

Nature Conservation (Protected Areas Management) (Cooroibah Conservation Park) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 133

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas Management) (Cooroibah 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 *Nature Conservation (Protected Areas Management) (Cooroibah Conservation Park) Amendment Regulation 2017* (amendment regulation) is to establish Noosa Shire Council (NSC) as trustee of Cooroibah Conservation Park (the park). The park is a 163 hectare area located approximately 8 kilometres north-west of Noosa, and was dedicated as conservation park on 27 July 2017.

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 NSC 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 NSC and the Queensland Parks and Wildlife Service (QPWS), Department of National Parks, Sport and Racing (NPSR), 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 NSC 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, 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 only alternative would be to not appoint NSC as trustee of the park, and instead pursue cooperative management of the park through another mechanism, such as an authority under the NC Act. This option was rejected, as a trusteeship is the preferred option of both NSC and NPSR.

Benefits and costs of implementation

The benefit of appointing NSC as trustee is that it will provide for stable and appropriate management of the park and the natural and cultural values therein by an appropriate and qualified body. There will be minimal impact on Government, as NSC will be responsible for day-to-day management of the park, including all associated management costs. NPSR will, however, retain some powers, such as the power to authorise activities such as grazing, commercial activities and lighting of fires.

The alternative option was rejected because it would not recognise joint management of the park, and would result in management responsibilities and associated costs reverting to NPSR.

Consistency with fundamental legislative principles

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

Consultation

NSC was consulted on the proposed trusteeship. NSC is financially capable and sufficiently experienced to undertake day-to-day management of the park. NPSR and NSC have negotiated a management agreement, which describes the management of both parties under the trusteeship arrangement. The agreement was signed by NSC on 31 March 2016 and by NPSR on 3 May 2016. Consultation with NSC will be ongoing regarding certain aspects of management of the park such as fire and pest management, auditing of management arrangements and the performance of NSC as trustee.

The Office of Best Practice Regulation (OBPR), Queensland Productivity Commission was consulted regarding obligations for a Regulatory Impact Statement (RIS). OBPR advised that a RIS is not required as the appointment of NSC as trustee 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.

©The State of Queensland 2017