

# **Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2014**

Explanatory notes for SL 2014 No. 268

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

*Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2014*

### **Authorising law**

Sections 46(1), 50 and 175(1) 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(f).

### **Achievement of policy objectives**

The declaration of these new nature refuges, amendments to existing nature refuges and the revocation of existing nature refuges will be achieved through the *Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2014* (Amendment Regulation) 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 Amendment Regulation 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 Amendment Regulation 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;
- areas that contribute to the future resilience of the Queensland landscape; and
- environmental values such as carbon sequestration.

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. Subject to any other relevant legislation and lease requirements, 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 the Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## Consultation

Consultation was sought with the following Queensland Government departments or their earlier departmental iterations:

- Resource Planning (Mines) section of the Department of Natural Resources and Mines;
- the Office of the Coordinator General of the Department of State Development, Infrastructure and Planning;
- Queensland Rail;
- the Department of Transport and Main Roads;
- the Department of Agriculture, Fisheries and Forestry;
- Property Services section of the Department of Natural Resources and Mines; and
- the Tenures section of the Department of Environment and Heritage Protection.

Other parties consulted under section 44 and 45 of the Act where relevant include native title claimants, holders or their representatives, mining interest holders, financial institutions, sublessees and easement holders. Landholders have been closely involved in the development of their conservation agreements. Responses and consent have been received from consulted parties where relevant.

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