



Queensland

Forestry and Another Regulation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 177

made under the

Forestry Act 1959

Nature Conservation Act 1992

General outline

Short title

Forestry and Another Regulation Amendment Regulation (No. 1) 2011.

Authorising law

Section 97 of the *Forestry Act 1959* and section 175 of the *Nature Conservation Act 1992*.

Policy objectives and the reasons for them

This regulation achieves two objectives.

The first objective of this regulation is to extend the maximum possible term of Commercial Activity Agreements from 10 to 15 years, with the intention of—

- fostering further investment in sustainable tourism infrastructure (including semi-permanent State owned infrastructure in protected

areas) by providing greater certainty to industry on which to base their investment decisions; and

- providing a more secure environment for tourism operators to invest in other tourism products that do not require investment in infrastructure.

The second objective is to remove the requirement to obtain a permit to undertake commercial filming or photography in protected areas, recreation areas and State forests when the activity involves no more than 2 people and does not involve the use of structures. The removal of this permit requirement will reduce red tape and administrative processes for both Government and clients.

Achievement of policy objectives

To achieve these objectives, this regulation amends:

- Section 88 (Terms and review of agreements) of the *Nature Conservation (Administration) Regulation 2006* to increase the maximum term a Commercial Activity Agreement may be issued from a 10 to 15 year period; and
- Section 27 (Commercial activities in State forests) of the *Forestry Regulation 1998*, section 10 (g) (Permits for conducting other activities in a protected area) of the *Nature Conservation (Administration) Regulation 2006* and section 96 (Unlawfully conducting commercial activity) of the *Nature Conservation (Protected Areas Management) Regulation 2006* to remove the need for a permit to conduct commercial filming and photography activities involving no more than 2 people and no structures across all QPWS administered legislation.

Consistency with policy objectives of authorising law

This regulation is consistent with the policy objectives of the *Forestry Act 1959* and the *Nature Conservation Act 1992*.

Inconsistency with policy objectives of other legislation

This regulation makes no new policy and is not inconsistent with other legislation.

Alternative ways of achieving policy objectives

Alternative options available to provide an increased level of security for ecotourism operators were assessed as substantial changes to policy and requiring changes to primary legislation. As such this proposal was considered the most efficient mechanism available to achieve the policy objective while being consistent with the authorising law.

Benefits and costs of implementation

The intention of extending the maximum term for which a Commercial Activity Agreement may be issued is to improve overall opportunities for viable commercial tourism operations in and close to protected areas. An extended term is intended to improve the ability of businesses to secure finance for protected area-based tourism ventures. The proposed amendment is expected to have a beneficial impact on business while having no appreciable impact on the wider community.

The capacity for government to enter into longer term agreements is likely to increase management certainty, provide for improved environmental and business practices and decrease the overall administrative burden.

Removing the requirement of a permit to undertake commercial filming and photography in certain circumstances will reduce the administrative burden on both the Government and clients. There is no anticipated cost of implementation as 1 or 2 people at a time taking photographs or filming for commercial purposes without structures is indistinguishable from normal non commercial use of Queensland's parks and forests.

Consistency with fundamental legislative principles

This regulation is consistent with fundamental legislative principles.

Consultation

Detailed consultation occurred with conservation and tourism representatives as part of the DERM led Tourism Infrastructure Roundtable process, which reported to the Minister for Climate Change and Sustainability.

Stakeholders involved in consultation included commercial operators and tourism industry, Queensland Parks and Wildlife Service, Department of

Employment, Economic Development and Innovation, relevant regional councils, traditional owners and native title holders and other holders of authorities within national parks.

While those consulted held some reservation regarding alternative options put forward, there was no objection to these amendments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.

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