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Marine Parks, Mt Buffalo National Park and other Measures

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Mr MORRIS (Mornington) — Despite its title, the Parks and Crown Land Legislation (Mount Buffalo) Bill 2010 deals with many other matters as well as Mount Buffalo.

It deals with the marine national parks and marine sanctuaries. It provides for the revocation of reserves at Corio Bay, at Shepparton, involving a couple of parcels of land, and at North Park Recreation Reserve in Swan Hill. Schedule 6 makes some changes to the Crown Land Acts Amendment (Lease and Licence Terms) Act, the Forests Act, the Sustainable Forests (Timber) Act and the Transfer of Land Act.

Importantly there are also considerable changes to the boundaries of a number of national parks and reserves.

There are changes to the parks in the Bendigo region as well as those in the Castlemaine diggings area, in the Great Otway,, at Kinglake, in Gippsland and at Numurkah. A total of 820 hectares is added to parks and reserves, and there are some excisions as well.

Two — in Kinglake and in Beechworth — are relatively minor and are largely to facilitate access or make it easier, and there is a more substantial one in your electorate, Acting Speaker, for the Mallacoota Airport. At 71 hectares that is a substantial area to come off the park, but my understanding is it is critically important to ensure that aircraft can get in and out safely. Mallacoota is relatively remote from Melbourne, so it is important simply from a public safety point of view that access be retained.

In terms of the amendments to the provisions relating to marine national parks there are a number of changes to definitions to ensure consistency with the Fisheries Act, including the definitions of 'commercial fishing equipment', 'rock lobster', 'rock lobster fishery access licence' and 'rock lobster pot'. There are changes relating to sections 45A, 45B and 45C of the National Parks Act. Section 45A provides for fishing offences and marine national parks and sanctuaries, section 45B has the provisions relating to Point Hicks and section 45C relates to enforcement proceedings.

The marine parks and sanctuaries involved comprise some 13 parks and 11 sanctuaries across the southern coast of our continent. It is an extensive network — more than 5 per cent of the coast from Discovery Bay in the west to Cape Howe in east is taken up by the national parks.

They include areas that are perhaps the remotest from this part of the state — from the most highly populated part of the state. Some are almost pristine and some are in heavily trafficked areas that are close to home. There is the Port Phillip Heads Marine National Park, which has an issue of incredibly busy maritime traffic, and Yaringa Marine National Park in Western Port is just north of the port of Hastings.

The parks run the gamut from the most remote to perhaps the busiest sections of our coastal waterways. Often they are incredibly sensitive areas. They are established to ensure that the marine flora and fauna in the parks areas are protected and to provide for use and enjoyment by the population. Significantly I think they are also there to promote an understanding of the marine environment.

Given that many of those parks are within what some may say is a convenient distance from Melbourne — others may say dangerously close to Melbourne — as our population increases there is going to be a lot more pressure on those parks. It is important that they not be locked up and that members of the general population continue to be able to access and enjoy them and to have the educative experience that can come from them.

However, in order to achieve that we need to have in place a regulatory and management regime that ensures the parks are managed to protect the environment and the flora and fauna rather than their simply being managed in a sustainable way, which might be more appropriate to fisheries or perhaps to state forest in a terrestrial environment.

I think that is certainly the case here — that the changes relate largely to management. A new offence is created of using commercial fishing equipment in a marine national park or marine sanctuary, which carries a substantial penalty. However, the changes are largely about making the interaction between those who derive their income from the surrounding areas and the marine parks easier.

Clause 6(2) amends section 45A(5) of the National Parks Act. It basically relates to the priority species of abalone and rock lobster — Murray cod, I think, is the other one, though not particularly relevant in this context — that are identified under the Fisheries Act. All in all those changes essentially make the management work more effectively and hopefully make it easier for those who need to work about them as well.

The revocation of the Crown land reserve status and the additions and excisions from the parks are relatively uncontroversial.

I want to spend my remaining time talking about Mount Buffalo and the associated issues of national parks. The members for Doncaster and Benalla covered in some detail the issues of infrastructure, leasing and so on. There has been much discussion on both sides about the length of the lease. In some respects the whole situation of Mount Buffalo is an anomaly. Declared a national park in 1898, it is an entirely different situation to what exists for the rest of the alpine national parks and alpine resorts.

When I grew up and started skiing almost 40 years ago, Mount Buller was managed by the then Forests Commission, Falls Creek was managed by the State Electricity Commission of Victoria, and Mount Hotham was managed by the then Lands Department. In 1975 I was involved in negotiation of a lease with the Lands Department for a lodge at Mount Hotham.

Coincidentally at about the same time the Victorian National Parks Association published its seminal work *The Alps at the Crossroads*, and that in part led to much greater public debate. It led to the Land Conservation Council investigations, which I have to say much of the skiing community viewed with nervousness for some time, but as the process worked through — and I remember attending a number of public meetings — more and more people got on board. Eventually a series of recommendations came out that created a number of parks in the alpine area, though they were not yet linked. The 1983 special investigation created those links, which were put into place in 1989.

The relationship between the alpine resorts and the national parks, particularly in the north of the state, is entirely different to that of Buffalo. What the argument really comes down to is how you deal with the lease; whether the lease term should be 21 years, 50 years, 65 years or 99 years. It is all ad hoc, and that is my concern with this legislation. I am not expressing a view about whether 99 years is appropriate or whether 21 years is appropriate. We simply do not have the framework to make that judgement.

I know an argument was put forward in the briefing — and I thank the minister and the department for the briefing; it was certainly comprehensive — that 99 years is essentially de facto freehold. It may well be the case, but I am not arguing that point. We need to see a framework that allows us to make an assessment of whether the lease term is appropriate.

We need to ensure that the operators get a reasonable return on their investment, but not a windfall profit. I do not want to stray too much into the recent gaming machines tender, but clearly the state did not get the outcome it could have. In this instance it is important that we get the right economic

environment for the operators; that we still maintain the protections for the park, so the area is not alienated.

It is also important that the people of Victoria receive an appropriate return for the concession they are effectively granting in these sorts of situations. I would be keen to see that work done. It needs to be publicly debated and it would be terrific if it could be done before any further leases beyond this one are signed.
