

# Impact Analysis Statement template

## Summary IAS

### Details

<b>Lead department</b>	Department of Environment and Science
<b>Name of the proposal</b>	Amendments to the <i>Marine Parks Regulation 2017</i> and <i>State Penalties Enforcement Regulation 2014</i> in relation to the making of the <i>Marine Parks (Great Sandy) Zoning Plan 2024</i>
<b>Submission type</b>	Summary IAS
<b>Title of related legislative or regulatory instrument</b>	<i>Marine Parks and Other Legislation Amendment Regulation 2024</i>
<b>Date of issue</b>	30 August 2023

### *For proposals noted in table below*

No further analysis is required.

<b>Proposal type</b>	<b>Details</b>
<b>Minor in nature</b>	<p><i>The proposal to amend the Marine Parks Regulation 2017 is minor and has zero regulatory costs.</i></p> <p>Six minor amendments to the Marine Parks Regulation are proposed to provide additional clarity, enable more efficient management and remove redundant provisions. Public consultation was not required given the nature of the proposed changes.</p> <p>Details of the proposed amendments are outlined in Attachment A.</p>
<b>Machinery in nature</b>	<p><i>The proposal to amend the State Penalties Enforcement Regulation 2014 is machinery in nature and has minor regulatory costs associated with compliance and enforcement activities and community costs.</i></p> <p>Twenty six offences, that include a mix of new and updated penalties are proposed for inclusion as Penalty Infringement Notice offences in Schedule 1 of the <i>State Penalties Enforcement Regulation 2014</i> in response to the addition of new or increased maximum penalties in the <i>Marine Parks (Great Sandy) Zoning Plan 2024</i>. Each penalty is in accordance with the 'Guidelines for the prescription of penalty infringement notice offences under the <i>State Penalties Enforcement Regulation 2014</i>'.</p> <p>Several offences have been carried over from the repealed <i>Marine Parks (Great Sandy) Zoning Plan 2017</i> and others are new, being the result of special management provisions being introduced for new designated areas established within the marine park or new management provisions to protect the natural and cultural resources of the marine park provided for in the new zoning plan. Some of the PIN penalty values prescribed for offences carried over from the repealed zoning plan have been adjusted to improve consistency with those applied for similar offences under other</p>

	<p>State environmental and wildlife management legislation and to reflect the serious nature of the offence.</p> <p>Imposing penalties for offences, especially when coupled with education programs, is a widely accepted practice for achieving compliance with legislation and deterring unwanted behaviours. Inclusion of PIN penalty values for zoning plan offences under the <i>Marine Parks (Great Sandy) Zoning Plan 2024</i> in the <i>State Penalties Enforcement Regulation 2014</i> contributes to protection of the environment, and provides less of a financial imposition for offenders than court imposed maximum penalties. However, amendments that involve an increase in the value of the PIN or introduce a new PIN will impose a cost to those individuals who engage in unlawful behaviour and receive a fine. This cost is tempered by the fact that it is an individual's decision to engage in unlawful behaviour.</p> <p>Public consultation on new and increased maximum penalties for offences prescribed in the zoning plan occurred in September 2022 through the release of the Consultation Regulatory Impact Statement for the review of the Marine Parks (Great Sandy) Zoning Plan 2017.</p>
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\*Refer to *The Queensland Government Better Regulation Policy* for regulatory proposals not requiring regulatory impact analysis (for example, public sector management, changes to existing criminal laws, taxation).



**Jamie Merrick**  
 Director-General  
 Department of Environment, Science  
 and Innovation  
 Date: 11/03/2024



**Leanne Linard MP**  
 Minister for the Environment and the Great Barrier Reef  
 Minister for Science and Innovation  
 Date: 11/03/2024

