



## **Concerns regarding the Cooloola Great Walk Ecotourism Project and associated misrepresentation of ILUA status.**

Our requests for outcome respective to the CGWEP are:

1. cease the current development proposal/process within Cooloola
2. remove S.35(1)(a)&(c) from the Nature Conservation Act (NCA).  
For overall consistency within the Act S.40 should also receive similar attention, however that is not the nub of the currently pressing threat upon Park estate integrity.

These requests are iterated in our public objection form, which is linked on this page: <https://www.protectparks.net/email-the-ministers>

Beyond these two critically necessary actions, current circumstances demonstrate the need for decentralized consultation processes to be convened upon our National Park assets to enable equitable, inclusive and adequate identification of the needs and opportunities within each Park according to its unique conditions. These processes could be part of the effective development of Park management plans. Matters identified consistently across the estate could then be incorporated into policy higher than the local level. A broad draft of community-based opportunities in Cooloola can be viewed here:

<https://tinyurl.com/cooloola-alternative-plan>

The two listed priority requests listed above are outlined on pgs. 2-4 below under the following two headings:

1. The proposed development: its form, impact, proponent and legislative basis.
2. The development's relationship with Indigenous interest: the objectively correct form vs the PR image fabricated and projected by development proponents to obscure the real form from public scrutiny and to conjure a social license.

## **Key point summary of Parts 1&2**

The development proposed in Cooloola essentially constitutes private commercial property development within a National Park. It is enabled by an isolated legislative remnant of a discredited Government that is now being enacted by a Government that has previously recognized the problem, promised the electorate to remove it, but has then acted in breach of that promise.

The project's development, and its consent under S.35 of NCA, would embed a significantly destructive change upon the public National Park estate by effectively destroying the Cardinal Principle of Park management.

Despite this serious and permanent impact upon assets of high public value, the public's awareness and inevitable opposition to this development action is being avoided and suppressed via secrecy, dense euphemism and the projection of a constructed narrative that egregiously misrepresents the 1st Nations interest in the project.

Regarding the latter point the commercial project is proposed upon lands that lawfully require negotiation of an ILUA. This is essentially the same construct as the Adani mine, the James Price Point project and many others like them. Action to oppose or prevent these destructive actions is not averted due to them having ILUA consent. The Cooloola project is no different. Powerfully applied gas-lighting acts to prevent recognition of that correct equivalence.

This falsified political narrative threatens not just the fate of the Cardinal Principle but also serves to embed acceptance of 1<sup>st</sup> Nation's outcomes within National Parks being dependent upon commercial development projects within those Parks. This conveys a disturbing range and gravity of consequence.

### **1. The Development**

- i. A proposal for private site leases and development of built accommodation is proceeding within Cooloola National Park directly and entirely upon S.35(1)(a)&(c) of the NCA.
- ii. The Newman Government enacted these provisions in 2013.
- iii. In opposition in 2015, and in Government in 2017, the ALP promised to exclude on-park development and to remove its Statutory entitlement.
- iv. Instead they have acted in direct breach of this promise by actively and non-transparently propelling development plans within National Parks. These plans mirror the business product model of Brett Godfrey (Australian Walking Co.), a powerful Corporate Tourism executive with immense influence upon State Tourism policy via his position of chair of the statutory body Tourism and Events Queensland.
- v. The development process began in DTIS in 2015 and has proceeded since then almost entirely out of sight of the public interest. This is unconscionable given the high public regard documented upon these significant in-common assets.
- vi. A generically framed, awkwardly constructed and poorly projected online 'public' survey was held in 2019 upon aspirations for 'Eco-tourism' along the State's Great Walks. This engaged vaguely upon possible development options. It gave no attention to the critical baseline matter of commercial development within Parks per se as a core matter of public interest. Its receipt of only 17 responses over its 3-month run time indicates its deficit of structure and reach.
- vii. DES enacted a series of community sessions in June 2021 to instruct attendees upon project details as referred to the EPBC, and the envisaged schedule moving on from that pre-determined point. Whilst later construed as 'consultation' these sessions were very stridently delivered uni-laterally. Many participants felt personally abused by the forcefulness of meeting procedure.
- viii. The EPBC referral submitted by the State (DES) as proponent in early 2021 provides the only public domain detail on the proposed development. All publicly available project definition exists solely due to EPBC requirements.

