

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2021

Explanatory notes for SL 2021 No. 99

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2021

Authorising law

Sections 32, 64 and 175 of the *Nature Conservation Act 1992* (NC Act).

Policy objectives and the reasons for them

The objectives of the *Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2021* (the Amendment Regulation) are to:

- change the name of Gheebulum Coonungai (Moreton Island) National Park; and
- revoke part of, and redescribe, Warrina Conservation Park.

There is the occasional need to revoke parts of the conservation park estate to allow for essential uses that are inconsistent with the tenures. Section 32 of the NC Act prescribes that the Governor in Council may, by regulation, revoke the dedication of a protected area in whole or part. The regulation may be made only if the Legislative Assembly has, on a motion of which at least 28 days' notice has been given, passed a resolution requesting the Governor in Council to make the revocation. The Warrina Conservation Park revocation proposal was tabled in the Legislative Assembly of Queensland on 24 March 2021 in accordance with section 32 of the NC Act. The proposal was passed by a Resolution agreed to by the Legislative Assembly on 13 May 2021. The revocation of part of the Warrina Conservation Park will allow for road actions on already established road infrastructure to facilitate upgrades to the Warrina Innisfail community aged care facility.

The Amendment Regulation also provides for the change of the name of Gheebulum Coonungai (Moreton Island) National Park. Section 64 of the NC Act prescribes that the Governor in Council may, by regulation, assign a name to, or alter the name of, a protected area or aggregation of protected areas. The Amendment Regulation supports the object of the NC 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.

Section 175 of the NC Act prescribes that the Governor in Council may make regulations under this Act.

Achievement of policy objectives

To achieve its objectives, the Amendment Regulation amends:

1. Schedule 2: National parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. change the name of Gheebulum Coonungai (Moreton Island) National Park to Gheebulum Kunungai (Moreton Island) National Park.
2. Schedule 3: Conservation parks of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. revoke lots 1 and 2 on SP318397, containing an area of 0.9376 hectares, and redescribe the balance of Warrina Conservation Park lots 349 and 351 on plan NR7394, lots 346 and 347 on plan NR7395, and lot 337 on SP318397, containing an area of about 14.584 hectares.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the NC 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

The renaming of one national park reflects the wishes of the Traditional Custodians.

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 of Environment and Science's (DES) 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

Stakeholders that currently have, or are likely to have, an interest in the proposal areas have been consulted such as Energy Queensland and Powerlink Queensland. Feedback from stakeholders consulted about the Amendment Regulation was generally positive.

Native Title holders for Gheebulum Coonungai (Moreton Island) National Park requested the name change.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Productivity and Red Tape Reduction within Queensland Treasury was not consulted in relation to the remaining regulatory proposals. DES applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category g – regulatory proposals that are of a machinery nature).