



Queensland

# **Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2011**

## **Explanatory Notes for SL 2011 No. 96**

made under the

*Nature Conservation Act 1992*

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## **General outline**

### **Short title**

*Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2011.*

### **Authorising law**

Sections 46(1) and 175 of the *Nature Conservation Act 1992* (the Act)

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

The object of the Act, as stated in section 4, is to provide for the conservation of nature. Section 5(b) of the Act states that, among other things, this is to be achieved by the dedication and declaration of protected areas. Nature refuges are a class of protected area under section 14(h).

### **Achievement of policy objectives**

The declaration of these new nature refuges and amendments to the existing nature refuges will be achieved through the proposed *Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2011* to

amend Schedule 5 of the Nature Conservation (Protected Areas) Regulation 1994.

The declaration, amendment and revocation of nature refuges is routine business.

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

The proposed Amendment Regulation is not only consistent with, but directly linked to achieving, the main object of the Act which 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**

The core benefit of the declaration of nature refuges is the preservation of significant conservation values which may include, but are not limited to:

- Areas containing or providing habitat for threatened or near threatened flora or fauna species;
- Threatened habitats or vegetation types;
- Habitats or vegetation types poorly represented in existing reserves;
- Remnant vegetation;
- Corridors linking areas of remnant vegetation or existing reserves;
- Significant wetlands;
- Environmental values such as carbon sequestration; and
- Cultural heritage.

Landholders are able to negotiate conservation agreements that allow their continued environmentally sustainable use of the land, providing for continuing productive use consistent with conservation values if that is their objective. Nature refuge landholders are free to continue to own and

manage their land to generate an income as per the conditions negotiated in their conservation agreement.

The legacy created through a nature refuge provides an intrinsic social benefit to landholders who have invested significant effort in good management, particularly those who have a historical or family association with their property.

No appreciable costs to stakeholders from a social, economic or environmental perspective have been identified as an outcome of this proposed Regulation Amendment

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

The regulation is consistent with fundamental legislative principles.

### **Consultation**

Landholders associated with each nature refuge are closely involved in the negotiation and development of their voluntary conservation agreements.

Where relevant, other stakeholders are targeted for consultation regarding the proposed nature refuges in accordance with section 44 and section 45 of the Act. Under section 44, written notice is to be supplied to all landholders affected by the nature refuge proposal, while under section 45; written consent must be obtained from interested parties who may be materially affected by the proposal before nature refuges are progressed to the point of declaration.

Consultation was undertaken with sections of the Department of Environment and Resource Management; the Mines and Energy section of the Department of Employment, Economic Development and Innovation; and, where relevant, State Government departments, Native Title parties or their representatives, mining interest holders, financial institutions, local governments and sublessees with respect to the proposed nature refuges and conservation agreements.

All consulted parties have provided input or consent to these proposals.

The Queensland Office for Regulatory Efficiency advised that a Regulatory Assessment Statement is not required under Part 5 of the *Statutory Instruments Act 1992*.

ENDNOTES

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

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