

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Environment, Science and Innovation
Name of the proposal	Sunset review of the Recreation Areas Management Regulation 2017
Submission type	Summary IAS
Title of related legislative or regulatory instrument	Recreation Areas Management 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 17 million hectares of formally dedicated recreation areas, protected areas and forestry 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 *Recreation Areas Management Act 2006* (RAM Act), the *Nature Conservation Act 1992* and the *Forestry Act 1959*, 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 Recreation Areas Management Regulation 2017 and the Nature Conservation (Protected 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 recreation areas, forestry areas and protected areas.

The RAM Act and the Recreation Areas Management Regulation 2017 provide for the effective management of recreation areas, in order to achieve the object of the RAM Act, that being, the establishment, maintenance and use of recreation areas, and the provision, coordination, integration and improvement of recreational planning, recreational facilities and recreational management for these areas.

Recreation areas are relatively unique within Australia, with no other States having a directly equivalent regime. Some New South Wales local governments have management arrangements for beach reserves that are similar to Queensland recreation areas, with requirements for vehicle permits, however these areas are typically much smaller in size than recreation areas, and generally do not include camping options.

Recreation areas in Queensland

There are seven recreation areas declared in Queensland:

- Green Island (offshore of Cairns)
- Fraser Island (K'gari)
- Inskip Peninsula
- Cooloola
- Bribie Island
- Moreton Island (Mulgumpin)
- Minjerribah (on North Stradbroke Island).

Recreation areas are a management layer that can be applied to any land tenure, with the consent of the landowner. The majority of land within all seven recreation areas is protected area or State forest tenure. For example, most of Moreton Island, Bribie Island, Fraser Island, the eastern half of Green Island and the Cooloola Recreation Areas are also national parks, managed under the *Nature Conservation Act 1992*. The Department of Environment, Science and Innovation (DESI) manages all recreation areas, other than Minjerribah and Moreton Island Recreation Areas, which are managed by the registered native title body corporate for the areas, Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC), under agreement with the department.

Given the overlap of protected area and recreation area lands, the legislation used to manage national parks and recreation areas have a number of complementary provisions. This is to ensure there are consistent laws and approaches to management applied to these lands which reduces confusion for the community when using these areas for recreational and commercial purposes.

Recreation areas are subject to a range of commercial and recreational uses – including use by the public for activities such as camping, picnicking, four-wheel driving 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 Recreation Areas Management Regulation 2017 (the Regulation) addresses these issues by including offence provisions as a deterrent to behaviour that could interfere with recreation 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 and the disposal of waste.

Camping in recreation areas requires a permit, and access via vehicle requires a vehicle access permit (VAP) in five recreation areas (Bribie Island, Cooloola, K'gari, Minjerribah and Moreton Island). Permitting for camping and VAPs is managed by DESI, except in Minjerribah and Moreton Island recreation areas, which are managed by QYAC.

In order to effectively manage and conserve recreation areas, the Regulation includes important provisions regarding the:

- management of camping, motor vehicles, vessels and other recreational craft;
- regulation of conduct in recreation areas, with particular regard to conserving natural and cultural resources and values, and protecting human health and safety;

- regulation of activities to ensure the protection of the environment, such as the disposal of waste, and bringing domestic animals or plants into the area;
- record keeping requirements for particular permit holders;
- offences and the penalties for those offences; and
- transitional provisions to provide for continuity between the regulations.

The Regulation also contains schedules outlining:

- recreation areas and their plan numbers;
- fees payable under the Act;
- the Inskip / Rainbow Beach area where residents are exempt from vehicle access permit requirements; and
- dictionary of terms.

Existing circumstances and required changes

The legislative framework for management of recreation areas has not significantly changed since it was last subject to a comprehensive review at the commencement of the Recreation Areas Management Regulation 2006, 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 to the Regulation are outlined below.

Visitor use in recreation 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 drives and associated products in recent years¹, and sales of four-wheel drive vehicles in Australia shows consistent above-average growth compared with other vehicle types. Similarly, caravan sales continue to show strong growth (27% over the 5 years to 2020). In 2021 over 40,000 caravans / camper trailers / and motorhomes entered the market, the largest number since 1979 when Cyclone Tracy drove demand for mobile housing in Australia,² 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 sold³. 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)⁴.

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 the national trend that included a significant decline in 2020⁵.

