

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2025

Explanatory notes for SL 2025 No. 8

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2025

Authorising law

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

Policy objectives and the reasons for them

The *Nature Conservation Act 1992* (NC Act) provides instructions on how applications for ecotourism facilities on national parks should be dealt with. The NC Act contains strict criteria which must be satisfied before the grant of an authority for such facility 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.

In accordance with section 141 of the NC Act, the chief executive may not delegate power under section 35 of the NC Act.

The following proposed uses are currently under consideration by the Department of the Environment, Tourism, Science and Innovation (DETSI) under the requirements of section 35(1)(c):

1. a total of 22.49 hectares for an ecotourism facility within Great Sandy National Park within Great Sandy National Park over Lots A & B in Lot 1 on Plan AP23771; and
2. a total of 5.5 hectares for two campgrounds on the Ngaro Track within Whitsunday Islands National Park over part of Lot 428 on Plan NPW621.

As per section 35(1)(d) of the NC Act, the chief executive cannot grant an authority for an ecotourism facility unless the use is prescribed under regulation – this being Schedule 3 of the *Nature Conservation (Protected Areas Management) Regulation 2024*. Section 175 of the NC Act provides the Governor in Council with the power to make regulations under the NC Act with respect to the use of the land and activities in protected areas.

Achievement of policy objectives

The *Nature Conservation (Protected Areas Management) Amendment Regulation (No. 2) 2025* (Amendment Regulation) will achieve its policy objectives by amending Schedule 3 of the Regulation to:

- permit the proposed ecotourism facility within Great Sandy National Park at the 22.49 hectare site over Lots A & B in Lot 1 on Plan AP23771; and
- permit the proposed ecotourism facility within Whitsunday Islands National Park at the 5.5 hectare site over part of Lot 428 on Plan NPW621.

This approach is reasonable and appropriate because:

- The site identified within Great Sandy National Park is an existing ecotourism facility under the *Land Act 1994* (originally authorised under the now repealed *Land Act 1962* and the *National Parks and Wildlife Act 1975*), and the section 35 NC Act ecotourism facility application is in its final stages of assessment.

- negotiations for the ecotourism facility within Whitsunday Islands National Park are progressing following an Expression of Interest process run by the Queensland Government and a preferred supplier identified.
- by receiving approval from the Governor in Council, any subsequent ecotourism authorities considered by the chief executive 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. It ensures the conservation of nature by enabling authorisation of the ecotourism facilities in a manner which is consistent with requirements of the NC Act for such facilities.

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 relevant national parks in compliance with section 35 of the NC Act.

There is no net cost in implementing the Amendment Regulation, as the amendment does not constitute an approval of an ecotourism facility by the chief executive under the NC Act. Any ongoing costs of subsequent section 35 ecotourism facility approvals will be considered and addressed through the assessment process. All existing section 35 ecotourism facilities are charged departmental rental fees, depending on the nature and scope of the operation.

In accordance with *The Queensland Government Better Regulation Policy* (the Policy), a Summary Impact Analysis Statement (IAS) was prepared in relation to the regulatory proposal. The IAS determined that the proposal is minor and machinery in nature and facilitates a routine task of government and no further Regulatory Impact Analysis is required.

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 DETSI, consulted with the proponents for each ecotourism facility and with key stakeholders. Proponents have provided survey plans listed under the Amendment Regulation as part of the approvals process.

All parties consulted support the Amendment Regulation proposal.

Following this Amendment Regulation, DETSI will still be required to assess and approve the relevant ecotourism facility authorities in accordance with section 35 of the NC Act. This process will require consultation with the relevant traditional owners, and ongoing negotiation with the proponent for the proposed ecotourism facilities.

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