



Queensland

Nature Conservation (Wildlife) Regulation 2006

Explanatory Notes for SL 2006 No. 206¹

made under the
Nature Conservation 1992

General Outline

Short Title

The short title of the subordinate legislation is the *Nature Conservation (Wildlife) Regulation 2006*.

Authorising Legislation

Nature Conservation Act 1992 (“the Act”).

Policy Objectives of the Legislation

The primary objective of making the proposed nature conservation regulations is to provide for the management of wildlife in Queensland.

Reasons for the Subordinate Legislation

Under the *Statutory Instruments Act 1992* the *Nature Conservation Regulation 1994* (NCR) and *Nature Conservation (Wildlife) Regulation*

¹ For the accompanying regulatory impact statement, see 2006 SL No. 203

1994 were scheduled to expire on 1 September 2005. The date of expiry for these Regulations has been extended to 1 September 2006. However it is necessary the proposed nature conservation regulations commence prior to this date to ensure the ongoing management of wildlife in Queensland.

Alternatives to Regulation

Potential alternatives to the creation of a new Regulation have been considered, including a ‘no-legislative intervention’ option (i.e. allow the Regulation to expire without replacement). The ‘no legislative intervention’ option and other potential alternatives to the proposed regulations are unsatisfactory because they have a range of serious, highly undesirable environmental, economic and social consequences, including:

- protected areas and wildlife would not be conserved (due to lack of regulatory controls and loss of management revenue from fees);
- wildlife-based businesses would be constrained or could not lawfully operate (due to lack of regulatory means to allow activities otherwise restricted by the Act);
- obligations under the Act would not be fulfilled; and
- Queensland would be perceived as out of step with internationally and nationally recognised practices and standards.

Administrative costs

The Regulation will not impose further costs on either the EPA or other Government Departments. Implementation costs will be met from existing EPA allocations. The Regulation promotes a coordinated and integrated approach with other legislation, thus encouraging the formulation of arrangements to maximise efficiencies in management.

Fundamental Legislative Principles

The proposed regulation is consistent with fundamental legislative principles.

Consultation

A Regulatory Impact Statement (RIS), which detailed the proposed review and remake of the nature conservation regulations was released on 2 December 2004. Public submissions on the RIS were accepted over a period of 10 weeks.

Submissions from all stakeholders expressed general support for the remaking of the nature conservation regulations and the majority of the proposed amendments.

Additional consultation with Queensland Government Departments has occurred in preparing the Regulation.

Notes on Provisions

Part 1 Preliminary

This Part declares the short title and commencement date of the Regulation. It also defines the words used in the Regulation and prescribes the scientific references from which the scientific and common names used in the Regulation are derived.

Some species whose scientific or common names appear in the Regulation have been scientifically described or redescribed since the reference texts were published. These species have been individually referenced in the Regulation.

Part 2 Classes of native wildlife and declared management intent for the wildlife

Division 1 Extinct in the wild wildlife

This division declares the wildlife that is extinct in the wild and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Division 2 Endangered wildlife

This division declares the wildlife that is endangered wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Division 3 Vulnerable wildlife

This division declares the wildlife that is vulnerable wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Division 4 Rare wildlife

This division declares the wildlife that is rare wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Clause 24 contains an additional requirement for the proposed management intent of rare wildlife. The clause states that if a threatening process is affecting wildlife to the extent that it will or is likely to become classified as extinct in the wild, endangered wildlife or vulnerable wildlife that the wildlife is to be treated as though is it is classified as extinct in the wild, endangered or vulnerable wildlife as appropriate, until the wildlife is reclassified under the regulation.

Division 5 Near threatened wildlife

This division declares the wildlife that is near threatened wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Division 6 Least concern wildlife

This division declares the wildlife that is least concern wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Part 3 **Classes of other wildlife and declared management intent for the wildlife**

Division 1 **International wildlife**

This division declares the wildlife that is international wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Division 2 **Prohibited wildlife**

This division declares the wildlife that is prohibited wildlife and the management intent for the wildlife.

The management intent comprises 3 elements:

- significance of the wildlife;
- proposed management intent; and
- principles for taking, keeping or use of the wildlife.

Part 4 **Transitional provision**

This part declares that a reference to the *Nature Conservation (Wildlife) Regulation 1994* appearing in subordinate legislation, a relevant authority or a licence, permit or other authority is taken to be a reference to this Regulation if the context in which the reference appears permits.

Part 5 **Repeal provision**

This part repeals the *Nature Conservation (Wildlife) Regulation 1994*.

Schedule 1 **Extinct in the wild wildlife**

This schedule lists, by name, each species that is extinct in the wild wildlife.

Schedule 2 **Endangered wildlife**

This schedule lists, by name, each species that is endangered wildlife.

Schedule 3 **Vulnerable wildlife**

This schedule lists, by name, each species that is vulnerable wildlife.

Schedule 4 **Rare wildlife**

This schedule lists, by name, each species that is rare wildlife.

Schedule 5 **Near threatened wildlife**

This schedule lists, by name, each species that is near threatened wildlife.

Schedule 6 Least concern wildlife

This schedule lists, by name or by exclusive list, species that are least concern wildlife.

Schedule 7 International wildlife

This schedule lists species that are international wildlife.

Schedule 8 Prohibited wildlife

This schedule lists species that are prohibited wildlife.

Schedule 9 Dictionary

This schedule defines words used in the Regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Environmental Protection Agency.