

# **Nature Conservation and Other Legislation (COVID-19—Fee Waiver) Amendment Regulation 2021**

Explanatory notes for SL 2021 No. 145

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—Fee Waiver) Amendment  
Regulation 2021*

### **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**

On 10 August 2021, the Queensland Government announced the Tourism and Hospitality Sector COVID-19 Lockdown Support Package (the Package), following the impacts on Queensland businesses due to the continuing outbreaks of the COVID-19 pandemic. The Package includes a 12-month fee waiver for daily activity/passenger fees levied by the Department of Environment and Science (DES) on commercial tour operators using protected areas, recreation areas and State forests.

As these are regulatory fees, amendments to the *Forestry Regulation 2015*, the *Nature Conservation (Protected Areas Management) Regulation 2017* and the *Recreation Areas Management Regulation 2017* are required to enable the fee relief to be implemented.

The *Nature Conservation and Other Legislation (COVID-19—Fee Waiver) Amendment Regulation 2021* (the Amendment Regulation) will provide a mechanism for the daily fees not to be charged for activities occurring during the period 1 July 2021 to 30 June 2022 consistent with the Package.

Because commencement of the fee relief has already occurred, the Amendment Regulation will apply retrospectively to ensure operators are able to take advantage of the fee relief program for the full 12 months.

## **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 Amendment Regulation makes the necessary changes to provide for the waiving of the daily activity fee, payable by commercial tour operators using protected areas, recreation areas and State forests under a commercial activity permit for activities occurring on tours during the period 1 July 2021 to 30 June 2022.

## **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 for prescribing matters associated with carrying out or giving effect to the Act.

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 a package of support for tourism businesses impacted by disruption to travel markets as a result of the COVID-19 pandemic.

The Amendment Regulation provides support to commercial tour operators by providing for a 12-month waiver of the requirement for them to pay the daily fees levied by DES when using protected areas, recreation areas and State forests.

The financial cost to government of providing the daily fee relief to commercial tour operators through this Amendment Regulation from 1 July 2021 to 30 June 2022 is expected to be approximately \$1.2 million. This cost is part of delivering the government's Package.

## **Consistency with fundamental legislative principles**

The Amendment Regulation will apply retrospectively to 1 July 2021 and this retrospective application raises an issue regarding fundamental legislative principles. However, the amendments are not considered to breach the rights and liberties of the tourism industry operators or others, as the legislation creates a beneficial policy outcome by providing financial relief in recognition of ongoing impacts to their businesses associated with the COVID-19 pandemic. Without retrospective application, operators would be unable to obtain the full benefit of the fee waiver.

## **Consultation**

The Queensland Government announced the Package on 10 August 2021. The Package was developed in consultation and engagement with peak industry bodies.

The Amendment Regulation provides for the implementation of a component of the initiatives announced under the Package and provides a positive benefit for tourism operators. No specific external consultation was undertaken on this Amendment Regulation; however,

notification has been provided to tourism operators regarding the waiving of fees for the specified period. No issues were raised by tourism operators.

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 12 August 2021, 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.

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