

Bailey's Creek Community League

Working for the Community since 1967

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SENATE INQUIRY INTO AUSTRALIA'S NATIONAL PARKS, CONSERVATION RESERVES AND MARINE PROTECTED AREAS

Preamble

Bailey's creek community League has been representing the interests of residents and ratepayers in the Douglas Shire north of the Daintree River, henceforth referred to as "The Daintree".

Residents and ratepayers believe that they are entitled to live in harmony with nature and to develop sustainable habitation in accordance with Australia's environmental policies

The Senate Inquiry into Australia's protected areas is an opportunity to sort out the roles and responsibilities of Commonwealth, State and Local Government Agencies, to eliminate conflicts and duplication between these three levels of government, to recognise and support the role of freehold land managers as the legal custodians of their lands and to ensure compliance with the Agreement.

Governance in the Daintree is an example of environmental extremism where the social and economic wellbeing of the host community have not been integrated into the solution.

The Senate Inquiry must learn from the mistakes of the past if Australia is to achieve cost-effective conservation. We, the people are responsible for the environment. The Environment includes people and communities.

Any initiative that aims to enhance the environmental values of an area must also enhance the social and economic wellbeing of the community in that area. This is the triple bottom line.

World Heritage listing of the Daintree in December 1988 was a Commonwealth Government initiative, but the Commonwealth Government failed to maintain its responsibility and by default allowed over-zealous State and Local agencies to impose their own agendas .

Our Federal member, Warren Entsch MP has been fighting on behalf of this community to change the situation.

On the 10th October 1997, the Federal Member for Leichhardt Warren Entsch MP. wrote to the Federal representatives on Ministerial Council, Senator, the Hon. Robert Hill and the Hon. John Moore MP, to advise that,

"I am strongly of the view that if there is so much funding available that Wet Tropics Management Authority is unable to identify enough environmentally critically sensitive areas in need of management and is looking at spending these funds duplicating and competing with private enterprise, then I would suggest that we may well be too generous with the allocation of these funds and clearly an urgent review would be appropriate.

To me this whole situation smacks of some underhanded bureaucratic attempt to destroy the viability of legitimate small businesses north of the Daintree. In doing so, achieve some long term agenda of eventually excluding the majority of land holders from north of the Daintree."

'On January 26, 2006 the Port Douglas and Mossman Gazette reported that Mr. Entsch's resignation from the cabinet position would allow him to spend more time on local issues, especially in Douglas Shire.

“It’ll give me more time to focus on the major injustices dealt by the State Government to residents north of the Daintree River”, Mr Entsch said.’

The Senate Inquiry must ensure equity and cost-effective conservation of all protected areas regardless of tenure.

Administrative structures for the Environment need to be reviewed for bias. Are government agencies impartial in the allocation of funding, resources and actions in regard to management of government protected areas and of non-government protected.

Recommendation 1.

The Daintree Coast Community Action Group recommends that the Senate Inquiry evaluates the Daintree Rescue Program, Daintree Futures Study and implementation of Queensland’s Integrated Planning Act in the Douglas Shire as examples of government initiatives in the Wet Tropics World Heritage Area to compare their outcomes with National Policies on the environment, biodiversity and ecotourism and Article 5 of World Heritage Convention.

World Heritage Convention, Article 5

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this convention shall endeavour, in so far as possible, and as appropriate for each country:

- a) To adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;*
- b) To set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions.*

RESPONSE TO THE TERMS OF REFERENCE

- a. *the values and objectives of Australia’s national parks and other conservation reserves and marine protected areas.***

Conservation Reserves include all lands that have been identified as requiring protection/conservation in their natural state for reasons of high biodiversity, rarity, endemism, heritage and cultural factors.

This is applicable to all lands, regardless of tenure.

Seventy per cent of Australia is non-government “off-reserve” land that is not protected by legislation, yet the biological and ecological values of these lands are as important for the conservation of biodiversity as the 30% protected lands.

