

# Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2016

Explanatory notes for SL 2016 No. 104

made under the

*Environmental Offsets Act 2014*

*Environmental Protection Act 1994*

*Fisheries Act 1994*

*Marine Parks Act 2004*

*Nature Conservation Act 1992*

*Recreation Areas Management Act 2006*

## General Outline

### Short title

*Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2016.*

### Authorising law

Section 93 of the *Environmental Offsets Act 2014*

Section 580 of the *Environmental Protection Act 1994*

Section 223 of the *Fisheries Act 1994*

Section 150 of the *Marine Parks Act 2004*

Section 175 of the *Nature Conservation Act 1992*

Section 232 of the *Recreation Areas Management Act 2006*

### Policy objectives and the reasons for them

The *Nature Conservation and Other Legislation Amendment Act 2016* received Royal Assent on 25 May 2016 and most provisions commenced immediately. The remaining provisions will commence on 1 July 2016. The provisions commencing on 1 July 2016 will amend the *Nature Conservation Act 1992* (NCA) and 15 other Acts (consequentially) to reinstate the former ‘national park (scientific)’, ‘conservation park’ and ‘resources reserve’ classes of protected area under the NCA.

The *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2016* (the amendment regulation) includes a range of consequential amendments to subordinate legislation. The amendments are required to update terminology and the names of different classes of protected area to reflect the changes commencing on 1 July 2016.

## **Achievement of policy objectives**

### National parks (scientific)

In 2014, amendments made by the former government reduced the number of classes of protected area under the NCA by amalgamating several classes. Prior to these changes, there were nine areas dedicated as 'national parks (scientific)'. In 2014, these areas were amalgamated with 'national parks' and had 'special management areas (scientific)' declared over them to distinguish them from other national parks. The current amendments to the NCA will reinstate the 'national parks (scientific)' class of protected area on 1 July 2016. Consequential amendments to subordinate legislation will support this change by replacing any references to 'special management areas (scientific)' with 'national parks (scientific)'. Where there is a reference to 'national park', this will be updated to also include 'national parks (scientific)' if the context permits. Amendments will also rename the aforementioned nine national parks and transitional provisions in the amendment Act will automatically reinstate them as 'national parks (scientific)'.

### Conservation parks and resources reserves

'Conservation parks' and 'resources reserves' were two former classes of protected area that were amalgamated into a new class called 'regional park'. Areas that were formerly resources reserves became regional parks with 'resource use areas' declared over them to distinguish them from other regional parks. All other regional parks were formerly conservation parks. Amendments to the NCA will remove the regional park class of protected area and reinstate the former 'conservation park' and 'resources reserve' classes on 1 July 2016. Consequential amendments to subordinate legislation will support these changes by replacing any references to 'regional park' with the relevant reference to either a 'conservation park' or 'resources reserve'. All regional parks will also be renamed to reflect their status as either a 'conservation park' or a 'resources reserve'.

### Environmental Offsets Policy

The *Queensland Environmental Offsets Policy (version 1.1)* (the policy) prescribes offset ratios for each class of protected area under the NCA. The policy will be updated to reflect the changes to the classes of protected area that will commence on 1 July 2016. The title of the policy, including the version number, is currently prescribed in the *Environmental Offsets Regulation 2014*. An amendment is therefore required to update the version number of the policy from 'version 1.1' to 'version 1.2' in the regulation. These amendments do not alter the policy intent, existing costs and requirements associated with offsets for protected areas.

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

The amendment regulation is consistent with policy objectives of the authorising laws.

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

The amendment regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The consequential amendments reflect the reinstatement of three former classes of protected area on 1 July 2016 through the commencement of the remaining provisions of the *Nature Conservation and Other Legislation Amendment Act 2016*. Accordingly, any benefits and costs are associated with the amendment Act, rather than the amendment regulation. Costs associated with implementing the changes are outlined in the explanatory notes for the Nature Conservation and Other Legislation Amendment Bill 2015.

## **Consistency with fundamental legislative principles**

The amendment regulation is consistent with fundamental legislative principles.

## **Consultation**

The Queensland Productivity Commission was consulted and advised that because the regulatory proposals are consequential amendments, further analysis under the Regulatory Impact Statement guidelines was not required.

Queensland Treasury was also consulted and supports the amendments.

No specific consultation was undertaken outside government in relation to the amendment regulation because the amendments are simply consequential in nature to amendments that were previously consulted on during the preparation of the Nature Conservation and Other Legislation Amendment Bill 2015. The amendment regulation updates terminology and names of protected areas to reflect the changes to the classes of protected area under the NCA which will occur on 1 July 2016 through the commencement of the remaining provisions in the *Nature Conservation and Other Legislation Amendment Act 2016*.