

COOPER CREEK WILDERNESS

P.O. Box 590
Mossman Q 4873
Ph: (07) 4098 9126
Fax: (07) 4098 9097
email: walks@ccwild.com
web: www.ccwild.com

28 February, 2006

Attⁿ: Committee Secretary
Senate Environment, Communications, Information Technology and Arts
Parliament House Canberra ACT 2600

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

Introduction

*This submission is concerned with "other conservation reserves" and is made on behalf of **Prudence Mary Hewett, Landholder of a World Heritage Nature Refuge in the heart of the Daintree Rainforest in Northern Queensland and Cooper Creek Wilderness, Land Managers and Ecotourism Operators residing on the land, Lot 52 SR537.***

Our experiences in protecting and conserving the biological values of our 66hectare block have been made difficult through a complexity of environmental bureaucracies that do not agree on their roles and responsibilities.

In our research we came across a document entitled "Intergovernmental Agreement on the Environment" dated 1 May 1992 and bearing the signatures of the Prime Minister of Commonwealth of Australia and the Premiers of all the States in Australia.

It seemed to us to provide a clear direction regarding the roles and responsibilities of all levels of government and the intention of all participating bodies to conserve our unique environment.

In principle, our environment is in good hands. In actual fact, our environment is caught in a web of incompetence, vested bureaucratic and political self-interest and an abundance of red tape that has obstructed conservation of our protected areas.

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.

SECTION 3 - PRINCIPLES OF ENVIRONMENTAL POLICY

3.1 The parties agree that the development and implementation of environmental policy and programs by all levels of Government should be guided by the following considerations and principles.

3.2 The parties consider that the adoption of sound environmental practices and procedures, as a basis for ecologically sustainable development, will benefit both the Australian people and environment, and the international community and environment. This requires the effective integration of economic and environmental considerations in decision-making processes, in order to improve community well-being and to benefit future generations.

3.3 The parties consider that strong, growing and diversified economies (committed to the principles of ecologically sustainable development) can enhance the capacity for environmental protection. In order to achieve sustainable economic development, there is a need for a country's international competitiveness to be maintained and enhanced in an environmentally sound manner.

3.4 Accordingly, the parties agree that environmental considerations will be integrated into Government decision-making processes at all levels by, among other things:

- i. ensuring that environmental issues associated with a proposed project, program or policy will be taken into consideration in the decision making process;
- ii. ensuring that there is a proper examination of matters which significantly affect the environment; and
- iii. ensuring that measures adopted should be cost-effective and not be disproportionate to the significance of the environmental problems being addressed.

3.5 The parties further agree that, in order to promote the above approach, the principles set out below should inform policy making and program implementation.

3.5.1 precautionary principle -

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- ii. an assessment of the risk-weighted consequences of various options.

3.5.2 intergenerational equity -

the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

3.5.3 conservation of biological diversity and ecological integrity -

conservation of biological diversity and ecological integrity should be a fundamental consideration.

3.5.4 improved valuation, pricing and incentive mechanisms -

- environmental factors should be included in the valuation of assets and services.
- polluter pays i.e. those who generate pollution and waste should bear the cost of containment, avoidance, or abatement
- the users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any wastes
- environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market 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 no requirement for compliance by Governments or their agents to operate within this agreement.

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, rare and endangered, endemism, heritage and cultural factors. This is applicable to all lands, regardless of tenure.

There is a lack of definition of "other conservation reserves" that needs to be addressed by this inquiry.

Conservation Reserves should include all land designated as World Heritage, regardless of tenure.

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

If this Senate Inquiry is to have any value, then the Committee needs to examine the terms of reference for the Daintree Rescue Program and then look at the outcomes of the program.

The basic aim of the DRP was the protection and conservation of **freehold land** in the Daintree. The most critical threats to the integrity and ecological values of the rainforest were to be identified and strategies put in place to solve the problems. Sustainable tourism that supported the local community was to be developed. Freehold rainforest was to be supported in taking the impacts of tourism away from national parks.