- ix. These demonstrated standards, together with Departmental responses that convey their view of relevant procedural standards, affirm that the public will have no knowledge of, or engagement upon, the development's ongoing operational standards or compliance, possible expansion of scale or function, or the sale of leased sites and operations to larger, more powerful commercial entities.
- x. The proposed development design and site selections demonstrate innate intent to sacrifice significant ecological and cultural values to add value to the commercial product. This destructive attitude is inherent across the development planning. It is not an outlying circumstance.
- xi. This demonstrates functional erosion of the Cardinal Principle's core values by this new commercial purpose in service of its directly conflicting needs. Its approval as a legitimate use fundamentally embodies the destruction of that traditional Principle. It can no longer be 'Cardinal' if made competitive or subordinate to a conflicting purpose.
- xii. Destruction of this guiding principle would constitute a watershed change upon the public interest values extant within National Parks. Instituting this 'forever' change without due public engagement is tantamount to theft and extortion.
- xiii. The relevant S.35 provision requires that such approvals be 'in the public interest' and be 'ecologically sustainable'. Yet the proposal proceeds exclusive of public engagement and with defined intent to decimate intact habitat within a National Park to provide spatially indulgent comfort for high-income clients (38<sup>2</sup>mtr. cabin to accommodate two people for a single night as a 'luxury walking product'). This terrible equation erodes democracy, equity and common sensibility as well as our increasingly scarce ecology.
- xiv. Just 5% of Qld. is in National Park. This is the only land tenure, until now, wherein nature has secure protection via direct Statutory ordinance of the Cardinal Principle.
- xv. Exclusion of commercially driven land development is the single fundamental difference between nature's on-Park security and its comparative precarity and on-going decimation outside of National Parks.
- xvi. Approval of this development would break that barrier forever by embedding the commercial land development function embodied within S.35 of the Act to operate in direct conflict with, and decimation of the Cardinal Principle.

## **2. The Development and Indigenous interest**

- i. The proposed development proceeds entirely under S.35 of the NCA.
- ii. To proceed upon the target land tenure it is lawfully required to negotiate an Indigenous Land Use Agreement (ILUA)
- iii. This negotiation has been undertaken and concluded. Consent has been given in accordance with provisions specified within resolutions passed at a Kabi Claim Group meeting in Gympie on Nov. 12, 2022. Serious procedural concerns are documented from meeting attendees that were coercive and manipulative toward a Yes vote. A list of reported issues can be viewed here: <https://tinyurl.com/Kabi-ILUA-consent-meeting>
- iv. Whilst the above point is noted as a serious concern within the overall process, it is not the focus of our formal concerns upon this development's deficiency and the process propelling it. Our concern is the falsely represented status of the ILUA, and not Kabi matters relevant to the ILUA itself. However these noted matters very seriously do exist and the people who were directly affected should be listened to instead of being perpetually disenfranchised by neo-colonial, technocratic machinery.

- v. The ILUA's provisions respective to consent for the proposed development are specified in the resolutions put to the November 12 meeting. Their defined extent is:
  - a. Target of UP TO 10% Kabi employment in project construction.
  - b. Target of UP TO 25% employment within project operation.
  - c. 10% equity in the CABN's Cooloola operation.
- vi. These provisions do not include any concessions or rights respective to Park management or land tenure. Neither can they as the commercial operator has neither the capacity nor jurisdiction to make any such provision.
- vii. In definitive terms, the proposed Cooloola development proceeds under S.35 of the NCA which holds ZERO capacity to deliver upon the Objectives of Indigenous protected Area management that are provided for under S.4 of the NCA – the Objects of the Act.
- viii. When the Newman Govt added the development clauses to S.35 in 2013 they also added 'sustainable commercial use' to the Act's Objects in S.4. The ALP removed this Object in 2015 leaving the Act's Purpose as simply but vitally:
  - a. the 'Conservation of Nature' and
  - b. the inclusion of Indigenous peoples in the management of protected areas in which they have an interest under Traditional custom.
- ix. Thus we see there is no retained connection between the Act's Objects and the development clauses in S.35. There is no commercial purpose and the Object of Indigenous land management is set at a delivery level far beyond the jurisdictional capacity of a private developer acting under S.35. To bluntly state the latter, a handful of hospitality jobs is categorically not 'inclusion in Park management'.
- x. The disconnection of S.35 from the Act's Objects is not a legal basis for annulling actions taken under it. However it does pose S.35(1)(a)&(c) as alien malignant cells within the body of the Act that threaten its direction and integrity of purpose. They furnish the Act with a backdoor for entry to private land-grabbing in complete isolation from, and at risk to, the Act's formally prescribed purpose.
- xi. Plan advocates allude to the Cooloola ILUA including as yet undisclosed provisions from the State respective to Kabi land management and/or tenure within Cooloola. Regardless of the truth or adequacy of this alluded content any such State-based provisions would have no innate connection to, or dependence upon, the commercial action and its separately defined commercial provisions.
- xii. Despite these salient technical facts, development proponents, including the State as lead proponent, are acting purposefully to promote and validate the Cooloola development on the entirely false premises that:
  - a. It does deliver those management outcomes – *stated explicitly*.
  - b. private commercial land development within Cooloola (and other Parks?) is needed to deliver Indigenous outcomes – *conveyed implicitly*.
- xiii. This fabrication creates a powerful:
  - a. emotive diversion away from the real action underway; *private corporate property development within National Parks*.
  - b. mechanism for dismissing and intimidating opposition to the proposal that is enacted upon evidently sound technical grounds.
  - c. construct for the development's social license where there would otherwise be none.
  - d. corruption of political and social belief wherein 1<sup>st</sup> Nations outcomes within Protected Areas are construed to be dependent upon, and essentially subordinate to, commercial approvals within those tenures, thus subordinating the genuine needs of protected areas and of 1<sup>st</sup> Nations landowners to the needs and priorities of commercial development objectives.