

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Environment, Science and Innovation
Name of the proposal	Sunset review of the Forestry Regulation 2015
Submission type	Summary IAS
Title of related legislative or regulatory instrument	Forestry Regulation 2024
Date of issue	August 2024

What is the nature, size and scope of the problem? What are the objectives of government action?

The nature, and scale of the policy problem

Queensland has well-established frameworks for managing land under a range of tenures for the purposes of conserving and facilitating the sustainable use of the lands' natural, cultural, recreational and forestry values. In combination, there are more than 18 million hectares of formally dedicated forestry areas, protected areas and recreation areas across Queensland. These areas are popular places used by the community with large numbers of people visiting them to undertake a range of recreational, commercial, scientific and educational activities.

The legislation used to dedicate and manage these lands includes the *Forestry Act 1959*, the *Nature Conservation Act 1992* and the *Recreation Areas Management Act 2006* and their associated regulations. This legislation provides for the protection of the natural, cultural and recreational values of these lands, and is used to manage the variety of activities, uses and values that occur on these lands, including through the establishment of regulatory tools that may be applied in response to a range of circumstances, conduct and behaviours.

Under the *Statutory Instruments Act 1992*, subordinate legislation (regulations) automatically expire every 10 years, to ensure that a process is in place for their review, and where necessary, their remake.

The Forestry Regulation 2015 is scheduled to expire on 31 August 2025, and consistent with the requirements of the *Queensland Government Better Regulation Policy* a 'sunset review' is necessary prior to a decision to remake it.

Consequently, a review of the Forestry Regulation 2015 has occurred. Additionally, the Nature Conservation (Protected Areas Management) Regulation 2017 and Recreation Areas Management Regulation 2017 were also reviewed. These reviews were undertaken concurrently with the review of the Forestry Regulation 2015 due to the automatic expiry of all three regulations occurring in relatively close proximity to one another, the similarity of a number of provisions in each regulation, and the benefits in seeking to ensure that, where relevant, a consistent regulatory framework can be applied across forestry areas, protected areas and recreation areas.

The *Forestry Act 1959* and the Forestry Regulation 2015 provide for the effective management of State forests and timber reserves (forestry areas), and other special management areas within them, such as scientific areas and feature protection areas.

Other jurisdictions, such as the governments of other Australian states and territories, employ a similar regulatory approach to that used in Queensland, in order to manage use of their forestry areas. Most local governments also use similar local laws to manage areas of parkland and bushland under their control.

Forestry areas in Queensland

There are 408 State forests and 8 timber reserves covering over 3 million hectares of land in Queensland. These areas are subject to forest management and timber harvesting operations, and a range of other commercial and recreational uses – including use by the public for activities such as camping, picnicking, scenic driving, motorcycling, mountain biking, horse riding and nature appreciation. As is the case with the management of most public places, some 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 Forestry Regulation 2015 (the Regulation) addresses these issues by including a range of offence provisions as a deterrent to behaviour that could interfere with forest management, cause damage to forest resources or property, cause unacceptable environmental impact, affect other people's reasonable enjoyment of the forest environment and facilities, and threaten people's health and safety. For example, restrictions apply in regard to the driving and parking of vehicles, the control of animals such as dogs, and excessive noise.

In order to effectively manage forestry areas, the Regulation includes important provisions regarding the:

- continuation of designated timber reserves, State plantation forests, feature protection areas, scientific areas and State forest parks;
- management of camping, motor vehicles, personal mobility devices, bicycles and animals such as horses and dogs;
- regulation of conduct and uses in State forests and timber reserves;
- offences and penalties for those offences;
- the statutory fees payable for permits, authorities and other uses under the *Forestry Act 1959*; and
- transitional provisions to provide for continuity between the regulations.

The Regulation also contains schedules outlining:

- timber reserves;
- State plantation forests;
- feature protection areas;
- scientific areas;
- State forest parks;
- fees payable under the *Forestry Act 1959*; and
- a dictionary of terms.

Existing circumstances and required changes

The legislative framework for management of forestry areas has not significantly changed in the last 9 years when the regulations were last subject to a comprehensive review, and the Regulation is largely effective at managing the current circumstances. However, the review identified a number of issues requiring improvement including matters relating to visitor use, vehicles, regulation and compliance and other administrative matters. Amendments in the Regulation are outlined below.

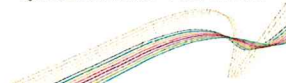
Visitor use in forestry areas

There have been some changes to visitor use trends since the last review, primarily the increasing popularity of recreational four-wheel driving, and camping/caravanning. There has been increased demand in four-wheel drive vehicles and associated products in recent years¹, with sales of four-wheel drive vehicles in Australia shows consistent above-average growth compared to other vehicle types.

Similarly, caravan sales continue to show strong growth (27% over the 5 years to 2020)². In 2021 over 40,000 caravans / camper trailers / and motorhomes entered the market, the largest number since 1979 when

¹ https://documents.parliament.qld.gov.au/committees/TRC/2021/VehSafetyStdTech/qton-24May2021_AAAA.pdf

² <https://caravanstats.com.au/wp-content/uploads/2020/12/2020-Caravan-and-Campervan-Data-Report.pdf>



Cyclone Tracy drove demand for mobile housing in Australia³; and in 2022 reported domestic production increased 17% over the previous year and in combination with imported products, a further 50,000 new vans and camper trailers were sold⁴.

