

Agreement in Principle

Mr PHILIP KOPERBERG (Blue Mountains-Minister for Climate Change, Environment and Water) [7.41 p.m.]: I move: That this bill be now agreed to in principle.

The National Parks and Wildlife Amendment (Leasing and Licensing) Bill makes minor amendments to the National Parks and Wildlife Act 1974 to remove anomalies that unnecessarily restrict leasing and licensing in parks. National parks are established to conserve areas with outstanding or significant natural and cultural heritage values. Our park system also has an equally important role in fostering public appreciation and enjoyment of those heritage values. It follows that regulating visitor access and activities in parks in an appropriate way is a vital feature of good park management. The State Plan recognises that there are many recreational and cultural benefits to be enjoyed in our State's parks. Indeed, the State Plan has as one of its environmental targets "increasing the number of visits to State Government parks and reserves by 20 per cent by 2016".

A further aim of the State Plan is to increase tourism as part of an overall strategy to promote business investment in New South Wales. A consistent framework for approving access to and use of parks is essential if the Government is to meet these important priorities. The National Parks and Wildlife Act establishes seven categories of park, which together comprise our State's park system, which are national parks, historic sites, state conservation areas, regional parks, karst conservation reserves, Aboriginal areas and nature reserves. Each different category of park is managed according to specific principles. Those principles guide what activities are permitted within those areas.

As an example, nature reserves are areas that predominantly are in a natural condition. Their main purpose is to conserve nature. Scientific research is also an important management principle. For these reasons visitation in nature reserves is carefully managed. Commercial activities are not encouraged. On the other hand, the management principles for regional parks emphasise providing recreational opportunities. Where this is compatible with its natural and cultural values, a regional park can accommodate a high number of visitors and an array of commercial visitor services. The management principles for the different reserve categories guide how visitors can enjoy and use the various categories of parks.

In addition, the leasing and licensing provisions provide a framework for managing commercial activities in parks. Commercial activities, including commercial guided tours, are permitted in parks for the enjoyment of visitors and to promote public understanding and appreciation of park values. The types of commercial operations allowed vary between parks but, as examples, the sorts of activities that are regulated by leases and licences include filming, food sales and organised adventure activities such as cycling, skiing and canoeing. However, the powers to issue licences and franchises for commercial activities are different across the different park categories. There are express powers in the Act that allow the issue of licences and franchises relating to national parks and historic sites. However, there are no such powers in the Act in relation to regional parks, state conservation areas, karst conservation reserves or Aboriginal areas.

This is an anomalous situation. It creates some uncertainty as to whether the Act was intended specifically to limit the grant of licences and franchises for commercial activities only to national parks and historic sites. There are no policy reasons why the commercial licensing and franchising provisions should differ between national parks, historic sites, regional parks, state conservation areas, karst conservation reserves or Aboriginal areas. The current differences appear to have arisen because some new park categories have been added to the Act since it was first proclaimed in 1974. That has created the present anomaly—commercial activities are authorised in national parks and historic sites but may not be authorised in other park categories that specifically emphasise recreation and sustainable visitor use as management principles.

These amendments will resolve this anomaly in the Act. They will specifically allow the Director General of the Department of Environment and Climate Change to issue licences to carry on a trade, business or occupation within state conservation areas, regional parks, karst conservation reserves and Aboriginal areas. The Minister will also be able to grant a franchise for the sale of goods and services in these parks. As well, the bill provides that, where the written consent of the director general has been given, state conservation area trusts and regional park trusts may grant licences to carry on a trade, business or occupation in the applicable park area. This arrangement is consistent with powers that state conservation area trusts and regional park trusts already have to grant licences to use and occupy land, again with the consent of the director general.

Standardisation of these provisions will help streamline the operation of commercial tourism and other commercial services in parks. Of course, any licensed activities will still need to be consistent both with the management principles under the Act and with each individual park's plan of management. Therefore, it is not proposed that the amendments will apply to nature reserves. This is because the management principles for this reserve category do not allow for the provision of significant visitor services.

There is a further anomaly in the leasing and licensing regime that is currently in place. This relates to lands that are reserved under part 4A of the Act. Part 4A allows the ownership of certain public lands, including existing parks, to be vested in Aboriginal land councils and then leased back to the Government on condition that those lands are managed as a park under the Act. Part 4A parks are under the control and management of the Director General of the Department of Environment and Climate Change until the board of management is appointed and takes on this role. Boards of management of co-managed part 4A parks have a majority of Aboriginal membership.

The issue to be addressed is that, unlike most other park categories, leases and licences to use or occupy land cannot be granted in state conservation areas and regional parks that are reserved and managed under part 4A. For example, licences and leases to operate kiosks, restaurants, on-park accommodation or telecommunication towers cannot be

issued. Yet all other reserve categories under the Act, with the exception of Aboriginal areas, can be the subject of licences or leases to use or occupy land. State conservation areas and regional parks are specifically intended to provide opportunities for recreation and enjoyment by members of the public. Many of these parks depend heavily on the use of commercial services by visitors. However, as the Act now stands, existing leasing and licensing operations in state conservation areas and regional parks cannot be renewed, and new leasing and licensing arrangements cannot be entered into once these parks are reserved and managed under part 4A of the Act.

For example, the Government recently finalised historic negotiations for the hand back of land at Stockton Bight, between Newcastle and Port Stephens, to the Worimi traditional owners. Under part 4A the Worimi National Park, the Worimi Regional Park and the Worimi State Conservation Area have been leased back to the Government and will be managed by a board of management, once appointed. Under the current legislation, leasing and licensing operations in the Worimi National Park will continue, but leasing and licensing operations in the Worimi Regional Park and Worimi State Conservation Area cannot be renewed. Nor can new leases or licences be entered into. This situation is clearly inconsistent with the management principles for the Worimi Regional Park and Worimi State Conservation Area. It is also quite anomalous that these leasing and licensing arrangements can operate in some park categories reserved under part 4A but not in others. The bill inserts a new section to allow the director general to issue leases and licences to occupy or use land in State conservation areas and regional parks that are reserved and managed under part 4A of the Act.

Finally, the bill makes a statute law revision amendment to correct incorrect references to "proclamations" under division 4 of part 4A of the Act. The amendments will give certainty by specifically allowing commercial licensing and the granting of franchises in Aboriginal areas, regional parks, State conservation areas and karst conservation reserves—but not nature reserves—provided that in each case the activities are consistent with the park's plan of management. They will facilitate tourism and business opportunities in rural and regional areas, including for Aboriginal people, and ensure that there is a consistent approach to commercial licensing across the park system. They will clarify that leases and licences to occupy or use land may be granted in relation to Aboriginal lands reserved as State conservation areas and regional parks under part 4A of the National Parks and Wildlife Act. I commend the bill to the House.