

Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2013

Explanatory notes for SL 2013 No. 248
made under the

Nature Conservation Act 1992

General Outline

Short title

This regulation may be cited as the *Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2013*.

Authorising law

Sections 42AA and 42AC of the *Nature Conservation Act 1992* provide for the dedication of national parks and other land respectively, as national parks (Cape York Peninsula Aboriginal land).

Policy objectives and the reasons for them

The regulation will dedicate the whole of seven existing Cape York Peninsula national parks, namely Cape Melville, Flinders Group, Howick Group, Jack River, Melsonby (Gaarraay), Mount Webb and Starcke, as national parks (Cape York Peninsula Aboriginal land).

Additionally, one hectare of unallocated State land (USL) that is surrounded by Cape Melville National Park will be included in the newly dedicated national park (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 seven national parks and to dedicate seven new national parks (Cape York Peninsula Aboriginal land).

Consistency with policy objectives of authorising

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 enable joint management of the national parks between Aboriginal Traditional Owners and the Queensland Government. The action provides opportunities for Aboriginal Traditional Owners to develop economic sustainability through ecotourism and related services.

Implementing the regulation will have negligible costs. The proposed dedication of the seven national parks (Cape York Peninsula Aboriginal land) will slightly increase protected area management costs. Funding for this purpose has been allocated by the Queensland Government to the Department of National Parks, Recreation, Sport and Racing.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles. It complies with relevant requirements of section 4(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 Queensland Government has consulted with the Aboriginal people particularly concerned with the land, the Cape Melville, Flinders & Howick Islands Aboriginal Corporation, the Buubu Gujin Aboriginal Corporation, 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.

The Office of Best Practice Regulation, Queensland Competition Authority has advised that a Regulatory Impact Statement is not required.