



Stakeholder perception of regulating commercial tourism in Victorian National Parks, Australia



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HIGHLIGHTS

- Regulatory framework can be applied to commercial tourism in National Park research.
- Distrust in government's ability to regulate built tourism in National Parks exists.
- Regulatory efficacy concerns led to opposition of built tourism in National Parks.
- Parks Victoria is not adequately resourced to enforce regulations and manage public/private partnerships.
- Command and control strategies are efficacious in achieving conservation outcomes, but should not be over-bureaucratic.

ARTICLE INFO

Article history:

Received 24 March 2015

Received in revised form

5 November 2015

Accepted 6 November 2015

Available online xxx

Keywords:

National Park tourism

Regulation

National Park stakeholders

Australia

ABSTRACT

In 2013, the Victorian State Government, Australia, amended legislation to allow the private sector to build and operate tourism superstructure within National Park borders. This study utilised a theoretical regulatory framework to categorise the strategies which regulate commercial tourism in National Parks. Data pertaining to stakeholders' perceptions of the effectiveness of each strategy were collected. Stakeholders within this study sought a clearer government vision for tourism superstructure in National Parks, one which acknowledged conservation as priority and was supported by a more comprehensive regulatory system addressing potential impacts. The results from this study have practical implications for designing an efficacious regulatory system for tourism superstructure in National Parks. The findings suggest an efficacious regulatory system could increase stakeholder trust of and support for government regulatory efforts. This study provides a useful framework for future regulatory-focused studies and outlines the theoretical implications for future research in similar settings.

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1. Introduction

Australian National Parks are areas protected by the government to conserve natural and cultural assets and to provide natural areas for human use through recreation and tourism. Each state government in Australia is responsible for its own National Park system, and each state has a government protected area management agency (PAMA) who manages their National Parks to achieve both *conservation* and *use* objectives. In all states, National Park visitor services are provided by both these public agencies and the private sector. To further facilitate recreation and tourism, Australian National Parks contain various types of infrastructure. General infrastructure refers to that which supplies electricity, water, sanitation,

transport (including roads and public transport), and communication and is predominantly provided and maintained publicly by government. Tourism superstructure refers to infrastructure which provides food services, built visitor attractions and accommodation facilities, such as campsites, huts, and hotels. Tourism superstructure can be built and/or operated publicly by government and PAMAs or as a commercial entity by the private sector (Crouch & Richie, 1999). The amount and type of infrastructure in Australian National Parks varies from state to state, as does the level of involvement from the private sector.

The State Government of Victoria has 45 National Parks under its control, managed by the Victorian statutory authority PAMA, Parks Victoria (Parks Victoria, 2013). Private sector entities delivering visitor services or operating tourism superstructure in a Victorian National Park are referred to as "commercial tourism operators" (CTOs), defined by Tourism Victoria as "an individual or

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organisation that conducts a tourism activity (for example, guided tour, special event or facility) that results in some degree of commercial return” (2008:78). Commercial tourism is an all-inclusive term used in this study to denote CTOs from the private sector operating within a Victorian National Park, and their commercial tourism activities.

Commercial tourism activity within Victorian National Parks has been restricted to CTOs providing visitor services (such as camping, walking or bus tours) and operating existing government owned infrastructure (such as Lighthouse accommodation or food service facilities) (Parks Victoria, 2013). Across Australia, the presence of the private sector in National Parks has been increasing as the tourism industry capitalises on the growing nature-based tourism market and as government funding decreases, limiting PAMA resources to provide visitor services and tourism superstructure (Buckley, 2011). In 2013, the Victorian State Government amended legislation through the *National Parks Amendment (Leasing Powers and Other Matters) Bill, 2013* to now allow the private sector to fund, build and operate tourism superstructure within National Park borders and included the provision to grant leases for up to 99 years to CTOs. This was a fundamental change to the National Park legislation which ignited stakeholder conflict of what is acceptable commercial tourism in a Victorian National Park and how it should be regulated (Wilkins & Tomazin, 2012).

Commercial tourism can have positive and negative impacts on a National Park. It is able to increase visitor awareness and education of conservation issues, add an economic value to protected areas and facilitate visitor access. Conversely it can cause environmental damage, over-crowding and create visual pollution (Eagles & McCool, 2002). Government regulation and self-regulation by the tourism industry serve to manage these impacts. Regulations guide the level, type, and behaviour acceptable for commercial tourism within National Parks (Hughes, 1998). Worboys et al. explained most simply that “well-constructed regulations create a clear understanding of what can and cannot be done, and enable the community, through its parliamentary representatives, to protect natural resources” (2005:527). Studies which consider how commercial tourism can be most efficaciously regulated within National Parks to achieve National Park outcomes are therefore valuable.

