

Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2017

Explanatory notes for Subordinate Legislation No. 129 2017

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) 2017*.

Authorising law

Sections 29, 46, 50, 64 and 175 of the *Nature Conservation Act 1992*.

Policy objectives and the reasons for them

Dedicating and declaring 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 interests of indigenous people 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.

There is also the occasional need to revoke the dedication or declaration of areas from the protected area estate to correct boundary inconsistencies or historic incursions, achieve more effective management boundaries, allow for the upgrade or expansion of public infrastructure or to recognise the rights and interests of Aboriginal People and Torres Strait Islander People in the management of protected areas with respect to traditional lore and island custom, or effect the termination of a nature refuge in accordance with the terms of a conservation agreement.

The objective of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2017* (the amendment regulation) is to:

- dedicate areas of State land as national park and conservation park, increasing the area of eight existing national parks, creating one new conservation park and increasing the area of one existing conservation park;
- declare three new nature refuges; and
- revoke one nature refuge.

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 821.021 hectares being unallocated State land described as lot 102 on SP224327 and lot 76 on RP737398, and combine the area with the existing Daintree National Park.
 - b. an area of about 53 hectares being unallocated State land described as lot 1 on SP247852, and combine the area with the existing Girringun National Park.
 - c. an area of 391.1 hectares being unallocated State land described as lot 12 on SP148801, and combine the area with the existing Great Sandy National Park.
 - d. an area of 0.3245 hectares, being unallocated State land described as lot 497 on SP274810 and combine the area with the existing Lamington National Park.
 - e. an area of 6.47 hectares being unallocated State land described as lot 3 on SP286573, and combine the area with the existing Magnetic Island National Park.
 - f. an area of 2,147.0924 hectares being unallocated State land described as lot 14 on plan CC1415, lot 15 on plan CH31375, lot 13 on plan CH312519 and lot 52 on SP280505, and combine the area with the existing Main Range National Park.
 - g. an area of about 130.111 hectares being unallocated State land described as lots 82 and 208 on plan Wd999, and combine the area with the existing Mount Barney National Park.
 - h. an area of 145.342 hectares being unallocated State land described as lot 39 on plan C31845, lot 12 on SP104282, lot 14 on SP138694 and lot 15 on SP138694, and combine the area with the existing Pumicestone National Park.
2. Schedule 3 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate:
 - a. as Cooroibah Conservation Park an area of about 163.036 hectares being unallocated State land described as lot 121 on RP100974, lot 2 on RP111976, lot 4 on RP136234 and lot 2 on plan RP165434, .
 - b. an area of 109.6597 hectares being unallocated State land described as lot 18 on plan C124599 and lot 9 on plan SP179906, and combine the area with the existing Mount Kinchant Conservation Park.
3. Schedule 5 of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. declare an area of about 201 ha as Bosel's Nature Refuge, shown on plan PA1026, being leasehold land described as part of lot 5229 on plan HR2004.
 - b. declare an area of about 86,295.632 ha as Kings Plains - Alkoomie Nature Refuge, shown on plan PA1000, being freehold and leasehold land described as lot 239 on plan BK15729, lot 161 on plan BK15764, lot 1 on plan BK15784, lot 1980 on plan BS296, lots 25-30 on plan C1578, lot 10 on plan C153108, lot 108 on plan C157111, lot 4623 on SP108024 and lot 2009 on SP195694.

- c. declare an area of about 4,899 ha as Sandy Falls Nature Refuge, shown on plan PA1021, being leasehold land described as part of lot 4611 on SP270181.
- d. revoke the entirety of Wairambar Rainforest Nature Refuge, containing an area of about 22.2 ha, shown on plan PA225, being freehold land described as part of lot 284 on crown plan NR2070.

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; and to ensure that no land comprised in a protected area shall be revoked other than by the Governor in Council making a regulation revoking the dedication or declaration of a protected area in whole or part.

Inconsistency with policy objectives of other legislation

The amendment regulation provides for an increase in the area of eight national parks, the creation of one new conservation park, an increase in the area of one conservation park, the declaration of three new nature refuges, and the revocation of one nature refuge; and is 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 protected area 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 of the amendments under section 44 and 45 of the Act, where relevant, included native title claimants, holders or their representatives, Indigenous Land Use Agreement parties; mining interest holders, financial institutions, sublessees, covenant holders and easement holders. Landholders have been closely involved in the development of their conservation agreements. Responses and consent have been received from consulted parties where relevant.

The Department of Environment and Heritage Protection agency-assessed the amendment regulation in accordance with *The Queensland Government Guide to Better Regulation* (the Guide) and determined that it was excluded from further regulatory impact analysis as it is a regulatory proposal of a machinery nature in accordance with category (g) of the Guide.

All parties support the amendments.

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