What happened was that the funding was misdirected into national parks and into public facilities. Visitor facilities for 700,000 visitors per year were constructed on freehold land and then converted to national park. No walking trails were constructed on freehold land in spite of the public notice of intention and calls for expressions of interest. The most critical threat, over-settlement of a sub-division was identified, but not addressed. There was sufficient funding for 500-600 blocks to be purchased and/or protected. Only 81 blocks were bought for conservation. Large parts of these blocks were bulldozed for car parks, picnic areas and boardwalks.

There was no complementarity with private enterprise on freehold land. Government funds were used to compete with private businesses and tourism was taken away from the local community and given to the Cairns and Port Douglas mass tourism markets.

Governments admitted that the DRP was “flawed and inappropriate” and that the Daintree Planning Co-ordination Group was “arrogant and unaccountable.”

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.”

Bureaucratic self-interest and political manipulation drove the agenda and the well-meaning recommendations of a previous Senate Inquiry were set aside.

The Senate Inquiry must learn from the mistakes of the past if Australia is to achieve cost-effective conservation.

The Land – Cooper Creek Wilderness Lot 52 SR537

Lot 52 SR 537 Cooper Creek, Cape Tribulation Road is situated on Cooper Creek in the heart of the Daintree - Cape Tribulation Wet Tropics World Heritage Area in North Queensland. It is positioned directly below Thornton Peak and is acknowledged as a refugium of rare, primitive and threatened species.

The Land has very significant conservation values including two representative samples of Wet Tropics Regional Ecosystem types, listed as endangered in The Conservation Status of Queensland's Regional Ecosystems 1999.

Through a Conservation Agreement with the Queensland Minister for Environment, the land is also protected as a Nature Refuge, under the Nature Conservation Act 1992. With its World Heritage status, this freehold Nature Refuge is one of the best-protected portions of land in Australia.

In spite of this official level of acknowledgement, the capacity of freehold land managers has not been supported through legislation or through the provision of resources.

Recommendation 1.

That freehold lands, designated as World Heritage and therefore covered by the Wet Tropics World Heritage Protection and Management Act, be acknowledged as "Conservation Reserves" and supported in the achievement of the primary goal.

This requires that freehold land managers be recognised as persons with conservation responsibilities and given the necessary status, resources and legislation to achieve their responsibilities.

Value of Freehold Conservation Reserves to Australia.

Seventy per cent of Australia is non-government "off-reserve" land that is not protected by legislation, yet the biological and ecological values of this land are important for the conservation of biodiversity.

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 the environmental bureaucracies are in competition with freehold land management.

This Senate Inquiry needs to 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 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. Industries, such as primary production and mining have been subsidised through tax incentives. Freehold conservation needs to be similarly supported.

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.

Recommendation 2

Remove the obstructions that prevent landholders from achieving their objectives of cost-effective conservation.

Cooper Creek Wilderness, a World Heritage Nature Refuge, aims to be a model of cost-effective conservation through ecotourism. Government agencies have seriously handicapped our efforts and exist as the greatest threat to the achievement of our ecotourism and conservation potential.

Specific existing circumstances that need to be addressed:

- acknowledge and support cost-effective management and conservation of freehold land.
- recognize that a conservation economy must be cultivated as an alternative to previous land uses such as primary production.
- ensure that public facilities are complementary to and not competing with similar facilities on private land.
- give maximum assistance to freehold land managers.
- provide adequate mechanisms for the protection of natural values on freehold conservation reserves.

The Wet Tropics Management Plan Review in 2005 failed to address the inconsistencies and problems that we continue to experience.

A copy of our submission is attached and will assist in this inquiry.

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

The review needs to examine the allocation of 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. These inconsistencies and ambiguities need to be addressed.

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.

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.

