

Nature Conservation (Protected Areas) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 8

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation 2021

Authorising law

Sections 29, 46, 48, 64 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) Amendment Regulation 2021* (the Amendment Regulation) are to:

- increase the area of three national parks;
- rename two national parks;
- increase the area of one resources reserve;
- correct three previously erroneous national park area descriptions;
- redescribe two national parks and one conservation park;
- declare four new nature refuges;
- redescribe and alter the name of one nature refuge (due to a replacement conservation agreement and completion of a new plan);
- redescribe and alter the name of one nature refuge to two nature refuges; and
- redescribe one nature refuge (due to a replacement conservation agreement and completion of a new plan).

The Amendment Regulation will increase the area of the protected area estate to allow for the conservation of nature while allowing for the involvement of First Nations people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

The core aim of dedicating new or amending existing protected areas 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 Amendment Regulation will result in the addition of land to Deepwater National Park, Halifax Bay Wetlands National Park, Mount Walsh National Park and Flat Top Range Resources Reserve. Additionally, it will result in the declaration of four new nature refuges and increase in the area of two existing nature refuges.

Section 29 of the 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 Department of Environment and Science's (the department) name (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 department is able to change the tenure, giving the head of power under the Act to QPWS to effectively manage these lands for conservation, as per the original intent.

The Amendment Regulation supports the objectives of the Act, namely working with our First Nations partners to conserve nature and manage protected areas (known by our First Nations partners as caring for and protecting Country). The renaming of existing national parks to names chosen by Traditional Owners allows for the involvement of First Nations partners in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

Periodically updating the plans that define the boundaries of protected areas using contemporary spatial technology and correcting administrative errors within the regulation, such as miscalculations of the area of a national park, ensures the accuracy and transparency of the protected area reporting system. The Amendment Regulation provides for corrections of previous administrative errors relating to the area description of two national parks.

Achievement of policy objectives

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

Specifically, the amendment regulation amends:

1. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. Rename the existing Camooweal Caves National Park as Wiliyan-ngurru National Park, described as lot 39 on plan NPW198, containing an area of about 13,800 hectares, about 159 kilometres north-east of Mount Isa;
 - b. dedicate an area of USL described as lots 1, 2 and 4 on SP143250 containing an area of about 128.252 hectares, as part of the existing Deepwater National Park, about 87 kilometres south-east of Gladstone. These parcels are former undeveloped road reserve that were closed for inclusion into the national park for management purposes;
 - c. dedicate an area of unallocated State land described as lot 1 on AP23635, lots 1 to 3 on AP15629, lots 32 and 35 on plan USL39628, lot 42 on plan CWL666, lots 68, 70 and 71 on plan USL39323, lot 114 on plan CWL2255 and lot 181 on plan AP15628, containing an area of about 3285.8743 hectares, as part of the existing Halifax Bay Wetlands National Park, about 21 kilometres north-west of Ingham. Additionally, this amendment will correct a previous administrative error in the calculation of the area for the national park of 0.0003 hectares;
 - d. Redescribe the entirety of Main Range National Park as lots 1 to 9 on AP23636, containing an area of about 34,798.7258 hectares, about 72 kilometres south-east of Toowoomba. This amendment will correct a previous administrative error in the calculation of the area for lot 9 on AP23636 of 17.3003 hectares;
 - e. redescribe the entirety of Moreton Island National Park as lots 1, 2, 4, 5, 7, 36 and 37 on AP23572, containing an area of about 16,969.8296 hectares, about 52 kilometres north-east of Brisbane, using contemporary survey and mapping technology and standards (with an increase of about 19.1566 hectares); and subsequently alter the name of Moreton Island National Park to Gheebulum Coonungai (Moreton Island) National Park, in accordance with negotiations as part of the Quandamooka People Tenure Resolution Indigenous Land Use Agreement – Mulgumpin/Moreton Island; and
 - f. dedicate an area of USL described as lot 411 on plan OL283 containing an area of about 1000 hectares, as part of the existing Mount Walsh National Park, about 67 kilometres west of Maryborough. This parcel was acquired by the department for addition to the national park due to its significant conservation values. Additionally, this amendment will correct a previous administrative error in the calculation of the area for the national park of 0.0002 hectares.
2. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. redescribe the entirety of Cape Moreton Conservation Park as lots 3, 6, 528 and 529 on AP23572, containing an area of about 3.3283 hectares, about 52 kilometres north-east of Brisbane, using contemporary survey and mapping technology and standards (with a decrease in area of about 0.0317 hectares).
3. Schedule 3A: Resources reserves of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate areas of USL described as lot 100 on SP143245, containing an area of 492 hectares, as part of the existing Flat Top Range Resources Reserve, about

25 kilometres east of Rockhampton. This dedication is to fulfill a part of the Darumbal People Protected Areas Indigenous Land Use Agreement.

