

Nature Conservation (Protected Areas Management) Regulation 2024

Explanatory notes for SL 2024 No. 198

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas Management) Regulation 2024

Authorising law

Sections 31 and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The Department of Environment, Science and Innovation (DESI) has undertaken a statutory review of the *Nature Conservation (Protected Areas Management) Regulation 2017*, the *Forestry Regulation 2015*, and the *Recreation Areas Management Regulation 2017*. The reviews were undertaken at the same time due to the similarity of a number of provisions in each regulation and the benefits in seeking to ensure consistent management across protected areas, forestry areas, and recreation areas. As a result, the *Nature Conservation (Protected Areas Management) Regulation 2024*, the *Forestry Regulation 2024*, and the *Recreation Areas Management Regulation 2024* (the Replacement Regulations) will be made.

The policy objective of the *Nature Conservation (Protected Areas Management) Regulation 2024* (the Regulation) is to replace the *Nature Conservation (Protected Areas Management) Regulation 2017* to provide for the ongoing and improved management of protected areas declared under the *Nature Conservation Act 1992*. The Regulation includes important provisions regarding:

- a framework for permits and other authorities for the use of protected areas;
- procedures and requirements relating to those permits and other authorities;
- regulation of conduct in protected areas, with particular regard to conserving natural and cultural resources and values, and protecting human health and safety;
- enforcement powers in relation to protecting the environment, human well-being and property;

- offences and penalties for those offences;
- fees payable for permits, authorities and other various uses; and
- transitional provisions to provide for continuity between the *Nature Conservation (Protected Areas Management) Regulation 2017* and the Regulation.

Achievement of policy objectives

The Regulation replaces the *Nature Conservation (Protected Areas Management) Regulation 2017* in order to provide for the ongoing and improved management of protected areas.

Protected areas are primarily established for the preservation and conservation of Queensland's often unique cultural and natural resources. These areas are also generally available to be enjoyed by the community consistent with this primary purpose, and are subject to a range of commercial and recreational uses – including activities such as camping, picnicking, scenic driving, motorcycling, mountain biking, and nature appreciation.

Commercial and recreational uses are managed through a number of mechanisms, including the grant of permits, licences, agreements and other authorities. The Regulation provides a system of permits and other authorities for use in such circumstances, and also includes the procedures and requirements relating to the administration of those permits and other authorities. These include provisions regarding the application, assessment and decision-making processes, periods of time for which permits and other authorities may be granted, amendment, suspension, cancellation, transfer, renewal and review procedures and the fees payable.

As is the case with the management of most public places, certain actions and behaviours need to be regulated in order to protect the environment, provide for public safety and protect the rights of other visitors. The Regulation addresses these issues by including offence provisions as a deterrent to behaviour that could interfere with protected area management, cause damage to property, cause unacceptable environmental impact, affect other people's reasonable enjoyment of the environment and facilities, and threaten people's health and safety. For example, restrictions apply in regard to the driving of vehicles, the lighting of fires, access by livestock and domestic animals, undertaking commercial activities and the disposal of waste.

These offence provisions largely continue the effect of provisions already in operation under the *Nature Conservation (Protected Areas Management) Regulation 2017* and operate in conjunction with non-regulatory measures such as the provision of information and education, by staff from DESI working cooperatively with business and community groups.

The provisions in the Regulation generally mirror the requirements that apply to areas such as forestry areas and recreation areas. This allows, where necessary, for consistent and effective management of similar issues, and also promotes improved understanding of the relevant rules by commercial and recreational users.

The review identified a range of issues requiring improvement relating to matters such as visitor use, vehicles, regulation and compliance and other administrative matters. Key amendments in the Regulation made to provide for improved management of protected areas are outlined below.

Management of campfires

A new offence has been created that prohibits a person from lighting, using or keeping a fire on a protected area where this is prohibited by a local fire ban declared under the *Fire and Emergency Services Act 1990*. This will allow conservation officers the ability to enforce such fire bans without the need to erect a regulatory notice under the Regulation. Other communication methods such as website updates and direct messaging to camping permit holders will be used to inform visitors of local fire bans when established by the Queensland Fire Department.

Amendments have been made to clarify that in addition to lighting an unlawful fire, it is also an offence to keep or use (maintain) an unlawful fire in a protected area, consistent with the *Recreation Areas Management Act 2006* and the *Forestry Act 1959*. Management of unlawful campfires is of critical importance in protected areas and this change enables action to be taken in circumstances when people are found with an unlawful campfire after it has been lit.

