

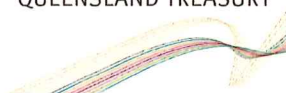
# Impact Analysis Statement

## Summary IAS

### Details

|                                                              |                                                                                                                                                                 |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lead department</b>                                       | Department of Environment, Science and Innovation                                                                                                               |
| <b>Name of the proposal</b>                                  | Sunset review of the Forestry Regulation 2015, Nature Conservation (Protected Areas Management) Regulation 2017 and Recreation Areas Management Regulation 2017 |
| <b>Submission type</b>                                       | Summary IAS                                                                                                                                                     |
| <b>Title of related legislative or regulatory instrument</b> | State Penalties Enforcement and Other Legislation Amendment Regulation 2024                                                                                     |
| <b>Date of issue</b>                                         | August 2024                                                                                                                                                     |

| <b>What is the nature, size and scope of the problem? What are the objectives of government action?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>Queensland has well-established frameworks for managing land under a range of tenures for the purposes of forest reservation, nature conservation, and management of recreation. In combination, there are more than 17 million hectares of formally dedicated forestry areas, protected areas and recreation areas across Queensland, and these areas are often popular sources of enjoyment and interest within the community, with large numbers of people visiting them to undertake a wide range of recreational, commercial, scientific and educational activities. The legislation used to dedicate and manage these lands includes the <i>Forestry Act 1959</i>, the <i>Nature Conservation Act 1992</i> and the <i>Recreation Areas Management Act 2006</i> and their associated regulations.</p> <p>Under the Statutory Instruments Act 1992, subordinate legislation (regulations) automatically expire every 10 years, ensuring that a process is in place for their review, and where necessary, their remake.</p> <p>The Forestry Regulation 2015 is scheduled to expire on 31 August 2025. The Regulation needs to be remade before its scheduled expiry date to continue the longstanding framework in place for management of over 3 million hectares of forestry areas in Queensland. A review of the Forestry Regulation 2015 has been undertaken concurrently with a review of the Nature Conservation (Protected Areas Management) Regulation 2017 and Recreation Areas Management Regulation 2017 due to the similarity of a number of provisions in each regulation, the fact that the automatic expiry of all three occurs in relatively close proximity to one another, and the benefits in seeking to ensure consistent management across forestry areas, protected areas and recreation areas. These regulations include provisions for managing the protection of natural and cultural values and the range of uses that occur on these lands and have offences relating to a range of conduct and behaviours.</p> <p>In Queensland, the State Penalties Enforcement Act 1999 and its subordinate legislation, the State Penalties Enforcement Regulation 2014 (SPE Regulation) provide a framework for prescribing the offences that are subject to penalty infringement notices (PINs) and the associated infringement notice fines.</p> <p>PIN offences are an alternative to prosecution through the court system. A PIN enables an alleged offender to discharge their potential liability by the payment of a prescribed penalty, as opposed to having the matter dealt with by the court. PIN offences and penalty amounts are prescribed in Schedule 1 of the SPE Regulation.</p> <p>With the remaking of all three Regulations, the section numbering relating to relevant offences in the SPE Regulation needs to be updated to reflect the new section numbers for the offences in the new Forestry</p> |



Regulation 2024, Nature Conservation (Protected Areas Management) Regulation 2024 and Recreation Areas Management Regulation 2024 (the Replacement Regulations). The Replacement Regulations also contain new offences that need to be prescribed as infringement notice offences with associated fines. The review also identified some PIN penalties that required amendment for consistency with similar infringement notice offences and in some cases increases for improved deterrent against the offence.

The objectives of the State Penalties Enforcement and Other Legislation Amendment Regulation 2024 (the Amendment Regulation) are to:

- amend Schedule 1 of the SPE Regulation to prescribe PIN offences and penalties for new offences in the Replacement Regulations;
- update references in Schedule 1 of the SPE Regulation to reflect the new section numbers for PIN offences contained in the Replacement Regulations;
- amend PIN penalties in Schedule 1 of the SPE Regulation for some existing offences for forestry areas, protected areas and recreation areas to achieve consistency with similar offences, or improved deterrent.
- make consequential amendments to the *Marine Parks Regulation 2017* and the *Work Health and Safety Regulation 2011* to update references to the Replacement Regulations.

#### What options were considered?

Options considered to address this issue were:

##### Option 1 – No change to the PIN offences and penalties in SPER (status quo)

This option would maintain the current PIN offence section numbers and penalties in SPER for the Forestry Regulation 2015, Nature Conservation (Protected Areas Management) Regulation 2017 and the Recreation Areas Management Regulation 2017.

