

Nature Conservation (Protected Areas) (Bellthorpe) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 258

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) (Bellthorpe) Amendment Regulation 2019

Authorising law

Sections 33, 173Q and 175 of the *Nature Conservation Act 1992* (the Act)

Policy objectives and the reasons for them

The objectives of the *Nature Conservation (Protected Areas) (Bellthorpe) Amendment Regulation 2019* (Amendment Regulation) are to:

1. revoke the dedication of part of one existing national park (and change the class of the revoked area to conservation park); and
2. dedicate as part of an existing conservation park an area previously part of a national park.

The Amendment Regulation is consistent with the objectives of the Act, that being the occasional need to revoke the dedication of areas from the protected area estate to change the class of a protected area, rectify errors in how the land has been described, gazetted or used e.g. correct boundary inconsistencies, historic incursions or achieve more effective management boundaries, allow for the upgrade or expansion of public infrastructure such as roads and railways, or to recognise the rights and interests of Aboriginal and Torres Strait Islander people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

The Amendment Regulation will decrease the national park estate by about 45 hectares and increase the conservation park estate by about 45 hectares by:

- revoking the dedication of part of Bellthorpe National Park for addition to the existing Bellthorpe Conservation Park to provide for activities consistent with the management principles of the area, its natural and cultural resources and values; and
- dedicating the area previously part of Bellthorpe National Park as part of Bellthorpe Conservation Park.

Achievement of policy objectives

To achieve its objectives, the Amendment Regulation will amend:

1. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* by revoking the dedication of part of Bellthorpe National Park, described as lot 3 on AP19215 containing an area of about 45 hectares, about 34 kilometres north-west of Caboolture, for addition to the existing Bellthorpe Conservation Park to provide for activities consistent with the management principles of the area, its natural and cultural resources and values; and
2. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* by dedicating as part of Bellthorpe Conservation Park described as lot 3 on AP19215 containing an area of about 45 hectares, about 34 kilometres north-west of Caboolture, previously part of Bellthorpe National Park.

Consistency with policy objectives of authorising law

The Amendment Regulation is machinery in nature, consistent with regulatory best practice principles and the main objects of the Act, namely that the Governor in Council may, by regulation, revoke and change the class of a protected area by dedicating the area as another class of protected area (section 33) and the Governor in Council may make regulations under this Act (section 175).

The amendment proposals were tabled in the Legislative Assembly of Queensland on 23 October 2019 in accordance with section 33 of the Act, with the Legislative Assembly passing a Resolution on 26 November 2019 requesting the Governor in Council revoke and change the class of the protected area in accordance with the aforementioned Resolution.

The amendment proposals were published within 10 days after the notice of motion for the revocation and change in class being given in a local and State-wide newspaper in accordance with section 173Q of the Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

Implementing the Amendment Regulation is in the public interest, is not considered to constitute significant subordinate legislation and will have negligible costs.

The change in class of the protected area will support important community, economic and cultural benefits, providing for activities consistent with the management principles of the area, its natural and cultural resources and values, and ensure the existing use of the area is ecologically sustainable.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles in accordance with section 4(5) of the *Legislative Standards Act 1992*.

Consultation

The Office of Best Practice Regulation, Queensland Productivity Commission, was not consulted because the Department of Environment and Science applied a self-assessable exclusion as per *The Queensland Government Guide to Better Regulation* (the Guide) and determined that the regulatory amendment is of a machinery nature in accordance with category (g) of the Guide.

The amendment proposals were published in the Kilcoy Sentinel Community News and The Courier-Mail on 31 October 2019. No public submissions were received as a result of the advertised Public Notices.

Consultation has occurred with Woodfordia Incorporated, Jinibara People Aboriginal Corporation RNTBC and Moreton Bay Regional Council.

All parties consulted support the amendments.

No changes to the Amendment Regulation were required as a result of the consultation.