Queensland caravan registrations have been steadily increasing, with 206,000 caravans registered as of 31 January 2023, which comprises 26.9% of the national total (765,150).⁵ Similarly, visitor numbers in caravan or camping accommodation (non-commercial) in Queensland has been steadily growing, and even grew during the COVID-19 pandemic, in contrast with trend that included a significant decline in 2020⁴.

The number of people camping in State forests has increased by approximately 15% since 2017-2018 when there were 114,881 camper nights, compared to 2022-23 when there were 134,862 camper nights (Table 1). The number of camping permits has similarly increased. Note that 2019-20 was heavily affected by COVID-19 closures which resulted in a significant decrease in camper nights.

Table 1. Camper nights and camping permits recorded in Queensland State forests since 2017.

Financial year	Camping permits	Camper nights
2017/18	20,408	114,881
2018/19	21,031	114,497
2019/20	14,682	76,000
2020/21	30,927	163,388
2021/22	26,175	134,716
2022/23	27,114	134,862

Another trend that has emerged in the community in recent years is the increased use of new recreational devices and vehicles/craft, such as drones, motorised scooters and electric skateboards.

Recreational drone use has become very popular, with drones being relatively affordable and easily accessible from major retailers. It has been estimated that there may be over 1.2 million drones in operation in Australia⁶. Commercial drone use is also a growing industry - in 2020 there were over 18,000 people with either a remote pilot licence or remote operator certificate. Drone use can be popular in forestry areas. Drones are sometimes used in ways that affect the cultural resources and amenity of an area (e.g. by noise intrusion), are operated unsafely (which may result in injuries) or are used in a way that disturbs wildlife or intrudes on visitors' personal privacy. However, there is no specific regulation for this use in forestry areas, which means that inappropriate or dangerous drone use is difficult to manage.

The use of new recreational devices such as electric scooters, electric skateboards and solo wheeled devices (collectively called personal mobility devices or PMDs) has also increased in the community since 2018 when Queensland Road Rules were amended to allow a broader range of PMDs to be used on paths and roads in Queensland. It is estimated that there are about 10 to 20 e-scooters sold each day to private owners by retailers⁷.

"With increasing use and popularity, the safety of PMDs has drawn significant public attention. Figures collated by the Jamieson Trauma Institute within Queensland Health in the 18 months to May 2020 found that 797 people were admitted to the Royal Brisbane and Women's Hospital, Princess Alexandra

³ Caravan Camping Sales 2022, *Record year for caravan sales*, <https://www.caravancampingsales.com.au/editorial/details/record-year-for-caravan-sales-135075/> accessed 19 September 2023.

⁴ Caravan Camping Sales 2023, *Record caravan sales in 2022*, <https://www.caravancampingsales.com.au/editorial/details/record-caravan-sales-in-2022-139712/>, accessed 3 July 2024.

⁵ Tourism Research Australia, 2024. Caravan registrations data from National Visitors Survey, *Caravan and camping data* | Tourism Research Australia <https://www.tra.gov.au/en/domestic/caravan-and-camping-data>, accessed 12 March 2024.

⁶ Commonwealth of Australia 2020, *Emerging Aviation Technologies – National Aviation Policy Issues Paper*, Department of Infrastructure, Transport, Regional Development and Communications, September 2020, [Emerging Aviation Technologies \(infrastructure.gov.au\)](https://www.infrastructure.gov.au)

⁷ *Explanatory notes - Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2022*

Hospital and Mater Hospital after being injured on an "electric personal mobility device". There were also at least 12 instances of injury to pedestrians, bystanders or users of other vehicles in incidents with PMDs during this same period."

(Explanatory notes - Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2022)

Safety of PMD use has become a major policy issue for the Department of Transport and Main Roads, with significant reform made in 2022. This also has necessitated review of forestry area provisions to ensure that these devices may be adequately managed and do not result in environmental impacts, and impacts to visitor safety, amenity and enjoyment, particularly in popular visitor areas and on forestry roads.

Impacts if the Regulation was allowed to expire

Allowing the Regulation to expire without replacement would cause important provisions about visitor access and conduct to lapse, and the schedules of declared areas, and the schedule of fees, would cease to operate.

The lapse of key provisions in the Regulation without replacement would create significant risks, including the following:

- Forest officers would be limited in their ability to ensure compliance with safety requirements in State forests and timber reserves, owing to the absence of regulatory measures. This would lead to a significant increase in instances of unsafe and inappropriate behaviour, for example:
 - the lapse of enforceable provisions for the safe use of vehicles in forestry areas would place members of the public and other forest users, such as commercial tour groups and recreational users, at greater risk of injury or death;
 - the lapse of enforceable provisions to manage public order and nuisance would diminish the opportunity for enjoyment of the forest environment by members of the public and other users;
- The lapse of regulatory provisions providing further prescription of *Forestry Act 1959* provisions, or in some cases, exemptions from Act requirements or offences (e.g. where domestic animals are allowed to be taken, where a generator may be used), would result in a particularly strict regulatory environment;
- The lapse of regulated fees would diminish the ability to collect fees which provide revenue for the management of commercial and recreational use, and the provision of facilities;
- The lapse of schedules declaring timber reserves, feature protection areas, scientific areas, State forest parks, and State plantation forests which would result in:
 - removal of the ability of the State to continue to manage these areas for their designated purposes;
 - increased possibility of damage to important environmental features and scientific reference areas, as a consequence of the lapse of their designations and the removal of their legal protection;
 - business uncertainty and potential financial loss for HQPlantations Pty Ltd (HQPlantations)* as a consequence of the loss of the designation of State plantation forests.

