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Nature Conservation and other Legislation Amendment Bill 2012

Submission to:

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Parliament House
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The primary purpose of national parks is to protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation that is compatible with that protection.

That goal is clearly enunciated in the management principles of national parks in section 17 of the *Nature Conservation Act 1992* (NC Act). That particular section clearly establishes that the cardinal principle shall be "to 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 legal and ethical strength of the cardinal principle is the foundation on which national park management has been built since the principle was first espoused in 1959 in the *Forestry Act 1959*. A study of departmental files prior to 1959 clearly shows that the intent of the principle was practiced by the department and politicians as early as the late 1930s when overt and funded national park management was instigated in Queensland.

Since the establishment of national parks in Queensland in 1908, tourist resorts have not been permitted in mainland national parks in keeping with the dictates of the cardinal principle. The rationale had always been that commercial facilities should not damage the natural resources and should, if the public use potential was high, be established on private land adjacent to, or contiguous with, the national park.

There are several examples where this has worked extremely well – Binna Burra Lodge and O'Reillys Rainforest Retreat adjacent to Lamington National Park, and Carnarvon Lodge adjacent to Carnarvon National Park. All are on freehold land.

There are a small number of island resorts on national park land. Where the whole island was national park, it was difficult to argue establishment on adjoining land. Nevertheless, most resorts on national park islands are actually on private land and not inside the park.

The subtleties of that distinction are not readily apparent to those without detailed knowledge of land titles.

The proposed amendments actually reverse and effectively make a mockery of more than 100 years of national park management in Queensland.

The often-presented argument that resorts occur in national parks in other jurisdictions ignores the history of their establishment. In many instances, those jurisdictions would give their eye teeth to have the resorts located outside the parks. By way of example, the resorts in some NSW national parks were established long before the State had a jurisdiction-wide system of park management. Boards of Trustees were required to find their own income for management and therefore parks were used for a number of purposes that would be unacceptable now. In the USA the resort lobby is so strong, it is able to dictate park management in some instances (eg Yosemite National Park).

Unlike NSW (and, in fact, all other Australian State), Queensland had jurisdiction-wide legislation at the very outset (*The State Forests and National Parks Act of 1906*). That Act may be the very first piece of legislation in the world to provide for the establishment and control of national parks across a whole jurisdiction. Even in the USA, the early parks (eg Yellowstone) were established by a separate Act for each park.

There are multiple environmental reasons why resorts should be kept outside national parks. These relate to such matters as (a) the environmental damage to the resort site, (b) the continuing damage associated with the access required, (c) the waste material and other pollution associated with such a facility, (d) the enhanced incidence of fire, and (e) the necessity to inappropriately manage a substantial area associated with any resort in terms of fire protection. In other words, the park staff effectively become workers for the resort as the 'duty of care' requirements consume their time and detract it for much needed conservation measures.

There are also commercial reasons why it shouldn't happen. It effectively creates a exclusive-use monopoly inside a public resource. Tour operators who may have been bringing visitors on a day-visit basis will find themselves at a distinct disadvantage, as the resort can offer the same service at a reduced rate.

It's also interesting that the tourist industry hasn't really been advocating this level of entry to national parks. The Bill is talking about permanent facilities on long-term leases, a situation that many operators would find difficult to establish and sustain. Also no resort has ever remained static. It has always either expanded and/or died. Both actions are dangerous to the national park.

The definition of a 'tourist facility' in the Bill is somewhat farcical. If it was the definition for a standard visitor centre for a national park, it would be ideal. To charge a commercial operation with a 'primary purpose' which would ultimately be secondary to its commercial survival is quite ludicrous. Also, for the Bill to require such a facility to

be ecologically sustainable and provide for the preservation of the lands natural condition is an interesting foray into unreality.

In fact, the legislation has the gall to use the wording of the cardinal principle to describe what a resort will comply with, whilst going on to say that the action can happen despite the cardinal principle (see section 35(2)).

The enclaves of private control on national park land can cause problems in relation to access for visitors who are not resort guests. This situation has arisen in relation to some of the island resorts.

In many instances resorts actually devalue the resource they wish to show people. In addition, guests often have difficulty appreciating the conservation values when they are living in the modified environment of a tourist facility.

The matters presented above are not anti-tourist. There are many ways for visitors to enjoy national parks, and those that engender minimal damage to the park are fully supported. It's interesting that the Bjelke-Petersen government accepted the argument, based very much on the evidence from the USA, that tourist resorts in national parks was both damaging and counter productive.

Being responsible for opening national parks to such irreversible damage is a legacy that, if I were a politician, I would not want to live with when the history of parks is written and the case is clearly presented that this move cuts across and ignores the action of every government in Queensland since national parks were established in 1908.