

# Nature Conservation (Protected Areas Management) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 13

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation (Protected Areas Management) Amendment Regulation 2025*

### Authorising law

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

### Policy objectives and the reasons for them

From time to time, applications are made to install, maintain or use infrastructure on national parks. The NC Act contains strict criteria which must be satisfied before the chief executive can grant an authority for such infrastructure.

Under section 35(1) of the NC Act 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

- ii) 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 contained in section 35 of the NC Act in accordance with section 141 of the NC Act. Before the chief executive may grant an authority under section 35 of the NC Act for the proposed activities, the use and the relevant national parks must be prescribed in Schedule 3 (Permitted uses in national parks) of the *Nature Conservation (Protected Areas Management) Regulation 2024* (the Regulation).

The following uses have been assessed and meet the requirements under section 35(1)(b) of the NC Act:

1. to install, operate and maintain a water pipeline service facility as identified on the administrative plan QPWSAP000292 within Paluma Range National Park;
2. to install, operate and maintain an electricity supply facility, a new transmission line as identified on administrative plan MINP1 within Magnetic Island National Park;
3. to install, operate and maintain an electricity supply facility, a new transmission line as identified on administrative plan QPWSAP000065 within Conway National Park; and
4. to install, operate and maintain a water pipeline service facility as identified on administrative plan QPWSAP000251 within Magnetic Island National Park.

## **Achievement of policy objectives**

The object is to amend Schedule 3 (Permitted uses in national parks) of the Regulation to permit the below services facility uses within National Parks:

1. a total of 0.8 hectares for a water pipeline service facility as identified on the administrative plan QPWSAP000292 within Paluma Range National Park;
2. a total of approximately 0.13 kilometres squared for electricity supply facilities for a new transmission line as identified on administrative plan MINP1 within Magnetic Island National Park;
3. a total of 1912.0 metres squared for electricity supply facility a new transmission line and underground cabling as identified on administrative QPWSAP000065 within Conway National Park; and
4. a total of 2.22 hectares for a water pipeline service facility as identified on administrative plan QPWSAP000251 within Magnetic Island National Park.

Additionally, it is necessary to omit from Schedule 3 (Permitted uses in national parks) of the Regulation, the use currently permitted within the boundary identified as 'overlandcable\_buffer' on Lot 456 on NPW398 on the map titled 'Ergon Energy Electricity Cable Authority Area' as the administrative plan MINP1 (mentioned above) now encompasses the entirety of the electricity supply use within Magnetic Island National Park.

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 *Nature Conservation (Protected Areas Management) Amendment Regulation 2025* (Amendment Regulation) is consistent with the main objectives of the NC Act, that is to ensure 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 NC Act allows for the making of regulations under the Act:

- Section 35 of the NC Act ensures that any approved uses within national parks, such as for service facilities or ecotourism facilities, adhere to stringent criteria designed to uphold the conservation of nature, ensure ecological sustainability, protect the park's natural condition and cultural resources, and serve the public interest. This section provides a legal framework to balance the protection of natural and cultural values of national parks with the provision of necessary services and responsible ecotourism.
- Section 175 of the NC Act 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.

The Amendment Regulation allows for the effective management of protected areas to achieve the object of the NC Act and is consistent with the regulation making powers under the Act.

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

The Amendment Regulation is not inconsistent with the policy objectives of 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 Regulation, as this area of work is already considered in the Department of the Environment, Tourism, Science and Innovation's annual budget and workload for managing protected areas.

When the chief executive grants authorities for the service facilities, the authorities will be subject to annual fees in line with departmental policy. The revenue generated in fees will cover the cost of implementation.

A non-monetary benefit is derived by the general public from each service facility, and this is ensured when assessing each proposal against the principle of 'public interest' as required by the NC Act. Implementation provides further benefits to protected area management through the assessment process and in the terms and conditions agreed by both parties.

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 does not result in a substantive change to regulatory policy or new impacts on business, government or the community. 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**

The Department of the Environment, Tourism, Science and Innovation has consulted with the applicants for the proposed authorities and the relevant traditional owners.

All parties consulted support the proposal.

The Office of Best Practice Regulation was notified of the proposal.

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