* *HQPlantations Pty Ltd holds an exclusive 99-year licence from the State to manage, grow and harvest plantation timber within State plantation forests.*

Potential non-regulatory alternatives to the current regulatory provisions are limited and generally unsuitable. Such alternatives are likely to be more costly, more complex and less effective than the current regulatory provisions, and consequently would be less acceptable to business and the community. Therefore, key provisions in the Regulation, including the schedules of declared areas and the schedule of fees, are proposed to be continued in a "remade" Forestry Regulation 2024 (the Replacement Regulation).

Relevance and efficacy of the current Regulation

Managing commercial and recreational use

State forests and timber reserves (and designated management areas within State forests – feature protection areas, scientific areas and State forest parks) are subject to a range of commercial and recreational uses, including use by the public for activities such as camping, picnicking, scenic driving, motorcycling, mountain biking, horse riding and nature appreciation.

As is the case with the management of most public places, some actions and behaviours need to be regulated in order to protect the environment and to provide for public safety and the rights of other visitors. For example, restrictions are applied in regard to excessive noise, control of animals such as dogs, the use of facilities, and the driving and parking of vehicles. Permitted activities such as commercial and organised events are subject to regulatory requirements such as the need to keep records and pay relevant fees. Permit holders must comply with the conditions on the permit.

Regulatory notices manage access and use within forestry areas. There are several regulatory notice provisions in the Regulation, including where vehicles may be used (including allowing access on roads that would otherwise be closed to the public for forest management purposes such as timber harvesting operations) and restrictions on use of certain types of vehicles (e.g. motor vehicles). Such notices are also used to regulate generator use and access to forestry areas by certain domestic animals.

In addition to the use of regulations as a management tool, the Department of Environment, Science and Innovation (DESI) uses a range of non-regulatory measures to encourage safe and appropriate public behaviour. These non-regulatory measures include the provision of information and education and working cooperatively with business and community groups and other organisations. However, without an appropriate regulatory framework, these non-regulatory measures are not sufficient to achieve acceptable outcomes, especially in circumstances where people choose to deliberately disregard the rules.

For example, trail bike riders caught riding on trails that are closed for environmental or safety reasons often remove their vehicle number plates to avoid identification. Such instances of illegal use continue to occur despite DESI conducting targeted education and enforcement campaigns, and despite the provision of "legal" trails which the riders can use.

The ability to use regulatory provisions with appropriate offences and penalties is still an essential requirement to deter unacceptable behaviour, allow effective enforcement action to be taken if deterrence does not work, and maintain public confidence that appropriate action will be taken against people who do not obey the rules (and who jeopardise public safety and enjoyment).

Offences

The offences in the Regulation are considered suitable to enforce requirements for use of, and conduct in, State forests and timber reserves. There have been 141 penalty infringement notices (PINs) issued under the Regulation by compliance staff in the last six financial years. Offences relating to the use of vehicles are the most prevalent, with the most frequent offence being driving or riding an unregistered vehicle in a State forest or timber reserve (section 26(1)). Another common offence is bringing an unregistered vehicle into a State forest or timber reserve (section 26(2)), often where Rangers have intercepted visitors bringing unregistered trail bikes into State forests on trailers, or as they are unloading the bikes in preparation for use.

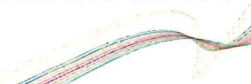
Equally prevalent were offences for contravention of various Road Rule offences (e.g. riding without a bicycle or motorbike helmet, seatbelt offences, travelling on part of a motor vehicle not designed for passengers, etc) on a State forest or timber reserve (section 28(1)).

Schedules in the Regulation

The Regulation contains a number of schedules:

- Schedule 1 – Timber reserves;
- Schedule 2 – State plantation forests;
- Schedule 3 – Features protection areas;
- Schedule 4 – Scientific areas;
- Schedule 5 – State forest parks;
- Schedule 6 – Fees; and
- Schedule 7 – Dictionary.

These schedules are an effective and efficient means of applying particular provisions of the *Forestry Act 1959* and the Regulation to areas with differing management purposes and requirements. The *Forestry Act 1959* and Regulation contains a number of specific provisions in relation to how these various arrangements and designated areas must be managed.



Schedule 6 in the Regulation specifies the fee units payable under the *Forestry Act 1959* for camping permits, commercial activity permits and agreements, permits for competitive motor vehicle and equestrian events, permits for organised events, and fees for mustering, holding and releasing stock to their owner. The fee schedule in the Regulation is a transparent, accessible and effective means of specifying the relevant fees.

Revenue derived from these fees is intended to:

- contribute to the cost of managing commercial and recreational activities in forestry areas;
- contribute to the cost of providing related facilities in forestry areas; and
- provide a return to the State for the commercial use of State-owned lands and facilities.

Review of, and amendments to, the Regulation

The current legislation has been in place for 9 years and its operation has been thoroughly tested and proven to be effective.

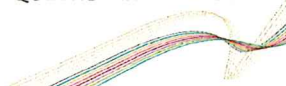
Amendments to the Regulation since it was introduced are outlined in Table 2. The majority of the amendments made were 'business as usual' such as annual amendments to fee schedules (prior to the implementation of fee units), and amendments to the declarations of State forests, timber reserves and State plantation forests. Several amendments were also made during the COVID-19 pandemic to support commercial business to waive the requirement to pay daily visitor fees as part of whole of government initiatives in response to the associated downturn in business activity.

