

Nature Conservation and Other Legislation (COVID-19—Extension of Fee Waiver) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 226

made under the
Forestry Act 1959
Nature Conservation Act 1992
Recreation Areas Management Act 2006

General Outline

Short title

*Nature Conservation and Other Legislation (COVID-19—Extension of Fee Waiver)
Amendment Regulation 2020*

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 policy objective is to provide assistance to commercial tour operators with businesses using protected areas, recreation areas and State forests management by the Department of Environment and Science (DES).

Commercial activity permits established under legislation administered by DES, require tourism operators in Queensland to pay daily fees based on visitor numbers participating in a tour when conducted on a relevant protected area, recreation area or State forest.

On 18 February 2020, the Queensland Government announced a tourism industry support package, following the impacts on tourism businesses due to the outbreak of COVID-19. This package included a waiver by DES of the requirement for commercial activity permit holders to pay daily fees.

The payment of daily fees by tourism operators is prescribed in subordinate legislation, consequently amendments were made to provide for the fee waiver, through the *Nature Conservation and Other Legislation (COVID-19: Fee Waiver) Amendment Regulation 2020*, which was notified on 15 May 2020. This Regulation made provision for an extension to the fee waiver to be made by the Minister through the publication of a gazette notice. The Minister published a gazette notice on 10 July 2020 in accordance with the provisions of the *Forestry Regulation 2015*, the *Nature Conservation (Administration) Regulation 2017* and the *Recreation Areas Management Regulation 2017* providing for the extension of the fee waiver until 30 September 2020.

As a consequence of the ongoing impacts of the COVID-19 pandemic, the Queensland Government expanded economic initiatives to further support the tourism industry, including an extension to the existing fee waiver for commercial tour operators using protected areas, recreation areas and State forests from 1 October 2020 until 31 March 2021.

To extend the fee relief beyond 30 September 2020 the *Forestry Regulation 2015*, the *Nature Conservation (Protected Areas Management) Regulation 2017*, and the *Recreation Areas Management Regulation 2017* require amendment.

Achievement of policy objectives

The objective of the policy will be achieved through amendment of the *Forestry Regulation 2015*, the *Nature Conservation (Protected Areas Management) Regulation 2017*, and the *Recreation Areas Management Regulation 2017*.

The *Nature Conservation and Other Legislation (COVID-19—Extension of Fee Waiver) Amendment Regulation 2020* (Amendment Regulation) makes the necessary amendments to provide for the extension of the waiver of daily fees in each of these regulations. The Amendment Regulation provides for the daily fees to be waived until 31 March 2021 for commercial tour operators who hold a commercial activity permit (other than for filming and photography).

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the authorising laws.

The objective of the *Forestry Act 1959* is to provide for forest reservations, the management, silvicultural treatment and protection of State forests, and the sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands; and for other purposes. Section 97 of the *Forestry Act 1959* provides a regulation making power.

The objective of the *Nature Conservation Act 1992* is the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom. Under section 175 of the *Nature Conservation Act 1992*, regulations may be made in respect of a range of matters, including matters relating to fees costs and charges payable under that Act.

The objective of the *Recreation Areas Management Act 2006* is the establishment, maintenance and use of recreation areas; and to provide, coordinate, integrate and improve recreational planning, recreational facilities and recreational management for recreation areas, having regard to—

- (i) the conservation, cultural, educational, production and recreational values of the areas; and
- (ii) the interests of area land-holders.

Section 232 of the *Recreation Areas Management Act 2006* provides a regulation making power with respect to the fees and charges payable under that Act, including the waiver of fees.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation relates to the implementation of an expansion of initiatives to support tourism businesses and to minimise economic impacts from the COVID-19 outbreak.

This Amendment Regulation provides support to commercial tour operators by extending an existing waiver of the requirement to pay daily fees levied by DES on commercial tour operators using protected areas, recreation areas and State forests.

The financial cost to government of providing the daily fee relief to commercial tour operators from 1 October 2020 to 31 March 2021 is expected to be approximately \$1 million.

Consistency with fundamental legislative principles

There is no impact on fundamental legislative principles from the Amendment Regulation.

Consultation

The Queensland Government has announced a broad range of economic provisions to support industry to manage the economic impact of COVID-19, including a package announced by the Premier in Cairns on 31 August 2020. This Amendment Regulation relates to the implementation of a component of the broader package of initiatives announced, and provides a positive benefit for tourism operators. For this reason no specific external consultation was undertaken on this Amendment Regulation.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation (OBPR) was consulted in relation to the regulatory proposal. On 26 August 2020, OBPR advised that as the proposal is designed to reduce the burden of regulation and there are no significant adverse impacts, no further regulatory impact analysis is required.