



Queensland

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2012

Explanatory Notes for SL 2012 No. 157

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2012.

Authorising law

Sections 46(1), 50 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 Regulation

Amendment 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 Regulation Amendment 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 Amendment 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 interests from a social, economic or environmental perspective have been identified as an outcome of this Regulation Amendment.

Consistency with fundamental legislative principles

The Regulation Amendment is consistent with fundamental legislative principles.

Consultation

For each nature refuge proposal, consultation was undertaken with sections of the former Department of Environment and Resource Management, the Mines and Energy section of the former Department of Employment, Economic Development and Innovation, the Department of Transport and Main Roads, the former Department of Infrastructure and Planning and Queensland Rail. Other parties consulted under section 44 and 45 of the *Nature Conservation Act 1992* (the Act) where relevant include Native Title claimants, holders or their representatives, local governments, mining tenement holders, financial institutions, sublessees and easement holders. Landholders have been closely involved in the development of their conservation agreements. Consultation with EHP Media Services is undertaken as standard practice prior to gazettal.

Responses and consent have been received from consulted parties where relevant.

The Resources and Economic Development Branch, Queensland Treasury and Trade 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 Heritage Protection.

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