Meanwhile private enterprise has walking tracks and toilet facilities available but they remain under-utilised and not supported by WTMA. If private managers of World Heritage estate were provided with recurrent funding for every expense so that free public entry was facilitated, a level playing field would be established, but as it stands, WTMA promotes the privileged recipients of recurrent funding and excludes the private-sector.

Government legislation needs to institutionalise mechanisms that ensure complementarity between NP and freehold facilities and promotes a user-pays ethos that contributes to a level playing field.

Australia's claim that it does not subsidise industry is not true. Commercial tourism that uses national parks is subsidised by the taxpayer. This is in direct competition with freehold rainforest access that is required to meet the full cost recovery of its services. Commercial rainforest access is the only feasible income production remaining after various levels of government have ruled out farming, extractive industry and commercial developments.

The Senate inquiry needs to co-ordinate responsibilities between governments to avoid community disenfranchisement and social dysfunction. The triple bottom line, environmental, social and economic balance has to be moderated by the Commonwealth government.

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

Over the past 12 years, Cooper Creek Wilderness has made every effort to rally all levels of government to solve uncontrolled irreversible damage to a World Heritage global treasure and indigenous sacred site known as "The Blue Pool." The multiplicity of bureaucratic overlays has made it impossible for WTMA to achieve the desired outcome of conservation.

An Environmental Impact Assessment Statement for "The Blue Pool" states:

“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.”

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;

Conservation Agreements and Nature Refuges are proving to be more effective tools for conservation of the environment.

Governments need to provide the incentives and tools that empower the land managers to protect their lands.

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

From our experiences, we would say that governments have a poor record of management and that they should support different administrative structures that support people and the communities in the conservation of their environment.

SUMMARY

Cooper Creek Wilderness supports the inclusion of freehold land within the World Heritage Area, because it give due recognition to the biological values.

As local experts, we are able to present the values to present and future generations and as land managers we can ensure intergenerational equity through our Conservation Agreement.

We can do it better, at no cost to the public purse. USER-PAYS.

We support the Intergovernmental Agreement on the Environment and encourage the

Senate Inquiry to legislate for its compliance.



Prue Hewett
Secretary of Cooper Creek Wilderness
Landholder of Cooper Creek Wilderness Nature Refuge

WET TROPICS MANAGEMENT PLAN 1998 REVIEW

COOPER CREEK WILDERNESS RESPONSE

Scope of the Review Principles

This response aims to “improve the operation of the Plan by amending errors and inconsistencies and clarifying ambiguities.”

Cooper Creek Wilderness has experienced inconsistencies and ambiguities in regard to land tenures and would like amendments made to the Management Plan to ensure that recognition and support is given to freehold land management within the Wet Tropics World Heritage Area.

Cooper Creek Wilderness supports the inclusion of freehold land within the Area and recommends that WTMA-permitted activities be recognized and supported in the same way as competing government facilities.

Failure to do this has resulted in use of public money in competition with private enterprises that have already been financially shackled by the World Heritage status of the land.

There is evidence of discrimination against freehold landowners who are denied the support of the Management Plan and regulations to protect and conserve their lands.

In the Cooper Creek area of the Daintree rainforest, penalties of up to \$225,000 are applied for infringements in National Park, but in contiguous off-reserve portions that may be richer and more diverse with higher ecological integrity, land managers have been thwarted by the lack of legislative support.

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. These inconsistencies and ambiguities need to be addressed.

Specific existing circumstances that need to be addressed to improve the operation of the Plan.

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

Firstly, there should be a clear statement that Australia's obligations to the achievement of the primary goal are as important on freehold land and other off-reserve World Heritage land as on reserve land.

Secondly, there needs to be recognition, credit and support given to appropriate land uses on freehold land that contribute to the primary goal. These land uses will support a conservation economy whilst maintaining the ecological biodiversity of the land.

Thirdly there needs to be acknowledgement that conservation of freehold land is more cost-effective and therefore more deserving of recognition and support than public land.

