed amendments to the NC act because they are premature, to be given legislative force before the whole policy position has been developed and because consultation to date has only been with business interests not gateway communities:

Our specific areas of concern are that

- The amendments open up national parks for permanent commercial tourist infrastructure, for long term leases rather than conservation and protection of biodiversity. They may also open up the possibility of exploitation of National Parks to provide elite tourism experiences for the top end of the market, rather than the general public, who have always enjoyed access to National Parks.
- The "ecologically sustainable (policy) framework" appears to be only partly developed. As outlined in the Explanatory Notes it only includes definition of an 'Ecotourism facility'², provides that "the facility cannot allow for an activity that is inconsistent with this primary purpose and that would require significant change to the land's natural condition or would adversely affect the conservation of the land's cultural resources and values [Examples of such inconsistent use are the construction of a golf course, amusement park or casino]", provides that "the Chief Executive..... cannot authorise an ecotourism facility unless satisfied that the use is in the public interest, is ecologically sustainable, and will provide to the greatest possible extent for the preservation of the land's natural condition and protection of its cultural resources and values.", and provides some examples public interest considerations.

Still to be developed are

- the Assessment Processes "to ensure that a proposal complies with the definition of an ecotourism facility, and to consider its overall environmental sustainability, its particular impact on the land's natural condition and cultural resources and values, and whether the proposed use is in the public interest"
 - a policy framework (including site access criteria). This "will ensure a balance between maintaining community access, whilst also enabling individual lessees to provide opportunities for their guests to enjoy a reasonable expectation of quiet enjoyment and privacy. The policy and assessment framework will ensure these considerations are made as part of the Chief Executive's determination that an ecotourism facility meets the public interest criteria under the new provision."
- The Explanatory Notes provide little explanation for the amendments except a business agenda. We conclude from these Explanatory Notes that the reasons for the proposed amendments are:
 - (a) the views of tourism proponents who have "identified demand for privately funded, purpose built, 'low impact' infrastructure ecotourism projects, on and adjacent to national parks, to provide new and unique opportunities to attract both domestic and international visitors to Queensland.", but in no way reflect any liaison with gateway communities which have a strong vested social and economic interest in National Parks

² a facility with its primary purpose being to facilitate the presentation, appreciation and conservation of the land's natural condition and cultural resources and values

- (b) the analysis of the experience of a 2009 pilot project on alternative ways of achieving policy objectives: an expression of interest process was initiated for a number of potential sites, requiring accommodation to be low-impact and semi-permanent (removable), built by investors, with ownership retained by the State. This was to be authorised under 15 year Commercial Activity Agreements with a possible extension of 15 years. Apparently in the event no proposals were submitted because of concerns about commercial viability and length of tenure.
- (c) simplification of processes evidenced by the recent example where, due to the 10 hectare maximum limit, a coal seam gas proponent was issued with 18 separate occupation permits for linear infrastructure through a State forest -both inefficient and time consuming for both the proponent and the administering department.
- (d) financials viz the revenue derived from payments to the State by ecotourism facility operators for the use of the land and the right to operate the facilities, and that the cost of establishing assessment processes will be met from existing budgets.

Despite these concerns we are mindful of the importance of tourism to the Magnetic Island economy and support the tourism development initiatives of the Magnetic Island local tourism organisation, the Tourism and Business Operators of Magnetic Island (TOBMI), for which a key strategic focus is nature tourism. To this Association's knowledge the 2009 pilot in relation to semi-permanent tourism facilities was not considered for Magnetic Island. Add to this that we understand that a Visitor Management Strategy approach is only now being introduced by the Department of National Parks, Recreation, Sport and Racing. This strategy would seem to establish a baseline against which any tourism investment proposals could be assessed.

Clearly, there are still questions to be resolved in relation to the management of National Parks. These should be resolved before empowering legislation is passed.

We anticipate the results of your Committee's deliberations.

Yours sincerely



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Hon President