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# Great Ocean Road Reforms Need More Work

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Mr MORRIS (Mornington) (14:13): I am pleased to rise to open the debate this afternoon on the Great Ocean Road and Environs Protection Bill 2019. The Great Ocean Road has of course been the subject of some extended discussion out in the community and probably amongst members for an extended period.

What we have before us this afternoon is a bill which is intended to create a new principal act, and we do not do that every sitting day, to recognise the importance of the land and the seascapes of the Great Ocean Road, to consider the road length as one natural entity for protection purposes and to create a Great Ocean Road Coast and Parks Authority. It is quite a detailed and complex bill, but essentially it recognises the road as one living and integrated natural entity for the purposes of protecting the area.

The bill provides for areas to be designated respectively as the Great Ocean Road region, the Great Ocean Road scenic landscapes area and the Great Ocean Road coast and parks; it establishes a set of principles for entities that are going to be undertaking functions within the coast and within the parks; it establishes the Great Ocean Road Coast and Parks Authority; it establishes a framework so that the Minister for Energy, Environment and Climate Change has the capacity to develop an overarching strategic framework plan for the region; it requires the commissioner for environmental sustainability to report on the Great Ocean Road coast and parks area; and it establishes a link, quite a complex link, between the strategic framework plan that is established under this bill and the existing planning schemes and the existing planning structure.

So it is quite a complex bill and will result in significant change to the areas it affects, should it be passed.

The area that it affects of course is an iconic area. It is a favourite destination for Victorians and has been for generations. The principal attraction, if you like, oddly enough is a road. There are not many places in the world where the principal attraction is a road, but of course it is really what is around the road that is the important part of it.

The road itself was begun in 1919, so it has just celebrated its centenary, as the minister at the table, the Minister for Veterans, says. It was built by veterans, by returned servicemen, and it was intended to be a memorial for their fallen comrades.

Mr Scott: A unique memorial.

Mr MORRIS: Absolutely, a unique memorial. Three thousand returned servicemen worked on the road, and they were paid the princely sum of 10 and six a day. Now it occurred to me when I was making that note that probably the vast majority of members of this house do not know what 10 and six a day is. It is 10 shillings and sixpence a day, and if you do the direct translation to decimal currency, from pounds, shillings and pence, it would be \$1.05. So it was not a lot of money.

They worked 8 hours a day, and 8 hours a day under those conditions must have been challenging, particularly when the south-westerlies were blowing in on some of those exposed points. They worked under not only harsh climatic conditions but in terms of the terrain they were working on as well. They worked 8 hours a day, five days a week, and half a day on Saturday.

The original section of the road, the first section between Eastern View and Lorne, opened in 1922, and that is quite remarkable when you consider the scale of the task. The next section, from Lorne to Apollo Bay, took another 10 years. So, the original Great Ocean Road ran from Eastern View, where the archway was built, through to Apollo Bay.

Of course the region we are talking about now is a much broader region.

According to the action plan that the government published, and I think the accepted view of the road, it runs from the end of the Surf Coast Highway, Torquay, through to Allansford, just this side of Warrnambool. I was interested when I looked on the Great Ocean Road tourism website page—I did not make a note of what it was actually called, but essentially it is a tourism guide to the Great Ocean Road—that they had it running through to Port Fairy, so perhaps there is some debate about the length of the road. I will come back to that a bit later, but essentially it finishes, for all practical purposes, east of Warrnambool.

It is much more than simply just a road. It is a magnificent scenic road. Probably the only other stretch of coast that I can think of in Victoria that is similar is the Esplanade, which runs between Mount Martha and Safety Beach—again, carved into the side of the cliff, not by returned servicemen but it is a similar incredible piece of work. Of course it is only a few kilometres long. It is nothing like the length of the Great Ocean Road, and we do not have national parks above it. In recent years we have housing above it, so it is not quite the same as it was.

This road and this area is much, much more than a road.