The number of people camping in recreation areas has increased by approximately 6%, and the number of permits issued has increased by 19% since the Regulation commenced. In 2017-2018 there were approximately 709,5020 camper nights in DESI managed recreation areas (Bribie Island, Cooloolo, Inskip Peninsula and K'gari recreation areas), compared with 755,135 camper nights in 2022-23 (Table 1). Similarly, sales of VAPs have increased since 2017, with overall number of permits sold for DESI managed areas increasing by 18% (Table 2). Note that 2019-20 was heavily affected by COVID-19 closures which resulted in a significant decrease in visitors and campers.

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

² 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.

³ 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.

⁴ 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.

⁵ Tourism Research Australia, 2024. Visitor accommodation 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.

Table 1. Camper nights and camping permits recorded in DESI managed[^] recreation areas since 2017*.

Financial year	Camping permits	DESI managed [^] recreation area camper nights
2017/18	100,476	709,502
2018/19	101,468	701,718
2019/20	83,473	560,637
2020/21	126,956	827,541
2021/22	121,379	765,161
2022/23	123,454	755,135

*Numbers are approximate.

[^] Bribie Island, Cooloolo, Inskip Peninsula and K'gari Recreation Areas. There is no camping or vehicle access on Green Island.

Table 2. Vehicle access permits (VAPs) purchased for DESI managed[^] recreation areas*.

Financial year	VAPs purchased in DESI managed [^] recreation areas
2017/18	161,241
2018/19	161,172
2019/20	138,665
2020/21	200,367
2021/22	203,871
2022/23	197,394

*Numbers are approximate.

[^] Bribie Island, Cooloolo, Inskip Peninsula and K'gari Recreation Areas. There is no camping or vehicle access on Green Island.

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 recreation 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. DESI has received written complaints about drone use in recreation areas, and Rangers regularly receive verbal complaints. However, there is no specific regulation for this use in recreation 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,

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

Princess Alexandra 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 has necessitated amendment of recreation area provisions to ensure that these devices may be adequately managed and do not result in environmental impacts, or impacts to visitor safety, amenity and enjoyment, particularly in popular visitor areas and on recreation area 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 also cease to operate.

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

- Authorised officers would be limited in their ability to ensure compliance with safety requirements in recreation areas, owing to the absence of certain 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 recreation areas would place members of the public and other recreation area 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 recreation area environment by members of the public and other users;
- The lapse of regulatory provisions providing further prescription of RAM Act provisions, or in some cases, exemptions from Act requirements or offences (e.g. where VAPs are not required, 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 Schedule 1 Recreation areas, which includes the plans and management intent for areas, would result in removal of the ability of the State to continue to manage these areas for their designated purposes.

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" Recreation Areas Management Regulation 2024 (the Replacement Regulation).

Relevance and efficacy of the current Regulation

Managing commercial and recreational use

Recreation areas are subject to a range of commercial and recreational uses, including use by the public for activities such as camping, picnicking, four-wheel driving, horse riding and nature appreciation. Recreation areas are highly sought-after locations for commercial activities involving guided tours, as well as filming and photography.

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 control of animals such as dogs, damage to

vegetation, 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 and restricted access area notices manage access and use within recreation areas. There are several regulatory notice provisions in the Regulation, including relating to the use of motorised vessels in freshwater lakes and watercourses; where vehicles may be used (including limiting access in highly sensitive sites such as important bird nesting sites); and restrictions on use of certain types of vehicles (e.g. motor vehicles). These notices also cover the use of plant material for fires and depositing litter.

In addition to the use of regulations as a management tool, 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 organisations. However, without regulatory backup, on their own 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, recreation areas. There have been approximately 1,735 penalty infringement notices (PINs) issued under the Regulation by compliance staff in the last six financial years.

The most common PINs issued were all related to visitor conduct:

- Section 13(3) Fail to comply with sign/markings regulating use of vehicle, vessel or recreational craft;
- Section 28 (1) Remove, damage or use a plant for making a fire; and
- Section 18(2) Driving a motor vehicle without due care and attention.

The offence in section 13(3) is for non-compliance with a sign for example, imposing a speed limit, marking a pedestrian crossing or stating a place where vehicles are prohibited. The offence for disregarding such signs is in place to enable an offender to receive a penalty in response to non-compliance with arrangements (such as speed limits) established to safeguard the safety of visitors and protect recreation area values by ensuring vehicle use is appropriate.

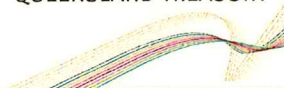
Section 28(1) relates to the offence of removing, damaging or using a plant to make a fire. The purpose of this offence is to deter the use of vegetation such as trees, shrubs and fallen timber / branches from within the recreation area being used for camp fires, as this activity results in damage to the environment.

