

# Recreation Areas Management and Another Regulation Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 292

made under the

*Nature Conservation Act 1992*  
*Recreation Areas Management Act 2006*

## General Outline

### Short title

*Recreation Areas Management and Another Regulation Amendment Regulation (No. 1) 2014*

### Authorising law

Section 175 of the *Nature Conservation Act 1992*  
Section 232 of the *Recreation Areas Management Act 2006*

### Policy objectives and the reasons for them

The Government has committed to developing and implementing a streamlined permit system for sustainable tourism and recreational enjoyment of Queensland's public lands. This commitment aligns with the Government's policy to improve access to the protected area estate, including national parks, while ensuring that these areas are managed in a manner appropriate to the values that they contain.

#### Streamlining the renewal of commercial activity permits

The Department of National Parks, Recreation, Sport and Racing (NPRSR) manages national parks and other protected areas under the *Nature Conservation Act 1992*, State forests and timber reserves under the *Forestry Act 1959*, and recreation areas under the *Recreation Areas Management Act 2006*.

A commercial activity permit may be granted to allow a person to conduct a commercial activity, such as a guided tour, in any of these areas.

Legislation for the management of these areas is being amended to allow commercial activity permits to be renewed in cases where the activities under the renewed permit will remain substantially the same as the original permit. A simpler assessment process will then be used for a permit renewal, compared to assessment of an application for a new permit. The policy objective is to prescribe fees in the *Recreation Areas Management Regulation 2007* for the

renewal of commercial activity permits which are consistent with the equivalent fees prescribed in the *Nature Conservation (Administration) Regulation 2006*.

Amendments to allow the renewal of commercial activity permits for protected areas under the *Nature Conservation (Administration) Regulation 2006* have already commenced. Amendments to the *Recreation Areas Management Act 2006* to allow for renewal of commercial activity permits for recreation areas are included in Part 3 of the *Forestry and Another Act Amendment Act 2014*. These provisions are proposed to be commenced, by Proclamation on 5 December 2014. The application fees for the renewal of commercial activity permits are intended to commence at the same time as the Proclamation.

#### Simplifying research and education permissions

Research and educational activities can occur both on and outside lands managed by NPRSR, with the permissions framework set out primarily under the *Nature Conservation (Administration) Regulation 2006*.

Scientific researchers and educational institutions are required to hold a permit to take, use, keep or interfere with cultural or natural resources for research and education activities. A second permit may be required to access the relevant area within a national park (known as a special management area (SMA) (scientific)). These different permit types currently have different maximum terms that do not align.

The policy objective of these amendments is to amend the *Nature Conservation (Administration) Regulation 2006* to improve the consistency and efficiency of research and education permissions on lands managed by NPRSR by aligning the maximum terms of related permit types.

#### Correcting a minor fee error

The *Recreation Areas Management and Another Regulation Amendment Regulation (No. 1) 2014* also corrects a minor rounding error in the commercial filming/photography permit fee.

## **Achievement of policy objectives**

The policy objectives will be achieved through the following amendments:

#### Streamlining the renewal of commercial activity permits

The *Recreation Areas Management Regulation 2007* will be amended to prescribe fees that are payable for the renewal of commercial activity permits for recreation areas. Amendments will replace items 11 to 13 in schedule 3 of the Regulation with amended items that will list the new renewal fees. The renewal fees will be consistent with the equivalent fees prescribed in the *Nature Conservation (Administration) Regulation 2006*. For activities other than filming or photography, a reduced renewal fee will apply which is approximately half the fee that would apply to a new application. For filming or photography, the renewal fee will be the same as the fee that applies for a new application, due to the generally short term duration and 'one-off' nature of these activities.

### Simplifying research and education permissions

Section 9 of the *Nature Conservation (Administration) Regulation 2006* provides that the chief executive may grant a permit to take, use, keep or interfere with cultural or natural resources of a protected area (PTUKI). Section 18 of the Regulation provides that the maximum term for a PTUKI for scientific purposes is three years and one year for all other purposes (for example, educational purposes).

Section 18 is being amended to increase the maximum term for PTUKIs for educational purposes to three years. This will provide consistency and allow it to be aligned with the maximum term of a PTUKI for scientific purposes which also has a three year term. This approach will encourage and support education activities on protected areas and provide more efficiency in the administration of PTUKIs.