Certainly one of my earliest memories as a kid is walking into Erskine Falls. I guess if you go there now you would say, 'What are you talking about: walking into Erskine Falls?'. But in those days there was no road in. There was no easy drive and gentle walk in. We had to walk several kilometres. I do not know how many kilometres it was; it seemed an awful lot on five-year-old legs, I can tell you. It is probably one of my earliest memories of being in the bush and getting all the pleasure that you do out of that experience. I have a crystal-clear recollection of seeing a platypus playing under the falls on that day, and I think we were probably the only people at the falls.

Those sorts of experiences I know have been had by hundreds of thousands of Victorians, probably millions of Victorians, over the years, and there is the opportunity for those sorts of experiences in many, many other places along the length of this road as well.

Apart from the magnificent vistas, there are the waterfalls, the natural features and the surrounding national parks—the Great Otway National Park, the Port Campbell National Park and the Bay of Islands Coastal Park. It is a truly magnificent area. When you look at the visitor guide for the Great Otway National Park, which runs basically from Torquay to Princetown, it talks about the falls, it talks about the beaches and rivers, it reminds people that most of those beaches are not exactly safe—and of course we know that the Southern Ocean is not the safest water to swim in—it talks about the excellent opportunities for picnicking, the facilities and so on. It just tries to put on one page what the delights of just one of those national parks are.

It is also of course the traditional land of the Eastern Maar people and the Wadawurrung people. For 35 000 years at least they have been on that country, and they have an enormous amount of local knowledge and an enormous history there. It is not just from 1919, when the road was built, or before that, when the first settlers travelled to Lorne by steamer or over the rough roads out to the Princes Highway.

The action plan also identifies a range of features in the area that we sometimes forget. From the pretty basic stuff like the 11 200 jobs in the region—well, that is important—and that there are 170 000 hectares of Crown land. As a proportion of the area I understand it is 80 per cent or more.

Something that we often forget when we are talking about this patch is just how dangerous it was in the 19th century: there were over 200 shipwrecks off its coast. There is a lot of erosion. The region will receive 8.6 million visitors a year within the next 10 years.

Thinking of our discussion on bushfires last week, I recall standing on the beach at Mornington looking at the black clouds coming across on Ash Wednesday in 1983. There were 42 000 hectares and 729 houses lost, so this is a dangerous area as well. Of course more recently, just in the last few years, 115 houses and over 2200 hectares were lost at Wye River. It is a very beautiful area, but it can be a very dangerous area.

As I mentioned, the growth in tourism is quite amazing. Some work was done by Deloitte, in the process of preparing the consultation on the government's plan for the region. Prior to that, in 2016–17 there were 2.28 million overnight trips to the road and about 3.45 million daytrips. So what is that? About 5.5 million trips. By 2026–27 it is anticipated that there will be more than 8.5 million, as I mentioned a couple of moments ago.

To put that in perspective, that is 23 500 people every day. That is a serious number: 23 500 people every day, generating \$1.3 billion a year for the region, which is obviously critical to the local economy. In fact the area receives more visitors than the Great Barrier Reef and Uluru combined. When you think about the numbers moving in those regions, that is a big figure.

We know that there are governance issues, we know that there are some significant issues with funding and we know there have been well-documented road problems—I do not think that that is in dispute. But we know that we also have a patchwork of governance between local councils—there are five local councils—the catchment management authorities and the local committees of management. There is a real patchwork of governance. There is a clear need, I think, to rationalise that particular framework.

In August 2018 the then Leader of the Opposition announced that it was the intention of the opposition to create a new—speak of the devil—Great Ocean Road authority to manage the

Crown land along the Great Ocean Road. The intention was to replace existing organisations, including the role of local government in managing the area, Parks Victoria, the Department of Environment, Land Water and Planning and the Great Ocean Road Coast Committee, which were currently managing the land.