The aim of this study was to explore stakeholder perceptions of regulating commercial tourism in Victorian National Parks and subsequently inform how strategies could be most efficacious in achieving the National Park outcomes of conservation and use. Further to this, the study aimed to gain an understanding of the stakeholder conflict around the legislation amendment which allowed the private sector to build and operate tourism superstructures within Victorian National Parks. An existing regulatory strategy framework (Baldwin, Cave, & Lodge, 2011) was used to categorise the regulations of commercial tourism in Victorian National Parks, and stakeholders' perceptions of the efficacy of each strategy were explored.

The next section reviews the existing literature regarding the regulation of commercial tourism in National Parks, followed by section three that details the specific Victorian context which is the focus of this study. Section four outlines the method used in the study and section five presents the results. Finally, section six provides a deeper discussion and conclusion.

2. Regulatory strategies for commercial tourism in National Parks

With no world governing body or agreed model, National Park commercial tourism structures and regulations are developed independently by national and/or state or provincial governments for their respective park systems. This can involve accepting trade-offs

between tourism and the environment which arguably, in a democratic system, should reflect the views and values of the broader community (McCool, 2009). Buckley (2012), Eagles (2014), Eagles, McCool, and Haynes (2002) and McCool (2009) all discussed the expanding involvement of the private sector in the National Park setting, and the increasing amount of National Park management time and resources needed to manage CTOs and their tourism activities. Empirical research of public/private partnerships has identified regulation as a source of stress on this relationship (Huybers & Bennett, 1997; Moore et al., 2009; Wilson, Nielsen, & Buultjens, 2009). Research into the specific regulatory strategies, their structure, and effectiveness in implementing policy has therefore been called for (Bramwell, 2005; Hjalager, 1996; TTF, 2007) and has been a growing area of interest in tourism literature (Buckley, 2012).

In the National Park setting empirical studies have considered two main regulatory themes. The first is the compliance to regulations by commercial tourism and recreational National Park visitors (Cater et al., 2008; Hill & Pickering, 2002) and by CTOs in or near protected areas (Huybers & Bennett, 1997; Russell, Lafferty, & Loudoun, 2008; Viteri & Chávez, 2007). These studies found that the visitor and CTO relationship with the PAMA, the CTOs sense of belonging, and their perception of the legitimacy and content of regulations influenced their compliance. In Australia where National Park systems are managed by each state separately as opposed to the more common structure of a national management system, regulations were found to be inconsistent from state to state, which potentially reduced the knowledge and compliance by visitors and CTOs. The second theme more broadly explores the policy and regulatory content which guides visitor management, and the public and private partnerships within National Park systems. Case study and comparative analysis methods have been used in these studies to find strengths and weaknesses of systems across Canada and America (Hyslop & Eagles, 2007) in Australia (TTF, 2007), and other systems around the world (Wyman, Barborak, Inamdar, & Stein, 2011).

To date, these studies have paid minimal attention to regulatory theory. Hjalager (1996) illustrated the value of integrating regulatory theory into empirical studies in her study on innovation and sustainable tourism. She built a research framework by identifying sustainable tourism regulatory strategies from the wider literature, and then sorting them into Ouchi's (1980) regulatory model. Discussion and recommendations from the study could then be made based on both sustainable tourism and regulatory literature. In addition, developing such a framework potentially increases the ability to compare results across studies.

This research study adopted the Baldwin et al. (2011) regulatory framework that outlines the eight regulatory strategies available to government and details the strengths and weaknesses of each. The framework has been previously adapted in other fields (Hoye, Nicholson, & Houlihan, 2010) and is more comprehensive than other regulatory theories (Huybers & Bennett, 1997; Ouchi, 1980) potentially providing greater depth to the findings.

The strategies used to regulate commercial tourism in National Parks were identified from the existing National Park management literature (Buckley, 2011; Eagles & McCool, 2002; Eagles et al., 2002; Newsome, Moore, & Dowling, 2013; Worboys et al., 2005) and from the current practices used in Victoria. These were then sorted into Baldwin et al.'s (2011) eight regulatory strategy categories. Table 1 lists each regulatory strategy category with an example of how this strategy is used in the context of regulating commercial tourism in a National Park.

A more detailed description of each regulatory strategy and how it is used to regulate commercial tourism in the National Park context is outlined below.

(1) **Command and control:** Command and control strategies are those regulations enforceable by law which provide rules and

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