This simple truth changes the way in which Australia manages land protection and conservation and indeed changes the culture of the people who now become the land managers and custodians.

Environment includes people and communities and it is their empowerment that is basic to a cost-effective conservation. People who live on the land and love it, are the best land managers and custodians.

Bureaucratic structures do not conserve the environment and cannot support freehold conservation because environmental bureaucracies are in competition with freehold land managers. Successful freehold conservation becomes a threat to environmental bureaucrats whose status, livelihoods and promotion opportunities will be diminished with the success of the more cost-effective freehold conservation.

This review must consider how freehold land is being protected and compare the relative cost-effectiveness of protected freehold land funded by private enterprise against national parks funded by the public purse. Australia cannot continue to pour funding into a small segment of the environment (National Parks) when so much more needs to be conserved.

Alternative economies that support conservation need to be fostered to replace industries that rely on the extraction of natural resources. Previously, industries such as primary production and mining have been subsidised through tax incentives. Freehold conservation needs to be similarly supported through sustainable industries such as ecotourism.

It is necessary to look at the way Australia has addressed management issues on freehold protected reserves and to change those strategies that have been counter-productive to conservation so that freehold conservation is supported and strengthened.

In the Daintree

World Heritage inscription in 1988 included freehold land as well as government land such as national parks and timber reserves. World Heritage legislation prevented extraction of natural resources, but did not plan for alternative incomes or provide for protection against external impacts. This became the role of government agencies that were instructed "to give the maximum possible assistance to freehold land managers."

Legislation and resources favour government lands. No consideration has been given to freehold lands. Landholders were refused compensation on the grounds that "World Heritage would bring tourism and tourism would bring prosperity." This was a good idea that the government failed to implement. Worse they actively worked against the community in the Daintree to deny them the tourism opportunities that they had been promised in lieu of compensation.

Freehold land outside the WHA was in a similar situation because there was no stated intent to protect and conserve and no legislative planning to support conservation. Government representatives exacerbated the situation by describing the freehold blocks outside the Area as "the hole in the heart of the Daintree."

A program of vilification has been carried out in the press while State and Local governments collude to destroy the community through obstruction of economic opportunities and removal of the natural assets that now form the basis of the Daintree Coast Community's economy.

Tourism was to bring prosperity said the government, as they took away the prosperity and gave it to outside interests that do not contribute to the conservation of the rainforest. Stated Government policy in the Wet Tropics Management Plan directs tourism away from the Daintree to other rainforests south of Cairns. There is no support within the management plan for a sustainable style of tourism that supports the economy of the local community.

The Daintree Rescue Program (DRP) used the funds provided for conservation of freehold land to build infrastructure on government land for 700,000 visitors per year. The program sanctioned the destruction of rainforest for boardwalks, car parks and picnic areas and provided free access (actually subsidised by the public purse) to an extent that undermined the community's capacity to conduct commercial rainforest access. Government policies of competitive neutrality and complementarity were breached and continue to be trampled on, with no attempt to offset the acknowledged damage of the DRP.

At the same time, the Douglas Shire Development Control Plan No. 3 (Daintree area) removed rights to develop small eco-friendly resorts in the World Heritage Area. Seven hundred objections, part of the consultation process, were ignored even though consultation is mandatory. The DCP3 made a mockery of consultation.

The Daintree Rescue Program took away the potential of freehold land to provide rainforest access on a user-pays basis. The taxpayer now subsidises free access for all-comers on multi-million dollar facilities maintained by the public purse in direct competition with the local community. There was no socio-economic impact assessment for the \$23m government expenditure.

Current tourism practices are exclusive of freehold enterprises that yield greater customer satisfaction. Current practices subsidise outside tourism businesses that do not contribute to a conservation economy and do not contribute to local enterprises. This contradicts fair trading practices and the Intergovernmental Agreement on the Environment. Australia claims not to subsidise industry, yet our taxes prop up a poor form of tourism at the expense of quality local products.

