

# **Nature Conservation (Protected Areas Management) Amendment Regulation (No. 3) 2015**

Explanatory notes for SL 2015 No. 130

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 3) 2015

### **Authorising law**

Sections 35 and 175 of the *Nature Conservation Act 1992* (the Act).

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

From time to time, applications are made to install, maintain or use infrastructure on national parks. The Act contains strict criteria which must be satisfied before the chief executive can grant an authority for such infrastructure.

Under section 35(1) of the Act the chief executive may grant, make, issue or give a lease, agreement, licence, permit or other authority over, or in relation to, land in a national park if:

- a) the use under the authority is only for a service facility or an ecotourism facility; and
- b) if the use under the authority is for a service facility, the chief executive is satisfied-
  - i) the cardinal principle for the management of national parks will be observed to the greatest possible extent; and
  - ii) the use will be in the public interest; and
  - iii) the use is ecologically sustainable; and
  - iv) there is no reasonably practicable alternative to the use; and

- c) if the use under the authority is for an ecotourism facility, the chief executive is satisfied-
- i) the use will be in the public interest; and
  - ii) the use is ecologically sustainable; and
  - iii) the use will provide, to the greatest possible extent, for the preservation of the land's natural condition and the protection of the land's cultural resources and values; and
- d) the use under the authority is prescribed under a regulation made for this section to be a permitted use for the area.

The chief executive may not delegate the power under section 35 in accordance with section 141 of the Act.

The following uses have been assessed and meet the requirements under section 35(1)(b) of the Act:

- Removal of existing fire tower and installation, use and maintenance of a communications facility within D'Aguilar National Park at the Enoggera site;
- Installation, use and maintenance of a communications facility within D'Aguilar National Park at the Kluver's Lookout site;
- Authorisation of the existing infrastructure and its maintenance and use as a communications facility at the Mount Boulder site in Woondum National Park; and
- Authorisation of the existing infrastructure and its maintenance and use as a communications facility, and installation, use and maintenance of a communications facility within Deer Reserve National Park at the Somerset Dam site.

Before the chief executive may grant a section 35 authority for the above activities, the uses and the relevant national parks must be prescribed in Schedule 3 of the *Nature Conservation (Protected Areas Management) Regulation 2006*.

## **Achievement of policy objectives**

The objective is to amend the *Nature Conservation (Protected Areas Management) Regulation 2006* to permit the uses within parts of D'Aguilar National Park, Woondum National Park and Deer Reserve National Park.

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

The Regulation is consistent with the main objectives of section 35 of the *Nature Conservation Act 1992*.

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

This Regulation is not inconsistent with any other legislation.

## **Benefits and costs of implementation**

The Regulation is an administrative process to provide for the authorisation of infrastructure on the protected areas in compliance with section 35 of the Act.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with the fundamental legislative principles, as defined in the *Legislative Standards Act 1992*.

## **Consultation**

Through departmental correspondence, on-site visitations and via telephone conversations, officers of the Department of National Parks, Sport and Racing consulted with the applicants and the key stakeholders.

The Queensland Office of Best Practice Regulation (OBPR) has been consulted regarding obligations for a Regulatory Impact Statement (RIS). OBPR advised that the amendments are machinery in nature. Consequently a RIS is not required.

Standard notification or consultation includes addressing Native Title matters and consulting with other agencies where joint land administration arrangements occur.

No changes to the Regulation were required as a result of the consultation.