

Nature Conservation and Other Legislation Amendment Regulation 2021

Explanatory notes for SL 2021 No. 36

made under the

Environmental Offsets Act 2014

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation and Other Legislation Amendment Regulation 2021

Authorising law

Section 93 of the *Environmental Offsets Act 2014*

Sections 76 to 80 and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The objectives of the *Nature Conservation and Other Legislation Amendment Regulation 2021* (Amendment Regulation) are to:

1. ensure the conservation status and taxonomy of native fauna and flora species reflects the most up-to-date scientific knowledge;
2. make consequential amendments to reflect changes to conservation status and taxonomy; and
3. resolve minor issues identified in subordinate legislation under the *Nature Conservation Act 1992* (NC Act).

Sections 76 to 80 of the NC Act provide for a regulation to prescribe wildlife to conservation classes. The reclassification of Queensland's native wildlife species is a routine process, ensuring that listings under the NC Act are kept up-to-date with current knowledge including population size and trends and risk of extinction. The conservation status of protected wildlife may be listed by regulation as 'extinct', 'extinct in the wild', 'critically endangered', 'endangered', 'vulnerable', 'near threatened' or 'least concern'.

The Species Technical Committee is a panel of experts responsible for undertaking independent scientific assessments to determine the classification of protected wildlife under the NC Act and making recommendations to the responsible Minister. In 2020, the Species Technical Committee made recommendations to the former Minister for Environment and the Great Barrier Reef and Minister for Science and Minister for the Arts and the current Minister for the Environment and the Great Barrier Reef, Minister for Science and Youth Affairs. Following approval by the respective Ministers, Schedule 1 of the *Nature Conservation (Animals) Regulation 2020* and Schedule 1 of the *Nature Conservation (Plants) Regulation 2020* must be amended so that the listings reflect the most recent approved advice of the Species Technical Committee.

The Amendment Regulation has been drafted to implement the reclassifications of 17 fauna species and 29 flora species, as follows:

Fauna

- four species upgraded to ‘critically endangered’;
- 10 species upgraded to ‘endangered’;
- one species upgraded to ‘vulnerable’;
- one species downgraded to ‘vulnerable’; and
- one species downgraded to ‘least concern’.

Flora

- 18 species upgraded to ‘critically endangered’;
- seven species upgraded to ‘endangered’;
- two species upgraded to ‘vulnerable’;
- one species (*Calotis glabrescens* – member of the sunflower family) downgraded to ‘critically endangered’ after being discovered to still exist in the wild; and
- one species downgraded to ‘vulnerable’.

A consequential amendment to the *Environmental Offsets Regulation 2014* prescribes a new version of the Queensland Environmental Offsets Policy. The new version reflects updates to classification and taxonomy of species prescribed in Schedule 1 of the *Nature Conservation (Animals) Regulation 2020* and Schedule 1 of the *Nature Conservation (Plants) Regulation 2020*.

Amendments are also required to the *Nature Conservation (Animals) Regulation 2020*, the *Nature Conservation (Plants) Regulation 2020* and the *Nature Conservation (Macropod) Conservation Plan 2017* to resolve a number of minor drafting errors, ranging from omissions and grammatical errors to provisions that require further clarification to achieve the original policy intent.

Achievement of policy objectives

The Amendment Regulation will achieve the objectives by:

- updating the conservation status of native fauna and flora species to reflect recent scientific assessment against criteria outlined under sections 76 to 80 of the NC Act; and
- updating the taxonomy of native flora species to reflect current scientific knowledge.

These updates have been approved by the responsible Minister based on the recommendations of the Species Technical Committee.

Updates have been made to flora nomenclature. The Amendment Regulation amends the *Nature Conservation (Plants) Regulation 2020* to reflect these updates. Amendments are made to the scientific names of 37 species listed in Schedule 1, and 2 species mentioned in Schedule 2.

The Amendment Regulation will also achieve the objectives by updating the *Environmental Offsets Regulation 2014* to refer to the most recent version of the Queensland Environmental Offsets Policy, which is amended to reflect the updates to conservation status and taxonomy.

In addition, the Amendment Regulation will achieve the objectives by making minor amendments to resolve issues identified in subordinate legislation under the NC Act, including:

- fixing drafting errors and omissions;
- making typographical corrections to scientific names of species; and
- clarifying policy intent of certain provisions, making them easier to interpret and comply with.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the NC Act, that is, to ensure 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.

The Amendment Regulation is consistent with the objective of the *Environmental Offsets Act 2014* which allows for national, State and local matters of environmental significance to be prescribed environmental matters, including threatened species listed under the NC Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with any other legislation.

Benefits and costs of implementation

There are no costs associated with implementation.

Consistency with fundamental legislative principles

This Amendment Regulation is consistent with fundamental legislative principles, and has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

Consultation

Public consultation was not undertaken on the Amendment Regulation as the amendments are administrative and reflect the scientific assessment by the Species Technical Committee. Other amendments are consequential or minor in nature.

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 Department of Environment and Science applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category f - Regulatory proposals that correct technical errors or amend legislation to take account of current Queensland drafting practices, or does not affect the original intent, interpretation or effect of the legislation; and Category g - regulatory proposals that are of a machinery nature).

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