##### Option 2 – Amendment of the PINs offences and penalties in SPER

This option would update the PIN offence section numbers in SPER to reflect the section numbers of the Replacement Regulations; update PIN penalties for consistency or increased deterrence; and prescribe PINs for new offences in the replacement Regulations. Some PIN penalties in the *Forestry Act 1959* and the *Recreation Areas Management Act 2006* will be amended for consistency with the replacement Regulations.

#### What are the impacts?

##### Option 1 – No change to the PIN offences and penalties in SPER (status quo)

This option would result in all existing PIN penalties in the regulations for forestry areas, protected areas and recreation areas being made redundant, as without amendment to reflect the replacement Regulations, PINs could not be issued for any offences for these areas.

This would result in significant impacts to QPWS' compliance program. Without PINs for the regulations there would be no mechanism to address these minor offences in a cost-effective manner, as prosecution through the Court would be the only option to address offending against the replacement Regulations. Prosecution is not a proportionate response to many of the offences that have been prescribed as PIN offences and therefore these matters would be unlikely to proceed to Court. With no suitable compliance action available for these minor offences it would be likely that there would be increased impacts to the natural and cultural resources, amenity and visitor safety in forestry areas, protected areas, and recreation areas.

##### Option 2 – Amendment of the PINs offences and penalties in SPER

This option would result in a continued compliance capability for PIN offences in the regulations for forestry areas, protected areas and recreation areas, as the PINs would be updated to reflect the section numbering in the replacement Regulations. There would also be improved consistency of PIN penalties across legislation, and for some offences, increased penalties to improve deterrence. This would result in better clarity for visitors and improved compliance outcomes due to improved deterrence. Overall, this would result in improved management to these areas which has flow on benefits to the environment, economy and the community.

### Who was consulted?

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 with the general community.

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 private protected area landholders, authority holders, peak industry groups, local government and other representative bodies regarding the review and seeking their participation in the survey. Consultation also occurred with HQPlantations Pty Ltd who manage State plantation forests in Queensland consistent with the Forestry Regulation 2015.

The survey was made available through the Queensland Government 'Get Involved' website and hosted on the Department of Environment, Science and Innovation's 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 Department's 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. The survey site received 3000 visits and 495 survey responses and 14 written submissions were received during the 28-day survey period. Most written submissions were from private protected area landholders. The majority of respondents across all of the survey questions indicated that the proposed changes would have a benefit or no impact to them. The survey included a question on the proposal to '*Update fines to ensure consistency across QPWS areas*' which received 440 responses. Over 57% of survey respondents indicated that this proposal would have either a 'significant benefit' or 'some benefit' while 38.2% of people indicated 'no impact'. Only 4.5% of respondents indicated the proposal would have 'some impact' or a 'significant impact'. This indicates a broad level of support for changes to the PINs for consistency across legislation.

### What is the recommended option and why?

Option 2, Amendment of the PIN offences and penalties in SPER, is the recommended option.

This is the only option that allows QPWS to continue to issue PINs for non-compliance with offences in the regulations for forestry areas, protected areas and recreation areas. The inability to issue PINs would be an unacceptable outcome for the ongoing protection and management of these areas on behalf of the community.

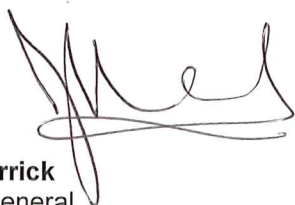
This option also provides benefits of improved consistency across legislation, and increased deterrent by increased penalties for some offences.

## 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.

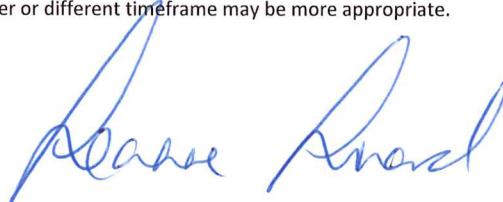
|                                         | First full year | First 10 years** |
|-----------------------------------------|-----------------|------------------|
| <b>Direct costs – Compliance costs*</b> | Not applicable  | Not applicable   |
| <b>Direct costs – Government costs</b>  | Not applicable  | Not applicable   |

\* The *direct costs calculator tool* (available at [www.treasury.qld.gov.au/betterregulation](http://www.treasury.qld.gov.au/betterregulation)) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. \*\*Agency to note where a longer or different timeframe may be more appropriate.



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