

Forestry (State Forests) Amendment Regulation (No. 1) 2015

Explanatory notes for Subordinate Legislation No. 9

made under the

Forestry Act 1959

General Outline

Short title

Forestry (State Forests) Amendment Regulation (No. 1) 2015

Authorising law

Sections 26 and 97 of the *Forestry Act 1959*

Policy objectives and the reasons for them

The objective of the amendment regulation is to revoke parts of Kelvin State Forest so that the Goonyella rail corridor that runs through Kelvin State Forest can be expanded.

The rail corridor duplication works that require revocation of part of Kelvin State Forest are of significant economic benefit to the community as they will augment the corridor's capacity to support the predicted increased coal tonnage to the Hay Point and Dalrymple Bay coal terminals south of Mackay.

Achievement of policy objectives

To achieve its objective, the amendment regulation will amend the Schedule of the *Forestry (State Forests) Regulation 1987* to redescribe Kelvin State Forest so as to exclude the areas (79.66 hectares described as lots 1 to 8 on SP241757) to be revoked.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Forestry Act 1959*, that is to ensure that no land comprised in a State forest shall be excluded therefrom, leased, or dealt with otherwise whatsoever except under the authority of and in accordance with the provisions of the *Forestry Act 1959*.

The amendment to the *Forestry (State Forests) Regulation 1987* is a consequential amendment of a machinery nature consistent with the objectives of the *Forestry Act 1959*.

Inconsistency with policy objectives of other legislation

The amendment regulation provides for the revocation of parts of one State forest and is consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

The benefits of the amendment regulation are that it will enable the expansion of the Goonyella railway corridor, substantially increasing the capacity of coal tonnage to the Hay Point and Dalrymple Bay coal terminals.

Implementing the amendment regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The revoked area of State forest will temporarily be unallocated State land which will not increase costs to the State.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles in accordance with section 4 of the *Legislative Standards Act 1992*.

Consultation

Through departmental correspondence, consultation occurred with the Department of Environment and Heritage Protection, the Department of Agriculture and Fisheries, the Department of Natural Resources and Mines, the Department of Transport and Main Roads, the Department of the Premier and Cabinet, and Queensland Treasury.

Through meetings and correspondence, consultation also occurred with the proponent, Aurizon Pty Ltd.

The Office of Best Practice Regulation (OBPR) was consulted regarding the Regulatory Impact Statement (RIS) process. OBPR advised that a RIS is not necessary for this amendment regulation, as the proposal is of a savings or transitional nature, makes consequential amendments or is of a machinery nature.

All parties support the amendment.

No changes to the amendment regulation were required as a result of the consultation.

The plan illustrating the area proposed for revocation (lots 1-8 on SP241757) is available for inspection at the Department of Natural Resources and Mines (<https://www.business.qld.gov.au/industry/titles-property-construction/titles-property/searches-documents>).