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Health and Community Services Committee  
Parliament House  
George Street BRISBANE QLD 4000  
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### **Nature Conservation and Other Legislation Amendment Bill (No 2) 2013**

This letter adds to our 18 December 2012 submission to your Committee (copy attached) on the amendments proposed by the Hon S. L. Dickson, Minister for National Parks and Racing to the Nature Conservation Act 1992 (NCA) and other legislation to "improve access to national parks and other public lands, and implement significant reforms that will result in cutting red tape and streamlining legislative and regulatory processes.." to "reflect: the Government's commitment to achieving recreational and commercial outcomes in the management of protected areas..."<sup>1</sup>

The reason for our additional comments is the release in March 2013 of the Draft Queensland Ecotourism Plan and Draft Ecotourism Facilities in National Parks Implementation Framework and the Department of National Parks, Recreation Sport and Racing (NPRSR) (NPRSR) June 2013 online<sup>2</sup> Call for Expressions of Interest in Ecotourism Investment Opportunities (to be submitted by 27 September 2013).

We submit that this implementation of a policy framework before passage of the empowering legislative amendments calls into question the integrity of your Committee's Review (with public submissions due 13 September and October report to the Legislative Assembly).

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<sup>1</sup> Explanatory Notes ( <https://www.legislation.qld.gov.au/Bills/54PDF/2013/NatureConOLAB213E.pdf>)

<sup>2</sup> <http://www.nprsr.qld.gov.au/tourism/ecotourism/investments.html>: This site includes the following invitation "Suitably experienced individuals and organisations are invited to submit their proposals for developing privately owned, low impact, purpose-built ecotourism infrastructure through this expression of interest (EOI). Proposals can be made for infrastructure in:

- national parks, including national park (recovery) and national park (Cape York Peninsula Aboriginal land)
- other protected areas including conservation parks, resources reserves and forest reserves; and
- State forests and other State owned and managed lands adjacent to national parks.

This EOI is the first stage in selecting successful ecotourism proposals to be authorised under the NC Act. The tender process will be conducted in two stages:

- Stage 1 – Invitation for expressions of interest (EOI)
- Stage 2 – Request for detailed proposals.

The EOI is designed to qualify proponents by determining how appropriate the development concept is for the site and whether the proponent is suitably experienced and has capacity to finance and operate the project. EOI submissions will be assessed against the evaluation criteria and shortlisted proponents will be invited to the second stage of the tender process—the request for detailed proposal (RFP)." together with tender guidelines, application form, probity guidelines, best practice Ecotourism Development guidelines for Stage , and Ecotourism Facilities in National Parks - Implementation Framework

Surely your Committee's considerations of the proposed bill cannot be conducted in isolation from the concurrent actions by the government, given that Minister Dickson is reported this month as stating "Unashamedly I am looking to make money out of this..."

We attach for the Committee's reference our submissions dated 31 May and 4 June 2013 respectively to DNPRSR (without supporting attachments) which offer our experience-based comments to assist with development of truly sustainable – that is, best practice – ecotourism in this State. We provided details of Magnetic Island's development history, its environmental and tourism context, and MICDA's critique of the Plan and final recommendations and highlight the implications of this ecotourism development policy for this World Heritage Island.

A related issue arising from the proposed amendments to the NCA is the proposed streamlined approach to management planning for National Parks – "to replace the requirement that the Minister prepare a management plan with a requirement that the chief executive prepare a management statement for the area. Both the object of the NCA (section 5) and the management principles of protected areas (section 15) will recognise that a management statement is to be used and *considered* in the management of a protected area.

The Bill enables the Minister to prepare a management plan where he or she considers there are specific circumstances which make a more detailed planning process appropriate. These circumstances include: the importance of the area's cultural or natural resources and values; any significant or particular threats to these resources and values; any significant public interest concerns with regard to these resources and values; or, the nature and management of any proposed commercial or recreational uses of the area. Where a management plan is developed, it supersedes a management statement, and consistent with the current wording in the NCA, an area *must* be managed in accordance with the management plan.

The management statement is "a simpler expression of management intent for protected areas without requiring public consultation and are considered a satisfactory planning instrument for many protected areas. Management statements are currently prepared for protected areas, but are only an administrative document that is not formally recognised under the NCA.

On this basis, an alternative planning process has been identified that will provide greater management flexibility and deliver on the government commitments to reduce legislative complexity and red tape."<sup>3</sup>

These provisions are particularly of concern in regard to Magnetic Island National Park, for which a management plan has never been completed, even though protected areas account for near 70% of the island's land mass:

- The Magnetic Island National Park (3616 ha - gazetted date 9/12/11),
- A large area of Unallocated State Land buffering the National Park from urban areas (now in the process of being transferred to the National Park) and
- Two small but critically important Conservation Parks – Horseshoe Bay Lagoon Conservation Park and Bolger Bay Conservation Park – additional lowland landscape elements, vital to the island's distinctive ecosystems due to the total lack of sizeable Dry Season wetland (refuge) habitat in the National Park.

We therefore consider it unlikely that DNPRSR would now develop a Management Plan for Magnetic Island National Park, and believe that a 'management statement for the

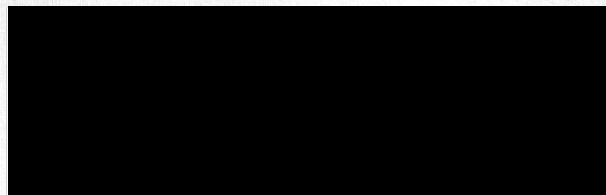
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<sup>3</sup> Explanatory Notes

area' while perhaps administratively simpler, would be unlikely to adequately take into account the complexity of World Heritage values of Magnetic Island including the MI National Park - as identified in EPBC Policy 5.1 Region Magnetic Island.

We further submit that the practical application of the NC Act amendments linked with the implementing Ecotourism Plan to sensitive locations such as Magnetic Island is relevant to your committee's review.

Yours sincerely



Lorna Hempstead AM  
Hon President

**ATTACHMENTS**

- 18 December 2012 submission to Health and Community Services Committee
- 31 May 2013 MICDA Submission to NPRSR on Ecotourism Plan - Draft for Consultation
- 4 June 2013 MICDA submission to NPORSR on Ecotourism Facilities in National Parks – Implementation framework (Draft for Consultation)