



Queensland

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 65

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2012.

Authorising law

Section 29 of the *Nature Conservation Act 1992* provides for the dedication of protected areas, including resources reserves. Section 42AA of that Act provides for the dedication of a national park as national park (Cape York Peninsula Aboriginal land).

Policy objectives and the reasons for them

The Regulation will dedicate the whole of Mungkan Kandju National Park as a national park (Cape York Peninsula Aboriginal land) and will also dedicate a new resources reserve.

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, 2AA and 4 of the *Nature Conservation (Protected Areas) Regulation 1994* to omit one national park and to dedicate one new national park (Cape York Peninsula Aboriginal land) and one resources reserve.

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 two 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 a national park with Aboriginal Traditional Owners.

Implementing the regulation will have negligible costs. The proposed dedication of the national park (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.

ENDNOTES

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

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