

# **Nature Conservation (Protected Areas Management) Amendment Regulation (No. 3) 2013**

Explanatory notes for SL 2013 No. 303

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 3) 2013

### **Authorising law**

Section 175 of the *Nature Conservation Act 1992*.

### **Policy objectives and the reasons for them**

The management and operation of an existing, State owned ecotourism facility, the Mamu Rainforest Canopy Walkway, located on Wooroonooran National Park is proposed to be leased to a third party commercial operator following an expression of interest process and subsequent consideration.

Section 35 of the *Nature Conservation Act 1992* (the Act) enables the grant of a lease for an ecotourism facility in relation to land in a national park. In order for a section 35 lease to be granted under the Act, the use and location must first be prescribed in Schedule 3 of the *Nature Conservation (Protected Areas Management) Regulation 2006*.

The objective of this regulation is to amend Schedule 3 of the *Nature Conservation (Protected Areas Management) Regulation 2006* to prescribe an ecotourism facility as a permitted use within a defined part of Wooroonooran National Park, which will then allow for a lease for the operation of the facility by a third party to be granted.

This is the first ecotourism facility use to be prescribed under section 35 of the Act.

## **Achievement of policy objectives**

To achieve the objective, the regulation will amend section 15 (Permitted uses in national parks or national parks (recovery)—Act, s 35), Schedule 3 (Permitted uses in prescribed national parks) and Schedule 9 (Dictionary) of the *Nature Conservation (Protected Areas Management) Regulation 2006* to:

- create a new Part 2 of Schedule 3 in which to list prescribed ecotourism facility uses (in this and future instances);
- in Part 2 of Schedule 3, list “maintenance and use of a canopy walkway and maintenance, use, refurbishment or conversion of associated facilities for the walkway” as a permitted use in a specified part of Wooroonooran National Park; and
- insert definitions of “associated facilities” and “canopy walkway” in Schedule 9 (Dictionary).

Amending the *Nature Conservation (Protected Areas Management) Regulation 2006* in this manner is required before a lease under section 35 of the Act can be granted.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the policy objective of the Act — the conservation of nature. Section 35 of the Act limits the granting of authorities in relation to land in a national park to uses that meet the criteria outlined under that provision, as assessed by the chief executive administering the Act.

Where the chief executive considers the criteria are satisfied, the details of the use must subsequently be added to the appropriate Schedule (Schedule 3) of the *Nature Conservation (Protected Areas Management) Regulation 2006*. The Schedule lists the type of use that is permitted and the specific location of the use, in this case the ecotourism facility, within the relevant national park, enabling an authority for such a use at that location to be granted.

## **Inconsistency with policy objectives of other legislation**

This regulation is not inconsistent with any State or Commonwealth legislation.

## **Benefits and costs of implementation**

This regulation will allow for the granting of a lease under section 35 of the Act for an existing ecotourism facility, the Mamu Rainforest Canopy Walkway. This will give the benefit of a secure agreement between the State and an operator of the site. Community access to the national park and the canopy walk under the lease will continue to be maintained under conditions consistent with current arrangements. The Office of Best Practice Regulation has assessed the proposal and confirms that there are no significant

impacts on business, the community or government. There are no significant associated implementation costs.

## **Consistency with fundamental legislative principles**

This amendment regulation is consistent with the fundamental legislative principles, as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Consultation has occurred between applicants and a consultant acting for the Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing. Native title procedures and processes have been complied with. No broader community consultation was undertaken.

A regulatory principles checklist and preliminary impact assessment have been completed as part of the development of this regulation, and the Office of Best Practice Regulation has advised that the regulation does not impose a significant adverse effect on the community, business or government. Consequently a Regulatory Impact Statement is not required.

Copies of a plan indicating the location of the infrastructure associated with the permitted use prescribed by this regulation may be obtained by contacting the central office of the Queensland Parks and Wildlife Service in the Department of National Parks, Recreation, Sport and Racing in Brisbane.