



Queensland

Recreation Areas Management Amendment Regulation (No. 1) 2010

Explanatory Notes for SL 2010 No. 256

made under the

Recreation Areas Management Act 2006

Short Title

Recreation Areas Management Amendment Regulation (No. 1) 2010.

Authorising law

Section 7(1) of the *Recreation Areas Management Act 2006* provides that a recreation area may be declared by regulation.

Policy Objectives of the Legislation

The object of the *Recreation Areas Management Act 2006* is—

- (a) the establishment, maintenance and use of recreation areas; and
- (b) 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.

The objective of the *Recreation Areas Management Regulation 2007* is to provide the basis for effective and efficient administration and enforcement

of the object and provisions of the *Recreation Areas Management Act 2006*.

How policy objectives are to be achieved

The policy objectives of the *Recreation Areas Management Regulation (No. ...) 2010* are to be met by amending—

- (a) the Recreation Areas Management Regulation 2007 to—
 - provide for sustainable recreational use
 - protect the natural and cultural values
 - enhance visitor safety
 - retain the enjoyment and unique recreational experience for future generations.

Consistency with the policy objectives of other legislation

This Regulation is not inconsistent with any other legislation.

The requirement under the *Statutory Instruments Act 1992* to prepare a Regulatory Impact Statement has been complied with.

Consistency with authorising Act

This Regulation is consistent with the *Recreation Areas Management Act 2006*.

Possible alternative approach

A statement of alternatives is contained in the Regulatory Impact Statement for the management of the Cooloola Recreation Area.

Consistency with fundamental legislative principles

The *Legislative Standards Act 1992* outlines a number of fundamental legislative principles. These principles require that the legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament. The Regulation is consistent with these and the other

fundamental legislative principles, including natural justice, appropriate review and delegation of administrative power, clarity and precision of legislation, adequacy of the head of power to make subordinate legislation and consistency with its primary Act.

The Regulation does impose some restrictions on business and the community through permit requirements and other obligations. Restrictions and prohibitions apply to certain actions in order to protect the environment. Penalties will apply for non-compliance with the requirements of the legislation.

However any imposition of restrictions under this Regulation are fully offset by a demonstrated benefit, in that the restrictions facilitate coordinated safety management, improvement to facilities, maintenance and resources for maintaining healthy ecosystems, facilitating sustainable tourism and to enhance coordinated conservation management.

Benefits and costs of implementation

A detailed statement of costs and benefits is contained in the Regulatory Impact Statement.

Consultation

The community was engaged in the broad public consultation process associated with the Regulatory Impact Statement. The RIS for the Cooloolo Recreation Area was released on Friday 24 July 2009 and the submission phase closed on Monday 7 September 2009. DERM received 154 submissions.

The Sunshine Coast Regional Council and Gympie Regional Council provided detailed responses to the Regulatory Impact Statement and, meetings with the Sunshine Coast Regional Council have occurred.

Notes on Provisions

Section 2

This section states the amendments are to commence on 17 October 2010.

Section 4

This section is to update the Department's address.

Section 5

This section states the intention to declare the Cooloola Recreation Area by reference to plan RAMA 6. This section also includes a statement of management intent.

Section 6

This section is to state the parts of the Cooloola Recreation Area in which a motor vehicle may be used without a permit or commercial activity agreement.

Section 7

This section is to state a list of areas in section 31(3) as areas in which fish and crab waste may be disposed of in the prescribed way.

Section 8

This section is to update the wording in the example – take out reference to Cooloola section.

Section 9

This section states the fees payable for the new Cooloola Recreation Area.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.

© State of Queensland 2010