It is necessary to look at the specific anomalies and inconsistencies that have stimulated this response.

Cooper Creek Wilderness is wholly within the WTWHA. It is centrally situated in the prestigious Thornton Peak-Cooper Creek area in the centre of the ancient Daintree rainforest.

Through a Conservation Agreement with the Queensland Minister for Environment, the land is protected as a Nature Refuge, under the Nature Conservation Act 1992. With its World Heritage status, this freehold Nature Refuge is one of the best-protected portions of land in Australia.

The Land has very significant conservation values including two representative samples of Wet Tropics Regional Ecosystem types, listed as endangered in The Conservation Status of Queensland's Regional Ecosystems 1999.

The Land's vegetation communities support a high biodiversity of plants, including

many primitive and endemic species. A more recent study by highly respected field botanist Andrew Small, has identified 64 species that are listed as Rare and/or Threatened Species under Queensland's Nature Conservation (Wildlife) Regulation 1994.

The Nature Refuge is habitat for the endangered southern cassowary (three adult birds and several juveniles currently use the area), and numerous animal species, which are endemic to the Wet Tropics e.g. musky rat kangaroo and Bennett's tree kangaroo (conservation status - rare).

Governments do not provide financial support for the conservation of this freehold land, even though its rarity, antiquity and biodiversity is deserving of the highest order of protection and even though funding has been made available for this very purpose.

Landholders are required to generate the income necessary for the management and conservation of their land in ways that will achieve the primary goal. WTMA, as partners in protection, need to support landholders in developing appropriate land uses.

Cooper Creek Wilderness has identified a need to provide an alternative land use to the officially designated land use of "rural horticulture," one that will yield an economy sufficient to support the management company, Cooper Creek Wilderness, in the protection, conservation, presentation and management of the land. This must be facilitated within the management plan.

Triple bottom-line management of conservation, economic and social equity needs to be institutionalized into the Management Plan to guide future decision-making.

Ecotourism, defined as ethical travel to natural areas that supports conservation and contributes to the wellbeing of local and indigenous people, has the greatest potential to provide an income and to support the host community in the Daintree rainforest.

The Management Plan needs to protect small-scale ecotourism that supports the economy of local and indigenous communities as an essential component in conservation of the WTWHA.

Cooper Creek Wilderness recognizes the need to cater for the mass tourism markets, but feels that the management plan and strategies evolving from the current plan are biased against sustainable tourism in favour of an unsatisfactory and unsustainable style of tourism.

The Management Plan needs to foster a 'user-pays' ethos in tourism that does not undermine the economy of freehold enterprises. Government facilities have to be

complementary to private facilities that offer a similar service. Existing inequities and conflicts need to be resolved.

The Daintree Futures Study identified a high level of dissatisfaction in tourism and a need to provide "wilderness experiences." Cooper Creek Wilderness offers the desired experience, but this contribution needs to be publicly supported to the appropriate extent that achieves complementarity with government facilities that are funded and promoted under existing management structures. In the preceding (current) management era there is clear discrimination against private World Heritage enterprises in comparison to government-funded enterprises.

The Management Plan needs to support the identification, promotion and direction of visitors who want to experience a more intensive and satisfying rainforest experience. Freehold World Heritage sites, having WTMA approval, should be included in any publication of nature-based facilities. Signage should be applied to all World Heritage tourism facilities if they contribute to the conservation and presentation of the Area, regardless of tenure.

The Daintree Rescue Program oversubscribed to the mass tourism market (700,000 visitor places supporting the day tour markets from outside of the area) to the detriment of local rainforest businesses, with no effort to be complementary to existing and potential freehold enterprises.

Current 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.

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.

Meanwhile private enterprise has walking tracks and toilet facilities available but they remain under-utilised and not supported by WTMA. If private managers of World Heritage estate were provided with recurrent funding for every expense so that free public entry was facilitated, a level playing field would be established, but as it stands, WTMA promotes the privileged recipients of recurrent funding and excludes the private-sector.

