

Wet Tropics (Consequential Amendments) Amendment Management Plan 2023

Explanatory notes for SL 2023 No. 142

made under the

Wet Tropics World Heritage Protection and Management Act 1993

General Outline

Short title

Wet Tropics (Consequential Amendments) Amendment Management Plan 2023

Authorising law

Section 52 of the *Wet Tropics World Heritage Protection and Management Act 1993*.

Policy objectives and the reasons for them

The *Wet Tropics (Consequential Amendments) Amendment Management Plan 2023* (the Amendment Plan) will make consequential amendments to the Wet Tropics Management Plan 1998 (the Plan) to ensure consistency with approved changes to the *Wet Tropics World Heritage Protection and Management Act 1993* (Wet Tropics Act). Amendments to the Wet Tropics Act were approved in the following amendment acts: the *Nature Conservation and Other Legislation Amendment Act 2022* and the *Environmental Protection and Other Legislation Amendment Act 2023*.

The relevant amendments to the Wet Tropics Act were made to commence by Proclamation so that they will commence in conjunction with the consequential amendments to the Plan.

Section 52(2)(b) of the Wet Tropics Act provides that amendments to the Plan can be approved by the Governor in Council, rather than the full plan review process, if they are to reflect amendments made to the Wet Tropics Act.

The Amendment Plan will:

1. Remove mining authorised under the *Mineral Resources Act 1989*, from the ‘allowed activities’ in the Plan, thereby completing the removal of a former exemption to the prohibited uses in the Wet Tropics of Queensland World Heritage Area (World Heritage

- Area). This change is undertaken to remove opportunity for mining impacts on the World Heritage Area recognising its increasing vulnerability to climate change and other impacts.
2. Transfer the responsibilities of the obsolete Ministerial Council to the equivalent arrangement of the State Minister (for Environment) and Commonwealth Minister (for Environment), including relevant terminology updates. This change was instigated by the National Cabinet Reform process and responds to the new arrangements.
 3. Clarify in the Plan where references to ‘agreement’ refer to the ‘Intergovernmental Agreement’ to avoid confusion with other agreement types in the Plan.
 4. Include predominantly housekeeping amendments, being:
 - a. Administrative updates to reflect changed numbering or section references in the Wet Tropics Act;
 - b. reference to the new location of the Intergovernmental Agreement on the Wet Tropics Management Authority’s (the Authority) website rather than in a schedule of the Wet Tropics Act;
 - c. clarify the definition of primary goal – identifying the origin of the term in the Intergovernmental Agreement. The Primary goal is an important concept in the Plan. Making the origin and meaning of the term clearer results in better implementation
 - d. replace references to the *Public Service Act 2008* with the new *Public Sector Act 2022*.

Achievement of policy objectives

The Amendment Management Plan achieves the policy objective by:

- aligning the Plan with changes to the Wet Tropics Act;
- reducing the opportunity for impact on the World Heritage Area by removing the opportunity to mine under the *Mineral Resources Act 1989*;
- ensuring Queensland - Commonwealth intergovernmental processes align; and
- keeping the Wet Tropics Act and Plan current, clear and consistent.

Consistency with policy objectives of authorising law

The Amendment Management Plan is consistent with:

- Australia’s obligation to the World Heritage Convention¹ – to ensure the protection, conservation, presentation, rehabilitation, and transmission to future generations, of the natural heritage of the World Heritage Area; and
- the Authority’s functions under section 10 of the Wet Tropics Act, in particular to prepare and ensure implementation of the Plan, and to perform its functions consistent with the protection of the natural heritage values of the wet topics area.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

¹ Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in November 1972

Benefits and costs of implementation

The amendments better protect the World Heritage Area, improve user understanding, align with National Cabinet changes and contemporise drafting.

Additional costs for the implementation of the amendments are not anticipated.

Consistency with fundamental legislative principles

The Amendment Management Plan has been drafted with regard to the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

Most changes are administrative and do not alter the policy intent of the Plan. The clear exemption being the intention to remove the opportunity within the World Heritage Area to exercise a licence, permit or other authority under the *Mineral Resources Act 1989*.

The change to mining was notified, and widely supported, during an extensive public consultation process associated with the 10-yearly review of the Plan (concluded in September 2020). It was made clear during that process that changes to the Wet Tropics Act would first be required before the Plan changes could be made. The relevant Wet Tropics Act Amendments are awaiting commencement by Proclamation concurrent with the proposed Plan amendments.

All amendments have been consulted with the relevant Commonwealth department and Minister.

In accordance with the *The Queensland Better Regulation Policy*, an Impact Analysis Statement has been prepared and consultation with the Office of Best Practice Regulation has occurred on the Amendment Plan identifying that the proposal is minor and machinery in nature.