**Attachment A:** Details of proposed minor and machinery in nature amendments to the *Marine Parks Regulation 2017*

Proposal	Justification
<p>Remove requirement for permissions to be returned to the chief executive from the following sections:-</p> <ul style="list-style-type: none"> <li>• 34(1) and 34(2) – surrender of original permission if permission has been amended</li> <li>• 35(1) and 35(2) – return of suspended permission</li> <li>• 39(1) – return of surrendered permission</li> <li>• 36 – return of cancelled permission</li> <li>• 50(4) – return of permission cancelled as a result of a transfer to a new permit holder</li> </ul>	<p><i>This amendment repeals redundant provisions in the regulation.</i></p> <p>All permissions are now delivered electronically to the relevant authority holder and therefore the need to return a hard copy of a permission is outdated and obsolete.</p>
<p>Include the additional provision “under the written approval of the chief executive” in sections 124 (Unlawfully entering restricted access area) and 132 (Unlawfully conducting special activity) as a means of allowing persons to enter a restricted access area or allowing activities deemed to be special activities to go ahead, respectively.</p>	<p><i>The proposal is a routine update that results in no substantive regulatory or policy change.</i></p> <p>This amendment is in line with s95 of the Nature Conservation (Protected Areas Management) Regulation which allows for written approval by the Chief Executive for an action as an alternative to the granting of a permission or commercial activity agreement.</p> <p>This amendment will reduce the administrative and permit assessment burden on the department by allowing the delegate to approve access or particular activities in writing (when appropriate) without requiring authorisation via a permit or Commercial Activity Agreement which is currently required. This will enable more efficient management of marine parks, for example when access is required as a one off for a routine or low risk activity such as a site inspection or pest management activity.</p>
<p>Amend section 121 (reasons to establish a restricted access area) to include the following additional criteria:-</p> <ul style="list-style-type: none"> <li>• to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or</li> <li>• to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom; or</li> <li>• to protect a facility or service in the area, including, for example, infrastructure, a water supply facility or power generating equipment; or</li> <li>• for the orderly or proper management of the area.</li> </ul>	<p><i>The proposal is a routine update that results in no substantive regulatory or policy change.</i></p> <p>These amendments mirror provisions in s79(1) of the Nature Conservation (Protected Areas Management) Regulation and will enable more efficient management of marine parks as well as providing for consistent and complementary management in the many areas where marine parks adjoin land protected under the <i>Nature Conservation Act 1992</i>. The proposed amendments:</p> <ul style="list-style-type: none"> <li>• Provide specific recognition of the potential need to protect areas of significance to First Nations peoples; and</li> <li>• Allow greater scope for establishing a restricted access area for management purposes.</li> </ul>
<p>Remove requirement for chief executive to publish public notices in newspapers as per the following provisions:-</p> <ul style="list-style-type: none"> <li>• section 122 – declaration of a restricted access area</li> <li>• section 126 – declaration of a prescribed commercial activity</li> <li>• section 128 – declaration of a special activity</li> </ul> <p><b>Note:</b> If deemed necessary, applicants for a marine park permission or commercial activity agreement will still be required to publish public notices as per the current arrangements in, sections 15 and 71 of the Regulation, respectively.</p>	<p><i>This is a consequential amendment as a result of changes to the Financial Accountability Act 2009.</i></p> <p>The <i>Financial Accountability Act 2009</i> (FA Act) was amended in 2021 to prohibit use of newspaper print publications except for certain circumstances (public health and safety, regional newspapers). The FA Act overrides DES legislation. At the time the FA Act was amended, there were no consequential amendments made through that process to reflect the new laws in other legislation. Therefore, the current provisions in the Marine Parks Regulation are inaccurate in terms of public notice requirements for the chief executive and have the potential to cause confusion. Public notices required of the chief executive are now published on the department’s website.</p>
<p>Extend the maximum term of a Commercial Activity Agreement from 10 years to 15 years.</p>	<p><i>The proposal is a routine update that results in no substantive regulatory or policy change.</i></p> <p>Section 52 of the Marine Parks Regulation allows for a Commercial Activity Agreement (CAA) to be combined with a CAA issued under section 71DJ of the Nature Conservation (Protected Areas Management) Regulation 2017 and/or section 69 of the Recreation Areas Management Act. Currently the maximum term for a CAA under the Marine Parks Regulation is 10 years whereas under the Nature Conservation Act the maximum term is 15 years. The amendment will ensure that the provisions in the relevant pieces of legislation regarding this issue are aligned, improving business certainty for CCA holders as well as reducing regulatory and administrative burdens, and potential compliance issues.</p>