

# Nature Conservation (Estuarine Crocodiles) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 148

made under the

*Environmental Offsets Act 2014*

*Nature Conservation Act 1992*

*State Penalty Enforcement Act 1999*

## General Outline

### Short title

*Nature Conservation (Estuarine Crocodiles) Amendment Regulation 2018*

### Authorising law

Section 93 of the *Environmental Offsets Act 2014*

Section 175 of the *Nature Conservation Act 1992*

Section 165 of the *State Penalties Enforcement Act 1999*

### Policy objectives and the reasons for them

The policy objective of the *Nature Conservation (Estuarine Crocodiles) Amendment Regulation 2018* (amendment regulation) is to:

- reflect in the *Nature Conservation (Administration) Regulation 2017*, the *Nature Conservation (Wildlife Management) Regulation 2006* and the *State Penalties Enforcement Regulation 2014* that the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* has been replaced with the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*;
- reflect in the *Nature Conservation (Administration) Regulation 2017* and the *Nature Conservation (Wildlife Management) Regulation 2006* that the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* allows for the holder of a commercial wildlife harvesting licence for estuarine crocodile eggs to take estuarine crocodile eggs; and

- correct errors in the *Environmental Offsets Regulation 2014*, the *Nature Conservation (Administration) Regulation 2017* and the *Nature Conservation (Wildlife Management) Regulation 2006*.

The amendment regulation does not change the objects of the *Nature Conservation Act 1992* or the regulation of these matters.

## Achievement of policy objectives

To achieve the policy objectives, the amendment regulation:

- inserts notes in the *Nature Conservation (Administration) Regulation 2017* and the *Nature Conservation (Wildlife Management) Regulation 2006* to assist in identifying where the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* includes provisions that vary from standard licencing requirements for the purpose of egg harvesting;
- inserts an example in the *Nature Conservation (Administration) Regulation 2017* that the grant of a commercial wildlife harvesting licence for estuarine crocodile eggs cannot be granted if it would be in contravention of the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*;
- allows a person to tamper with an animal breeding place under the *Nature Conservation (Wildlife Management) Regulation 2006* if they are taking estuarine crocodile eggs under a commercial wildlife harvesting licence for estuarine crocodile eggs or preparing a report of research to accompany an application for such a licence;
- exempts a person who takes an estuarine crocodile egg under a commercial wildlife harvesting licence for estuarine crocodile eggs from payment of the conservation value for the egg under the *Nature Conservation (Wildlife Management) Regulation 2006*;
- ensures continuation of existing offences by replacing reference to *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* with the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*;
- inserts in the *State Penalties Enforcement Regulation 2014* that the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* has been replaced with the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*; and
- corrects cross-referencing errors in the *Environmental Offsets Regulation 2014*, the *Nature Conservation (Administration) Regulation 2017*, and the *Nature Conservation (Wildlife Management) Regulation 2006*.

## Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Nature Conservation Act 1992*, that is to conserve nature, and with how the object is to be achieved, including ensuring the take and use of protected wildlife is ecologically sustainable.

## Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation. The amendment regulation does not change policy intent.

## Benefits and costs of implementation

The amendment regulation does not impose significant adverse impacts on the community, business or government.

## Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles, as defined in section 4(5) of the *Legislative Standards Act 1992*. Namely it is:

- (a) within the power that, under an Act of subordinate legislation (the authorising law), allows the subordinate legislation to be made;
- (b) consistent with the policy objective of the authorising law;
- (c) contains only matters appropriate to subordinate legislation; and
- (d) amends statutory instruments only.

The amendment regulation has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

## Consultation

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

No other specific consultation was undertaken on the amendment regulation as it makes minor consequential amendments and correct errors as a result of the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, which remakes the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.