

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2013

Explanatory notes for SL 2013 No. 249

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2013

Authorising law

Sections 46(1) and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The object of the *Nature Conservation Act 1992* (the Act), as stated in section 4, is to provide for the conservation of nature. Section 5(b) of the Act states that, among other things, this is to be achieved by the dedication and declaration of protected areas.

Nature refuges are a class of protected area under section 14(h).

Achievement of policy objectives

The declaration of these new nature refuges, and amendments to existing nature refuges will be achieved through the Regulation Amendment to amend Schedule 5 of the *Nature Conservation (Protected Areas) Regulation 1994*.

The declaration and amendment of nature refuges is routine business.

Consistency with policy objectives of authorising law

The Regulation Amendment is not only consistent with, but directly linked to, achieving the main object of the Act which is the conservation of nature.

Inconsistency with policy objectives of other legislation

The Regulation Amendment 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

The core benefit of the declaration of nature refuges is the preservation of significant conservation values which may include, but are not limited to:

- Areas containing or providing habitat for threatened or near threatened flora or fauna species;
- Threatened habitats or vegetation types;
- Habitats or vegetation types poorly represented in existing reserves;
- Remnant vegetation;
- Corridors linking areas of remnant vegetation or existing reserves;
- Significant wetlands; and
- Environmental values such as carbon sequestration.

Landholders are able to negotiate conservation agreements that allow their continued environmentally sustainable use of the land, providing for continuing productive use consistent with conservation values. Subject to any other relevant legislation and lease requirements, nature refuge landholders are free to continue to own and manage their land to generate an income as per the conditions negotiated in their conservation agreement.

The legacy created through a nature refuge provides an intrinsic social benefit to landholders who have invested significant effort in good management, particularly those who have a historical or family association with their property.

No appreciable costs to interests from a social, economic or environmental perspective have been identified as an outcome of this Regulation Amendment.

Consistency with fundamental legislative principles

The Regulation Amendment is consistent with fundamental legislative principles.

Consultation

Consultation was sought with the following departments / sections of departments, or their earlier departmental iterations: Resource Planning (Mines) section of the Department of Natural Resources and Mines (DNRM), the Office of the Coordinator-General of the Department of State Development, Infrastructure and Planning, Queensland Rail (QR), the Department of Transport and Main Roads (TMR), the Department of Agriculture, Fisheries and Forestry (DAFF), Property Services section of DNRM, and the Landscape Conservation Unit of the Department of Environment and Heritage Protection (EHP).

Other parties consulted under sections 44 and 45 of the *Nature Conservation Act 1992* (the Act) where relevant include native title claimants, holders or their representatives, mining

interest holders, financial institutions, sublessees and easement holders. Landholders have been closely involved in the development of their conservation agreements. Responses and consent have been received from consulted parties where relevant.

The Office of Best Practice Regulation, Queensland Competition Authority advised that a Regulatory Impact Statement is not required.

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