

Nature Conservation and Other Legislation Amendment (Postponement) Regulation 2014

Explanatory notes for SL 2014 No. 252

made under the

Nature Conservation and Other Legislation Amendment Act (No. 2) 2013

General Outline

Short title

Nature Conservation and Other Legislation Amendment (Postponement) Regulation 2014

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*.

Section 175 of the *Nature Conservation Act 1992* (NCA).

Section 2 of the *Nature Conservation and Other Legislation Amendment Act (No. 2) 2013* (NCOLAA)

Policy objectives and the reasons for them

In November 2013, Parliament passed amendments to the NCA and other related primary legislation under the NCOLAA. These amendments were designed to improve access to national parks and other public lands, and implement significant reforms that will result in cutting red tape

Specifically, the amendments included simplifying the tenure structure in the NCA by reducing the number of protected area tenure classes through abolishing or amalgamating tenures.

Most of the changes to the tenure structure were contained in Part 3 of the NCOLAA which commenced by proclamation on 28 March 2014. However, the amendments to abolish the forest reserve tenure were deferred to take effect by proclamation after a review and reclassification process of all existing forest reserves.

Without other action to proclaim it into force, under section 15DA of the *Acts Interpretation Act 1954*, the provisions relating to abolishing the forest reserves will automatically come into force on 7 November 2014.

The forest reserve tenure recommendations and subsequent tenure changes will not be finalised prior to November 2014. Therefore it is intended to postpone the commencement of the provisions that abolish the forest reserve tenure to enable the finalisation of tenure recommendations and reclassifications for the remaining forest reserves.

Achievement of policy objectives

Postponing the commencement of provisions relating to the abolition of the forest reserve tenure class will ensure they do not commence before the review and reclassification of existing forest reserves is complete.

Consistency with policy objectives of authorising law

The postponement regulation is consistent with the policy objectives of the NCOLAA and the NCA.

If the forest reserve tenure class is abolished before existing forest reserves are reviewed and transferred to another tenure type, the forest reserves will remain dedicated, however, all provisions dealing with forest reserves will be removed from the NCA. As a result, The Queensland Government will have no authority to manage that land, including to ability to authorise activities on forest reserves under the *Forestry Act 1959*.

The objective of the proposed legislative amendments is to postpone the commencement of the relevant sections of the NCOLAA until 7 November 2015 to ensure continued protection of forest reserves while the tenure reclassifications are being finalised.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation. It provides for the extended life of the provisions relating to forest reserves to ensure the review and reclassification of existing forest reserves is complete prior to abolishing the forest reserve tenure.

Benefits and costs of implementation

There will be no new or additional costs to Government resulting from the postponement of these provisions.

Consistency with fundamental legislative principles

The purpose of the regulation is to postpone the commencement of provisions by one year. The regulation has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

Consultation

No consultation has been undertaken with the community or industry stakeholders in relation to this regulation. This regulation only postpones the commencement of provisions relating to the abolishment of the forest reserve tenure class.

Consultation has occurred with the Office of Best Practice Regulation on the requirement of a regulatory impact statement. The Office of Best Practice Regulation stated that the proposal does not impose significant adverse impacts on the community, business or government. No Regulatory Impact Statement is required.