In 2015, amendments were made to replace 'group activity permits' with 'organised event permits' to reduce unnecessary regulation of low impact non-commercial activities, such as weddings and small bushwalking groups, while focusing on continuing to regulate events with greater numbers of participants and/or the potential to interfere with the general community use and access to the forest, for example a vehicle rally.

In 2021, amendments were made to seatbelt offences to align with the changes made by the Department of Transport and Main Roads, to ensure consistency for road safety and enforcement purposes. In 2022, a permitting framework was introduced to allow conduct of side-by-side vehicle events on State forests.

Table 2. Forestry Regulation 2015 reprints (to 30 June 2024)

Effective Date	Publication Date	Amendments Included	Notes
16 August 2015			Commencement of Regulation
28 August 2015	08 August 2016	2015 SL No. 110	Consequential amendments to replace the group activity permit classification with an alternative 'organised event' classification.
01 July 2016	19 August 2016	2016 SL No. 78	Annual fee indexation
01 July 2017	04 July 2017	2017 SL No. 83	Annual fee indexation
01 July 2018	31 May 2018	2018 SL No. 40	Annual fee indexation
19 April 2019	27 May 2019	2019 SL No. 55	Amendments to State forest areas, declaration of scientific areas
01 July 2019	19 September 2019	2019 SL No. 93	Annual fee indexation
15 November 2019	18 November 2019	2019 SL No. 227	Amendments to State plantation forest areas
13 February 2020	14 February 2020	2020 Act No. 3	Amendments to State plantation forest areas



15 May 2020	15 May 2020	2020 SL No. 71	Commercial activity permit – daily activity fee waived for COVID-19 emergency
01 July 2020	24 July 2020	2020 SL No. 110	Annual fee indexation
22 August 2020	28 August 2020	2020 SL No. 138	Commercial activity permit – daily activity fee waived for COVID-19 emergency
11 September 2020	17 September 2020	2020 SL No. 195	Amendments to timber reserve areas
01 October 2020	07 June 2021	2020 SL No. 226	Commercial activity permit – daily activity fee waived for COVID-19 emergency
11 June 2021	11 June 2021	2021 SL No. 58	Amendments to State plantation forest areas
01 July 2021	05 July 2021	2021 SL No. 90	Annual fee indexation
26 July 2021	26 July 2021	2021 SL No. 102	Changes to seatbelt offences for consistency with TMR changes
01 September 2021	31 August 2021	2021 SL No. 113	Consequential amendments following TMR amendments to vehicle registration requirements.
17 September 2021	17 September 2021	2021 SL No. 145	Commercial activity permit – daily activity fee waived for COVID-19 emergency
11 March 2022	10 March 2022	2022 SL No. 17	Fee unit conversion
27 May 2022	30 May 2022	2022 SL No. 61	Amendments to allow side-by-side vehicle organised events
02 July 2022	07 July 2022		Commercial activity permit – daily activity fee waived for COVID-19 emergency provisions expiry 1 July 2022
11 November 2022	11 November 2022	2022 SL No. 158	Amendments to State plantation forest areas
02 December 2022	07 December 2022	2022 SL No. 178	Amendments to State plantation forest areas
09 December 2022	09 December 2022	2022 SL No. 192	Amendments to State plantation forest areas
01 July 2023	30 June 2023	2023 SL No. 68	Apply a 10 % GST increase to Commercial Activity Permit (CAP) daily site fee units in line with ATO ruling.
15 September 2023	15 September 2023	2023 SL No. 131	Restructure of section 28 'Safe use of vehicles' to facilitate penalty infringement notice amendments, removal of duplicated section 29 Persons on quad bike to wear approved motorbike helmet.

08 December 2023	13 December 2023	2023 SL No. 187	Revocation of Wickham Timber Reserve to allow the area to be dedicated as part of Plunkett Conservation Park.
22 March 2024	11 April 2024	2024 SL No. 20	Commercial activity permit – daily activity fee waived for Tropical Cyclone Jasper disaster recovery.
26 April 2024	26 April 2024	2024 Act No. 17	Amendment to Schedule 2 State Plantation Forests.

Shortcomings / changes required

There are a number of issues for the Regulation that require further consideration as part of the sunset review process. These are outlined below:

Feeding and disturbing native animals

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 Replacement Regulation includes a new offence for feeding and disturbing any native animals in a forestry area, without approval. This offence is intended to protect both animals and visitors from the potentially negative results of these activities.

Management of vehicles

Refinement of the framework around vehicle use in State forests – for example the ability to enforce a requirement to display a legible number plate and provisions to address increased use of personal mobility devices (e.g. motorised scooters). Amendments are also required for improved consistency with the Queensland Road Rules, in relation to requirements for carrying passengers in vehicles and wearing of helmets on bicycles and personal mobility devices (such as e-scooters).

Management of drones

While the majority of circumstances are the same since the current Regulation was introduced in 2015, the widespread availability of drone technology was not foreseen at that time. Drone use can have various impacts, such as on amenity and the ability for visitors to have a 'nature-based' or 'wilderness' experience, on wildlife such as birds, on cultural values of an area (e.g. Traditional Owner sacred sites), privacy, visitor safety, and can interfere with other valid uses in recreation areas as well as other aircraft operations for management and emergencies. Rangers are often approached regarding concerns relating to drone use. The Regulation does not contain any specific provisions to allow management of drone use.

To address these matters, drone possession and operation in camping areas will not be allowed, and drones use may be restricted in other areas through use of a regulatory notice.