In making that announcement we indicated that in our view—and it is a view that I endorse—governments have a duty to ensure that iconic areas like the Great Ocean Road are looked after, that they are maintained and that we are able to hopefully pass them on to the next generation in better condition than that in which we found them.

This is something that the local community, businesses and tour operators had all been looking for. It has certainly been a starting point that this sort of reform is necessary. I think some time shortly afterwards, between then and the election—I was not able to immediately lay my hands on the media release this morning—the government released its own plan and announced its intentions to proceed. This bill, I understand, is the first bill of two bills that will seek to implement that plan.

So what is in the bill?

Essentially the bill establishes the region or sets out a framework for identifying the region—the coasts and parks, the scenic landscapes area and the opportunity to declare additional areas. It sets out some principles in terms of how the various authorities should operate.

It sets out general and economic principles, including holistic management of the road, the coast and parks; some guidelines for decision-making; the point I was making a couple of minutes ago about the generational impact and the opportunity to hand it on; inclusion of the local Aboriginal people and the importance of that; the importance of the environment and the sorts of things that decision-makers need to take into account; the social principles, which of course picks up the aspect of post-European settlement; and the manner in which the parks are managed. While there may be opportunities to dispute points at the margin, really I do not have an issue with the principles contained in the bill.

The next section of the bill, part 4, sets up the capacity to create the Great Ocean Road strategic framework plan. Obviously it needs to be consistent with the principles. The part goes to quite some detail. The point I want to perhaps focus on is the fact that it is the minister—the minister for environment in this case—that has the responsibility for preparing a draft plan and undertaking public consultation. There is the opportunity to appoint panels and so on, but essentially it is a process driven by the minister and it is a decision of the minister.

Part 5 of the bill sets up the Great Ocean Road Coast and Parks Authority. That authority will have significant powers. Again, while there is a structure in place—a maximum membership of 12, and some people are included and some people are specifically excluded from being eligible to be appointed—and the basic structure is okay, I certainly have some concern with the details, and I will come back to that.

There is a reporting structure built in, which I welcome. When we get to part 10, we see the relationship developed with the Planning and Environment Act 1987. Essentially, responsible entities—they are identified in a definition earlier in the bill under clause 3—will have to comply with the Great Ocean Road strategic framework, and any planning amendments that are prepared cannot be inconsistent.

I think that would be okay if the area was defined and we knew exactly what we were talking about, but one of the issues that I have with this bill is that in fact we do not know the precise area that we are talking about.

The other point that is completely absent from the bill, which does concern me, is any mention of funding. This is not going to be a cheap exercise. There has been no real discussion about how it might be funded, how the authority is going to be resourced and how the framework plan is going to be implemented, so that aspect of the bill concerns me as well.

I think most members would have received a submission from the Victorian National Parks Association. They have expressed concern that the bill could 'potentially, if not actually'—their words—weakens environmental protection of the parks, about the risk of inconsistencies between the framework and the park management plans and that the control of the national parks by the new authority is overreach.

As I said, I think most members would have received this submission, so I do not intend to focus on it too much, but I think it is important commentary on the bill. They set out clearly under number 4 their concern about the complexity of the bill and the potential ambiguity of the bill and basically concluded that management over the smaller reserves is fine but perhaps the national parks should not be included, and perhaps Parks Victoria could have regard to the framework rather than being bound by it.

I propose to move a reasoned amendment, and I will ask for it to be circulated. I move:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government has resolved the significant omissions in the bill and ensures:

- (1) the source of funds to resource the operations of the Great Ocean Road Coast and Parks Authority and the implementation of the proposed Great Ocean Road strategic framework plan are identified;
- (2) the extent of the region is identified and defined;
- (3) the relationship between local planning schemes and the overarching powers granted to the minister by the bill is reconciled;
- (4) the proposed constitution of the Board of the Authority is amended after further consultation to provide that there is sufficient representation from residents of any of the following municipal districts:
  - (a) Surf Coast Shire Council;
  - (b) Colac Otway Shire Council;
  - (c) Corangamite Shire Council;
  - (d) Moyne Shire Council; or
  - (e) Warrnambool City Council; and
- (5) the decision to exclude all board, or committee of management, members of responsible entities (as defined in the bill) from eligibility for appointment as a director of the authority is justified'.