The Management Plan needs to institutionalise mechanisms that ensure complementarity between NP and freehold facilities and promotes a user-pays ethos that contributes to a level playing field.

Solution to the current destruction of global treasures such as the Blue Pool in Cooper Creek has not been available within the existing Management Plan even though it is possible to develop regulations that address these problem areas.

Mechanisms such as regulatory notices, restricted access area and conservation agreements with land managers and trustees need to be incorporated into the revised plan.

Strategies for conserving global treasures and sacred sites must form part of the revised Management Plan.

Here too, the Management Plan needs to recognize the differences between public and private lands and not institutionalize conflicting land uses that undermine the conservation economy of the freehold land manager.

Australia is not meeting its obligations under the World Heritage Convention at the Blue Pool. In over 10 years WTMA has failed to prevent vandalism and permanent and irreversible damage to a known global treasure and sacred site.

The Management Plan must be amended to provide immediate protection of global treasures and sacred sites on all tenures.

SUMMARY OF ERRORS, INCONSISTENCIES AND AMBIGUITIES

Management Zones

Areas of high biodiversity and cultural heritage importance need to be provided with the most fundamental protection, otherwise they will be exploited. The Blue Pool, for example is contiguous with the boundary of the WHA and within very close proximity to linear infrastructure. The proposed changes imply a lessening of protection from its current zone B to zone C, which would inevitably allow the ‘other recognised, ongoing use’ of recreation desecration.

Cooper Creek Wilderness recommends that zoning changes incorporate the areas need for protection in terms of rarity, vulnerability, endemism, habitat values, scenic values and cultural heritage values.

What wisdom is there in zoning changes that allow for the needless destruction of World Heritage values?

Visitor Facilities

The multi-faceted proposal to add five new and remove eleven sites as Zone D must be amended according to section 8, Procedure for Amending Zoning Map, as prescribed within the *Wet Tropics Management Plan 1998*.

Cooper Creek Wilderness has picnic facilities with high quality composting toilets that provide visitors with authorized access to freshwater swimming experiences within the Daintree Cape Tribulation precinct that are rejected by popular day visitation, which refuses to pay its way according to the principles prescribed within the *Intergovernmental Agreement on the Environment 1992*.

The proposed rezoning further denies competitive neutrality and rewards a style of tourism that opposes user-pays. It also appears to circumvent the law and deny public response to the formal application to amend zoning maps. If indeed this initial draft review document constitutes a parallel notice to amend the zoning maps, then Cooper Creek Wilderness opposes the changes for the reasons given.

PART 4 – PERMITS *Division 2 - Principles and criteria for deciding permit applications*

Cooper Creek Wilderness recommends that Section 58 of the Plan is amended to specifically comply with principles of National Competition Policy and competitive neutrality in particular.

The prevailing attitude that the publicly-owned portion of the area will be subsidised for free entry to multi-million-dollar facilities has had an exclusionary influence over the privately-owned portion of the area and its capacity to interpret a sustainably economy through ecotourism.

Reference Part 8 Regulation 85

2 (a) *The use of the land in the wet tropics area*

The Act prevents continuation of the zoned land use, “rural horticulture” but fails to protect alternative approved land uses such as regulated rainforest access from unfair competition funded by the government.

Competitive neutrality is a key element of National Competition Policy. Simply stated, competitive neutrality requires that public sector business activities (whether they are undertaken by certain government departments, government owned corporations, other statutory authorities or local government business entities), which are in competition with the private sector, should not have competitive advantages or disadvantages simply by virtue of their government ownership or control.

The advantages which government business activities may have include:

- a. Full Commonwealth or State taxes or tax equivalent systems;
- b. debt guarantee fees directed towards offsetting the competitive advantages of government guarantees;

c. procedural or regulatory requirements of the Commonwealth, the State or a local government on conditions equivalent to the conditions to which a competitor or potential competitor may be subject, including, for example, requirements about the protection of the environment and about planning and approval processes.

