



Queensland

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 70

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2013.

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 an area of unallocated State land, on becoming Aboriginal land, as national park (Cape York Peninsula Aboriginal land).

This area of land is adjacent to Kutini - Payamu (Iron Range) National Park (Cape York Peninsula Aboriginal Land). The Regulation will include this area in this park. In 2011 the Queensland Government entered into an indigenous land use agreement and an indigenous management agreement

which included provisions for this area to be included in the Kutini - Payamu (Iron Range) National Park (Cape York Peninsula Aboriginal Land). The park is 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 an additional area as part of Kutini-Payamu (Iron Range) 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, provide for additional public campsites to be established in the area and enable joint management of this area with Aboriginal Traditional Owners.

There are no direct costs of implementing the regulation. Establishing campsites in the area subsequently would involve Government expenditure, which will be considered through ongoing budget processes.

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 with the Aboriginal people particularly concerned with the land, the Cape York Land Council, Balkanu Cape York Development Corporation and Cook Shire Council in relation to the regulation. 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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