4. Schedule 5 Nature refuges of the *Nature Conservation (Protected Areas) Regulation 1994* to:

- a. declare an area of about 114.82 hectares as Cockatoo's Corner Nature Refuge, described as the part of lot 88 on RP892014, containing an area of about 114.82 hectares, shown on plan PA1095, about 20 kilometres south of Ipswich;
- b. rename Ga'ri djaa ga'wun Nature Refuge as The Pinch Nature Refuge, and subsequently redescribe the entirety of the nature refuge as the part of lot 2 on RP171423, containing an area of about 20.2833 hectares, shown on plan PA1084, about 16 kilometres south-west of Maroochydore; and
- c. redescribe the entirety of Girraween Nature Refuge as lot 1 on RP146310, the part of lot 1 on RP216837 and the part of lot 1 on SP239726, containing an area of about 110.12 hectares, shown on plan PA1089, about 5 kilometres west of Noosa;
- d. declare an area of about 112.29 hectares as Glider's Glade Nature Refuge, described as the part of lot 89 on RP892014, containing an area of about 112.29 hectares, shown on plan PA1093, about 20 kilometres south of Ipswich;
- e. declare an area of about 63.66 hectares as Koala Crossing Nature Refuge, described as the part of lot 86 on RP892014, containing an area of about 63.66 hectares, shown on plan PA1094, about 20 kilometres south of Ipswich;
- f. rename and redescribe the entirety of Puntdaloo Nature Refuge as follows:
 - i. Glenerne Nature Refuge, described as the part of lot 9 on SP296367, containing an area of about 205.66 hectares, shown on plan PA1072, about 45 kilometres north-east of Warwick; and
 - ii. Waverley Nature Refuge, described as lot 10 on SP296367, containing an area of 133.3 hectares, shown on plan PA1075, about 45 kilometres north-east of Warwick. Additionally, due to the completion of up-to-date protected area plans using contemporary survey methods, the amendments result in a slight reduction in area of 0.28 hectares from the previously declared area for Puntdaloo Nature Refuge; and
- g. declare an area of about 77.3 hectares as Wallabies Knoll Nature Refuge, described as the part of lot 87 on RP892014, containing an area of about 77.3 hectares, shown on plan PA1096, about 20 kilometres south of Ipswich.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the object of the 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.

The Governor in Council may make regulations under the Act.

The Queensland Government recognises the rights and interests of Aboriginal people in the management of Moreton Island with respect to traditional lore and is committed to work with

traditional owners to protect the areas' natural and cultural values and to continue arrangements for joint management of protected areas in the region.

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. Adding areas of State land which have been assessed as having a land use most consistent with conservation to protected areas, allows for this land to be preserved in perpetuity for the benefit of the community. The renaming of two national parks reflects the wishes of the Traditional Custodians.

Each area of land being added to the protected area estate was acquired or transferred for conservation and/or boundary management purposes. 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 being added to a national park or resources reserve 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 Act for the benefit of the environment and community.

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

Costs relating to the department'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(5) of the *Legislative Standards Act 1992*.

Consultation

The department undertook consultation with the Native Title holder's for Camooweal Caves National Park to determine suitable First Nation's names for these national parks. Additionally, public consultation was conducted for the renaming of Camooweal Caves

National Park from 26 August 2020 to 21 October 2020. Feedback received was generally positive.

Consultation with the Quandamooka People relating to the amendment to Moreton Island National Park has taken place and their agreement recorded in the Quandamooka People Tenure Resolution Indigenous Land Use Agreement – Mulgumpin/Moreton Island.

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 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 Guide) 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) ('Regulatory proposals that are of a machinery nature') of the Guide.

No further external consultation was required on the remaining national park or conservation park amendments under the *Nature Conservation (Protected Areas) Regulation 1994*, as the amendments are machinery in nature.