In 2002, the former executive director of WTMA, Russell Watkinson, publicly denounced the excessive subsidisation of National Park facilities in WTWHA at a cost of more than \$13m per annum for a 3% return of about \$375,000 from commercial permits.

The DCP3 removed the right of all World Heritage landowners to small developments, in effect removing the last option for a conservation economy based on tourism. (The latest Douglas shire IPA proposal approved by Council continues the economic deprivation of the Daintree Coast community.)

It is stated in the DCP3 support documents that there is to be no expansion of employment opportunities in the Daintree area and mains power is not to be provided. Thus, a growing community, requiring increased employment and economic initiatives to support conservation of the natural assets, has been undermined by Local and State Governments. These

aims are a social outrage. Community attrition has been engineered through economic deprivation. The Daintree Coast community has a right to sustainable development in keeping with Australia's policies on a sustainable future.

Under the Daintree Rescue program, occupancy levels have fallen by more than 70% and local resorts are operating at less than 40% occupancy levels. This equates with a commensurate loss of revenue for the community during population growth increases and increasing tourism levels.

The Mayor presided over the two projects concurrently – the DRP and the DCP3. The DRP gave millions of dollars that had been tagged for freehold conservation to government facilities, destroyed rainforest that wasn't being impacted upon and encouraged mass tourism that does not support the local economy. The DCP3 took away the community's tourism potential and any hope of future prosperity through restriction of business and employment opportunities.

Meanwhile the State Government through Queensland Parks and Wildlife Service has granted 560,000 permits for subsidised entry into National Parks to commercial Tour Operators from Cairns and Port Douglas while denying local land managers the right of entry into their own national parks for economic benefit. This permitted use by 560,000 persons exceeds the annual capacity of the ferry.

The DRP choreographed the day tour market to bring tourists into the area all arriving at the same time. The resultant chaos and obstruction at the ferry during peak tourism season has spoiled the natural experience for many travelers who are making a once-in-a-lifetime trip to the Daintree rainforest.

Management of the ferry, the priority lane that supports outside commercial tour operators and discriminates against local business interests, the illegal ferry levy are all local government initiatives, supported by the State, that have mitigated against ecotourism and community prosperity. The Daintree Futures Study reported a 70% dissatisfaction level in the day tour market.

*This is in direct contradiction to the **Intergovernmental Agreement on the Environment**.*

Recommended Objectives for Protected Areas.

The Senate Inquiry needs to endorse and support Freehold Protected Areas with appropriate legislation. These areas include World Heritage, Conservation Agreements with a covenant on the title such as Nature Refuges and other initiatives that protect and conserve to perpetuity.

Appropriate legislation, governance and resources must be allocated to the freehold land managers (landholders) to achieve the conservation objectives within the triple bottom line.

Current legislation and bureaucratic processes discriminate against non-government conservation reserves and fail to provide structures and resources to support freehold land managers, while denying previous economic land uses. This issue needs to be addressed.

Part of the exercise of identifying and protecting special areas must include social and economic factors. Parameters for a future economic viability need to be included in the objectives and protected against other conflicting Government initiatives.

Complementary economies that support conservation need to be developed and legislation put in place that prohibit unfair trading practices and the use of government funding against private enterprise.

The Senate Inquiry needs to apply equitable user-pays principles to all protected areas that cater to tourism. National Parks are competing against private enterprise that offer access to natural areas for a fee. Government facilities need to be made complementary to privately-operated facilities.

The *Intergovernmental Agreement on the Environment* provides a policy framework that advises all levels of government that the users of natural resources should pay prices based on the *full life cycle costs of providing the goods and services* and that biodiversity conservation *on all lands* should be pursued in the most cost-effective way, by establishing incentive structures, including marketing mechanisms, which enable *those best placed* to maximise benefits and/or minimise costs to develop *their own* solutions and responses to environmental problems.