Section 10 of the *Nature Conservation (Administration) Regulation 2006*, provides that the chief executive may grant a permit to enter a SMA (scientific). Section 19 of the Regulation provides that the maximum term for this permit type is one year. In comparison, the maximum term, under section 18, for a PTUKI for scientific purposes is three years.

This has the potential to result in situations where a PTUKI for a national park with an SMA (scientific) is granted for three years, however the permit to enter the SMA (scientific) has to be reapplied for every year over this term. Section 19 is being amended to align the maximum term for a permit to enter a SMA (scientific) with the maximum term for a PTUKI for scientific purposes and the proposed maximum term of a PTUKI for educational purposes – namely a three year term. This will allow for access to a SMA (scientific) for lower risk research and educational activities to be authorised for up to three years, where appropriate.

### Correcting a minor fee error

Following the 3.5 percent indexation of fees for the 2014-15 financial year, the commercial filming/photography permit fee in item 13(b)(iv) of schedule 3 of the *Recreation Areas Management Regulation 2007* was listed as \$683.40. This figure should have been rounded down to the nearest dollar in accordance with the relevant rounding rules, so that it should have been listed as \$683.00. Under the proposed amendments, the correct fee will be listed as item 13(c)(iv) – due to renumbering resulting from the insertion of the permit renewal fee, as item 13(b).

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

The amendment regulation is consistent with the policy objectives of the authorising law.

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

This amendment regulation is consistent with the policy objectives of other legislation. The amendments to streamline the renewal of commercial activity permits are also consistent with changes that have already been made to equivalent regulations for protected areas under the *Nature Conservation Act 1992* and for State forests and timber reserves under the *Forestry Act 1959*.

## Benefits and costs of implementation

Commercial operators conducting activities in recreation areas will benefit from the commencement of the amendments through a simpler commercial activity permit renewal process.

There will be a reduction in red tape through the alignment of the maximum terms of related PTUKIs for research and education purposes and permits to enter a SMA (scientific). The proposed amendments will bring greater consistency and efficiency in the administration of these permit types, and the reduction in administrative burden will benefit both clients and government.

The first part of the proposal is to allow lower risk educational activities to be authorised for up to three years; however, the ability to authorise a shorter term where the risks or potential impacts are higher will be retained. The second part of the proposal is to provide consistency of maximum terms for the permit to enter and the permit to conduct the scientific activity (the PTUKI) – noting that existing regulatory provisions can be used to allow for review of the conditions during the term of the permit, if considered necessary to manage risks or impacts.

The existing safeguards that apply to the issuing of these permits will continue to apply – the additional matters to be considered and the restrictions on granting PTUKIs under Chapter 3 of the *Nature Conservation (Protected Areas Management) Regulation 2006* are unaffected by the proposals.

Minor administrative changes are necessary to support the introduction of these measures. Implementation will be managed from within existing budget allocations.

## Consistency with fundamental legislative principles

The amendment regulation raises no issues with regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## Consultation

### Streamlining the renewal of commercial activity permits

Consultation with key stakeholders was undertaken in relation to the amendments to the *Recreation Areas Management Act 2006* contained in Part 3 of the *Forestry and Another Act Amendment Act 2014*. Stakeholders expressed their support for the proposals.

The *Recreation Areas Management and Another Regulation Amendment Regulation (No. 1) 2014* includes consequential amendments to support the commencement of Part 3 of the *Forestry and Another Act Amendment Act 2014*. This includes providing fees for the renewal of commercial activity permits. No further consultation has occurred because the amendments will have no negative financial impacts on permit holders. This is because the fees are equivalent to those that would apply in the absence of the renewal process.

### Simplifying research and education permissions

Consultation was not undertaken on the proposal to align the maximum terms of related PTUKIs for research and education purposes and permits to enter a SMA (scientific). This is because there are no adverse impacts expected from the proposal.

Fees for a PTUKI will be unaffected as they are commonly established on quantity of resources. There are no regulatory fees prescribed for a permit to enter a SMA (scientific).

There will be a reduction in regulatory burden under both proposals through a reduced frequency for re-application/assessment for educational permissions or permits to enter a SMA (scientific). The reduction in administrative burden will benefit both clients and government.

### Assessment by the Office of Best Practice Regulation

Regulatory principles checklists were completed by NPRSR and assessed by the Office of Best Practice Regulation (OBPR) for all proposals. OBPR confirmed that there was no requirement for a Regulatory Impact Statement because the amendments are likely to reduce the burden of regulation and are unlikely to have significant adverse impacts on business or the community.

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