

# Nature Conservation (Protected Areas Management) (Appointment of Trustee of Wongaloo Conservation Park) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 21

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation (Protected Areas Management) (Appointment of Trustee of Wongaloo Conservation Park) Amendment Regulation 2017*

### Authorising law

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

### Policy objectives and the reasons for them

The objective of the amendment regulation is to establish the Wetlands and Grasslands Foundation (WGF) as trustee of Wongaloo Conservation Park (the park). The park is a 1,664 hectare area, located approximately 30 kilometre south-east of Townsville, that was dedicated in 2012 primarily to conserve ecologically significant wetlands.

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

The amendment regulation will:

- formally recognise WGF as trustee of the park;
- list the powers of the chief executive administering the NC Act to be granted to the trustee;

- give effect to a management agreement that has been negotiated between WGF and the Queensland Parks and Wildlife Service (QPWS), which details agreed-upon management responsibilities for both parties; and
- ensure that the park is managed in line with management principles for conservation parks, as described in the NC Act, and to preserve the natural and cultural values therein.

## **Achievement of policy objectives**

To achieve its objective the amendment regulation will amend Schedule 1 of the NC PAM Regulation to list WGF as the trustee of the park.

## **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**

This regulation is not inconsistent with any other legislation.

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

Under section 31 of the NC Act, a trustee of a conservation park can only be appointed by Governor-in-Council. Furthermore, section 12 of the NC PAM Regulation requires trustees of conservation parks to be listed in Schedule 1 of the NC PAM Regulation.

The alternative option was to not appoint WGF as trustee, and pursue WGF management of the park through another mechanism, such as an authority under the NC Act. This option was rejected by QPWS and WGF, as both parties sought a more formal arrangement for management of the park.

## **Benefits and costs of implementation**

The primary benefit of appointing WGF as trustee is that it will provide for ongoing management of the park by an appropriate and qualified body. There will be minimal impact on the State Government, as WGF will be primarily responsible for day-to-day management of the park, including all associated management costs. QPWS will, however, retain some powers, such as the power to authorise activities such as grazing, commercial activities and lighting of fires.

There will be a positive impact on business and community, as WGF will create opportunities for employment through ecotourism and park management. It will also provide for community involvement in the management of a protected area.

It will also have a positive impact on the environment, as it will allow WGF to continue to manage the area, reduce weed issues and encourage the restoration and maintenance of natural values of the area.

Not appointing WGF as trustee would not adequately recognise the joint management of the park by QPWS and WGF. It would also not provide for the level of financial investment required by WGF for management of the park or the employment and community involvement opportunities that would be achieved under a trusteeship.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

The Department of National Parks, Sport and Racing, particularly QPWS, were consulted on the proposed trusteeship. QPWS supports the appointment of WGF as trustee, as it provides for sustainable management of the park without the need for additional QPWS resourcing. QPWS also considers WGF to be an appropriate body for a trusteeship.

WGF has had an interest in cooperative management of the area that is now the park since the early 1980s, and is currently actively managing the park. QPWS has been negotiating suitable cooperative management arrangements with WGF since dedication of the park in 2012.

QPWS and WGF have negotiated a management agreement, which describes the management of both parties under the trusteeship arrangement. The agreement was signed by NPSR on 25 May 2016 and by WGF on 27 May 2016. Consultation will be ongoing with WGF, regarding management of certain aspects of the park, such as fire and pest management, auditing of management arrangements and the performance of WGF as the trustee.

There are no native title claims over the park; however, WGF has consulted with the local Traditional Owners, the Bindal People, who have visited the park with WGF.

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.