There is a remarkable wealth and diversity of ecotourism potential through the interpretive expertise of indigenous and other local inhabitants, which lie begging to be cultivated. Best-practice ecotourism articulates respectability through the principle of sustainability and encourages participation through a culture of altruism. It has the potential to supplement

and moderate the fluctuations of fickle rural economies and provide recompense and dignity to remote indigenous homeland peoples.

The relationship that exists between human inhabitants and the natural values of their lands is unique. It is a completely different relationship to that which exists between a tourism operator from a more centralised accommodation locality and their natural area destination. The former is an integral part of the landscape, whereas the latter is a visitation.

This distinct difference represents an important ecotourism quality in the matter of continued human connectivity. Transmitting the complex and intergenerational mantle of human knowledge of the ecosystem's interrelationships, in all its moods and seasons, is intrinsically valuable. This intellectual property of local and indigenous people needs to be respected and supported in the transmission of values to present and future generations by the intellectual property owners themselves.

Principle 22 of the RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT, states: Indigenous people and their communities **and other local communities** have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Ecotourism is nature-based and whilst particular natural attractions may prioritise a preferred destination, it is ultimately the manner in which the host community interacts with its particular environment that provides participants with a frame of reference through direct comparison with their own lives. The local community is an added attraction. The community's natural estates are the assets of the community that provide the basis for sustainability and prosperity. These assets must not be transferred to government ownership because this will diminish the income-producing capacity of the community. It also diminishes the capacity for effective conservation.

The Daintree Futures Study was necessitated by the failure of the "Daintree Rescue Program" to achieve its objectives and the acknowledgment by the governments, that the DRP was "flawed and inappropriate."

Following this admission and the critical review, Senator Robert Hill, Federal Minister for Environment, made a declaration that "all future programs in the Daintree will be community driven."

A Community Governance Group needs to be empowered through legislation to achieve the objectives of the protected area, including environmental, social and economic objectives. It must be community driven in accordance with the Hill Declaration.

The Australian Government has supremacy over State and Local Governments and the Australian Government's stated objectives will over-ride all conflicting State and Local objectives.

Recommendation 2.

That the Senate Inquiry recognises that freehold conservation of a protected reserve, such as World Heritage or a Conservation Agreement, provides greater cost-effective management, with minimal drain on the public purse, and therefore should be pursued as the preferred conservation method.

Recommendation 3

That the Senate Inquiry confirms that The *Intergovernmental Agreement on the Environment* provides a policy framework that advises all levels of government that the users of natural resources should pay prices based on the *full life cycle costs of providing the goods and services* and that all protected areas regardless of land tenures will operate on a user-pays policy.

b. whether governments are providing sufficient resources to meet those objectives and their management requirements

Taxpayers cannot continue to subsidise National Parks. All states are currently increasing their areas of national park even though they are under-resourced and ill equipped to manage the land.

Queensland Environment Protection Agency (Report 1994) claimed to have increased its National Park area by 69% in 10 years, while the funding to manage and maintain increased by only 6%. In effect, our protected public lands are less well conserved because of declining resources per unit area.

Nature Refuges, protected through Conservation Agreements between landholders and State governments provide the most cost effective means of conserving the environment, however the principles of "user-pays" needs to be applied across all tenures.

National Parks do not have to raise their own revenue, so this obvious disparity between tenures has created unfair competition between government facilities (funded by the public purse) and non-government facilities (funded by the users).

This disparity can be easily resolved if government facilities are leased out to private enterprise through conservation agreements and required to operate on the principle of user-pays.

Wet Tropics World Heritage Protection and Management Act 1993 item (6) states:

The Commonwealth and the State have, under the agreement, agreed to broad structural and funding arrangements in relation to the management of the area.

The review needs to examine the allocation of this funding to ensure that there is equitable spread across tenures, that funding is not used for government initiatives in competition with freehold initiatives and that management regimes are cost-effective and user-pays. There are inconsistencies and ambiguities that have to be addressed.

Funding allocations must conform to principles of fair trading practices, complementarity and equity across tenures.