The need for competitive neutrality is reinforced by the growth in competition between the public sector and the private sector, resulting in part, from the commercialisation and corporatisation of public sector activities and (in the context of this review) inclusion of freehold land in Australia's successful nomination for World Heritage listing of Queensland's Wet Tropics.

Cooper Creek Wilderness has pursued a sustainable ecotourism economy since its inception. The achievement of the primary goal upon its portion of the WHA through ecotourism regulates access, enabling visitors to enjoy wilderness values under the informative supervision of an inhabitant. This perspective value-adds to the destination's nature-based appeal. Visitors are amazed by the natural values but are also very interested in the interaction between human inhabitants and their natural environment and how they go about stewardship.

"User-pays" fully-finances the conservation management of the land without any cost to the taxpayer. The visitor is an active and willing participant in the achievement of Australia's international obligations and as a consequence, World Heritage values are protected for the livelihoods they provide their stewards, to perpetuity. And yet, with over 400,000 visitors passing its entrance annually, Cooper Creek Wilderness is finding it more and more difficult to remain viable under the exclusionary influences of government subsidy over its majority portion of the WHA.

In the Daintree at least, it is not the rainforest or other intrinsic values of the public lands that warrants criticism on the grounds of unfair competition. It is the millions of dollars of *subsidisation* to construct and maintain free-forest-access facilities to accommodate 700,000 visitor places in a multi-tenured environment that only carries about 450,000 visitors per year.

Under the name of ecotourism, these taxpayer-funded facilities were constructed adjacent to local resorts, on freehold lands acquired in development nodes instead of pre-existing National Park, commandeering the ecotourism markets which best supported the local community.

Commercial Activity Permit holders, predominately from communities away from the Daintree and with a latent carrying capacity of some 560,000 visitors per year, are required to pay only \$1.20 per client to commercially gain from these multi-million dollar facilities. Such paltry payments go nowhere near to full cost-recovery for the sustainable management of the respective facilities.

The disparity of recurrent funding for salaries, capital expenses, vehicles, repairs and maintenance, administration, signage, marketing, insurance, training, superannuation,

workplace health and safety, et cetera, provides the marketplace with the illusion of free-entry, when in fact taxpayers unwittingly finance a multi-million dollar exclusionary influence to fair-trading between the public and private sectors.

The Chutes Montmorency Declaration, completed on May 24 following the World Ecotourism Summit in Quebec City, defines ecotourism as responsible travel to natural areas that conserves the environment and sustains the well being of local people. In the case of protected area facilities, the taxpayer conserves the environment and public service employment and commercial permit holders from outside the local community eclipse the well being of local people.

Genuine ecotourism transcends nature-based tourism by providing a medium through which participants express their willingness to pay for what economists define as “non-use values”. Benefits derived from knowing particular environmental values exist and valuing their bequest to one’s descendants and future generations, include the health of the ecosystem, its bio-diversity, rarity, endemism, scenic amenity and continuity of human habitation. Cooper Creek Wilderness relies on visitor willingness to pay for non-use values.

Douglas Shire Council is the local government authority for the Daintree rainforest community. It has positioned itself at the forefront of the international ecotourism charge by becoming the first municipality in the world to receive Greenglobe21 benchmarking. It is over-charging on the ferry, which is ostensibly the entrance to the Daintree rainforest community, seizing payments that represent around half of the visitors’ willingness to pay for non-use values.

The socio-economic impact on the Daintree Cape Tribulation rainforest community in general and Cooper Creek Wilderness in particular, has been devastating, with a succession of businesses failing and thousands of dollars per month being lost to government subsidised facilities.

Australia has already legislated for sound environmental practices and procedures as a basis for ecologically sustainable development, to improve community well being and benefit future generations.

