Speech by

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RECREATION AREAS MANAGEMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (8.04 pm): I rise to speak on the Recreation Areas Management Bill 2005. I commend the shadow minister for the environment and member for Burnett for his detailed analysis of the bill. The aims of this proposed legislation are well intentioned. However, I have some concerns that relate to the confusion that this bill may produce. This confusion could result in the worthwhile aims of the bill, those aimed at managing and protecting our recreation areas and even raising funds for those areas through permits, being lost in overregulation. This bill could be so much better.

The coalition is wary of the delicate balance that needs to be struck between protecting the beautiful areas of our state through regulation and the need to respect the aim of making those areas accessible, while ensuring that regulation does not lead to greater administrative burdens for the state and those wanting to enjoy the areas. As many have said before, the ambit of the bill aims to cast new regulation upon Fraser Island, Green Island, Inskip peninsular and Moreton Island—some of our most beautiful and fragile environments. Currently, Queenslanders and visitors to the state alike are attracted to those beautiful areas because of their accessibility, and that has made them major tourist and recreational attractions. For example, in 2004-2005, Fraser Island had over 300,000 campers and another 175,000 visitors through commercial tour operators. Furthermore, the revenue created by those visitors is not insignificant.

Amongst other things, the bill aims to regulate the conduct of visitors, introduce further management and regulation of recreational activities, collect funds to be spent on management and facilities, create a permit regime and visitor management scheme and allow for the continued management of the recreation areas. They are some—not all—of the aims of this bill. I will get to the others a little later.

I reiterate my initial reservation to the bill, which is not necessarily directed to the aims of the bill that I have just listed. There is the need to balance the regulation and, dare I say it, overregulation that this bill may produce with the desire to keep those areas accessible. One of the main problems with overregulation is the subsequent administrative burdens it places back on the state. Indeed, the rigorous management scheme that this bill proposes would require much time and resourcing. Interestingly, I can only assume that the drafters of the bill realised these administrative burdens and provided in the bill that non-state landowners and administrative arrangements are to manage this legislation. I would like to express concern that if the state is not controlling the regulation it hands down, the opportunity for inconsistency in implementation arises. This could lead to Queenslanders, tourist operators, visitors and the non-state managers themselves being confused with what is allowed and what is not. We could not expect those individuals to dissect this lengthy piece of legislation.

I attempted to read part 2 of the bill and found it very confusing. Will the parks and wildlife officers manage the land for weeds and pests? What plans does the government have for increasing the staff numbers if the need arises? Does the landowner still have unlimited freehold rights to the land? Who is responsible for the control of stock and fencing? Part 4 relating to permits also needs further clarification. Furthermore, this bill should not be inconsistent with existing legislation. I am concerned that, if it is, it just makes future tweaking inevitable and then, when those changes are handed down, confuses the area managers more.

Therefore, the bill must be brought into line with the Nature Conservation Act, the Forestry Act, the Workplace Health and Safety Act and the State Penalties Enforcement Act, to name but a few. Furthermore, the bill must not conflict and overlap with existing federal World Heritage areas and legislation. This would lead to more confusion and conflicting regulation. This means that the worthwhile aims of the bill might not be achieved.

In addition, it will be difficult to determine whether the bill is achieving its aims. The bill maintains an authority consisting of one minister and a board constituted by two department heads. Such a set-up lacks accountability. It lacks openness. We need openness if this House is to know whether the bill is working or just causing the confusion that I suspect it may cause.

Part 7 of the bill introduces quite significant offences. Unfortunately, these offences and powers to enforce such offences cannot be effective in relation to such a confusing and potentially conflicting piece of legislation. We cannot have confusing regulations that people may unintentionally breach, thus becoming subject to significant offences. The potential for injustice is extremely high.

Furthermore, the bill will give our park officers some of the same powers as police. The following questions arise: do these new powers now fall under the Police Powers and Responsibilities Act? Who is monitoring these significantly empowered park officers?

One can imagine an international student on a tour unintentionally going on to the wrong area whilst visiting Fraser Island and having a park officer slapping him with an unjustifiably high fine. The bill leaves the following question unanswered as well. Does he have a right of appeal in relation to the park officer's decision?

Overregulation can cause as many problems as divisions to the regulations themselves. The real concern with the Recreation Areas Management Bill is that it not only introduces further regulation but that that regulation conflicts with existing regulations and that can only lead to confusion and a future deeming of the legislation as ineffective.

Let us refer to the Legislative Standards Act 1992 for guidance here. It reminds us at part 2 section 4 that any legislation must have sufficient regard to the rights and liberties of individuals and the institution of parliament. I am concerned that this bill may not have such regard. I am concerned that it does not provide for a proper review of the regulation's implementation and even the creation of a democratically open authority to oversee the regulation. I am concerned that principles of natural justice could be ignored. I am concerned that this bill does not limit itself to specific cases and persons, something it should have done in a legislative environment where other state and federal legislation exist and where it may be in conflict.

What about the recognition of traditional Aboriginal law in some of these areas? I am concerned that the power given to officers effectively reverses the onus of proof of individuals by allowing rangers to apply charges to an individual, including fines, without having to prove intention or reasonable grounds. I applaud the initiative to have consistent regulation of the state's most beautiful areas but to be effective this regulation needs to be consistent and not confusing to visitors and managers alike.