Recommendation 4

That the Senate Inquiry introduces user-pays fees for all government facilities that cater to commercial tourism to ensure cost recovery and achieve competitive neutrality between government and non-government facilities.

Recommendation 5

That the Senate Inquiry initiates a program of leasing arrangements of Government facilities to cater to tourism in protected areas. Facilities will be tendered out to private enterprise for cost-effective management, regulated by a Conservation Agreements and contracts and totally funded by the users.

c. any threats to the objectives and management of our national parks and other conservation reserves and marine protected areas

The failure of government agencies to protect and conserve special places that are World Heritage global treasures and sacred sites of the Indigenous people has been a problem over many years.

Shortage of funds, the lack of appropriate legislation and lack of will are cited as reasons for ignoring major irreversible damage.

An Environmental Impact Assessment of the "Blue Pool" in Cooper Creek, Daintree Rainforest states:

"The primary aim of this report is to illustrate that there are major threatening processes degrading the natural World Heritage Values of a small area of outstanding biological significance. This has been done through a direct comparison of quantifiable floristic survey work carried out in 1995 and 1996, with survey work carried out in 1998. In addition it has been clearly demonstrated that there exists little will or cooperation within the various government agencies at all levels to accept responsibility for management of this area. In 1992 one of the major threatening processes identified at a workshop of technical experts on the conservation of rare and threatened species was that: **"official ineptitude/inaction can be a threat in itself to the survival of rare and/or threatened species"** (Werren 1992)

Management agencies were notified of the existence and extent of the degradation of the values of the Blue Pool in 1996. Little or no action has followed, and this inaction is clearly one of the major threatening processes that the *Regional Action Plan for the Conservation of Rare and/or Threatened Wet Tropics Biota* report identified.

The situation in relation to the Blue Pool is not unique. There exist other areas of outstanding biological values where management decisions have been deferred owing to lack of acceptance of responsibility or "official ineptitude" in relation to the interpretation of the legislative regulatory mechanisms that are at their disposal. Even when there is acknowledgment of these mechanisms there is the lack of will and resources to enforce these mechanisms."

It is clear that the existing structures for conservation are not working and that a new system is required.

Recommendation 6

- **The Senate Inquiry needs to acknowledge and support cost-effective management and conservation of freehold land.**
- **The Senate Inquiry needs to recognize that a conservation economy must be cultivated as an alternative to previous land uses such as primary production.**
- **The Senate Inquiry needs to ensure that public facilities are complementary to and not competing with similar facilities on private land.**
- **The Senate Inquiry needs to ensure that Governments give maximum assistance to freehold land managers.**
- **The Senate Inquiry needs to provide adequate mechanisms for the protection of World Heritage and high biodiversity values on freehold and off-reserve land.**

d. the responsibilities of governments with regard to the creation and management of national parks and other conservation reserves and marine protected areas, with particular reference to long-term plans;

The Senate Inquiry needs to compare the costs and effectiveness of freehold land management against the monolithic bureaucratic structures.

National Parks were created for the recreation and enjoyment of nature. With the growth of tourism, ecotourism has emerged as an effective tool for conservation, provided genuine ecotourism is supported by governments.

Governments and stakeholders from outside of the area should respect and protect the intellectual property rights of the indigenous people, and the local community.

The resident host community, and other stakeholders in the future of the protected areas, including the tourism industry, business interests, public land management agencies and tourists, need to take an active stewardship role in protecting biodiversity to ensure that financial benefits resulting from tourism contribute to the economic and social well-being of the legal custodians, the host community.

This can be achieved through retention of natural values, rehabilitation and improvement of damaged areas, active intervention to control external threats to flora and fauna conservation, improving the levels of understanding and awareness of the ecology and significance of these rainforest communities and by ensuring a sustainable level of visitation.

The role of the community as the legal custodians of the freehold portions of rainforest needs to be acknowledged and supported by all levels of government, government agencies involved in resource management and the tourism industry. Encouragement and resources need to be directed to private landowners who are responsible for the management and conservation of lands to rehabilitate and enhance the scenic values for tourism and to restore and protect biodiversity for future generations.

