

Forestry and Nature Conservation Legislation (Beerwah and Mooloolah River) Amendment Regulation 2016

Explanatory notes for SL 2016 No. 235

made under the

Forestry Act 1959

Nature Conservation Act 1992

General Outline

Short title

This regulation may be cited as the *Forestry and Nature Conservation Legislation (Beerwah and Mooloolah River) Amendment Regulation 2016* (the amendment regulation).

Authorising law

Sections 26 and 97 of the *Forestry Act 1959*

Sections 29, 30 and 175 of the *Nature Conservation Act 1992*

The authorising law is the *Nature Conservation Act 1992* (the Act) which prescribes that:

- despite the *Forestry Act 1959*, if an area that is to be dedicated as a protected area is, or includes part of, a State forest or timber reserve set apart and declared under that Act, the regulation dedicating the area may revoke, in whole or part, the setting apart and declaration of the State forest or timber reserve (section 30).

Policy objectives and the reasons for them

On 2 November 2016, the Legislative Assembly agreed to a resolution that requests the Governor in Council to:

- revoke by regulation the dedication of parts of a State Forest; and
- dedicate by regulation the revoked areas of the aforementioned State Forest as a national park, under section 30 of the *Nature Conservation Act 1992*.

The objective of the amendment regulation is to revoke parts of Beerwah State Forest to allow the areas to be dedicated as Mooloolah River 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 Aborigines and Torres Strait Islanders in protected areas and native

wildlife, and encourage the cooperative involvement of landholders in the conservation of nature is a core component in achieving the conservation of nature (objectives of the Act).

Achievement of policy objectives

To achieve its objective, the amendment regulation will amend the:

1. *Schedule: State forests of the Forestry (State Forests) Regulation 1987* to revoke the setting apart and declaration of an area of about 744.558 hectares, being parts of Beerwah State Forest described as parts of lot 561 on plan FTY1884 to be described as lots 2 to 4 on AP22458 and dedicated as Mooloolah River National Park, and redescribe the balance of the State forest.
2. *Schedule 2: National parks of the Nature Conservation (Protected Areas) Regulation 1994* to dedicate an area of about 744.558 hectares, being unallocated State land described as lots 2 to 4 on AP22458 previously parts of Beerwah State Forest, as Mooloolah River National Park and redescribe the national park.

Consistency with policy objectives of authorising law

The amendment regulation is machinery in nature and consistent with the objectives of the Act, 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 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 the revocation of parts of one State forest and dedication of the areas as a protected area 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 consolidated and added to the protected area estate, affording a higher level of protection.

Implementing the regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The areas to be dedicated as protected area (which will temporarily become unallocated State land) will not increase costs to the State as management funding has already been allocated by the Department of National Parks, Sport and Racing.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles in accordance with section 4(5) of the *Legislative Standards Act 1992*.

Consultation

Consultation has occurred with private stakeholders; the Department of National Parks, Sport and Racing; the Department of Agriculture and Fisheries; the Department of Natural Resources and Mines; the Department of the Premier and Cabinet and Queensland Treasury.

The Office of Best Practice Regulation, Queensland Productivity Commission advised that the amendment regulation is excluded from the Regulatory Impact Statement system as it is of a machinery nature.

All parties support the amendments.

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