The offence in section 18(2) is for driving a motor vehicle without due care and attention (also known as careless driving). This offence captures reckless driving behaviours which have resulted in a number of serious vehicle accidents in beach sections of recreation areas such as Teewah Beach at Cooloola, and on Bribie Island.

Schedules in the Regulation

The Regulation contains a number of schedules:

- Schedule 1 – Recreation areas;
- Schedule 2 – Fees;



- Schedule 3 – Inskip and Rainbow Beach areas; and
- Schedule 4 – Dictionary.

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

Schedule 2 in the Regulation specifies the fee units payable under the Regulation for camping permits, vehicle access permits, organised event permits, commercial activity permits, commercial activity agreements. The fee schedule in the Regulation is a transparent, accessible and effective means of specifying the relevant fees.

Revenue derived from these fees must be deposited into the Recreation Area Management Fund (refer to section 230 of the RAM Act) and may only be used for the purpose of the RAM Act, for example:

- managing commercial and recreational activities in recreation areas;
- providing day use, camping and other visitor facilities in recreation areas;
- pest and weed control and other environmental management activities; and
- compliance.

Reviews of, and amendments to, the Regulation

The current legislation has been in place for 7 years, although the same framework has been in place for 18 years and its operation has been thoroughly tested and proven effective.

Amendments to the Regulation since it was introduced are outlined in Table 3. The majority of the amendments made were 'business as usual', such as annual amendments to fee schedules (prior to the implementation of fee units). Several amendments were also made during the COVID-19 pandemic to support commercial business, to allow for the waiver of the requirement to pay daily visitor fees as part of whole of government initiatives in response to the associated downturn in business activity. There was one other policy related amendment, on 1 November 2019, which provided for a new monthly and annual fee for VAPs for the Minjerribah Recreation Area to improve consistency of permit arrangements with other vehicle permit fees for other declared recreation areas in south-east Queensland, and to ensure that management of the area with growing visitor numbers is sustainable.

Table 3. Table of reprints of the Regulation (to 30 June 2024)

Effective Date	Publication Date	Amendments Included	Notes
02 September 2017	02 September 2017		Commencement of Regulation (as is remake of 2006 Regulation)
01 July 2018	27 June 2018	2018 SL No. 40	Annual fee indexation
01 July 2019	03 July 2019	2019 SL No. 93	Annual fee indexation
01 November 2019	06 November 2019	2019 SL No. 197	Amendment to vehicle access permit fees for Minjerribah, including introduction of monthly permit option.
15 May 2020	15 May 2020	2020 SL No. 71	Commercial activity permit – daily activity fee waived for COVID-19 emergency
01 July 2020	30 July 2020	2020 SL No. 110 2020 SL No. 94	Annual fee indexation



22 August 2020	28 August 2020	2020 SL No. 138	Commercial activity permit – daily activity fee waived for COVID-19 emergency
01 October 2020	08 October 2020	2020 SL No. 226	Commercial activity permit – daily activity fee waived for COVID-19 emergency
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
17 September 2021	17 September 2021	2021 SL No. 145	Commercial activity permit – daily activity fee waived for COVID-19 emergency
11 March 2022	11 March 2022	2022 SL No. 17	Fee unit conversion
02 July 2022	07 July 2022		Commercial activity permit – daily activity fee waived for COVID-19 emergency provisions expiry 1 July 2022
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 18 'Safe use of vehicles' to facilitate penalty infringement notice amendments.
22 March 2024	11 April 2024	2024 SL No. 20	Commercial activity permit – daily activity fee waived for Tropical Cyclone Jasper disaster recovery.

Shortcomings / changes required

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

Management of vehicles

Refinement of the framework around vehicle use in recreation areas – for example the ability to enforce a requirement to display a legible number plate, restrictions on bringing unregistered vehicles into a recreation area (consistent with the Forestry Regulation 2015), and provisions to address increased use of personal mobility devices (e.g. motorised scooters). The approval requirements for use of conditionally registered vehicles require clarification, as do the provisions around where vehicles may be taken, driven or ridden (e.g. not beyond fences and barriers), and how they are to be parked (e.g. conforming with surface markings, where applicable). 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 recreational craft

Amendments are required to the definition of 'recreational craft' to include kite buggies, land windsurfing boards and land yachts (which are all wheeled devices, unlike the other devices listed), which will allow use of these devices to be managed safely, particularly given the increasing use of recreation areas by vehicles and will improve consistency with the protected area legislation.

Management of drones

While the majority of circumstances are the same since the Regulation was introduced, 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 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. DESI receives written complaints and 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.