Recommendation 7

The Senate Inquiry needs to facilitate conservation partnerships between freehold land managers and government to foster conservation economies, and to shift the burden from the public purse to the users of protected areas.

e. the record of governments with regard to the creation and management of national parks and other conservation reserves and marine protected areas.

Governments have not kept pace with environmental policies. Australia has some well-articulated policies, which if implemented would result in more extensive and more effective conservation.

Australia needs to stop building bureaucracies and start empowering the people to achieve the objectives of conservation.

Biodiversity, rare, threatened and endangered species and high endemism can be better conserved by caring custodians supported by an appropriate economy. By placing the bulk of the resources into national parks we impoverish and neglect the major portion of our lands.

At the same time, it is obvious that the existing regime is ineffective and incapable of coping with the increasing needs of a society driven by fears of global warming and pollution.

When moving into a "user-pays" regime, it must be remembered that freehold conservation and national parks are offering similar nature-based tourism and that they are in competition. Charges must be at the point of entry. Government funding must not be used to compete against private enterprises.

In the Daintree charges for conservation was added to the ferry levy. Thus Free Independent Travellers were charged for conservation in the area and were shown to be less likely to support private enterprise.

While the ferry levy was found to be illegal and has been discontinued, State and Local governments now propose an area levy on the ferry that will compete with private businesses.

It has been suggested that the Daintree National Parks and public lands, such as reserves, USL, roads etc. be declared a special management area and additional charges put onto the ferry crossing to pay for National parks, roads etc. Freehold land would be excluded and its conservation not supported.

This would destroy the economy of the host community and prevent landholders from achieving conservation objectives and will also prevent the host community from deriving an economy from ecotourism.

Recommendation 8

The Senate Inquiry needs put its resources into freehold conservation, and to work with the people to conserve our environment through sustainable economies.

The "Hill Declaration" that all future programs in the Daintree will be community driven, becomes paramount in the designation and future of protected areas in the Daintree.

The Daintree Coast Community are the legal custodians, yet they have no democratic structures to support decision-making and have been oppressed by the domination of agents who do not have the well-being of the community in mind.

The vision for a sustainable community, living in harmony with its environment will not be achieved unless there is government support for such an objective.

EXECUTIVE SUMMARY

Conservation Reserves include all lands that have been identified as requiring protection/conservation in their natural state for reasons of high biodiversity, rare and endangered, endemism, heritage and cultural factors. This is applicable to all lands, regardless of tenure.

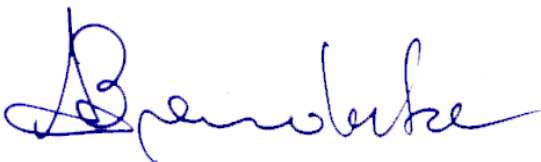
The *Intergovernmental Agreement on the Environment* provides a policy framework that advises all levels of government that the users of natural resources should pay prices based on the *full life cycle costs of providing the goods and services* and that biodiversity conservation *on all lands* should be pursued in the most cost-effective way, by establishing incentive structures, including marketing mechanisms, which enable *those best placed* to maximise benefits and/or minimise costs to develop *their own* solutions and responses to environmental problems.

The Agreement was signed by all Heads of State in 1992, however there is no compliance requirement. In Queensland, and possibly in other states, the noble intent of the document has been set aside for various reasons.

Management in the Daintree demonstrates how poorly Australia meets its conservation objectives as espoused in the *Intergovernmental Agreement on the Environment* and sets a challenge for the Senate Inquiry to find a solution that redresses the wrongs of the past and ensures the proper and effective implementation of the Agreement.

The Daintree Rainforest could provide a model of sustainable habitation, maintained through ecotourism and low-key service industries, with a culture based on rainforest ecology, management, education and research.

Through the Daintree, Australia could lead the world in conservation of biodiversity.



Fred Brendecke on 29 February 2006