



Queensland

# Nature Conservation (Protected Areas) Amendment Regulation (No. 5) 2011

## Explanatory Notes for SL 2011 No. 149

made under the

*Nature Conservation Act 1992*

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## General outline

### Short title

*Nature Conservation (Protected Areas) Amendment Regulation (No. 5) 2011.*

### Authorising law

Section 42AA of the *Nature Conservation Act 1992* provides for the dedication of a national park as national park (Cape York Peninsula Aboriginal land). Section 42AC of that Act provides for the dedication of other land as national park (Cape York Peninsula Aboriginal land).

### Policy objectives and the reasons for them

The Regulation will dedicate the whole of five existing national parks and areas of unallocated State land as national parks (Cape York Peninsula Aboriginal land).

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.

### **Achievement of policy objectives**

To achieve its objective, the regulation will amend Schedules 2 and 2AA of the *Nature Conservation (Protected Areas) Regulation 1994* to omit five national parks and to dedicate five new national parks (Cape York Peninsula Aboriginal land).

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

The regulation is consistent with the objective of the *Nature Conservation Act 1992*, namely the conservation of nature, as it provides for the dedication of five protected areas.

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

The regulation is consistent with the policy objectives of other legislation, in particular the *Aboriginal Land Act 1991*.

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

The benefits of the regulation are that it will enable joint management of the national parks with Aboriginal Traditional Owners.

Implementing the regulation will have negligible costs. The proposed dedication of the national parks (Cape York Peninsula Aboriginal land) 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 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.

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