



Queensland

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2012

Explanatory Notes for SL 2012 No. 209

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2012.

Authorising law

Section 42AC of the *Nature Conservation Act 1992* provides for the dedication of land as national park (Cape York Peninsula Aboriginal land). Section 42AC applies to land that is not a national park and not Aboriginal land at the time an indigenous management agreement is signed.

Policy objectives and the reasons for them

The Regulation will dedicate areas of unallocated State land, on becoming Aboriginal land, as a national park (Cape York Peninsula Aboriginal land).

The Queensland Government has made a commitment to continue arrangements for joint management of national parks in the Cape York Peninsula region with Aboriginal Traditional Owners. It has entered into an indigenous management agreement for Batavia National Park (Cape York Peninsula Aboriginal Land), which provides for the park to be jointly

managed by the Aboriginal Traditional Owners and the Queensland Government.

Achievement of policy objectives

To achieve its objective, the regulation will amend Schedule 2AA of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate a national park (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 a protected area.

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 protect the natural and cultural values of the area, ensure that use of the area is nature-based and ecologically sustainable and enable joint management of a national park with Aboriginal Traditional Owners.

Implementing the regulation will result in some additional costs to the Government. The proposed dedication of the national park (Cape York Peninsula Aboriginal land) will increase protected area management costs. Initial funding for this purpose has been allocated by the Government through the Cape York Peninsula Tenure Resolution Program and ongoing funding will be considered through budget processes at a later date.

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 Aboriginal people particularly concerned with the land, the Cape York Land Council and Balkanu Cape York Development Corporation in relation to the regulation and the Cape York Peninsula Tenure Resolution Program. 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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