

## OUTDOOR RECREATION PARTY

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Draftsperson

NP & W Amendment Bill 2009

Email: [consultation.npbill2009@environment.nsw.gov.au](mailto:consultation.npbill2009@environment.nsw.gov.au)

Dear Sir or Madam,

**Subject: Draft National Parks and Wildlife Amendment Bill 2009**

Due to internal organisational changes the National Parks and Wildlife Amendment Bill 2009 (the Amendment Bill) has only come to our attention in recent days. Indeed on ringing around we find a general lack of awareness of the Amendment Bill amongst recreation groups.

It strikes us that this may be due to the seemingly total lack of National Parks visitor/user groups that you list under "Who is being consulted". Under the circumstances we request that there be an extension of time for making more detailed submissions.

In the meantime we make the following points:

### **1. Cost Recovery For Health And Building Services In Kosciuszko NP**

The Kosciuszko National Park (the KNP) is the most visited National Park in NSW with winter visitation the major attraction. Snow sports enthusiasts, utilising less than 0.05% of the total area of the National Parks of NSW for four months of the year, are the largest contributors to NPWS gate income.

This cost recovery proposal adds to the already high cost of snow sports, costs that are largely driven by a NPWS policy that aims to limit visitation to National Parks by a range of measures such as making visitation as inconvenient and expensive as possible. An example is the proposal for an extra 1,000 beds on the Perisher Range.

NSW Ski Association surveys showed that around 95% of visitors to the snowfields prefer to be accommodated on the snow, yet the NPWS, egged on by fundamentalist Green groups, has managed to delay the proposal for additional beds in the snowfields, for years.

It also strikes us that the cost recovery proposal involves at least triple if not quadruple dipping. The NPWS collects an entrance fee from every park visitor and in addition collects rent/usage fees from hotels, commercial lodges, club lodges, as well as resort and amenity operators. These latter imposts must of course be passed onto KNP visitors. On top of all this the NSW Ski Association about 20 years ago proposed and supported through to implementation, a move for an increase in the KNP entrance fee that would go directly to the NPWS to be used for the provision of visitor services/facilities.

For the NPWS now to propose an additional “cost recovery” impost is iniquitous and if past experience is any indication, monies raised from such a scheme would not be used to fund the provision of health and building services. That is what happened to the previous scheme, within a year or so, the money was largely being spent on items that had little or nothing to do with visitor services.

## **2. Roads In Parks**

Proposals here are a cause for concern.

For instance, at face value the survey issue addressed under the first bullet point would appear to be harmless. However road diversions from the surveyed route happen for a reason, say a cliff across the surveyed route. In this type of situation revision to the surveyed route would result in road closure and the ORP has no doubt that this would be the NPWS’s preferred outcome.

Similarly the provisions regarding road corridor widths could and most likely would, be used to restrict access.

### **3. Other miscellaneous minor amendments**

The proposal that a person accused of a breach of the NPW Act is deemed to be guilty, with the onus being on the person accused to prove their innocence, flies against the basis of our legal system whereby you are considered innocent until proven guilty.

This coupled with the proposal “ *protecting officers from personal liability..*” provisions could be used maliciously by the NPWS against members of the public who may be opposed to some action of the NPWS. Such a person could find him/herself in the position of proving innocence AND proving that the officer bringing the charge had not acted in good faith.

It is the ORP's opinion that these proposals should be rejected.

### **4. NPWS Accountability**

The Act and regulations have been devised to give the NPWS and the conservation groups that strongly influence NPWS and that hold extreme views far removed from the public norm (e.g. advocating the phasing out of all leases on the Perisher Range, Australia's largest winter playground and the management of the area as a wilderness), maximum power and minimum accountability. There is a clear need to begin reversing this situation. To this end the ORP proposes that the Amendment Bill contain a provision making the NPWS subject the Administrative Decisions Tribunal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Stitt', with a stylized flourish at the end.

Peter Stitt  
Registered Officer