

Nature Conservation (Koala) Conservation Plan 2017

Explanatory notes for Subordinate Legislation No. 152 2017

made under the

Nature Conservation Act 1992

General Outline

Short title

This Conservation Plan may be cited as the *Nature Conservation (Koala) Conservation Plan 2017*.

Authorising law

Sections 120H to 120K and 175 of the Nature Conservation Act 1992 (NC Act)

Policy objectives and the reasons for them

The objective of the *Nature Conservation (Koala) Conservation Plan 2017* is to provide a replacement for the *Nature Conservation (Koala) Conservation Plan 2006*, which is due to expire, to ensure that the protection afforded to koalas and their habitat under this plan can continue.

The *Nature Conservation (Koala) Conservation Plan 2017* will commence on 1 September 2017.

The policy objectives include:

- Dedicating particular areas in the State as 'koala districts' for targeted management strategies to be applied.
- Prescribing requirements for vegetation clearing in koala habitat areas.
- Restricting the release of koalas that have been rehabilitated or bred in captivity.
- Prescribing restrictions of the grant of wildlife authorities for koalas.

Achievement of policy objectives

To achieve the stated policy objectives Part 2 of the instrument prescribes three koala districts and objectives for each district, comprising the:

- South-East Queensland region (Koala District A)
- Wide Bay Burnett and Fraser Coast region (Koala District B)

- remainder of koalas natural range in the State (Koala District C)

Part 3 of the instrument prescribes requirements for any person clearing koala habitat trees within Koala Districts A or B, to be carried out in accordance with the **sequential clearing conditions** in this part, to ensure koalas have enough time to move out of the clearing site without human intervention. This part also prescribes for the clearing of koala habitat trees in koala habitat areas to be conducted in the presence of a suitably qualified koala spotter.

Part 4 of the instrument removes the ability for certain wildlife authorities under the NC Act to be granted for koalas, and prescribes requirements relating to the release of rehabilitated koalas and koalas bred in captivity.

Consistency with policy objectives of authorising law

The *Nature Conservation (Koala) Conservation Plan 2017* is consistent with the relevant objectives of the NC Act which is for the conservation of nature, as well as to allow for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom. The NC Act also provides for the objective, relating specifically to the conservation of nature, to be achieved through a strategy that includes the management of wildlife in accordance with conservation plans.

Inconsistency with policy objectives of other legislation

The legislation is not inconsistent with the policy objectives of other legislation, including instruments that protect koala habitat, including but not limited to, the identification and protection of koala habitat areas under the *Planning Act 2016*, and the protection of vegetation identified as essential habitat for the koala under the *Vegetation Management Act 1999*.

Benefits and costs of implementation

The replacement of the *Nature Conservation (Koala) Conservation Plan 2006*, and implementation of the new instrument with the same legislative effect, will impose negligible costs for the Queensland Government.

Consistency with fundamental legislative principles

The *Nature Conservation (Koala) Conservation Plan 2017* 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 of subordinate legislation (the **authorising law**), allows the subordinate legislation to be made;
- (b) is consistent with the policy objective of the authorising law;
- (c) contains only matter appropriate to subordinate legislation; and
- (d) amends statutory instruments only.

Part 3 prescribes penalties for non-compliance of up to 120 penalty units, which is within the powers provided by the authorising law. This type of penalty is appropriate to deter

the clearing of koala habitat trees in a way that may result in harm to koalas living in koala habitat areas.

Consultation

The Department of Environment and Heritage Protection engaged in an extensive consultation process in collaboration with an independently appointed 'Koala Expert Panel', as part of a review into the existing koala conservation and policy measures in the State. This consultation process included an online survey available to the general public, a formal submission process, and face-to-face engagement sessions with key stakeholders from the conservation, local government, and academic sector.

Whilst the consultation process was not solely in relation to the *Nature Conservation (Koala) Conservation Plan 2006*, the outcomes of this consultation did reveal that a number of stakeholders identified this instrument as providing important protective mechanism for koalas in the State. The Department of Environment and Heritage Protection is upholding stakeholder expectations by remaking this instrument and retaining the key protection this instrument affords.

Once this collaboration between the Department of Environment and Heritage Protection and the Koala Expert Panel is finalised, the department will consider the panel's recommendations which may include further refinements to the *Nature Conservation (Koala) Conservation Plan 2017* in the future.

Following the submission of a Preliminary Impact Assessment, the Office of Best Practice Regulation agreed that the proposed amendments do not impose significant impacts on the community, business or government, and as such, a Regulatory Impact Statement (RIS) is not required.