

Submission to the **State
Development, Infrastructure and
Industry Committee** in response to
the

REGIONAL PLANNING INTERESTS BILL 2013

Prepared by:

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January 2014

SUMMARY

The Queensland Tourism Industry Council (QTIC) welcomes the opportunity to provide feedback to the State Development, Infrastructure and Industry Committee on the *Regional Planning Interests Bill 2013* (the Bill) released in November 2013.

QTIC supports the intent of the Bill which aims to protect areas of regional interest from resource activities and other activities that risk widespread impacts to their ecological integrity.

Tourism, as one of the four pillars of the Queensland economy, is expected to play a role in the new regional plans that will address critical issues affecting the state's regions. Areas of regional interest, and in particular any newly declared strategic environmental areas, are absolutely vital to the growth of Queensland's tourism industry. Our outstanding environmental values continue to draw large numbers of visitors from within Australia and around the world and must be appropriately protected.

Research conducted by Tourism Australia found that 40% of respondents identified nature as one of the 'top 5' considerations when it comes to selecting a holiday destination, and furthermore ranked Australia as 'number one' when it comes to world class beauty and natural environment. Queensland's natural, Indigenous and cultural assets therefore underpin the long-term sustainability and competitive advantage of the tourism industry. As such, the tourism industry provides an economic argument for conservation, restoration and presentation of its assets.

The State Government has made significant commitments to boost the tourism economy over the next 20 years to achieve the target of doubling the overnight visitor expenditure per annum to \$30 billion by 2020. It is therefore vital that government policy is consistently reflected in all legislative and policy changes to achieve these goals.

Given that tourism policies are likely to feature in the new regional plans, the Bill is a welcomed move in that it seeks to manage the potential conflicts between the regional land use strategies provided for in regional plans (namely the areas of regional interest) and resource activities which are assessed under a different Act and thus a different approvals process.

RECOMMENDATIONS

RECOMMENDATION 1: It is strongly recommended that the definition of a "regulated activity" be strengthened through defining it as having "widespread and/or irreversible impact". Certainty is required to ensure that low risk and compatible activities are not adversely affected by increased red tape.

Clause 16 of the Bill defines a **regulated activity** as:

*"A **regulated activity**, for an area of regional interest, is an activity –
(a) likely to have an impact on the area of regional interest; and
(b) prescribed under the regulation for the area."*

Concern is raised around the broadness of this definition. Technically, tourism activities could be considered as a regulated activity given that the extent and type of impact is not clearly defined, and furthermore because the regulations are not yet known. It is understood that the type of activity that the Bill is primarily intended for resource activity, and any related activities that may have similar degree of risk and impact.

This is further reiterated in the Public Briefing on 13 December 2013 by Ms. Kylie Williams (Department of State Development, Infrastructure and Planning), who noted in regards to the definition of regulated activities: *“You would have to consider it as having a widespread and irreversible impact on the attribute of that strategic environmental area.... So for it to have a widespread and irreversible impact on the strategic environment area, you would think that it would have to be a very substantial activity”*.

Furthermore, the Explanatory Notes state that a regulated activity is specific to an area of regional interest, i.e. a regulated activity for a priority agricultural area may not be the same as a regulated activity for a strategic environmental area. It is recommended that a comprehensive review be undertaken to identify the specific elements of each area of regional interest, and what level of protection is required to ensure that those elements remain. Given that these areas will also be regionally identified within the new regional plans, it must offer a level of flexibility to ensure that the unique characteristics of the region, particularly from a tourism and agricultural point of view, are protected to the degree that keeps them significant to the region and the state.

RECOMMENDATION 2: It is strongly recommended that a substantial drafting of the regulations has been publicly available for comment before the Bill is passed.

As per page 3 of the Explanatory Notes, the criteria against which an assessment application is assessed will be contained in a supporting regulation. It is our understanding that at this point, these regulations are still being prepared and have not yet been released for public consultation.

Due to the absence of the draft regulations, the implications of the Bill cannot be fully assessed, as the intent of the Bill may not be considered as fully or appropriately reflected within the regulations. Most importantly, the “co-existence criteria” referred to in the Public Briefing by Ms. Williams will undoubtedly play a major role in determining whether the Bill will be effective in resolving land use and resource activity conflicts.

The absence of the draft regulations also provides uncertainty regarding the requirements of public notification procedures, particularly those that are applicable to the major resource and regulated activity projects. Public notification that is well planned and carried out is an important part in achieving regulatory best practice and most importantly, involves affected parties which has historically resulted in high compliance and achievement of the regulation’s objectives.

In drafting the regulations, it is therefore recommended that (but not limited to):

- The intent of the Bill be reflected in the regulations in a manner that does not impact on unrelated or any activities which do not pose a similar degree of risk and impact as resource activities;
- The regulations require public notification (in an appropriate form that provides sufficient awareness) of all resource activities proposed in areas of regional interest with adequate timeframes for the community and stakeholders to effectively respond;
- Clearly and appropriately categorise resource and regulated activities by their risk and impact and ensure that there are higher levels of protection for the areas of regional interest where a “higher risk” activity is proposed;
- It is put beyond doubt that in the instance where resource activities and the priority land use cannot co-exist, that the priority would go to the preservation of area of regional interest; and

- There are measures in place to ensure that where breaches of the regulations have occurred, penalties are applied to the offending entity and that a rehabilitation process (where applicable) is the responsibility of the offender.

QUEENSLAND TOURISM INDUSTRY COUNCIL

QTIC is the State's peak body for tourism in Queensland and represents the interests of business operators, 20 sector associations, 3,000 regional members and all of Queensland's 13 Regional Tourism Organisations (RTOs).

QTIC works in partnership with government agencies and industry bodies at a local, state and national level to strengthen the voice of tourism in all relevant policy forums. QTIC's partnerships with the industry and government enable a greater level of responsiveness to increasingly diverse industry skills, training and business development needs of the tourism industry in regions.

FURTHER ENQUIRIES

We welcome the opportunity for further discussion regarding the Bill. For all enquiries, please contact Daniel Gschwind, Chief Executive on (07) 3236 1445 or email policy@qtic.com.au.