Under the Regulation, a person who lights or assumes control of a fire in a protected area must always put out the fire before leaving it. Further, a conservation officer may direct a person (or act themselves) to lower the intensity of, or put out, a fire that is, or may become, a hazard to the area, a person or the property of a person. Amendments have been made to clarify when a campfire is considered 'put out'.

Management of camping

Amendments have been made to improve equitable access to camp sites in the context of the increasing demand in protected areas, and in response to behaviours in certain locations that can deprive people the opportunity to access popular locations. Changes will allow the department to undertake targeted compliance action in specific locations where behaviour such as 'no-shows' and 'ghost camping' are identified. No show camping refers to behaviour where campsites are booked but left unattended after the commencement of the camping permit period as a way of securing access to the detriment of others. Ghost camps refer to behaviour where campsites are reserved with camping equipment left unattended after the equipment is erected to prevent access to popular sites by other parties. Targeted compliance action will involve investigation of booking arrangements and discussion with permit holders to inform any decision regarding the issuing of fines.

Amendments are also being made to deter people from overstaying the term of their camping permit, particularly in popular locations. Conservation officers already have the ability to give a written direction to campers requiring them to leave a camping site with their possessions and to not return for a stated period in certain circumstances, such as exceeding the maximum 30-day camping period. Amendments have been made to update the provision to require a person to leave the camping area in which the camp site is located rather than simply leaving the camp site and relocating to different camp site in the same area.

Changes have also been made to remove references to redundant 'self-registration camping' as self-registration is no longer used since online booking systems have been implemented. Amendments to update the camping tag requirements to allow campers to display camping permit details other than on a QPWS provided camping tag have also been made in recognition of increasing reliance on digital technologies and decreasing ability of people to print out digital camping tags provided when bookings are made.

Management of vehicles

Vehicles used in protected areas are required to be registered, and the driver is required to hold a valid driver's licence which is consistent with requirements for operating a vehicle on other roads in Queensland.

Unregistered vehicles, often motorbikes, are sometimes brought into protected areas and used off-road, which can damage the area. Under the *Nature Conservation (Protected Areas Management) Regulation 2017*, compliance action can only be taken in protected areas if the person is observed driving or riding the vehicle. A new offence has been included, which is consistent with an existing provision in the *Forestry Regulation 2015*, for bringing an unregistered vehicle into a protected area. This will allow compliance officers to take action where necessary such as when observing people unloading or loading unregistered vehicles such as trail bikes.

As part of targeted compliance initiatives in problematic areas, covert cameras are used to detect unlawful vehicle use. Some visitors, particularly those who are driving or riding on trails that are closed for environmental or safety reasons, attempt to avoid identification by deliberately removing their number plates; or in other instances, deliberately covering their number plates to conceal them. A new offence has been included that a person must not drive or ride a vehicle that is required to be registered if the number plate is not attached or is not clearly legible. This offence, which mirrors existing offences for road vehicles in the Queensland Transport legislation, will enable staff such as rangers to take a targeted compliance action in response to such behaviours in protected areas.

Protected areas are very popular with visitors, and regulating vehicle use is important to help ensure visitor safety and to protect the natural and cultural values of these areas. While there can be a large network of roads and routes in protected areas, in some circumstances public vehicle access is prevented for safety, environmental, cultural or management purposes (such as fire breaks). The new Regulation clarifies that it is an offence to drive, ride or move a vehicle into a place if a barrier or fence has been put in place to prevent vehicle entry. This mirrors an existing offence in legislation for managing forestry areas. Amendments have also been made to require parked vehicles to conform with ground markings for parking (where present), including where parking spaces are put aside for people with disabilities, and to not park in a way that obstructs or prevents free passage of another vehicle.

Under the *Nature Conservation (Protected Areas Management) Regulation 2017* certain sections of the Queensland Road Rules are offences where they occur in protected areas. This enables conservation officers to enforce such rules in places where other compliance officers such as police may not typically be patrolling. To ensure consistency with the Road Rules, amendments have been made to enable conservation officers to enforce a range of offences relating to carrying passengers in vehicles and the wearing of helmets on bicycles and personal mobility devices (such as e-scooters).