Objectives of Government action

The objectives of Government action are to:

- ensure there is an ongoing regulatory framework in place that provides suitable tools for the effective management of forestry areas;
- meet the sunset review requirements of the *Statutory Instruments Act 1992* for the Regulation.

Note the fees in the Regulation have not been reviewed as part of this process and no increases to fee arrangements are occurring as part of this review.

What options were considered?

Policy options

Policy options that were considered were:

Option 1 – Regulation expires (base case)

This option involves “no intervention” – that is, to allow the Regulation to expire without replacement, and replacing with non-regulatory measures, such as increased education and self-regulation.

Option 2 – Remake with amendments (recommended option)

This option involves remaking the Regulation with administrative changes, clarifications, and a small number of minor policy changes.

What are the impacts?

Analysis of options

Quantifying the impact of the proposed regulatory updates is inherently challenging due to the intangible nature of environmental protection and safety benefits, which often materialise over extended periods. These complexities hinder the ability to establish direct and reliable correlations between policy changes and their quantitative impacts. However, through qualitative analysis, encompassing stakeholder consultation, expert assessments, and synthesising insights from case studies of similar legislation, the costs of inaction are considered to be significantly greater than those associated with implementing the proposed regulatory amendments. For example, allowing the Regulation to expire without replacement would see the declaration of existing State Plantation Forests cease, which would impact the operations and management of these areas by HQPlantations Pty Ltd who are the largest plantation timber growers in Australia. Alternative regulatory arrangements would need to be created to immediately replace the expired regulations and allowing such a scenario to occur would be detrimental to the relationship between government and the plantation forestry industry.

Furthermore, inaction or delay in adopting the proposed updates could result in inadequate responses to evolving visitor trends, such as the increased vehicle and drone use, and heightened interactions with wildlife. These gaps, along with redundant and outdated provisions, could undermine both community interests and conservation objectives. Moreover, failing to act could erode public confidence in the government's commitment to environmental stewardship and community engagement.

Option 1 – Regulation expires (base case)

The “Regulation expires” option was rejected because of the unacceptable risks and consequences that would arise, as outlined in Section 1 of this document.

Specifically:

- In regard to general forestry area use, the long-term experience of DESI in managing recreational and commercial use of these areas clearly indicates that non-regulatory and self-regulatory measures by themselves are insufficient to achieve satisfactory compliance and alleviate safety and environmental risks.
- There would be significant financial impacts and business uncertainty for HQPlantations resulting from the lapse of the designation of State plantation forests. HQPlantations could be expected to require immediate action from government to remedy the situation as there would be detrimental impacts on their operations and the broader community.
- DESI staff would be limited in their ability to ensure compliance with safety requirements in State forests and timber reserves, owing to the absence of regulatory measures. This would lead to a significant increase in instances of unsafe and inappropriate behaviour. For example, word of the lack of regulatory



framework would spread, and State forests and timber reserves would then be targeted by people for activities that are currently prohibited under the Regulation, such as riding trail bikes on forest roads without a licence or registration.

- The lapse of fees for activities in State forests and timber reserves would result in a loss of fee revenue to DESI, which would limit the ability of DESI to continue to provide services and facilities. As a compounding factor, the absence of fees (e.g. camping for free) would be likely to result in increased levels of use of these areas which would then further increase management costs.
- The provision of free camping and allowing commercial tours to operate at no charge would be at odds with government policy relating to cost recovery and the commercial use of State land and assets, and the lapse of fees for activities in State forests and timber reserves would lead to pressure on government to similarly remove fees from other areas, such as national parks.
- Any cost savings for the public and business resulting from the expiry of the Regulation without replacement, would be outweighed by less efficient, costlier, and more onerous alternative interventions that would need to be applied (sooner or later) to alleviate the relevant risks and address the consequences.
- For example, interventions to address the risks and consequences of the expiry of the Regulation without replacement could include the following:
 - public access to some forestry areas could be prohibited through the closure of forest roads, using barriers and regulatory signs, in order to manage safety and environmental risks;
 - funds from other areas (protected areas and recreation areas) could be diverted to forestry areas to undertake repair and rehabilitation of environmental damage resulting from poorly regulated use, with detrimental consequences for the areas from which the funds were diverted;
 - vehicle offences and public conduct offences could potentially be enforced by police or other government officers using alternative legislation, but only if and when police or other officers are available to do so, and at a higher cost than enforcement by local rangers using forestry regulations;
 - facilities such as camping areas could be closed to save management and maintenance costs, given that these costs would no longer be offset by camping fee revenue; and
 - the costs of assessing applications for and managing the conduct of commercial tours and commercial filming would no longer be offset by commercial activity permit fee revenue.

It is likely that Option 1 (if implemented) would quickly prove unsatisfactory, and the government would be likely to suffer criticism from the community and business groups for allowing the regulatory regime and associated fees to lapse. The likely outcome in the medium-term is that relevant regulations would need to be reinstated.

Impacts on business

As indicated above, Option 1 would have detrimental impacts on HQPlantations as a result of the lapse of the designation of State plantation forests. The extent of the implications of this lapse would also likely extend to the broader community, potentially impacting on timber supply of plantation timber and employment.

DESI already relies on some non-regulatory and self-regulatory measures to help achieve desired outcomes for the management of protected areas. The use of such non-regulatory and self-regulatory measures potentially could be expanded, but there are limits to the level of additional voluntary compliance that could be achieved by these means, and it is considered unlikely that significant improvement would result.