The intention of the reasoned amendment is that all words after 'That' be omitted and

replaced with the words 'this house refuses to read this bill a second time until the government has resolved the significant omissions in the bill'.

The first significant omission that I am concerned about is the lack of identified funding. Clearly the authority itself will need a reasonable operating budget. I do not begrudge it that—that is fine—but it needs the proper resources to operate. It is all very well to have a strategic framework plan, but you have got to have the resources to implement it. There is no money attached to this bill, and there does not necessarily have to be, but we have had no indication of how it is to be funded, and that concerns me.

The second point relates to the way the region is identified and defined. Basically it is the municipal districts of the constituent councils. There are two definitions—one on the water side or the ocean side of the road and the other from the road inland—but at its greatest extent the area covered by this framework could extend to the farthest municipal boundary of each of the constituent municipalities, which would be ridiculous overreach.

We have no indication of how it is proposed to proceed. My view is that the decision on the area covered by the authority should be a decision of the Parliament, given the powers and the range of responsibilities that are being allocated under the legislation. It can also effectively be changed at any time. If it was simply establishing an area, I would not have an argument with it. But given particularly the link to planning powers, it is very important that we actually know what we are dealing with. It may be 30 per cent of the entire area of the council's concerned, it may be 80 per cent; we simply do not know, and I think that is an issue.

The relationship between local planning schemes and the overarching powers granted to the minister for the environment by the bill needs some clarification; particularly the impact it is going to have on local councils, and again that comes back to the area of the region. How far are we going to exclude local communities from being able to plan in their own areas? We simply do not know. It is important not only for the Parliament but for the affected communities to know exactly how much their input into their own area is being prescribed by this bill.

I have some concerns with the constitution of the authority itself. I cannot immediately find the page, but effectively a definition in clause 3 identifies who cannot be part of the authority, and that includes local councils, it includes catchment management authorities, it includes Traditional Owner Land Management Boards—it includes a range of bodies. They should not necessarily be there as of right, but given the breadth of the exclusion, it is actually going to be very hard in a practical sense to find some locals who are able to contribute, to find locals who are not councillors or members of staff, to find locals who are not involved with CMAs and who are not members of local committees of management.

The very people that you want to be involved and those who probably have the knowledge in these areas are the people that are actually out there doing things. So while I understand the intention to have an independent body, my fear with the way this is constructed is that we will finish up with a body so independent that it will effectively have no local representation. I think that point is an issue as well.

The concept the opposition does not argue with. The concept of having common governance—we advanced it in August 2018 and we are very comfortable with that position now—we have no problem with. But we certainly do see some significant issues with the structures that are proposed in the bill that is before the house. I do not think it is

irretrievable by any means, but it has got to be defined. We have got to know the area that is going to be affected by the framework plan or protected by the framework plan—however you want to put it. It is not a bad thing, it is a good thing that is being done, but we need to know precisely where that area is going to apply.

We need to have the opportunity for the local community to participate in a meaningful way, not simply be consulted. Consultation is identified again in the bill. Simple consultation I do not think cuts it. You need actual representation from the local communities. They need to be involved in making the decisions.

Finally, we need to know where the money is coming from. Because you can have all the grand structures in the world, but if you do not have the dollars to back up the structure and you do not have them explicitly identified, then no matter how noble the intention of the bill is, the reality is not going to live up to the intention.

I have moved that reasoned amendment, and I simply reiterate that the concept is fine. If we can get some movement on the manner of the implementation, then the opposition would have no problem with the concept of the bill.