Management of recreational craft

A range of recreational craft are used in the community for sport and enjoyment. With the ongoing popularity of recreation areas with visitors and their motor vehicles, it is important to have a consistent permitting and regulatory framework for management purposes, particularly to manage the potential interactions between motor vehicles and the use of recreational craft. The definition of recreational craft in the *Nature Conservation Act 1992*

includes a hot air balloon, hang-glider, paraglider, ultralight aircraft, kite buggy, land windsurfing board and another craft or device prescribed under by regulation to be a recreational craft. Land yachts have been prescribed in the Regulation as an additional type of recreational craft.

Management of aircraft

The Regulation provides an offence for flying without authorisation an aircraft or recreational craft lower than the minimum flying height listed for the protected areas listed in Schedule 7. This offence is to protect natural and cultural resources of these areas which are sensitive to aircraft disturbance such as seabird nesting sites. Amendments have been made to exclude aircraft used in an emergency response from this offence.

Additional protected areas have been prescribed in Schedule 7 to minimise the impacts of aircraft on amenity and visitor enjoyment, culturally significant sites, environment values such as nesting and roosting seabirds (in the island national parks) and raptors (in the inland national parks). Following consultation with the Civil Aviation Safety Authority (CASA), the minimum flying heights for manned aircraft has been amended from 1,500 feet to 500 feet to ensure consistency with CASA's minimum altitude limits.

Drone restrictions in protected areas are common in most other jurisdictions around Australia. The Regulation has been amended to include a framework to limit operation and possession of drones in camping areas and in other areas when specified by regulatory notice. This will allow protection of visitor privacy and amenity, and other values of an area. It has also been clarified that drones are to be restricted by way of regulatory notice rather than through the minimum flying height provisions.

Offences for private protected areas

The *Nature Conservation (Protected Areas Management) Regulation 2017* did not contain an offence for failing to comply with a conservation agreement for a private protected area. This made responding to breaches of conditions of these agreements, which relate to special wildlife reserves and nature refuges, reliant on the department taking Court action. This approach was often considered unsuitable. Therefore, the Regulation includes a new requirement to comply with a conservation agreement where conditions relate to activities that are either not permitted on the land, or that must otherwise be carried out. This new provision will be used to complement existing education and extension practices currently used to work with landholders to manage their private protected area in compliance with their conservation agreements.

A number of offences in the *Nature Conservation (Protected Areas Management) Regulation 2017* that apply on special wildlife reserves, have been extended in the Regulation to also apply to nature refuges where necessary, including offences relating to unlawful structures and works, allowing stock to stray, pollution of waters and use of harmful substances. However, where other legislation is already in place for addressing certain activities on private land, the protected area offences have not been applied – for example the lighting of fires is regulated under the *Fire Services Act 1990* and disposal of waste and litter offences are more appropriately regulated under the *Waste Reduction and Recycling Act 2011*.

Feeding and disturbing native animals

The *Nature Conservation (Protected Areas Management) Regulation 2017* included an offence to feed an animal that is dangerous, venomous or capable of injuring a person; or

where a regulatory notice prohibits the feeding. Many native animals may become habituated to human presence due to feeding. Consumption of human food can lead to negative health outcomes for animals, and in some cases result in animals becoming a nuisance or capable of injuring a person when seeking food in places such as day use areas and campgrounds (e.g. goannas, and some species of birds).

The Regulation includes a new offence for feeding and disturbing any animal in a protected area, separate to feeding and disturbing animals that are perceived as dangerous, venomous or capable of injuring a person. This offence is intended to protect both animals and visitors from the potentially negative results of feeding and disturbing native animals in protected areas such as national parks

Higher penalties will continue for feeding and disturbing dingoes which can lead to aggressive behaviours towards people, which can have serious or fatal impacts for the people and the dingo. There have been several reported dingo attacks on people on K'gari during the last 12 months and it is important to have adequate deterrents against visitor actions that can lead to further development of problematic dingo behaviours.

A specific offence for feeding and disturbing saltwater crocodiles has also been included in the regulation, with the same maximum penalty as feeding or disturbing dingoes, reflecting the serious risks and consequences of such behaviours for people and crocodiles. This reflects the broader approach for management of such behaviours across Queensland, with the same offence and penalty applying outside of protected areas.