It is considered that the overall level of non-compliance would increase, owing to the absence of enforceable regulatory provisions. For example, it is expected that forestry areas would quickly become targets for activities that are currently prohibited under the Regulation, such as riding trail bikes on forestry area roads without a licence or registration.

In regard to any non-regulatory alternatives to “regulated fees” under Option 1, it is conceivable that a system of fees could be established administratively rather than by regulation, i.e. applicable fees could be designated by DESI but not scheduled in the regulations.

However, it is considered that any such “administrative” fee arrangements would not represent any advantage over the current “regulated” fee arrangements. Additionally, the fee system would become more complex and less transparent for businesses than the current regulatory arrangements. This increased complexity would

arise because fee default would no longer constitute an offence under an administrative system. As a result, the government might need to put additional precautionary measures into effect, such as requiring bond payments or bank guarantees from businesses to cover potential default and requiring businesses to pay accrued daily fees monthly rather than three-monthly.

If no administrative fees were introduced, Option 1 would also result in the lapse of scheduled fees, which would mean that approximately 160 commercial operators who conduct commercial recreational and tourism activities and filming and photography on State forest would no longer have to pay fees related to their commercial activity permits. Scheduled fees for commercial activities other than filming and photography are currently (as of 23/24) as follows:

- application fees – \$193.20 (182.30 fee units) for applying to renew an existing permit or \$387.20 (365.30 fee units) for applying for a new permit;
- permit fees – \$77.50 (73.10 fee units) for a permit for three months, \$309.30 (291.80 fee units) for a permit for one year, \$619.00 (584 fee units) for a permit for two years, and \$875.00 (825 fee units) for a permit for three years;
- daily fees – \$2.50 (2.37 fee units) per client per day for an activity lasting less than three hours, \$4.45 (4.18 fee units) per client per day for an activity lasting three hours or more;
- camping fees (if applicable) – \$7.25 (6.85 fee units) per night per client 5 years or older.

The lapse of these fees would represent a minor saving to each operator in terms of their overall business costs. For example, an existing commercial operator renewing a permit for a year would currently pay a total of \$502.50 (474 fee units) in application fees and permit fees. The lapse of these fees would equate to a saving for the operator of \$9.70 per week over the duration of the permit.

Similarly, in terms of daily fees, a tour operator who runs a full-day tour carrying 20 clients, would save a total of \$89 for the entire tour \$4.45 (3.80 fee units) per client. This is not a large saving, given that, in this example, the operator could gross \$2,000 for the day (assuming the operator charges each client \$100 for the tour).

The relatively small benefit of this potential fee reduction to the tour operator is likely to be outweighed by detrimental impacts arising from the lapse of the Regulations. For example:

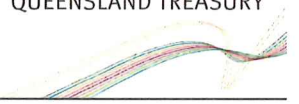
- the lack of regulation of commercial operators could result in over-crowded, degraded sites which would negatively impact of customers experiences;
- the lack of regulatory ability for rangers to manage excessive noise, uncontrolled dogs, or disorderly behaviour could result in diminished experiences for commercial tour customers;
- the loss of important regulatory provisions, including those used to manage safe use of vehicles, could result in greater risks to commercial tour operators using forest roads;
- the loss to the government of fee revenue for commercial tour use (which presently offsets a proportion of government costs associated with servicing and managing that use), together with the lessened regulatory ability to manage safety, would result in the closure of some roads and facilities (in order to save government costs), or significant deterioration of roads and facilities with a consequent loss of business access; and
- the loss of fee revenue from permits to conduct commercial tours and commercial filming would no longer assist in offsetting the costs to government of managing these activities.

Impacts on community

The loss of important regulatory provisions, including those used to manage safe use of vehicles, could result in greater risks to members of the public using forest roads. The lack of regulatory ability for rangers to manage excessive noise, uncontrolled dogs, or disorderly behaviour could also result in diminished experiences for visitors and environmental degradation. Greater non-regulatory effort would not be expected to significantly improve compliance.

The lapse of scheduled fees (without any alternative fee requirement) would allow campers to camp for free, although camping permits would still be required. This would result in a modest cost saving to campers. (Camping fees range between \$4.00 and \$7.25 per person per night.)

However, camping fees assist providing facilities, road / vehicle track maintenance and managing camping activities and its loss would result in the closure of some roads and camping areas. Camping that does not



require a permit commonly attracts visitor problems such as overcrowding, and behaviours such as excessive noise and disturbance, littering, and impacts of excessive campfires due to the lack of Ranger presence (without camping fees there would be limited budget to pay for compliance in camping areas) and the inability for Rangers to address vehicle safety and other nuisance issues due to the lapse of regulations. All of these factors would result in a diminished level of enjoyment of the visitor experience and reduction in the natural and cultural values of forestry areas.

Additionally, once the ability to camp for free became widely known, the demand for camping permits would be expected to increase, potentially to a level exceeding the supply of campsites, particularly if some camping areas were closed in response to the drop in fee revenue. The impacts of this on the community would include greater difficulty in finding a site to camp, highly crowded campsites, and greater likelihood of conflict and excessive noise from busy and crowded campsites.

Camping fees could potentially be charged "administratively", i.e. as a fee for service, without being scheduled in the regulation. However, campgrounds might still be closed (periodically or permanently) if rangers are unable to manage visitor use due to the lapse of regulatory provisions. There would also be no offence and associated penalty for non-payment of the administrative fee.

