



Queensland

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2012

Explanatory Notes for SL 2012 No. 189

made under the

Nature Conservation Act 1992

General outline

Short title

The short title of the Regulation is the *Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2012*.

Authorising law

Section 175 of the *Nature Conservation Act 1992*.

Policy objectives and the reasons for them

Section 35 and section 37 of the *Nature Conservation Act 1992* (the Act) enable the granting and renewal of authorities in relation to land in a national park or national park (recovery).

In order to permit uses in a national park or national park (recovery) under section 35 and section 37 of the *Nature Conservation Act 1992*, the use and location must first be specified in Schedule 3 and Schedule 4 of the *Nature Conservation (Protected Areas Management) Regulation 2006*.

The objective of this Regulation is to amend Schedule 3 and Schedule 4 of the *Nature Conservation (Protected Areas Management) Regulation 2006* to allow communication and other uses to be permitted in identified national parks.

Achievement of policy objectives

To achieve the above objectives, this Regulation amends Schedule 3 'Permitted uses in prescribed national parks' of the *Nature Conservation (Protected Areas Management) Regulation 2006* to include a communications use as a permitted use in:

- Herberton Range National Park;
- Tamborine National Park;
- Conway National Park;
- Littabella National Park;
- Ngalba Bulal National Park;
- Girringun National Park;
- Bulburin National Park;
- Woowoonga National Park; and
- Main Range National Park.

This Regulation also amends Schedule 4 'Permitted uses in prescribed national parks' of the *Nature Conservation (Protected Areas Management) Regulation 2006* to include the operation and maintenance of an airstrip, sewage treatment plant and a tramway as permitted uses in Brampton Island National Park. This is continuing their previously granted lease under the Land Act.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objective of the *Nature Conservation Act 1992* which is the conservation of nature. Section 35 and section 37 of the Act limit the granting and re-issuing of authorities in relation to land in a national park or national park (recovery) to those uses that meet criteria outlined under the provisions. The national park or national park (recovery) and the use for which a permit is sought under

section 35 or section 37 must first be assessed against the criteria in the Act by the Chief Executive. If the criteria are met, the details of the use must be added to the appropriate Schedule (either Schedule 3 or Schedule 4) of the *Nature Conservation (Protected Areas Management) Regulation 2006*. This process provides consistency with the objective of the Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

There are no significant costs to the community associated with the introduction of this Regulation. The Regulation will benefit the community by ensuring the uses in the prescribed national parks will be managed in a manner consistent with the Act and enable the operation of communication and other specified infrastructure.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

While there is no statutory requirement to undertake formal consultation in relation to the making of this regulation, consultation has occurred between the applicants and the Queensland Parks and Wildlife Service throughout the application process. No broader community consultation was undertaken, however any potential impacts on stakeholders were considered during standard planning and assessment processes. In this case, no impacts requiring broader consultation in the community were identified. Native title procedures have been complied with.

A regulatory principles checklist and preliminary impact assessment have been completed as part of the development of this regulation, and Queensland Treasury and Trade's Regulatory Reform Branch has advised that the regulation does not impose a significant adverse effect on community, business or government. Consequently a Regulatory Assessment Statement is not required and similarly the regulation is

exempt from preparing a Regulatory Impact Statement under Part 5 of the *Statutory Instruments Act 1992*.

Copies of maps indicating the location of the infrastructure associated with the permitted uses prescribed by this regulation may be obtained by contacting the head office of the Queensland Parks and Wildlife Service in the Department of National Parks, Recreation, Sport and Racing during business hours.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of National Parks, Recreation, Sport and Racing.

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