

# Nature Conservation (Protected Areas Management) (Girringun National Park) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 43

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation (Protected Areas Management) (Girringun National Park) Amendment Regulation 2023.*

### Authorising law

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

### Policy objectives and the reasons for them

The *Nature Conservation Act 1992* (the NC Act) provides instructions on how development applications to install, maintain or use infrastructure on national parks should be dealt with. The Act contains strict criteria which must be satisfied before the grant of an authority for such infrastructure can be made by the Chief Executive.

Section 35(1) of the NC Act states that:

- (1) 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 of the NC Act, in accordance with section 141 of the NC Act.

The following proposed use has been assessed and meets the requirements under section 35(1)(b) of the NC Act:

- installation, operation and maintenance of a service facility (for a communication use) by Optus Fixed Infrastructure Pty Ltd within Girringun National Park over part of Lot 18 on AP22472 on administrative plan QPWSAP000182; and

Before the chief executive may grant an authority under section 35 of the NC Act for the above activity, the use and the relevant national park must be prescribed under Schedule 3 of the *Nature Conservation (Protected Areas Management) Regulation 2017* (the Regulation).

The objective of the *Nature Conservation (Protected Areas Management) (Girringun National Park) Amendment Regulation 2023* (Amendment Regulation) is to amend Schedule 3 of the Regulation to prescribe the proposed service facility (communications use) as a permitted use in the relevant national park.

## **Achievement of policy objectives**

The Amendment Regulation will achieve its policy objectives by amending Schedule 3 of the Regulation to:

- permit the proposed service facility in Girringun National Park at the site over part of Lot 18 on AP22472 on administrative plan QPWSAP000182.

This approach is reasonable and appropriate because:

- an assessment has been carried out at an earlier date that meets the requirements of section 35(1)(b) of the NC Act; and
- by receiving approval from the Governor in Council, will meet the requirement of Section 35(1)(d) of the NC Act.

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

The Amendment Regulation is consistent with the main objectives of the NC Act.

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

This Amendment Regulation is not inconsistent with any other legislation.

## **Benefits and costs of implementation**

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

There is no net cost in implementing the Amendment Regulation, as this area of work is already considered in the department's annual budget and workload for managing protected areas.

When the Amendment Regulation is approved and the chief executive grants authorities for the service facility, the authorities will each be subject to annual rental fees in line with departmental policy. The revenue generated in fees is considered to cover the cost of implementation.

## **Consistency with fundamental legislative principles**

The Amendment 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 Queensland Parks and Wildlife Service and Partnerships, within the Department of Environment and Science (DES), consulted with the proponents for the authority and the key stakeholders. Standard notification or consultation includes addressing Native title and other agencies where joint land administration arrangements occur.

All parties consulted support the proposal.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. DES applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category g – regulatory proposals that are of a machinery nature).

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