

# State Penalties Enforcement (Nature Conservation) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 233

made under the

*State Penalties Enforcement Act 1999*

## General Outline

### Short title

*State Penalties Enforcement (Nature Conservation) Amendment Regulation 2017* (the Amendment Regulation).

### Authorising law

Section 165 of the *State Penalties Enforcement Act 1999*.

### Policy objectives and the reasons for them

The *Nature Conservation Act 1992* provides for managing and administering Queensland's protected areas and wildlife on behalf of the community. It includes important provisions regarding:

- a system of permits and other authorities for the use of protected areas;
- a system of licences, permits and other authorities for the use of wildlife outside of protected areas;
- procedures and requirements relating to those permits and other authorities;
- fees payable for licences, permits and other authorities;
- specific offences and the penalties for those offences; and
- relevant definitions and schedules.

The *State Penalties Enforcement (Nature Conservation) Amendment Regulation 2017* makes a consequential amendment to the *State Penalties Enforcement Regulation 2014* to implement the fine specified in section 58 of the *Nature Conservation (Macropod) Conservation Plan 2017* for the holder of a macropod harvesting licence keeping, using, selling or giving away a prohibited macropod.

### Achievement of policy objectives

To achieve its objectives, the Amendment Regulation will make a consequential amendment to the *State Penalties Enforcement Regulation 2014* to allow all provisions within the *Nature Conservation (Macropod) Conservation Plan 2017* to be implemented.

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

The Amendment Regulation is consistent with the main objectives of the *State Penalties Enforcement Act 1999* that is to ensure integrity in the issue and enforcement of infringement notices.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation 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) Conservation Plan 2017* under the *Nature Conservation Act 1992*.

## **Benefits and costs of implementation**

Approximately five Penalty Infringement Notices (PINs) under the *Nature Conservation (Macropod) Conservation Plan 2017* will be issued each year once this Amendment Regulation is enacted. These PINs would otherwise not be possible.

The State Government will not incur any additional cost through implementation of this Amendment Regulation as it enables a provision currently existing within the *Nature Conservation (Macropod) Conservation Plan 2017* to be implemented.

## **Consistency with fundamental legislative principles**

This Amendment Regulation makes a consequential amendment to the *State Penalties Enforcement Regulation 2014* to allow s58 of the *Nature Conservation (Macropod) Conservation Plan 2017* to be implemented. It is consistent with fundamental legislative principles.

## **Consultation**

The former Department of Environment and Heritage Protection engaged in an extensive consultation process with all major stakeholders to the macropod harvesting industry during the remake of the *Nature Conservation (Macropod) Conservation Plan 2017* in August 2017.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The former Department of Environment and Heritage Protection applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category a – ‘Regulatory proposals that make consequential amendments’).