

Wet Tropics (Rainforest Area) Amendment Management Plan 2022

Explanatory notes for SL 2022 No. 27

made under the

Wet Tropics World Heritage Protection and Management Act 1993

General Outline

Short title

Wet Tropics (Rainforest Area) Amendment Management Plan 2022

Authorising law

Sections 52(2)(a) and 85(1) of the *Wet Tropics World Heritage Protection and Management Act 1993* (the Act).

Policy objectives and the reasons for them

The objective of the *Wet Tropics (Rainforest Area) Amendment Management Plan 2022* (the Amendment Management Plan) is to correct an error in the definition of ‘rainforest area’, thereby reinstating protections over the Wet Tropics of Queensland World Heritage Area that were unintentionally lost during the last amendment to the *Wet Tropics Management Plan 1998* (the Plan).

Achievement of policy objectives

The Amendment Management Plan will achieve its objective by amending the Plan - Schedule 3 Dictionary definition of ‘rainforest area’, and an associated definition in the following way:

- Replace reference to a property map of assessable vegetation with the intended reference, the Regional Ecosystem Map kept by the Queensland Herbarium, as the source document for the spatial distribution of regional ecosystems in Queensland.
- The Regional Ecosystem Map is kept by the Queensland Herbarium and is available on the Queensland Government Website. It can be obtained on a property-based search, in the Biota layer on Queensland Globe or in the Queensland Spatial Catalogue. The map is

sometimes referred to as biodiversity status of remnant regional ecosystems and can assign a year date to the last update.

- Retain a property map of assessable vegetation (PMAV) as a secondary component of the definition. The PMAV will be used only as a document with which to ground-truth type and distribution of regional ecosystems if the Regional Ecosystem Map is found to be inaccurate. The PMAV is only recognised to the extent that it reflects the type and distribution of regional ecosystems and its other functions under the *Vegetation Management Act 1999* are not relevant to this definition.
- The associated definition of ‘regional ecosystem number’ is changed to a definition of ‘regional ecosystem description database’. The Regional Ecosystem Description Database contains the list of regional ecosystem numbers, and their descriptions, and is prepared by the Queensland Herbarium in association with the Regional Ecosystem Map. This drafting change is made to align the definition with the change in the definition of ‘rainforest area’. However, the way the Plan uses regional ecosystem numbers from the Regional Ecosystem Description Database remains unchanged.
- The designation of a ‘rainforest area’ via the list of regional ecosystem numbers in Schedule 2B remains unchanged.

The Amendment Management Plan will reinstate the long-standing, and intended, limitations on burning, grazing and the keeping of dogs, cats and honey bees within the sensitive and irreplaceable rainforest areas of the world heritage area.

The definition of ‘rainforest area’ is key in determining whether an activity under the Plan is within a ‘rainforest area’. The definition is used predominantly for ‘allowed’ activities under sections 27, 27A and 27B of the Plan, and to a limited extent for permits.

Consistency with policy objectives of authorising law

The Amendment Management Plan is consistent with the policy objectives of the authorising legislation. The Act is described in the Preamble as an Act to provide for the protection and management of the Wet Tropics of Queensland World Heritage Area, and for related purposes.

Inconsistency with policy objectives of other legislation

The Amendment Management Plan is not inconsistent with the policy objectives of other legislation. It recognises some information in a document prepared under the *Vegetation Management Act 1999*, the PMAV, but has no direct interaction with the *Vegetation Management Act 1999*.

Benefits and costs of implementation

The benefit is the reinstatement of longstanding protection of rainforest within the Wet Tropics of Queensland World Heritage Area, preventing unrestricted burning, grazing and the unrestricted keeping of dogs, cats and honey bees.

As the Amendment Management Plan reinstates policy that has existed since the inception of the Plan, there are no costs or impacts to implementation.

Consistency with fundamental legislative principles

As the Amendment Management Plan corrects an error to reinstate policy that has been in place since 1998, no fundamental legislative principles are engaged.

Consultation

No consultation has occurred with the public as the amendment corrects an error to reinstate policy that has been in place since 1998.

Significant consultation occurred during a recent review of the Plan, spanning three years and two public notification opportunities. Consultation advised the public of the intended operation of the definition of 'rainforest area' and included the new Schedule 2B containing the list of regional ecosystems that constitute a rainforest area under the Plan. The definition aimed to clarify which land fell within a 'rainforest area'. This consultation led to the changes commencing 11 September 2020, changes which introduced the definition of 'rainforest area' and the unintended error within that definition.

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 practice).