Changes to litter provisions

Amendments are required to allow an authorised officer to give a direction to a person to remove litter from a recreation area, consistent with the protected area legislation. The definition of litter has been amended to clarify that litter includes broadened and now includes 'discarded food' and cold ash.

Redundant / outdated provisions

Changes in processes and technology since 2006 have necessitated changes to the Regulation, for example to reflect the use of number plate recognition systems in most recreation areas to verify that a vehicle has a valid vehicle access permit, rather than requiring a vehicle tag to be displayed on the windscreen. Changes to online recordkeeping for permits also necessitates changes to the Regulation to remove the existing requirement for paper-based record keeping in many situations.

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 recreation areas; and
- 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 changes to fee arrangements are occurring as part of this review.

What options were considered?

Policy options

Policy options that were considered were:

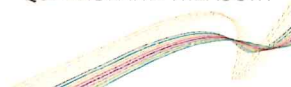
Option 1 – Regulation expires (base case)

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, the predominantly beach environments in which vehicles are operated, present significantly different driving conditions and hazards than most visitors are used to. It is well established that high vehicle speeds are a major factor in serious and fatal vehicle accidents⁹. The ability to manage vehicle use, including imposing speed limits in recreation areas is considered essential for managing recreation areas compared to having no regulatory framework in place. When combined with on ground compliance this framework will be far more successful at reducing speed and associated accidents and injuries that can have short term and lifelong impacts on accident victims and associated community members such as first responders. 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 recreation 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.
- DESI staff would be limited in their ability to ensure protection of recreation area values, and compliance with safety requirements, such as in relation to vehicle use, owing to the absence of regulatory provisions relating to their use. This would lead to a significant increase in instances of unsafe and inappropriate behaviour. For example, word of the change would spread, and recreation areas would then be targeted by people for activities that are currently prohibited under the Regulation, such as riding trail bikes on recreation area roads without a licence or registration, and riding in areas where prohibited.
- The lapse of fees for activities in recreation areas 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 recreation areas could lead to pressure on government to similarly remove fees from other areas, such as forestry areas and protected areas.
- 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.

⁹ Centre for Accident Research and Road Safety – Queensland 2017, *Speeding*, <https://research.qut.edu.au/carrsq/wp-content/uploads/sites/296/2020/12/Speeding.pdf>, accessed 3 July 2024.

- For example, interventions to address the risks and consequences of the expiry of the Regulation without replacement could include the following:
 - funds from other areas (forestry areas and protected areas) could be diverted to recreation 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 solely 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 recreation area 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, organised events and research would no longer be an impost, as there would be no framework for requiring authorisation for these activities.

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

DESI already relies on some non-regulatory and self-regulatory measures to help achieve desired outcomes for the management of recreation 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 recreation areas would quickly become targets for activities that are currently prohibited under the Regulation, such as riding trail bikes on recreation area roads without a licence or registration, littering and taking plants for making a fire (which is already a common offence).

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 190 commercial operators who conduct commercial recreational and tourism activities and filming and photography on recreation areas would no longer have to pay fees related to their commercial activity permits. Scheduled fees for these commercial activities 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 – starting at \$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 Regulation. For example:

- the lack of regulation of commercial operators could result in over-crowded, degraded sites which would negatively impact customers experiences;
- the lack of regulatory ability for rangers to manage disorderly behaviour (e.g. breaking glass, littering, taking plants for firewood) 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 recreation area 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 recreation area roads. The lack of regulatory ability for rangers to manage disorderly behaviour and littering could also result in diminished experiences for visitors and environmental degradation. Greater non-regulatory effort is not expected to significantly improve compliance.

The lapse of scheduled fees (without any alternative fee requirement) would allow campers to camp for free, and due to the absence of permitting requirements - without a camping permit. This would result in a modest cost saving to campers. (Camping fees range between \$4.00 and \$7.25 per person per night.) The absence of VAP fees would also result in a cost saving to visitors.

However, camping and VAP fees assist with 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. High vehicle numbers in some recreation areas such as Cooloola and Bribie are seen by some visitors as a problem, and in the absence of vehicle access permit fees, the number of vehicles in these areas would likely greatly increase. 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 recreation areas.

Additionally, once the ability to camp for free became widely known, the demand for camping sites 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 and vehicle access permit fees could potentially be charged “administratively”, i.e. as a fee for service, without being scheduled in the regulation. However, campgrounds and vehicle access might still be closed (periodically or permanently) if rangers are unable to manage unruly behaviour due to the lapse of regulatory provisions. There would also be no offence 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 recreation areas. These processes would impose significant additional costs on 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 recreation areas) 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 recreation areas, national parks and State forests.

