

# Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2016

Explanatory notes for Subordinate Legislation (No. 185) 2016

made under the *Nature Conservation Act 1992*

## General Outline

### Short title

This regulation may be cited as the *Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2016* (the Amendment Regulation).

### Authorising law

Sections 29 and 175 of the *Nature Conservation Act 1992*.

### Policy objectives and the reasons for them

The objective of the Amendment Regulation is to dedicate areas of unallocated State land as national park.

Dedicating areas that protect the biological diversity of native wildlife and its habitat:

- provide for the ecologically sustainable use of protected wildlife and areas;
- recognise the interest of Aboriginal and Torres Strait Islander people in protected areas and native wildlife;
- encourage the cooperative involvement of landholders in the conservation of nature; and
- is a core component in achieving the conservation of nature which is the objective of the *Nature Conservation Act 1992*.

### Achievement of policy objectives

To achieve its objective, the Amendment Regulation will amend:

1. Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate:
  - a. an area of about 7.53 hectares being unallocated State land described as lot 1 on SP247478, lot 1 on SP247479, lot 1 on SP247480 and lot 1 on SP247481, and combine the area with the existing D'Aguilar National Park.
  - b. an area of 4.4845 hectares being unallocated State land described as lots 4 to 6 on SP235546 and lot 9 on SP249158, and combine the area with the existing Eungella National Park.

- c. an area of 0.6120 hectares being unallocated State land described as lot 137 on SP197064, and combine the area with the existing Ferntree Creek National Park.
- d. an area of 183.3516 hectares being unallocated State land described as lot 7 on RP741163, lot 10 on RP741164, lot 14 on RP741166 and lot 1 on SP260087, and combine the area with the existing Kelvin National Park.
- e. an area of 0.02 hectares being unallocated State land described as lot 50 on SP261073, and combine the area with the existing Nicoll Scrub National Park.

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

The amendments to the *Nature Conservation (Protected Areas) Regulation 1994* are consequential amendments of a machinery nature that are consistent with the policy objectives of the *Nature Conservation Act 1992*, namely the conservation of nature achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things, the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas.

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

The amendment regulation provides for an increase in the area of five national parks consistent with the policy objectives of other legislation relating to State land use and allocation.

## **Benefits and costs of implementation**

The benefits of the regulation are that areas representative of the biological diversity, natural features and wilderness of the State will be added to the protected area estate.

Implementing the regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The areas to be dedicated as national park will temporarily be unallocated State land which will not increase costs to the State.

## **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles in accordance with 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**

Consultation has occurred with the Department of National Parks, Sport and Racing; the Department of Natural Resources and Mines; Queensland Treasury; the Office of Best Practice Regulation, Queensland Productivity Commission (which advised that a Regulatory Impact Statement is not required).

All parties support the amendments.