

Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2015

Explanatory notes for Subordinate Legislation 2015 No. 11
made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2015

Authorising law

The authorising law is the *Nature Conservation Act 1992* (the Act) which prescribes that:

- the Governor in Council may, by regulation, revoke the dedication of a protected area in whole or part (section 32);
- within 10 days after the notice of motion for the revocation is given, the chief executive must publish notice of the proposed revocation in a newspaper circulating in the locality of the relevant area and a newspaper circulating generally throughout the State (section 173Q); and
- the Governor in Council may make regulations under this Act (section 175).

Policy objectives and the reasons for them

The objective of the amendment regulation is to revoke part of Nicoll Scrub National Park to give effect to a 29 February 2012 Queensland Planning and Environment Court Mediation Agreement between the State and a private individual.

Achievement of policy objectives

To achieve its objective, the amendment regulation will amend Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to revoke an area of 0.0099 hectares being part of Nicoll Scrub National Park described as lot 51 on SP261072 situated in the County of Ward, about 15 kilometres south-east of Springbrook, to give effect to a 29 February 2012 Queensland Planning and Environment Court Mediation Agreement between the State and a private individual.

Consistency with policy objectives of authorising law

The amendment to the *Nature Conservation (Protected Areas) Regulation 1994* is a consequential amendment of a machinery nature that is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The amendment regulation provides for the revocation of part of a national park consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

The amendment regulation will give effect to a Queensland Planning and Environment Court Mediation Agreement, resolving a longstanding land use issue between the State and a private individual.

Implementing the amendment regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The revoked area 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(5) of the *Legislative Standards Act 1992*, namely it:

- a) is within the power that, under an Act or subordinate legislation (the **authorising law**), allows the subordinate legislation to be made; and
- b) is consistent with the policy objectives of the authorising law; and
- c) contains only matter appropriate to subordinate legislation; and
- d) amends statutory instruments only.

The amendment regulation was supported by the Legislative Assembly of Queensland in accordance with a resolution agreed to on 21 August 2013 (see Hansard Record of Proceedings, page 2704).

Consultation

Consultation has occurred with:

- o Private stakeholder
- o Gold Coast City Council
- o Litigation Unit, Environmental Services and Regulation, Department of Environment and Heritage Protection
- o Department of National Parks, Sport and Racing
- o Department of Natural Resources and Mines
- o Department of the Premier and Cabinet
- o Queensland Treasury
- o The Office of Best Practice Regulation, Queensland Competition Authority

advised that a Regulatory Impact Statement is not required as the amendment is machinery in nature and aligns 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 amendment.

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