

Nature Conservation Legislation Amendment Regulation (No. 3) 2014

Explanatory notes for SL 2014 No. 263

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation Legislation Amendment Regulation (No. 3) 2014

Authorising law

Sections 29, 70E and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The objective of the *Nature Conservation Legislation Amendment Regulation (No. 3) 2014* (the Regulation) is to revoke the entirety of 59 forest reserves to allow 23 forest reserves to be combined with 12 existing national parks.

The *Nature Conservation and Other Legislation Amendment Act (No. 2) 2013* grandfathered the forest reserve tenure from future use, the intention being to abolish the tenure category following a Department of National Parks, Recreation, Sport and Racing review and reclassification of all forest reserves.

An outcome of the review and reclassification has resulted in a number of forest reserves being identified as having values consistent with a national park tenure class and suitable for dedication as national park.

Achievement of policy objectives

To achieve its objective, the Regulation will amend:

- the Schedule of the *Nature Conservation (Forest Reserves) Regulation 2000* to revoke entirely 59 forest reserves; and
- Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to redescribe 12 national parks to include 23 areas previously described as forest reserve.

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:

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

Consistency with policy objectives of authorising law

The *Nature Conservation Act 1992* prescribes that:

- the Governor in Council may, by or under a regulation, revoke the dedication of a forest reserve; and
- a regulation may dedicate a specified area of State land as a class of protected area.

The amendments to the *Nature Conservation (Forest Reserves) Regulation 2000* and *Nature Conservation (Protected Areas) Regulation 1994* are consequential amendments of a machinery nature that are consistent with the objectives of the *Nature Conservation Act 1992*.

Inconsistency with policy objectives of other legislation

The Regulation provides for the revocation of 59 forest reserves and redescribes 12 national parks consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

The Regulation will simplify the tenure structure in the *Nature Conservation Act 1992* in line with government commitments to reduce and streamline legislative and regulatory complexity.

Protected areas provide conservation and ecosystem services that 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.

Implementing the Regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The revocation of the forest reserves to allow them to be dedicated as national parks will not increase costs to the State.

Consistency with fundamental legislative principles

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

Consultation

Consultation was undertaken occurred with:

- The Department of National Parks, Recreation, Sport and Racing; and
- The Office of Best Practice Regulation, Queensland Competition Authority who advised that a Regulatory Impact Statement is not required as the amendments are machinery nature in nature and align with the identified exclusion category (i.e. regulation that is of a savings or transitional nature, makes consequential amendments or is of a machinery nature).

All parties support the amendments.