

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2014

Explanatory notes for SL 2014 No. 303

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2014

Authorising law

Sections 29, 42AC, 42C, 46 and 175 of the *Nature Conservation Act 1992*(the Act)

Policy objectives and the reasons for them

The *Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2014* (Amendment Regulation) will dedicate areas of unallocated State land, on becoming Aboriginal land, as a national park (Cape York Peninsula Aboriginal land). It will also dedicate areas of unallocated State land as regional parks and declare those parks as resource use areas. It will declare areas of land that are subject to a conservation agreement as a nature refuge.

The Amendment Regulation will also correct an error in the *Nature Conservation (Protected Areas) Regulation 1994* by describing national parks (Cape York Peninsula Aboriginal land) correctly as Aboriginal land, rather than as State land.

The Queensland Government has made commitments to resolve the tenure of identified State lands in the Cape York Peninsula region, to work with Cape York people to protect Cape York's iconic natural areas and to continue arrangements for joint management of parks in the region by Aboriginal Traditional Owners and the Queensland Government.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation will amend Schedules 2AA, 3 and 5 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate a national park (Cape York Peninsula Aboriginal land) and two regional parks, declare both regional parks as resource use areas and declare a nature refuge.

The Amendment Regulation will also correct an error in section 4AA of the *Nature Conservation (Protected Areas) Regulation 1994* in order to describe national parks (Cape York Peninsula Aboriginal land) correctly as Aboriginal land.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Act, namely the conservation of nature while allowing for indigenous involvement, community use and appropriate commercial use of protected areas, as it will create four new protected areas with indigenous involvement.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation, including the *Aboriginal Land Act 1991*.

Benefits and costs of implementation

The benefits of the Amendment Regulation are that it will protect the natural and cultural values of the areas, ensure that areas are used appropriately, and provide for Aboriginal Traditional Owners to be involved in the management of the protected areas.

Implementing the Amendment Regulation will result in some additional costs to the government. The dedication of the national park (Cape York Peninsula Aboriginal land) and the two regional parks will 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. Through a conservation agreement, the Queensland Government will make a contribution to assist the indigenous landholder to manage the nature refuge.

Consistency with fundamental legislative principles

The Amendment 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 Olkola Aboriginal Corporation, the Cape York Land Council Aboriginal Corporation, the Balkanu Cape York Development Corporation and Cook Shire Council in relation to the creation of the protected areas. This included consultation under section 44 of the Act in relation to the nature refuge. The Department of Aboriginal and Torres Strait Islander and Multicultural Affairs carried out the consultation through correspondence and through meetings in Cairns and on Cape York Peninsula. All parties agreed to the proposed actions.

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