Impacts on Government

Option 1 would substantially diminish the ability of DESI to achieve compliance with appropriate standards of conduct, in terms of visitor safety and the rights of other visitors. Appropriate levels of compliance could be attempted to be achieved by alternative regulatory means, for example, using transport legislation or local laws, which would involve negotiating and implementing more complex arrangements with other government agencies. DESI staff are not empowered to act under these laws, and it is unlikely that police officers, officers from other departments, or local government staff would be available on a frequent basis to undertake enforcement in forestry areas. These processes would impose significant additional costs on other parts of government, and, despite the additional costs, overall compliance success would be expected to diminish, based on long-standing experience of the success of various compliance measures in Queensland and other jurisdictions.

The loss of permit fee revenue (which presently offsets some of the costs associated with managing forestry area camping and other use) would significantly impact on the DESI budget, assuming that current levels of road access and camping facilities were required to be maintained without additional government funding allocations.

Alternatively, in response to the loss of revenue, DESI could close areas and facilities to save costs. However, any such closures would be at odds with the government's policy of encouraging greater community access to areas such as State forests and national parks.

Option 2 – Remake with amendments (recommended option)

The option of remaking the regulation with amendments would ensure continuity of business certainty for HQPlantations, commercial tourism operators and ensure a continuing framework of provisions for managing forestry areas.

The amendments proposed to be made as part of the remake include:

- prohibition on feeding and disturbing native animals;
- requirements for dog owner's to pick up their dog's faeces;
- requiring vehicle number plates to be clearly displayed;
- road rule consistency for helmets on personal mobility devices and passenger requirements on quad bikes and utility offroad vehicles;
- regulations for drone use, including a framework to limit use in camping areas and other specified areas;
- clarifying where generators may be used;
- updating penalties for consistency across forestry areas, protected areas and recreation areas, and additional deterrent where required.

Impacts on business

Remaking the Regulation with amendments will:

- continue the schedules of designated areas, including the State plantation forests. This will avoid negative impacts on HQPlantations;
- continue to maintain important regulations to ensure the natural, cultural, and recreational values of forestry areas are maintained and managed;
- ensure provisions relating to use of vehicles and management of visitor behaviour are continued to provide for visitor safety and amenity, which benefits tourism operations and visitors;
- provide for the continuation of the existing fees, including fees for commercial activity permits, to help support the provision of access and services, and to provide a return to the State for the commercial use of State land and facilities.

There may be some minor impacts to businesses who use drones in forestry areas, in areas where drone use restrictions are put in place. Some small-scale commercial operators who do not currently require authorisation for drone use in forestry area will require an authorisation in areas where restrictions are established. A new departmental policy will provide guidance regarding establishment of site based drone restrictions. Drone use will continue unaffected in areas where no restrictions are enacted.

The replacement Regulation will have the advantage of maintaining key regulatory provisions and the current permit fee revenue, both of which support the continuation of effective management of State forests and timber reserves, and which will avoid the detrimental consequences to businesses of Option 1, as outlined above.

Impacts on community

The preferred option – the remaking of the Regulation with amendments – will provide for the continuation of existing fees, including fees for camping permits.

These camping permit fees are set at a modest level (\$7.25 per person per night), which is the same as for camping in other areas such as recreation areas and national parks. Most equivalent private campgrounds charge a minimum of \$15.00 per adult per night, or a site fee of at least \$30. The fees are comparable to other land management agencies in Australia, for example, Australian national parks typically charge between \$6 and \$20 per camper per night.

The Replacement Regulation will have the advantage of maintaining important regulatory provisions and permit fee revenue, which will support the continued effective management of State forests and timber reserves, and which will avoid the detrimental consequences to the community of Option 1. As part of the remake, additional provisions are included to further improve visitor safety and experiences in forestry areas (e.g. in relation to vehicle and drone use).

The community will benefit from amendments to enhance visitor safety and experiences in forests (e.g. in relation to unregistered vehicles, personal mobility devices and drone use). During community consultation, an online survey for the Regulations Review (Attachment 1) found that 78.5% of respondents indicated there would be either a 'significant benefit', 'no impact' or 'some benefit' of updating the regulations for drone use, including prohibiting recreational use in specific locations. People commonly cited amenity concerns (41% of comments) and privacy concerns (24% of comments) with drone use.

Visitors to forestry areas who are seeking a 'nature-based' or 'wilderness' experience will benefit from the restrictions on drone use, and campers will enjoy improved amenity and privacy due to the restriction on drone use in camping areas. There may be some minor impacts to members the community who use drones in forestry areas, to the extent that drone use restrictions are put in place in those specific areas. Recreational operators will not be able to operate drones in areas where restrictions area established. A new departmental policy will outline the circumstances under which drone area restrictions will be established. Drone use will continue unaffected in areas where no restrictions are enacted.

Impacts on Government

The continuation of existing regulatory provisions (in the Replacement Regulation) will have the advantages of maintaining HQPlantations' ability to operate under its government licence. It will also maintain key regulatory provisions and permit fee revenue, both of which support the continuation of effective management of State

forests and timber reserves, as outlined above. The cost to Government of this option will be minimised, because fee revenue will be maintained, and the Government will not be required to implement new (and potentially ineffective) alternative compliance measures and more complex fee arrangements.

The changes made to the regulatory framework through the Replacement Regulation will also result in benefits to Government, particularly in terms of improved consistency of management and compliance capability. For example, DESI authorised officers will have improved tools for vehicle management, including an offence for concealing or removing number plates to avoid identification when undertaking unlawful activities such as driving / riding off-road in forestry areas.