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 Act has failed to prevent ongoing and irreversible environmental damage in an area of high ecological values and overlapping tenures within the wet tropics area.

Regulations must ensure that funding arrangements are used in ways that protect all tenures, not just government lands. Principles of equity and fair trading practices have to be observed and incorporated into the regulations to redress the identified wrongs and to prevent further degradation and discrimination.

Example: The Blue Pool in Cooper Creek. It is acknowledged that this area is a global treasure within the world heritage estate with representative attributes of outstanding natural beauty, high biodiversity, rarity and endemism. It is also the single most significant sacred site within the living cultural landscape of the Kuku Yalanji Indigenous Peoples. A World Heritage Nature Refuge that is legislated to exclude access to the public at large, bounds it on the northern bank.

Over a period of 10 years, WTMA has been unable to regulate activities and to protect world heritage values within the area. Vandalism and irreversible damage have resulted from uncontrolled and unmanaged use.

The Management Plan must be amended to allow the authority to deal with such issues and activities. The Plan can be amended to regulate or prevent access into the area.

A regulation can be developed to control the presence of people and vehicles in Cooper Creek and penalties imposed to prevent further abuse and misuse of the area.

Yet again, the principle of competitive neutrality has been neglected.

Part 3 of the *Wet Tropics World Heritage Protection and Management Act 1993* (the Act), section 44, requires that when preparing a final management plan, WTMA must consider all submissions properly made.

On the 1st February, 1996 Cooper Creek Walk Pty.Ltd formally submitted its response to WTMA's *Draft Wet Tropics Plan*.

The following extracts from the submission have been reproduced for their relevance to this matter.

1. *Uncontrolled tourism must cease as a matter of urgency with the final Draft Wet Tropics Plan.*

Priority vulnerable areas are being 'hunted out' by a poorly regulated minority of commercial tour operators who remain uncommitted to the achievement of the Primary Goal, to what effectively become high density visitor nodes at the boundary of the World Heritage Area.

*The Daintree - Cape Tribulation area exemplifies these jurisdictional vulnerabilities at the strangler fig at Cow Bay, the fan palm forests along Palm Road/Baileys Creek Road, **Flame Tree Road and the Blue hole affair**, Fairy Creek on Maple Road, Stonewood Road causeway, Emmagen Creek, etc.*

Cooper Creek Walk Pty.Ltd urges the Authority to review the Area boundary at the Flame Tree Road reserve within the Cooper Creek catchment section of the Daintree - Cape Tribulation planning area.

The *Wet Tropics Plan 1988* commenced on 1st September 1988. Before, during and after the period of public consultation and indeed, to this very day, large numbers of visitors have participated in activities at the “blue pool”, which includes an important part of Cooper Creek Wilderness, which has a complete record of over ten years of documented effort to achieve protection of world heritage values from these unauthorised impacts, all to no avail.

More recently, the WTMA Board of Directors endorsed a Wet Tropics Nature Based Tourism Strategy, which formalised the Blue Pool as a visitor site on Map Reference B8, Class R1.

The Douglas Shire Planning Scheme regulates maximum numbers of visitors at any time. The DSC Town Planning Consent Permit No. 803 limits approval to those facilities shown on the drawing marked “A”, which accompanied the application.

The Blue Pool is not authorised to allow such access to Cooper Creek Wilderness as is occurring within the existing patterns of use. This unauthorised use is denied protection by the Wet Tropics Plan 1998, through failure to prohibit or regulate against the unauthorised use, despite my properly made submission specifically requesting that it be so.

The unauthorised use is environmentally of a serious and irreversible nature and exceeds the resilience of the World Heritage values as determined in three environmental impact assessments conducted by highly respected field botanist Mr. Andrew Small.

Protection, conservation, presentation, rehabilitation and transmission to future generations of the World Heritage values of the land at the Blue Pool have a considerable cost which is directly increased through the impacts that were not prevented with the commencement of the Wet Tropics Plan 1998.