New regulatory notice purposes

Regulatory notices may be used to authorise, regulate or prohibit an activity that relates to a public health and safety act or for another specific activity outlined in the regulation, for example, lighting fires, or allowing dog walking in specified conservation parks and resources reserves. The reasons for which a regulatory notice may be displayed have been expanded to include three additional reasons, consistent with the reasons for declaring a restricted access area. These are for an activity that:

- relates to the conservation or protection of the cultural or natural resources of the area or native wildlife;
- relates to the protection of the character and amenity of the area or an adjacent area; or
- relates to the orderly or proper management of the area.

This change will enable greater flexibility regarding the use of regulatory notices in managing the protected area estate, particularly in circumstances where the use of a restricted access area is not appropriate.

Improved consistency between offences

The penalties for a number of offences have been amended for increased consistency between similar offences for protected areas, recreation areas and forestry areas. The penalties for dumping waste and littering have also been amended to improve consistency with similar littering offences in the *Waste Reduction and Recycling Act 2011*. A new offence has been introduced for 'dangerous littering', also consistent with the *Waste Reduction and Recycling Act 2011*, which includes activities such as breaking glass, and discarding syringes or vapes.

New offences for impacts on natural and cultural resources

Protected areas present the opportunity for people to see uncommonly attractive natural features, including large numbers of wildflowers in bloom or unusual rocks and geology. Despite these features being permanently protected under the *Nature Conservation Act 1992*, at times visitors decide to collect samples of them. The cumulative effects of repeated collection can cause substantial degradation to vegetation, the physical environment and the character and amenity of these areas. To enable an appropriate enforcement response to this activity, a new offence has been included in the Regulation for collecting natural materials in a protected area, such as picking flowers, rock collecting, or firewood collection, which is a particular cause of significant cumulative damage to protected areas. A new offence has also been included for defacing a natural or cultural resource in a protected area. A defence is provided where the person has a reasonable excuse, or where the disturbance occurred in the course of a lawful activity not directed towards the disturbance, if the disturbance could not have been reasonably avoided. These offences are intended to address lower-level offending, with more significant offences subject to prosecution in Court.

The use of metal detectors, and associated digging can result in localised and cumulative impacts to natural and cultural resources of protected areas. The use of these devices can also disturb visitor enjoyment of the protected area. A new offence has been included in the Regulation to clarify that it is an offence for a person using a metal detector or other similar device in a protected area without authorisation.

Disturbance by amplified sound as part of unauthorised event

Unlawful dance parties are becoming more frequent and common place in protected areas. These events are often advertised and promoted on social media and involve large numbers of party goers congregating with loud music, bright lights, construction of illegal structures, and large amounts of resultant litter, all of which can result in damage to the environment. The noise generated by these unlawful events causes significant disturbance to campers and other visitors, and wildlife. While there is an existing offence for disturbance by amplified sound, such as playing loud music in a camping area, a higher penalty is introduced for persons causing disturbance by amplified sound devices used in association with an unauthorised event such as a dance party.

Amendments to provisions regarding authorities

There are a range of amendments being made to provisions regarding authorities. The considerations for applicant suitability have been amended to clarify that the chief executive can include consideration of any outstanding debts payable to the department by an applicant. Clarification is also being made to apply suitability requirements to associates of authority holders and parties to a commercial activity agreement.

Provisions relating to chief executive-driven amendment, suspension and cancellation of authorities and agreements have been revised to improve their operation. This includes ensuring suitable responses are available regarding permit amendment and suspension when considering practical access, safety and conservation matters and in circumstances such as responses to natural disasters and extreme weather. Clarity is also provided for responding to authority holder non-compliance. Clarification is also provided to ensure that where authorities and agreements are suspended or cancelled on safety and conservation grounds, this is not a factor affecting a holder's future suitability to hold an authority.

Changes are also being made to streamline processes and reduce administrative burden including increasing the maximum term for commercial activity permits from three years to five years and making these permits transferable. Currently authorities and written approvals are not transferable unless the Regulation specifically states that they are and this change will assist when holders of commercial activity permits, such as tour operators, are seeking to sell their business as, provided the buyer meets other suitability criteria, the permit will be able to be transferred to them, instead of being required to apply for a new permit. The maximum term for resources permits for quarrying, which is only permitted in resources reserves, is being increased from one to three years to reduce the frequency of permit renewals, particularly for local government who may use such resources to maintain roads within, or to access, a protected area.

Amendments to the Regulation will allow permissions for entry into national park (scientific) to be included as part of another authorisation, for example, for scientific research to be recognised to remove the need for duplicate permitting processes.

