

# **Nature Conservation (Protected Areas) (Cangen-Yangan Indigenous Joint Management Area) Amendment Regulation 2022**

Explanatory notes for SL 2022 No. 103

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

*Nature Conservation (Protected Areas) (Cangen-Yangan Indigenous Joint Management Area)  
Amendment Regulation 2022*

### **Authorising law**

Sections 33, 42AH and 175 of the *Nature Conservation Act 1992* (NC Act).

### **Policy objectives and the reasons for them**

The primary objective of the *Nature Conservation (Protected Areas) (Cangen-Yangan Indigenous Joint Management Area) Amendment Regulation 2022* (Amendment Regulation) is to provide for the joint management of protected areas on Moreton Island (Mulgumpin).

The Queensland Government recognises the rights and interests of First Nations peoples in the management of Moreton Island's (Mulgumpin) protected areas 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.

Joint management is a specific model of protected area management that, in Queensland, provides for management of the land to occur jointly between the Queensland Parks and Wildlife Service (QPWS) within the Department of Environment and Science (DES) and the Indigenous landholder – the trustee for the land under the *Aboriginal Land Act 1991*. Land management decisions made by the two parties occurs consistent with an Indigenous

management agreement, which must be entered into between the State of Queensland (State) and the trustee.

On 27 November 2019, the Federal Court of Australia made a native title consent determination recognising the Quandamooka People's native title rights on Moreton Island (Mulgumpin). As part of the consent determination process, the State and the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC), the representatives of the Quandamooka People, agreed to work towards the joint management of protected areas on Moreton Island (Mulgumpin).

The secondary policy objective of the Amendment Regulation is to make minor amendments to correct a previous administrative error in the area and description of Gheebulum Kunungai (Moreton Island) National Park.

## **Achievement of policy objectives**

To achieve its objectives, the Amendment Regulation will amend:

1. *Schedule 2: National parks of the Nature Conservation (Protected Areas) Regulation 1994* by:
  - a. redescribing the entirety of Gheebulum Kunungai (Moreton Island) National Park as lots 1, 2, 4, 5, 7, 36 and 37 on AP23572, lot 1 on SP277808, lot 117 on SP302008, lot 3 on SP304084 and lot 2 on SP304085, containing an area of about 17,050.2182 hectares, situated about 52 kilometres north-east of Brisbane, as the result of previous cartographic errors that incorrectly showed lot 2 on SP304085 as road instead of national park.
2. *Schedule 4A: Indigenous joint management areas of the Nature Conservation (Protected Areas) Regulation 1994* by:
  - a. declaring part of the existing Gheebulum Kunungai (Moreton Island) National Park described as lots 36 and 37 on AP23572, lot 1 on SP277808, lot 117 on SP302008 and lot 3 on SP304084, containing an area of about 17,035.9731 hectares, and part of Moreton Conservation Park described as lots 528 and 529 on AP23572, containing an area of about 2.6020 hectares, as part of the new Cangen-Yangan Indigenous Joint Management Area.

The Amendment Regulation will increase the national park estate by about 2.071 hectares and increase Indigenous Joint Management Areas by about 17,038.5751 hectares.

## **Consistency with policy objectives of authorising law**

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

## **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. This Amendment Regulation will allow for the joint management of the national parks between the Aboriginal Traditional Owners and Aboriginal People particularly concerned with the land and the Queensland Government.

Implementation will result in a number of economic benefits to the local and regional economy as part of the joint management arrangements. These primarily include the generation of employment opportunities directly for the Quandamooka People, the sharing of cultural knowledge and practices through undertaking park management activities consistent with Quandamooka Aboriginal tradition, and protection of the Island's unique natural environment from inappropriate development.

There are ongoing management costs associated with the management and the involvement of Traditional Owners in management of protected areas undertaken by QPWS within DES. This includes active management such as prescribed burning, weed and feral animal control and provision of visitor services and infrastructure.

The lands that have been granted as Aboriginal land have been surveyed. Funds for the land surveys have been allocated by the State and the costs for administrative processes have been managed within existing budget allocations.

The State has allocated additional funding for the first four years plus recurrent funding to support joint management on Moreton Island (Mulgumpin). A portion of this will be revenue collected under the *Recreation Areas Management Act 2006*, which will be reallocated from DES to QYAC to offset existing costs of managing the Moreton Island Recreation Area. Funding will allow QYAC to create six new positions to support the joint management of Moreton Island (Mulgumpin), as well as support the employment of a number of community rangers on a project basis.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles in accordance with section 4(5) of the *Legislative Standards Act 1992*.

## **Consultation**

Negotiation with the Quandamooka People has taken place throughout the development of the Quandamooka People Tenure Resolution Indigenous Land Use Agreement – Mulgumpin/Moreton Island.

All parties consulted support the amendments.

The Office of Best Practice Regulation 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) of the Guide.

No changes to the Amendment Regulation were required as a result of the consultation.

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