Option 2 – Remake with amendments (recommended option)

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

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

- aligning offences for bringing unregistered vehicles into recreation areas with offences in forestry legislation;
- 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;
- clarification of approval requirements for use of conditionally registered vehicles;
- clarifying where vehicles may be taken and used;
- removing requirements to display vehicle tags where automatic number plate recognition cameras are installed;
- regulations for drone use, including a framework to limit use in camping areas and other specified areas;
- prescription of kite buggy, land windsurfing board and land yachts as recreational craft;
- contemporising camping tag requirements;
- allowing authorised officers to give directions to remove litter, consistent with the protected area legislation;
- updating penalties for consistency across recreation areas, forestry areas and protected areas, and additional deterrent where required;
- removal of outdated hardcopy recordkeeping requirements for commercial operators and event organisers and updating invoicing provisions to reflect the adoption of new online systems.

Impacts on business

Remaking the Regulation with amendments will:

- continue to maintain important regulations to ensure the natural, cultural, and recreational values of recreation 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;
- allow minor amendments to ensure the Regulation maintains relevance with contemporary management issues;
- 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 minor impacts to some small-scale commercial operators who do not currently obtain authorisation for drone use in recreation areas. These operators will require an authorisation in areas where drone use restrictions are established. A new departmental policy will outline the circumstances in which it is necessary and appropriate to establish 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 recreation areas, 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 no increase in fees, including fees for camping and VAPs.

These camping permit fees are generally set at a modest level (\$7.25 per person per night), which is equivalent fee for camping in most other areas such as protected areas and forestry areas. Most similar private campgrounds charge a minimum of \$15.00 per adult per night, or with 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.

Vehicle access permit fees are used as a mechanism to obtain revenue for management of recreation areas, including vehicle use. Continued collection of fees for these permits will ensure that sufficient funds are received to maintain roads, tracks and visitor facilities in recreation areas.

The Replacement Regulation will have the advantage of maintaining important regulatory provisions and permit fee revenue, which will support the continued effective management of recreation areas, 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 recreation areas (e.g. in relation to vehicle and drone use).

The community will benefit from amendments to enhance visitor safety and experiences in recreation areas (e.g. in relation to unregistered vehicles, recreational craft, personal mobility devices, 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 recreation 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 recreation areas, to the extent that drone use restrictions are put in place in those specific areas. Recreational operators will not be able to possess or operate drones in areas where restrictions are established. A new departmental policy will outline the circumstances under

which drone restrictions will be established. Drone use will continue as is in areas where no restrictions are enacted.

Impacts on Government

The continuation of existing regulatory provisions will maintain key regulatory provisions and permit fee revenue, which supports the continuation of effective management of recreation areas, as outlined above. The cost to government will be minimised under Option 2, 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, 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 recreation 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 Get Involved website and the DESI 'Parks and forests' 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).

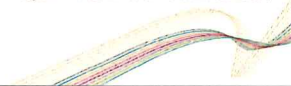
The survey comprised 66 questions and sought feedback in relation to the proposed changes to the legislation. Questions regarding proposed changes comprised a benefit scale question to gauge the potential effect of a proposal. Scoring categories included: *significant benefit; some benefit; no impact; 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.

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 the 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.

CASA supported the approach to drone regulation in order to protect the natural and cultural values of recreation 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 that apply to similar areas, including protected areas and forestry 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 the Regulation with amendments (Option 2) is the most effective means of maintaining positive outcomes for the ongoing protection and management of recreation areas and continuing to provide opportunities for the use of these areas by businesses and the community.

In brief, the Replacement Regulation will:

- continue to maintain important regulations relating to safe use of vehicles, and other visitor conduct such as littering, breaking glass and taking plants to make campfires, 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 to provide exemptions from provisions in the RAM Act, such as where VAPs are required, where domestic animals may be taken and the circumstances when a generator may be used; and
- continue the requirement for permit fees for activities in recreation areas, such as commercial activities, organised events, camping and vehicle access, 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 above.

Net benefit to the community

Relatively minor benefits to 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 the Regulation with amendments) will, at a relatively modest cost in the form of fees for some activities (e.g., for camping permits, vehicle access permits and commercial activities), help to maintain access and facilities and assist with management of recreation areas, to the benefit of businesses and the community.

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 made in the Replacement 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.

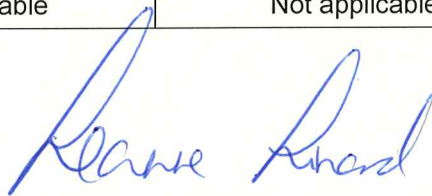
Impact assessment

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