

# **Recreation Areas Management and Other Legislation Amendment Regulation (No. 1) 2015**

Explanatory notes for SL 2015 No. 110

made under the

*Forestry Act 1959*

*Nature Conservation Act 1992*

*Recreation Areas Management Act 2006*

## **General Outline**

### **Short title**

*Recreation Areas Management and Other Legislation Amendment Regulation (No. 1) 2015*

### **Authorising law**

Section 97 of the *Forestry Act 1959*

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 primary objective is to make consequential and complementary amendments to subordinate legislation to support the commencement, by Proclamation, of the *Recreation Areas Management and Another Act Amendment Act 2014* (the Amendment Act).

The Amendment Act was assented to on 5 December 2014 and a Proclamation has been prepared to commence the Amendment Act on 28 August 2015. The Amendment Act contains the following two initiatives that will commence on Proclamation.

The first initiative involves amendments to the *Recreation Areas Management Act 2006* (RAM Act) to allow a commercial activity permit for a recreation area to be combined into a single document with a permission granted for related activities carried out in a marine park (a joint permission). This will provide a streamlined administrative process to applicants and allow them to receive a single permit document for their land and water based activities.

Other key amendments associated with this initiative will allow: i) the permit to be transferred to a new owner if a business is sold; and ii) the term of the commercial activity permit to extend beyond the current three year maximum term to align with the longer term that is available for the related marine park permission (up to 15 years for accredited operators). This initiative complements previous amendments to subordinate legislation under the *Nature Conservation Act 1992* (NCA) that allow a single permit document to be issued for commercial activities carried out across protected areas and marine parks.

The second initiative involves amendments to the RAM Act and the *Forestry Act 1959* (Forestry Act) to replace the group activity permit classification with an alternative 'organised event' classification. The organised event classification will reduce unnecessary regulation of low impact non-commercial activities, such as weddings and small bushwalking groups, while focusing on continuing to regulate the higher impact events such as vehicle rallies or large sports events on recreation areas, State forests and timber reserves. These are a subset of activities under the group activity permit classification.

For consistency across the suite of related legislation, complementary amendments are being made to the *Nature Conservation (Administration) Regulation 2006* and the *Nature Conservation (Protected Areas Management) Regulation 2006* to replace the group activity permit with an organised event permit.

## **Achievement of policy objectives**

The *Recreation Areas Management and Other Legislation Amendment Regulation (No. 1) 2015* has been prepared to commence at the same time as the Amendment Act. It will provide consequential and complementary amendments to subordinate legislation under the Forestry Act, RAM Act and NCA to support the initiatives when they commence.

The policy objectives will be achieved through the following amendments:

### *Consequential amendments - Joint permission initiative*

To support commencement of the joint permission initiative, consequential amendments are required to the *Recreation Areas Management Regulation 2007*.

Key amendments commencing by Proclamation will allow a commercial activity permit that forms part of a joint permission to: i) be transferred if a business is sold; and ii) have a term beyond the current three year maximum term. Consequential amendments are being made to prescribe fees for these two matters if an operator chooses to apply for a joint permission. The fees are the same as equivalent fees already prescribed for these matters in subordinate legislation under the NCA, as follows:

- A transfer fee of \$155.20 – which is approximately half of that which would otherwise apply if the transfer provisions were not introduced and a person had to apply for a new permit; and
- A permit fee of \$235.60 per year – which will apply to permits granted beyond the current three year maximum term. This is proportionate, on a per year basis, to the current permit fees.

Consequential amendments - Replacing group activity permits with organised event permits

Amendments to the RAM Act and the Forestry Act commencing by Proclamation will replace the group activity classification with a new classification for organised events.

To support commencement of the organised event permit initiative, consequential amendments are being made to reflect the change in terminology from group activities to organised events in the *Recreation Areas Management Regulation 2007* and the *Forestry Regulation 2015*.

Complementary amendments for consistency across related legislation - Replacing group activity permits with organised event permits

Group activity permits exist in three pieces of legislation administered by the Queensland Parks and Wildlife Service (QPWS). While the Proclamation and consequential amendments mentioned above will give effect to the change from group activity permits to organised event permits under the RAM Act and Forestry Act, group activity permits also exist in subordinate legislation under the NCA.

To maintain consistency across the legislation and implement this initiative for protected areas, complementary amendments to the *Nature Conservation (Administration) Regulation 2006* and the *Nature Conservation (Protected Areas Management) Regulation 2006* are also being made.

Accordingly, all existing provisions dealing with group activities will be retained, but updated to reflect the change in terminology to organised events. The key change will include replacing the definition of group activity with a definition of organised event. The definition will be consistent with the definitions of organised event that will commence (by Proclamation) in the RAM Act and Forestry Act at the same time.

## **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 not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives.

## **Benefits and costs of implementation**

Commercial operators conducting activities across recreation areas and marine parks will benefit by having the option to obtain a single permit document for their marine and land based activities. This will also result in some administrative benefits to government in processing a single application, rather than two or more separate applications.

The amendments that allow the transfer of a commercial activity permit that forms part of a joint permission and the granting of a longer term are beneficial to permit holders. While a new transfer fee and permit fee for each year beyond three years are being provided, the transfer fee of \$155.20 is approximately half of the application fee that would otherwise apply to an application for a new permit if the transfer provisions were not available. The permit fee of \$235.60 for each additional year after the third year is proportionate, on a per year basis, to the current permit fees. Because permits are currently limited to a maximum term of three years, providing the ability to grant permits for longer terms will result in less overall applications being made over time.

Organisers of some low impact non-commercial events will benefit from the changes that remove the need for a permit to conduct their activity on protected areas, recreation areas and State forests and timber reserves. This will also result in some administrative benefits to government through the reduction of permit applications that need processing for low impact activities.

## **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**

No specific consultation was undertaken in relation to the amendment regulation because the amendments are consequential and complementary in nature to support the commencement (by Proclamation) of the remaining provisions of the Amendment Act and will have no negative impacts on permit holders.

Consultation on the reform initiatives was undertaken with key stakeholders during the drafting of the Recreation Areas Management and Another Act Amendment Bill 2014 and stakeholders expressed support for the proposals. Further consultation was therefore not considered necessary.

During this time, officers from QPWS met with the chief executive of the Queensland Tourism Industry Council and the executive officer of the Association of Marine Park Tourism Operators. Officers from QPWS and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) also met with staff from Balkanu Cape York Development Corporation (Balkanu) to consult on the joint permission initiative.

During this time, QPWS officers also met with representatives from HQPlantations Pty Ltd who have been delegated the responsibility for administering permits for group activities carried out entirely in State plantation forests. QPWS officers also contacted the Commonwealth Department of Defence (the stakeholder with the largest number of group activity permits) about the organised event permit initiative and they have been working with QPWS on revising arrangements in place between the two organisations to support implementation of the initiative. These stakeholders have recently been informed about the proposed commencement date.

The Office of Best Practice Regulation (OBPR) was consulted regarding the need for a Regulatory Impact Statement (RIS). OBPR advised that a RIS is not required.