



Queensland

# **Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2011**

## **Explanatory Notes for SL 2011 No. 36**

made under the

*Nature Conservation Act 1992*

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## **General outline**

### **Short title**

*Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2011.*

### **Authorising law**

Section 32 of the *Nature Conservation Act 1992*

### **Policy objectives and the reasons for them**

The objective of the Regulation is to revoke the whole of two protected areas (Iron Range Resources Reserve and Mitchell-Alice Rivers National Park) and parts of three protected areas (Iron Range, Lakefield and Mungkan Kandju National Parks) on Cape York Peninsula.

The Queensland Government has made a commitment to convert existing national parks on Cape York Peninsula to “national parks (Cape York Peninsula Aboriginal land)”, which are jointly managed by the Aboriginal Traditional Owners and the Queensland Government. The revocations

contained in the Regulation are necessary steps towards converting four national parks to “national parks (Cape York Peninsula Aboriginal land)”.

The Government has also made a commitment to expand the protected area estate in Queensland. Although in the short term the regulation will reduce the protected area estate, it will enable the Government to subsequently expand two national parks (Iron Range and Lakefield) and increase the total protected area estate.

### **Achievement of policy objectives**

To achieve its objective, the regulation will amend Schedules 2 and 4 of the Nature Conservation (Protected Areas) Regulation 1994 to delete two protected areas listed in those schedules and to redescribe three protected areas so as to exclude the areas to be revoked.

### **Consistency with policy objectives of authorising law**

The regulation is consistent with the objective of the *Nature Conservation Act 1994*, namely the conservation of nature, as it is being made in order to subsequently expand two national parks and convert four national parks to “national parks (Cape York Peninsula Aboriginal land)”.

### **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation. The revocations will enable subsequent transfer of Aboriginal freehold land under the *Aboriginal Land Act 1991* and dedication of roads under the *Land Act 1994*, as well as creation of national parks (Cape York Peninsula Aboriginal land), resources reserves and nature refuges under the *Nature Conservation Act 1992*.

### **Benefits and costs of implementation**

The benefits of the regulation are that it will enable subsequent expansion of the protected area estate, joint management of four national parks with Aboriginal Traditional Owners, and regularisation of road tenure.

Implementing the regulation will have negligible costs. The revoked protected areas will be temporarily unallocated State land, which will not increase costs to the State. The proposed subsequent actions will increase

protected area management costs and funding for this purpose has been allocated by the Government through the Cape York Peninsula Tenure Resolution Program.

### **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles. It complies with relevant requirements of section 5(5) of the *Legislative Standards Act 1992*, namely it:

- (a) is within the power that, under an Act or subordinate legislation (the authorising law), allows the subordinate legislation to be made; and
- (b) is consistent with the policy objectives of the authorising law; and
- (c) contains only matter appropriate to subordinate legislation; and
- (d) amends statutory instruments only.

### **Consultation**

The Government has consulted extensively with the relevant Aboriginal people, the Cape York Land Council and Balkanu Cape York Development Corporation in relation to the regulation and the subsequent actions under the Cape York Peninsula Tenure Resolution Program. The Wilderness Society and the Australian Conservation Foundation have also been consulted. All parties support the proposed actions.

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#### ENDNOTES

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