Who was consulted?

Online survey for the Regulation remake

Informed by advice from the Office of Best Practice Regulation regarding consulting on the sunset review process for the regulations, an online survey was prepared as the main consultation tool as part of this Regulations Review process. The survey sought feedback on topics where the department is considering making changes to address specific issues. In particular, it was prepared to be able to obtain information on any costs and benefits for users of these lands that may result from the proposed changes.

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.

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

The survey was made available through the Queensland Government 'Get Involved' website and hosted on the DESI consultation webpage 'In the Loop' (which is through the Engagement HQ platform). The survey was accessible through relevant webpage links on the Get Involved website and the DESI website and was open between Wednesday 8 November 2023 and 5pm Wednesday 6 December 2023. Background information to the survey questions was made available as web text and as a document (PDF).

The survey comprised 66 questions and sought feedback in relation to the proposed changes to the forestry, protected area and recreation area regulations. Questions regarding proposed changes comprised a benefit scale question to gauge the potential effect of a proposal. Scoring categories included: *significant benefit; some benefit; no impact; some impact; significant impact*. Where relevant, respondents were provided with text box (in a subsequent question) to also provide specific detail on how they would be affected.

Respondents were also provided an opportunity to submit further comments and to provide details for any future follow up consultation.

Consultation occurred with HQPlantations Pty Ltd who manage State plantation forests in Queensland.

The Civil Aviation Safety Authority (CASA) was also consulted on the proposal relating to drone regulation.

Consultation outcomes

The survey site received 3000 visits, with 495 survey responses and 14 written submissions received during a 28-day consultation period. The majority of respondents across all of the survey questions indicated that the

proposed changes would have a benefit or no impact to them. A consultation summary report is provided in Attachment 1.

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.

HQPlantations Pty Ltd have no concerns with the proposed amendments to the Forestry Regulation.

CASA supported the approach to drone regulation in order to protect the natural and cultural values of forestry areas to ensure consistency with Commonwealth legislation.

Based on the consultation undertaken for the sunset review, DESI believes that the community is supportive of the making of the Replacement Regulation with the proposed amendments. This will allow continuation of the existing regulations and the amendments identified in Option 2 and will maintain consistency with regulations and fees that apply to similar areas, including protected areas and recreation areas. Such provisions have been in place for more than 30 years and have strong community acceptance.

What is the recommended option and why?

Recommended option

The recommended option, Remake with amendments (Option 2) is the most effective means of maintaining positive outcomes for the management of forestry areas and continuing to provide opportunities for the use of these areas by businesses and the community. This option has the greatest net benefit to Queensland.

In brief, the Replacement Regulation will:

- continue to maintain important regulations relating to use of vehicles, control of animals and visitor conduct, to provide the ability for rangers to manage these areas to maintain their natural and cultural values and provide for ongoing safety and amenity;
- continue the schedules of designated areas, including State plantation forests, consistent with requirements under the *Forestry Act 1959*;
- provide for the continuation of existing fees, including fees for commercial activity permits, to help support the provision of access and services, and to provide a return to the State for the commercial use of State land and facilities.

In addition to continuing the effect of existing regulations, the Replacement Regulation will also make the following amendments:

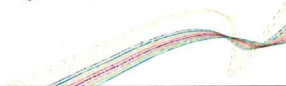
- changes required by the Office of Queensland Parliamentary Counsel to meet contemporary drafting standards;
- clarification of provisions and removal of redundant / outdated provisions;
- improvements to the regulation as outlined in the section on impacts.

Net benefit to the community

As indicated above, Option 1 (allowing the Regulation to expire) would be unacceptable for HQPlantations. Relatively minor benefits to other business interests and the community would be outweighed by the detrimental impacts of Option 1. It is also likely that Option 1 (if implemented) would quickly prove unsatisfactory, and the relevant regulations would need to be reinstated.

The recommended option (Remake with amendments), will, at a relatively modest cost in the form of fees for some activities (e.g., for camping permits and commercial activities), help to maintain access and facilities and assist with management of forestry areas, to the benefit of businesses and the community. Note that there are no increases to fees occurring as a consequence of the recommended option.

The outcomes for government, in terms of efficiency and effectiveness of compliance and service delivery, are maximised under the recommended option.



Implementation

The recommended option is to remake the Regulation with amendments. This does not result in any significant changes or detrimental impacts for industry, government and community from the current regulatory regime. The remade regulation will commence on 1 September 2024, allowing time to prepare for implementation and to advise stakeholders of relevant changes.

Amendments and updates will be made to the department's internal policies, permitting systems, procedures and legislative delegations.

Communication of changes to the Forestry Regulation will be subject to a communication plan prepared by DESI and will involve information on the website, social media and direct communications (e.g. to permit holders) where applicable.

Impact assessment

Quantitative information in relation to the regulatory proposal is inherently challenging to establish due to the intangible nature of environmental protection, safety benefits and maintaining visitor experience, which often materialise over extended periods. This means that it is not possible to monetise or quantify impacts. However, as outlined above the impacts have been assessed qualitatively, taking into account feedback received during consultation.

	First full year	First 10 years
Direct costs – Compliance costs	Not applicable	Not applicable
Direct costs – Government costs	Not applicable	Not applicable

Jamie Merrick
Director-General
Department of Environment, Science and
Innovation

Date: 21 / 08 / 2024

Leanne Linard MP
Minister for the Environment and the Great
Barrier Reef and Minister for Science and
Innovation

Date: 26/08/2024