The land value is depreciated to the extent required for the management of natural and cultural heritage, in accordance with Australia’s World Heritage management obligations defined under the World Heritage Convention.

Because the Blue Pool exists across a change in land tenure from public to private and free and unrestricted public access is provided from the southern approach outside the World Heritage Area, in a popular tourism icon attracting in the order of 500,000 visitors per year, the required management costs are proportionately high.

The value of the land, given stringent development constraint under its World Heritage status, is depreciated to the extent of these proportionately high costs.

The impacts on the land that were not prevented with the commencement of the Wet Tropics Plan 1998 include significant loss of scenic amenity and tourism value.

The lack of consequence for commercial access and/or referral for gain as per businesses located within the region including tour operators, car rental agencies, resorts, hostels, B&B's, residents within the region, commercial map producers, etc., expropriates potential income for identical facilities authorised through legitimate access to Cooper Creek Wilderness.

This issue reiterates the principle of competitive neutrality, whereby the visitor is provided with access to identical facilities; free-of-charge from the public domain with every expense met by budgetary allocation and fee-for-entry from the private sector domain, where every expense must be met for full-life cost recovery. To make matters worse, Cooper Creek Wilderness existed and functioned long before WTMA claimed an entitlement under its NBTS for public access to this completely inappropriate site.

It is impossible to put a price on the loss of intrinsic beauty and integrity of a unique global treasure. The "Blue Hole" is a global treasure that has been damaged and degraded through WTMA's failure to incorporate the necessary provisions that were stipulated in our properly made submissions, into the Wet Tropics Plan 1998. Such a loss is beyond our capacity to assess, but it constitutes a significant loss to the visual amenity of our product and availability according to unfair trade practices and failure to comply with competitive neutrality.

Recognition within the zones of a World Heritage Nature Refuge

Lot 52 SR537 has been gazetted as a Nature Refuge under a Conservation Agreement with the State of Queensland. Cooper Creek Wilderness regulates Rainforest visitation to limit access and to ensure direct supervision. This legally constituted agreement needs to be recognized within the zones of the management plan.

The approved activity of commercial rainforest access also needs to be protected as it provides the income necessary for the protection and conservation of wildlife.

Visitors share an appreciation of nature and all conflicting activities, such as scenic flights over the area, uncontrolled access and destruction must be prevented through the management plan.

The conservation agreement has legislated for a 15-hectare envelope for appropriate development, tropical fruit farming and other land uses. This envelope will need to be placed in a different zone to allow approved development and alternate land uses.

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.

Cooper Creek Wilderness considers that current planning programs have failed to incorporate freehold World Heritage lands into the planning and that the Management Plan has failed to give these properties the support necessary to achieve (a) and (b) of article 5 on private WH land.

If the Management Plan was amended to support the land managers by giving due recognition to enterprises which contribute to achievement of the 2 objectives, if measures were taken to support the land managers in the protection, conservation and presentation of the cultural and natural heritage without hindrance or unfair competition, then it would be possible to achieve the objectives through the largesse of ecotourism, without any drain on the public purse.

If World Heritage is to give the cultural and natural heritage a function in the life of the community then the intellectual property of the local rainforest community needs to be recognised and fostered in the same way as the intellectual property of the indigenous community.

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.

The protection, conservation and presentation of the cultural and natural heritage will best be achieved through the development of a rainforest culture embracing stewardship, ranger positions, education, scientific research, presentation to tourists, training and artistic rainforest interpretation and display. Such a cultural swing would translate into a sustainable ecotourism economy 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.

Support for this cultural change will need to be nurtured through improvements to the operation of the Plan by amending errors and inconsistencies and clarifying ambiguities. When this cultural change has been effected, World Heritage will have a function and meaning in the life of the community of custodians.

A handwritten signature in black ink, appearing to read 'P. M. Hewett' with a small flourish at the end.

P. M. HEWETT
SECRETARY
17th February, 2005