Queensland

Forestry and Nature Conservation Legislation Amendment Regulation (No. 5) 2011

Explanatory Notes for SL 2011 No. 288

made under the

Forestry Act 1959
Nature Conservation Act 1992

General outline

Short title

Forestry and Nature Conservation Legislation Amendment Regulation (No. 5) 2011.

Authorising law

Forestry Act 1959

Sections 29, 33 and 64 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The dedication and declaration of protected areas is a core component in achieving the conservation of nature (the objective of the *Nature Conservation Act 1992*). This proposal is not considered to constitute significant subordinate legislation.

On average the Department of Environment and Resource Management (DERM) will propose between 30-50 protected area declarations each year.

The primary reasons for such proposals are to advance the protection of representative samples of biological diversity across all Queensland ecosystems. Secondary reasons include protecting important cultural heritage values, wildlife corridors and landscape values.

Achievement of policy objectives

Protected areas are the appropriate tenure in which to achieve conservation security of public land in perpetuity. There is no reasonable tenure alternative to achieve similar conservation outcomes.

The dedication of protected area achieves conservation of nature through:

1. Providing permanent protection, to the greatest possible extent, for the area's natural and cultural values by excluding uses that are inconsistent with the management principles of the protected area; and

2. Subsequent management of the land, native wildlife, habitat and biodiversity values in a manner consistent with the management principles and approved management plans for the protected area; and

3. The cooperative involvement of Traditional Owners in protected area conservation where appropriate.

Consistency with policy objectives of authorising law

The amendment legislation is consistent with the objectives of the *Forestry Act 1959* and the *Nature Conservation Act 1992*, that is the conservation of nature.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation. It provides for land dedication and declaration consistent with other State laws relating to State land use and allocation.

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.

There are ongoing management costs associated with the management of protected areas undertaken by the Queensland Parks and Wildlife Service. This includes active management such as prescribed burning, weed and feral animal control and the provision of visitor services and infrastructure.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

Consultation has been undertaken with the Department of Employment, Economic Development and Innovation (Mines), the Department of the Premier and Cabinet, and the Queensland Office for Regulatory Efficiency regarding the proposed amendments to the protected areas. With regard to the re-naming of Simpson Desert National Park, consultation has been undertaken with relevant stakeholders, including Traditional Owners, local authorities and Department of Environment and Resource Management officers. All relevant parties agreed with the proposals put forward to them.

The Queensland Office for Regulatory Efficiency advised that a Regulatory Assessment Statement is not required under Part 5 of the *Statutory Instruments Act 1992*.

ENDNOTES

1   Laid before the Legislative Assembly on . . .

2   The administering agency is the Department of Environment and Resource Management.

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