

Dr Graeme L. Worboys
address supplied
Australia
18th May 2010

The Hon Frank Sartor
Minister for Climate Change and the Environment
Level 35, Governor Macquarie Tower
1 Farrer Place
Sydney, NSW, 2000
Email: office@sartor.minister.nsw.gov.au

Re: NSW National Parks and Wildlife Amendment (Sustainable Tourism) Bill 2010

Dear Minister,

I refer to the proposal by the NSW Government to amend the National Parks and Wildlife Act with the 2010 Sustainable Tourism Amendment Bill. My qualifications to respond to this proposal are based on 38 years of experience in state, national and international protected area management [from practitioner to policy level]; expertise in nature based and sustainable tourism; executive level experience in the tourism industry; national and international publications on sustainable tourism, and my academic qualifications.

I am supportive of tourism and visitor use in National Parks and understand that the tourism industry generally provides an invaluable service for visitors. This complements the excellent conservation work of (now) generations of park managers which has protected NSW's iconic natural destinations. There is a natural partnership between national parks and the tourism industry, but it needs to be managed and with leadership by protected area managers. As part of this working arrangement, park managers are aware the tourism industry is profit centred and has a superbly equipped ability to lobby and position itself for advantage. Grandiose ideas and exploitive proposals are a normal part of this management reality and so are the many failed tourism schemes in parks. Experienced managers are aware that such tourism industry rhetoric does not always match reality and that environmental performance can often be lacking. This situation requires constant leadership in order to maintain the protection of the Parks. Regrettably, the proposed Bill would change this situation for NSW. It would tip this working model into a model where powerful tourism industry interests could call the shots about what happens in Parks. I consider that the proposed Sustainable Tourism Bill, in its current form, threatens the conservation status of our National Parks.

I therefore strongly oppose this Bill in its current form. I oppose the Bill because:

1. It undermines the integrity of the NPW Act

Based on legal advice provided by Tim Robertson to the Colong Foundation, the Bill removes the legal protection of National Parks from uses which damage their ecology and landscapes. Given this is correct, this is a direct threat to the conservation status of National Parks and other protected areas in NSW. It is a weakening of the Act that contradicts a 43 year bipartisan Government policy in NSW of maximum conservation protection to National Parks. It undermines the international reputation of NSW National Parks as a World leader in national park management and conservation and establishes a dangerous precedent internationally.

2. It transfers decision making for general tourism use purposes directly to the Minister

The Robertson advising identifies that Section 151 of the Bill transfers decision making for tourism use in accordance with the Act from the Courts to the Minister. "The Minister will decide whether a use accords with the Park's purpose".

My opposition here is provided respectfully. The Bill provides enormous power to the Minister and provides opportunities for intense lobbying by powerful commercial organisations for exploitation of prime [as they see it] commercial sites in our National Parks. The stage could be set for "tourism mining" of National Parks in NSW where prime natural lands are developed as commercial opportunities. Such tourism mining of National Parks has already occurred under existing legislative arrangements due to intense tourism industry lobbying. A sub-alpine wet heath in Perisher Valley, Kosciuszko National Park [the summer habitat of Latham's Snipe - a migratory species subject to CHAMBA and JAMBA agreements] was originally leased for a car park, developed, and later, through re-negotiation, is forecast to be approved as a \$112 million 880 bed village in the centre of Perisher Valley. Developer profits will be gained from the subdivision of Kosciuszko National Park. The necessity for the developments in the Park [other than profit making] is highly problematic.

3. It undermines the status of the plan of management to conserve parks

The Robertson advising states the proposed Section 151 "cannot be used for a purpose which is prohibited by a management plan". However the plan of management content is ultimately controlled by the Minister. New plans (or amendments) will have regard to "sustainable tourism" initiatives and community consultation processes will predictably experience heated debates over future "conservation" versus "development" actions proposed. Compromises would invariably need to be determined. The net potential effect is a diminished conservation status of lands. This outcome could apply (for example) to National Parks of World Heritage status, with the consequent international scrutiny this would bring.

4. It exploits the resources of the park rather than conserving them

The Robertson advising states that conferral of exclusive possession under the new Bill provides lessees with strong rights, including the ability to exclude the public from the lease. Past experience has shown that actions taken by the Lessor (the Park Agency) to fairly enforce leasing provisions [such as in the instance of this Bill, sustainability assessment criteria] have sometimes been the matter of complaints directly to the Minister by very powerful Lessees and the subsequent curtailment of Lessor action. The net result is the diminishment of natural values of the park.

Based on the Robertson legal advising, it is my view that the changes will incrementally impact the conservation status of NSW's finest protected lands over the longer term. I also question whether this Bill is necessary in its current form given:

1. The financial benefits to Government may be questionable

Financial returns from the tourism development will be negotiated and will provide some revenue return to Government. However tourism developments will also bring with them costs to Government such as legal fees, the provision of access, water, sewerage and garbage services, power supplies, ambulance services, fire response services, bush fire protection, weed control, pest animal control, and regulatory control management action costs. Compensation "for quiet enjoyment" is often required for instances such as park closures during bushfire or storm seasons. The real question is whether there is a net overall financial benefit to Government from these sustainable tourism investments? If revenue is needed, then park entry fees could possibly provide this without impacts and overheads.

2. Benefits to the community of sustainable tourism developments in park?

The NSW protected area system is world famous and can be justly proud of its reputation as one of the leading protected area agencies of the World. Under the present legislative provisions, the NSW and Australian community benefit from ready access, sympathetically designed and award winning eco-tourism facilities and reassurance that investments are constantly being made towards the conservation of NSW's outstanding native species and heritage. Through the plan of management process, there is a sensible balancing of community expectations for national parks and the needs of species conservation in an open and transparent process. I am not convinced that enhanced sustainable tourism [as proposed] in national parks provide any net benefit. If new facilities are needed and are appropriate, then there are existing legislative provisions which can enable such opportunities and which can facilitate sensible discussion and input from communities as part of the process of approval. In addition, the previous DECCW policy of sustainable tourism facilities being located in towns adjacent to parks provides more direct benefits to regional economies and helps ensure that the destination is always in a pristine condition.

3. Sustainable tourism?

The absence of a definition for sustainable tourism in the Bill is of great concern. In addition, the absence of clarity about which objective of management prevails in a situation of competing interests is of concern. Previous NPWS tourism management work [for example] used the term "ecologically sustainable visitor use" based the Government's ESD process and advised that environmental (ecological) management objectives would prevail in any situation of competing interests.

4. The impacts of tourism

Internationally (sustainable) tourism is considered by protected area managers as a threatening process which requires active management. In many areas, national park visitor sites [regrettably] have been trashed. In many other areas, visitor destinations are well managed and provide outstanding and meaningful experiences for people. Park managers need all the support tools available to manage tourism, including a leasing and legal environment that is sympathetic to the conservation purpose of protected areas as well as visitor needs.

I would be happy to discuss any of these matters further.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Graeme L. Worboys', written over a horizontal line.

Dr Graeme L. Worboys