

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2020

Explanatory notes for SL 2020 No. 173

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2020

Authorising law

Sections 29, 46, 48, 64 and 175 of the *Nature Conservation Act 1992* (NC Act).

Policy objectives and the reasons for them

The policy objectives of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2020* (Amendment Regulation) are to increase the area of the protected area estate to allow for the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom; to redescribe one national park and one conservation park after the completion of up to date plans that define the boundaries of the parks; and, to alter the name and redescribe one nature refuge due to a replacement conservation agreement and completion of a new plan defining the nature refuge.

The core aim of dedicating new or amending existing national parks or conservation parks is to permanently preserve, to the greatest extent possible, the area's natural condition, to protect the area's cultural resources and values and provide for ecologically sustainable activities and ecotourism. The subordinate legislation will result in the addition of land to Girringun National Park and Keppel Sands Conservation Park.

Section 29 of the NC Act stipulates that land must be ‘State land’ in order for it to be dedicated as protected area. Other than a few exceptions, such as State forests or timber reserves, the land must be unallocated State land (USL) prior to its addition to the protected area estate.

In the context of the Amendment Regulation, all USL is in the name of the Department of Environment and Science (DES) (as registered owner) and is already being managed by the Queensland Parks and Wildlife Service (QPWS). As these areas are now free of encumbrances and interests inconsistent with protected areas, the Amendment Regulation will change the tenure, giving the head of power under the NC Act to QPWS to effectively manage these lands for conservation, as per the original intent.

Periodically updating the plans that define the boundaries of protected areas using contemporary spatial technology ensures the accuracy and transparency of the protected area reporting system.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending Schedules 2, 3 and 5 of the *Nature Conservation (Protected Areas) Regulation 1994* to redefine the boundaries of each protected area.

Specifically, the Amendment Regulation amends:

1. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate an area of unallocated State land described as lot 1 on SP301977, containing an area of about 23,200 hectares, as part of the existing Girringun National Park, about 153 kilometres north-west of Townsville. This property was purchased due to its significant conservation values; and
 - b. redescribe the entirety of Main Range National Park as lots 1 to 9 on AP22499, containing an area of about 34,781.4255 hectares, using contemporary survey and mapping technology and standards (resulting in an increase of about 91.8035 hectares), about 72 kilometres south-east of Toowoomba.
2. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. redescribe the entirety of Calliope Conservation Park, about 11 kilometres south-west of Gladstone, as lot 541 on AP22498, containing an area of about 700.374 hectares, using contemporary survey and mapping technology and standards (with no change in area); and
 - b. dedicate an area of unallocated State land described as lot 3 on SP283391, containing an area of 49.51 hectares, as part of the existing Keppel Sands Conservation Park, about 28 kilometres east of Rockhampton. The parcel is a Commonwealth Government-required offset delivered by Gladstone Ports Corporation for the Western Basin Dredging and Disposal Project for development impacts on biodiversity.
3. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:

- a. redescribe the entirety of Old Hiddenvale Nature Refuge as lot 56 on plan CH31520, lot 67 on plan CH31795, lots 73 and 74 on plan CH31189, lot 87 on plan CH311063, lot 134 on plan CH31576, lot 155 on plan CH31822, lot 240 on plan CH31656, lots 265 and 266 on plan CH312228, lot 85 and the parts of lots 1 and 2 on SP107980, lot 1 on RP28311, lot 2 on RP28312, the part of lot 2 on RP127801 and lot 3 on RP105631, containing an area of about 3,106.72 hectares, shown on plan PA1056, about 50 kilometres south-east of Toowoomba. This amendment is required due to a replacement conservation agreement, recalculation of the area using contemporary survey methods which has resulted in an increase in area (0.72 hectares), a change in plan number, and a correction of the nature refuge name to Old Hidden Vale Nature Refuge.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the NC Act, namely:

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;
- the recognition of the interest of Aboriginal peoples and Torres Strait Islander peoples in protected areas and native wildlife; and
- the cooperative involvement of landholders in the conservation of nature.

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

Protected areas provide conservation and ecosystem services which have indirect economic value and positive benefits to society. Protected areas also provide special places for recreation and tourism activities and are often places of important cultural and spiritual significance for Traditional Owners.

Each area of land being added to the protected area estate was acquired for conservation purposes or was received by DES as an offset for development. As the resolution of encumbrances and other interests that are inconsistent with protected area tenure, such as mining or forestry interests, is a lengthy process, each area of land has been managed for conservation by QPWS for some time. As the encumbrances and interests have now been resolved, transitioning the land to protected area tenure will formalise tenure for the land to ensure that QPWS can manage it as a protected area completely in accordance with the NC Act for the benefit of the environment and community.

Costs relating to DES's administration and ongoing management of associated areas are met through existing annual budget allocations.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Where any electrical network interests were identified for additions to national parks or conservation parks consultation with relevant organisations has been undertaken.

In relation to the amendment to nature refuges under the *Nature Conservation (Protected Areas) Regulation 1994*, parties consulted under section 44 and 45 of the NC Act, where relevant, include Native Title claimants, holders or their representatives; Indigenous Land Use Agreement parties; mining interest holders; financial institutions; sublessees; covenant holders and easement holders. Landholders have been closely involved in the development of the conservation agreement. Responses and consent have been received from consulted parties where relevant.

The Office of Best Practice Regulation, Queensland Productivity Commission, was not consulted as a self-assessment was undertaken in accordance with *The Queensland Government Guide to Better Regulation* (the Guidelines) and it was determined that the regulatory amendment is excluded from further regulatory impact assessment as it is of a machinery nature, in accordance with category (g) of the Guidelines.