

# **Nature Conservation (Protected Areas Management) Amendment Regulation (No. 1) 2015**

Explanatory notes for SL 2015 No. 82

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

*Nature Conservation (Protected Areas Management) Amendment Regulation (No. 1) 2015*

### **Authorising law**

Sections 31 and 175 of the *Nature Conservation Act 1992* (NC Act).

### **Policy objectives and the reasons for them**

The Mutton Hole Wetlands Regional Park (MHWRP) is a 7,860 hectare area located near the town of Normanton. Management of the MHWRP by the Queensland Parks and Wildlife Service (QPWS), within the Department of National Parks, Sport and Racing (NPSR) is challenging, as the nearest office is located at Undara, approximately seven hours drive from Normanton.

Under section 31 of the NC Act, the Governor in Council may place a regional park under the management of a trustee by amending the *Nature Conservation (Protected Areas Management) Regulation 2006* (NC (PAM) Regulation).

The Carpentaria Shire Council (CSC) is logistically well placed to manage the MHWRP, as it is located in very close proximity to the park (within 1 to 2kms).

NPSR supports the appointment of the CSC as trustee of the MHWRP due to its close proximity and this also allows the local community to have the opportunity to manage their local landscape, as well as gain some small economic benefits via the issuing of commercial permits for tourism purposes.

NPSR considers the CSC to be a suitable body to undertake trusteeship, as the CSC is an elected body responsible for the good rule and local government for Carpentaria and has responsibilities under the *Local Government Act 2009*.

Regional parks must be managed in accordance with the management principles set out in sections 15, 21, 31(3), 34 and 120 of the NC Act, any approved management plan or interim management intent and sections 12 and 14 of the NC (PAM) Regulation, whilst specific management arrangements for a regional park are set out in a management agreement between NPSR and the trustee. A management agreement for MHWRP has been developed and was signed by the CSC on 5 November 2014 and signed by NPSR on 8 December 2014.

## **Achievement of policy objectives**

To achieve its objectives, the amendment regulation will amend Schedule 1 of the NC (PAM) Regulation to establish the CSC as trustee of the MHWRP. The powers to be granted to the CSC are outlined in the co-signed management agreement as well as those powers prescribed in Schedule 1 of the NC (PAM) Regulation. The conditions under 15, 21, 31(3), 34 and 120 of the NC Act will also apply.

The Regulation will achieve its objective by requiring CSC to manage MHWRP as per the conditions detailed in the management agreement, the NC Act and the NC (PAM) Regulation. The QPWS will recommend revocation of a trusteeship if it believes this is in the best interests of the management of a regional park. The CSC will submit an annual report to the QPWS on the implementation of the key responsibilities and management activities undertaken by the CSC on the MHWRP. The QPWS will undertake auditing to review the performance of the management arrangements.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the main objectives of the NC Act. It ensures the conservation of nature while allowing for the social, cultural and commercial use of protected areas in a way that is consistent with the natural and cultural and other values of the areas.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation is not inconsistent with any other legislation.

## **Alternative ways of achieving policy objectives**

The alternative option was to enter a non-regulatory arrangement with the CSC, such as a management agreement only and not appoint the CSC as trustee. The QPWS rejected a non-regulatory policy option, as the CSC sought a more formal agreement with the QPWS.

Consultation confirmed that the majority of stakeholders supported entering into a regulatory arrangement with the CSC as this arrangement would provide the CSC with clear powers and conditions relating to the management of the MHWRP. Appointing the CSC as trustees will have a positive impact on the community. The community will have the opportunity to manage their local landscape, as well as gain economic benefits via the issuing of commercial permits for tourism purposes. This may also lead to employment opportunities for environmental professionals and tourism operators. Consultation with traditional land owners about the proposed trusteeship has been undertaken and the signed management agreement incorporates their aspirations to be engaged in the management of the park, including management of any Aboriginal cultural heritage sites. There will be no impacts to communities outside of the region.

## **Benefits and costs of implementation**

The State Government will not incur additional costs in the implementation and support of appointing the CSC as trustees. The trustee will be responsible for all prescribed activities and costs associated with the management of the park. The parties may agree to share costs of infrastructure and signage for specifically agreed projects. The QPWS would no longer be involved in managing the park on a day-to-day basis, which would save both staffing and financial resources. There will be very little impact on business in Queensland, other than the revenue that the CSC will retain from the issuing of commercial permits, which will assist them with the costs of managing the park.

## **Consistency with fundamental legislative principles**

The legislation is consistent with the fundamental legislative principles, as defined in the *Legislative Standards Act 1992*.

## **Consultation**

In its development of the management agreement, the QPWS sought comment from a range of stakeholders, including the CSC and traditional land owners. These include the Kurtijar and Gkuthaarn traditional owner groups.

Consultation resulted in a management plan for the MHWRP being agreed upon by both the QPWS and the CSC. The signed management agreement incorporates the traditional owner's aspirations to be consulted and engaged in the management of the park, including the management of any Aboriginal cultural heritage sites.

The Office of Best Practice Regulation (OBPR) was consulted regarding the Regulatory Impact Statement (RIS) process. OBPR advised that a RIS is not necessary for this amendment regulation, as the proposal is unlikely to result in significant adverse impacts.

All parties support the amendment.

No changes to the amendment regulation were required as a result of the consultation.