

# **Nature Conservation (Macropod) Conservation Plan 2017**

Explanatory notes for Subordinate Legislation No. 153 2017

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

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

### **Authorising law**

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

### **Policy objectives and the reasons for them**

The objective of the *Nature Conservation (Macropod) Conservation Plan 2017* is to provide a replacement for the *Nature Conservation (Macropod) Conservation Plan 2005*, which is due to expire on 31 August 2017, to ensure that the taking, keeping and use of macropods is ecologically sustainable and humane.

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

The policy objectives include:

- prescribing additional restrictions on the grant of particular licences or permits for macropods;
- limiting or extending what holders, or relevant persons for holders, of particular licences or permits for macropods may do under the licences or permits;
- providing additional authorised taking, keeping or use of macropods by landholders or holders of particular licences, permits or other authorities; and
- declaring products made or derived from particular macropods as processed products under the *Nature Conservation Act 1992*.

### **Achievement of policy objectives**

To achieve the stated policy objectives:

Part 2 of the instrument states circumstances in which the taking, keeping or using of macropods is authorised under the Act, other than under a wildlife authority.

Part 3 of the instrument prescribes the matters for particular licences or permits for macropods, in addition to the *Nature Conservation (Wildlife Management) Regulation 2006*, about restrictions on the grant of the licences or permits; limitations and extensions of activities authorised under the licences or permits and regulation of activities under the licences or permits.

Part 4 of the instrument applies to the holder of a macropod harvesting licence and states the requirements about attaching Queensland macropod tags to macropods taken under the licence.

Part 5, applies to a part of the record for a prescribed relevant authority kept in an approved electronic record system and states the period for which the part of the record or a copy of it must be kept.

Part 6 of the instrument defines what a processed product is, whilst Part 7 describes miscellaneous provisions relating to the taking and use of macropods. Part 8 of the instrument outlines the transitional provisions from the old Conservation Plan to the new.

## **Consistency with policy objectives of authorising law**

The *Nature Conservation (Macropod) Conservation Plan 2017* is consistent with the relevant objectives of the 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 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 native species, including but not limited to, the *Nature Conservation (Administration) Regulation 2017*, the *Nature Conservation (Wildlife Management) Regulation 2006* and the *Nature Conservation (Macropod Harvest Period 2017) Notice 2016* under the Act.

## **Benefits and costs of implementation**

The replacement of the *Nature Conservation (Macropod) Conservation Plan 2005*, and implementation of the *Nature Conservation (Macropod) Conservation Plan 2017*, will impose negligible costs for the Queensland Government. The *Nature Conservation (Macropod) Conservation Plan 2017* streamlines the legislation regulating the taking, keeping and use of harvest macropods with no policy changes.

The Commercial wildlife licence (mobile) for dead macropods has been removed from the new legislation as there has been no uptake of this licence in the last 12 years. The new instrument still provides for a commercial wildlife licence for dead macropods to change location if required.

The Commercial wildlife harvesting licence and Recreational wildlife harvesting licence have been combined into one Macropod harvesting licence. This new licence allows

holders to harvest for commercial or non-commercial purposes, with all the same requirements.

The combining of the Commercial wildlife harvesting licence and Recreational wildlife harvesting licence and the removal of the Commercial wildlife licence (mobile) required a number of offences to be removed or remade. One additional offence relating to restrictions for buying or accepting macropods after a prescribed time has been added.

## Consistency with fundamental legislative principles

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

The instrument prescribes penalties for non-compliance of up to 165 penalty units, which is within the powers provided by the authorising law. This type of penalty is appropriate to ensure that the taking, keeping and use of macropods is ecologically sustainable and humane.

## Consultation

The Department of Environment and Heritage Protection engaged in an extensive consultation process with all major stakeholders to the macropod harvesting industry.

This consultation process included seeking comment from all current licence holders relevant to the plan. Face-to-face engagement sessions with key stakeholders were held over three days. The first day session included representatives from the macropod harvesting industry. The second day session included representatives from all government departments with an interest in the plan or consequences from implementation of the plan. The final day session included representatives from non-government organisations who had identified as having an interest in the taking, keeping or use of macropods regulated by the plan.

Whilst the Department of Environment and Heritage Protection acknowledges that not all people agree with the taking or use of macropods, the department is upholding the majority of stakeholder expectations by remaking this instrument and retaining the key protection this instrument affords.

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 is not required.