The Regulation provides for a permit to take, use keep or interfere with plant propagative material for conservation purposes, for example, collection of plant seeds for a revegetation project run by a conservation organisation seeking to grow a species of conservation significance to create additional populations to help safeguard the survival of the species. This approach provides a less resource intensive process compared with entering into a captive breeding program agreement, which was the only other way to authorise such a project previously for protected areas.

Changes to contemporise and clarify provisions and remove redundant provisions

Administrative changes have been made to the Regulation to contemporise provisions. These amendments include removal of outdated hardcopy recordkeeping requirements for commercial operators and event organisers to reflect adoption of online permitting and payment systems. Changes have also been made to remove the requirement to return amended, suspended or cancelled permits now that permits are provided digitally.

Currently the chief executive may request public notice for protected area applications, for example for a commercial activity or an organised event, where it is considered the grant may restrict access to the area by other people. This provision has been updated to remove the requirement to publish a notice in print newspaper by the applicant and has been replaced with publication of an online notice on the department's website.

Provision has also been made for online notices to also be used to notify the public of areas closed to the public in an urgent or temporary circumstance affecting public safety. This will allow the public to be advised of the closure of an area prior to travelling to the area.

Furthermore, redundant provisions providing for authorisation of the take of natural and cultural resources through Aboriginal tradition/Island custom authority have been removed from the Regulation. These redundant provisions have long been over-ridden by the *Native Title Act 1993* (Cth) which is the contemporary and appropriate framework through which the rights and interests of First Nations people are recognised and enabled.

Definitions within the Regulation have been improved for clarity and other minor changes made to provide clarity or contemporise the legislation.

Schedules in the Regulation

The Regulation includes schedules to meet requirements under the *Nature Conservation Act 1992* and support the operation of provisions in the Regulation, as follows:

- trustees of specific conservation parks and resources reserves and their powers are listed in schedules 1 and 2, as provided for by section 31 of the *Nature Conservation Act 1992* and sections 15, 16 and 17 of the Regulation;
- permitted uses in specified national parks are listed in schedules 3 and 4, as provided for by sections 35 and 37 of the *Nature Conservation Act 1992* and sections 18 and 19 of the Regulation;
- prescribed national parks within which fish, invertebrate animals and mud crabs may be taken are listed in schedule 5, as provided for by section 38 of the Regulation; and
- apiary areas on former forest reserves and maximum number of apiary sites are listed in schedule 6, as provided for by section 36A of the *Nature Conservation Act 1992* and sections 42 and 43 of the Regulation;
- minimum aircraft flying height over specified protected areas are listed in schedule 7, as provided for by section 248 of the Regulation.
- the fees payable for a range of protected area permits, licences, agreements, as prescribed in Schedule 8, noting the removal of a redundant camping fee and the application of a transfer fee for the new process provided for transferring any commercial activity permits – noting this simply reflects the existing fee for similar transfer of commercial activity permits that are part of joint marine park permits already listed in the schedule;
- the fees payable for seeds, flowers and propagative material collected by permitted commercial suppliers from resources reserves and conservation parks in Schedule 9;
- a dictionary of terms used in the Regulation in Schedule 10

The schedules in the Regulation match the schedules in the *Nature Conservation (Protected Areas Management) Regulation 2017* subject to some minor corrections or as otherwise noted above.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the authorising law. The object 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 Ailan Kastom.

The *Nature Conservation Act 1992* provides that the conservation of nature is to be achieved by a range of measures including the declaration of protected areas and the management of those areas in accordance with management principles specified in the Act to guide the conservation of natural and cultural resources, and use of the areas.

The *Nature Conservation Act 1992* allows for the making of regulations under the Act:

- section 31 allows for the Governor in Council, by regulation, to place a conservation park or resources reserve under the management of trustees; and
- section 175 allows for regulations to be made in respect of a range of matters, including access to protected areas and the use of land, and activities, in protected areas, and prescribing offences with a maximum penalty of a fine of up to 165 penalty units.

The Regulation allows for the effective management of protected areas to achieve the object of the *Nature Conservation Act 1992* and is consistent with the regulation making powers under the Act.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation. For example, the provisions for the management of conduct and activities in protected areas are consistent with corresponding provisions under related legislation, including the *Forestry Act 1959* which applies to State forests and timber reserves, and the *Recreation Areas Management Act 2006* which applies to declared recreation areas. Provisions are also included to manage vehicles in recreation areas consistent with the framework provided under Queensland Transport laws.

