



Queensland

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 26

made under the

Nature Conservation Act 1992

General Outline

Short title

The *Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2011*.

Authorising law

Sections 29 and 33(1) of the *Nature Conservation Act 1992* (NCA).

Policy objectives and the reasons for them

The dedication and declaration of protected areas is a core component in achieving the conservation of nature (the objective of the *Nature Conservation Act 1992*). This proposal is not considered to constitute significant subordinate legislation.

On average the Department of Environment and Resource Management will propose between 30–50 protected area declarations each year. The primary reasons for such proposals are to advance the protection of representative samples of biological diversity across all Queensland

ecosystems. Secondary reasons include protecting important cultural heritage values, wildlife corridors and landscape values.

With respect to North Stradbroke Island the government has had a long standing commitment for significant areas of the island to be protected as national park. On June 20, 2010 the Premier announced that Queensland Government vision for North Stradbroke Island which involves the cessation of all extractive mining activity by 2027, development of an alternative economic base and the transition of up to 80% of the island to national park (or other status of protected area) by 2027.

This proposal relates to stage 1 national park which includes high conservation value areas including 18 Mile Swamp, land around Swan Bay and certain lagoon and lakes. Over the next 17 years, and as additional land is no longer required for mining purposes, the national park will progressively expand into rehabilitated areas.

Achievement of policy objectives

Protected areas are the appropriate tenure in which to achieve conservation security of public land in perpetuity. There is no reasonable tenure alternative to achieve similar conservation outcomes.

The dedication of the protected area achieves conservation of nature through—

- providing permanent protection, to the greatest possible extent, for the area's natural and cultural values by excluding uses that are inconsistent with the management principals of the protected area; and
- subsequent management of the land, native wildlife, habitat and biodiversity values in a manner consistent with the management principals and approved management plans for the protected area; and
- the cooperative involvement of Traditional Owners in protected area conservation.

The involvement of Traditional Owners in protected area conservation will be a key feature of the proposed national park for North Stradbroke Island. A key policy commitment of the Premier's June 20 announcement is to resolve native title on North Stradbroke Island through an Indigenous Land Use Agreement. The Quandamooka People have given agreement in

principal to this stage 1 national park proposal on the basis that the State uses its best endeavours to change legislation so as to allow for the national park to be converted to an Aboriginal national park with joint management. This is on track to deliverable at stage 2 of the protected area declaration for North Stradbroke Island.

Consistency with policy objectives of authorising law

The amendment legislation is consistent with the sole of objective of the *Nature Conservation Act 1994*, that is, the conservation of nature.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation. It provides for land dedication and declaration consistent with other State laws relating to State land use and allocation.

Benefits and costs of implementation

Protected areas provide conservation and ecosystem services which have indirect economic value and positive benefits to society. Protected areas also provide special places for recreation and tourism activities and are often places of important cultural and spiritual significance for Traditional Owners.

There are ongoing management costs associated with the management of protected areas undertaken by the Queensland Parks and Wildlife Service. This includes active management such as prescribed burning, weed and feral animal control and the provision of visitor services and infrastructure.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

Consultation has taken place with the Stradbroke Island Management Organisation (SIMO) and the Friends of North Stradbroke Island (FOSI) and other Peak Conservation Groups. Negotiations with the representatives

of the Quandamooka people to resolve native title through an Indigenous Land Use Agreement have been ongoing.

Since the Premier's announcement in June 2010, extensive community consultation has been undertaken on the North Stradbroke Island vision. A range of information about the government's vision was published on the DERM website and a letter was sent out to residents of South East Queensland. The community were invited to provide submissions on the vision by 30 September 2010 by phone, letter or email. DERM conducted two information sessions during the consultation period including at Dunwich on Tuesday 29 June 2010 and at Cleveland on Thursday 15 July 2010.

Community consultation responses indicate strong support in the community for the Government's vision for North Stradbroke Island. The response from the wider South East Queensland community has been overwhelming support to cease mining on North Stradbroke Island and to transition to national park and a nature based tourism economy. The response from North Stradbroke Island residents was less strong in support for the governments vision (1 in 3 of those who expressed views did not support the vision) and raised concerns about job losses and scepticism about replacing those jobs through nature based tourism activity.

Consultation has also taken place internal to government principally with the Department of Employment, Economic Development and Innovation, The Department of Premier and Cabinet, Crown Law, and the Queensland Office for Regulatory Efficiency, Queensland Treasury, regarding the proposed amendment.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.