Parallel regulations for the use of protected areas are in place in all Australian states and territories, with a high degree of consistency. This reflects the need of each State to manage similar issues, and the need for consistent protective measures across State borders. Such regulations also reflect international standards and practices, partly in recognition of cooperative international efforts, and partly in order to satisfy Commonwealth Government requirements relating to national and international obligations.

Alternative ways of achieving policy objectives

There is no alternative to achieving the policy objectives. It is necessary that the *Nature Conservation (Protected Areas Management) Regulation 2024* is made in order to support the continuation of conservation and management of protected areas in Queensland.

Potential alternatives to the creation of a new *Nature Conservation (Protected Areas Management) Regulation 2024* have been considered. One such alternative considered was a 'no-legislative intervention' option, i.e. allowing the *Nature Conservation (Protected Areas Management) Regulation 2017* to expire without replacement. Alternative options were rejected because of the unacceptable risks and consequences that would arise.

Benefits and costs of implementation

DESI actively encourages recreational and tourism use of protected areas and manages these lands to maintain their commercial, recreational and environmental values, and takes appropriate steps to maintain visitor safety. The provisions in the Regulation represent a tried and tested framework to achieve these outcomes.

The benefits arising from the regulatory framework greatly outweigh the potential inconvenience to the commercial and recreational users of protected areas of complying with the regulations. For example, regulations relating to the lighting and control of fires by visitors when camping are essential for reducing the risks of fire getting out of control and destroying large parts of protected areas and potential threatening the lives and property of adjacent communities. Furthermore, the requirements for permits for activities such as commercial tours help to ensure that the number of operators visiting any particular location is managed in such a way as to ensure that places of high visitor interest do not exceed their capacity to support such use.

The Regulation provides for penalties for breaches of the requirements. However, the cost of these offence penalties is only borne by a small number of people who commit offences that warrant action stronger than a warning.

The Regulation imposes some continuing costs on government, including administrative and compliance costs. However, these costs are overshadowed by substantial benefits in terms of meeting government responsibilities, and ongoing cost savings delivered by effective management. No new costs are introduced by the Regulation.

In accordance with *The Queensland Government Better Regulation Policy*, a Summary Impact Analysis Statement was prepared in relation to the regulatory proposal. The proposal will not add to the burden of regulation and is unlikely to result in significant adverse impacts. No further regulatory impact analysis is required.

Consistency with fundamental legislative principles

The Regulation has been examined for compliance with the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* and is considered to have sufficient regard to the rights and liberties of individuals and the institution of Parliament. Three potential interactions were identified during drafting of the Regulation and are discussed below.

Regulatory signage

The Regulation allows for the use of signs to regulate some actions in specified areas or prohibit entry in some cases, in order to protect the environment and provide for public safety and the rights of other visitors. These provisions allowing such restrictions to be imposed by signs might be considered to breach fundamental legislative principles relating to delegation of power only in appropriate cases and to appropriate persons.

However, regulatory signs in protected areas can be used only in the circumstances and for the purposes specified in the provisions in the Regulation. Apart from signs such as traffic signs, which need to be brief as well as clear, other regulatory signs in protected areas are required to indicate the limits of the area to which the signs apply, to advise that a penalty applies for failure to comply, and list the amount of penalty.

The power to use signs for the purposes specified in the Regulation to manage activities is considered to be appropriate and necessary because:

- it ensures that information about requirements and offences at specific sites is conveyed fully and directly to the public;
- it is consistent with contemporary practice and public expectations in areas such as national parks;
- it allows a timely, relevant and flexible management response to unpredictable or changing circumstances affecting protected areas, involving natural factors such as drought, wildfire or cyclone, as well as directing visitor behaviour; and
- the directness and convenience of using signs to achieve management objectives ensures greater efficiency in the use of limited staff time and resources.

The use of regulatory signs in protected areas is managed through operational policies and signage guidelines and standards to ensure consistency, adequate consultation and balance.

Closure of protected areas by website notice

In particular circumstances, areas may need to be closed to the public to ensure public safety. While such closures are generally notified by displaying a sign at the part of the protected area to be closed, in some urgent circumstances, such as following cyclones or floods, a more immediate notification may be required. The Regulation includes a new provision allowing the closure by of an area for public safety purposes by placing a notice on the department's website ahead of a sign being installed at the location. This change is considered justified as such a notification can reach a greater number of people more quickly and effectively, and is restricted within the provision to only be used in limited circumstances.

This new procedure has the benefit of further protecting public safety by allowing a more immediate closure and thereby assisting with managing public access to an area when it is unsafe. The department currently advises visitors to check the department's website for closures prior to visiting an area, therefore it is considered that website notification will be effective in communicating closures. The change also benefits staff by providing a way to implement area closures quickly without the need to install signs when circumstances may still be potentially dangerous or more urgent priorities demand their attention.

Process to apply for and consider applications for written approvals

The Regulation provides for the grant of particular permits, such as a camping permit, commercial activity permit, or stock grazing permit, and generally indicates the considerations that apply when deciding whether to grant such a permit.

Several sections of the Regulation also provide that a particular activity or action cannot be conducted without the 'written approval' of the chief executive. However, the Regulation does not specify how a person applies for a written approval or the process for deciding such approvals. This lack of guidance might seem to be out of step with the fundamental legislative principle that rights and liberties, or obligations, should be dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.

The process for applying for written approvals varies according to the circumstances. Written approvals are commonly granted to authorise a supplementary aspect of another activity and are therefore 'applied for' in the broader context of seeking authorisation for the other activity. For example, a permit for scientific research granted to a person 'to take, use, keep or interfere with' a natural resource of a protected area might contain the necessary written approvals to camp, erect a structure, enter a restricted access area, drive a vehicle other than on a road, use a generator, and possess and use traps for animal capture and release.

However, in some circumstances a person may need to seek a written approval that is not associated with another authorisation, for example, a neighbouring property owner might need a written approval to drive a vehicle through a part of a protected area normally closed to vehicles in order to inspect and repair a boundary fence. In such a case, the application and approval process generally would be relatively straightforward.

The written approvals framework is intended to be flexible, and these approvals may in some circumstances be provided within a relatively short timeframe in response to emerging issues. Written approvals are generally required for one-off, short-term situations, rather than ongoing activities, and therefore there is no need for these to be subject to formal review processes. Written approvals are a common authorising mechanism under the statute book.

Examples include agistment approvals under the *Fossicking Regulation 2019*, and approvals of weapons clubs under the *Weapons Regulation 2016*, and a number of written approvals relating to display of animals under the *Nature Conservation (Animals) Regulation 2020*.

Consultation

Consultation methods

The Office of Best Practice Regulation was advised of the proposal to make the *Nature Conservation (Protected Areas Management) Regulation 2024*. Informed by advice from the Office of Best Practice Regulation, consultation with the general community on the new Regulation occurred through an online survey hosted on the Queensland Government ‘Get Involved’ consultation platform. The survey comprised 66 questions and sought feedback in relation on the changes the department was proposing to the protected area, recreation area and forestry regulations in response to the issues outlined in the survey information. The survey also specifically sought feedback on any costs and benefits on the community that may result from the proposed changes. Respondents were also provided an opportunity to submit further comments and to provide details for any future follow up consultation.

Engagement with First Nations Partners occurred prior to the commencement of broader public consultation and the release of the survey to advise why the review was being undertaken, the key changes proposed, the timeframes associated with consultation and how to provide feedback and seek further information.

The Civil Aviation Safety Authority (CASA) was consulted on the proposal relating to drone regulation and minimum aircraft flying heights.

Additionally, correspondence was sent to private protected area landholders, authority holders, peak industry groups, local government and other representative bodies regarding the review and seeking their participation in the survey.

Results of consultation

Following the initial engagement with First Nations groups, the department held several meetings in response to requests for additional information. Further discussion of the proposals was provided through these meetings to clarify and resolve outstanding queries.

CASA supported the approach to drone regulation in order to protect the natural and cultural values of protected areas, and a lowering of the minimum aircraft flying heights to 500 feet in protected areas to ensure consistency with Commonwealth legislation.

The survey site received 3000 visits and a total of 493 survey responses were received during the 28-day survey period. Fourteen written submissions were received, including 11 from private protected area landholders.

The consultation results helped determine potential benefits and impacts of the proposals, and to identify alternative approaches to the proposed amendments. The majority of respondents across all survey questions indicated that the proposed changes would be of benefit or have no impact on them.

Based on the consultation, DESI believes that the community is supportive of the making of the Regulation which will maintain consistency with regulations that apply to similar areas,

including recreation areas and State forests. Such provisions have been in place for more than 30 years and have strong community acceptance.

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