

Nature Conservation Legislation Amendment Regulation (No. 2) 2015

Explanatory notes for Subordinate Legislation No. 150 2015

made under the *Nature Conservation Act 1992*

General Outline

Short title

This Regulation may be cited as the *Nature Conservation Legislation Amendment Regulation (No. 2) 2015*

Authorising law

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

Policy objectives and the reasons for them

The objective of *Nature Conservation Legislation Amendment Regulation (No. 2) 2015* (the Amendment Regulation) is to revoke the entirety of 5 forest reserves and part of 7 forest reserves to allow 12 forest reserves to be combined with 8 existing national parks. The Regulation will also amend the forest reserve description of 2 forest reserves.

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:

1. the Schedule of the *Nature Conservation (Forest Reserves) Regulation 2000* to revoke entirely 5 forest reserves and part of 7 forest reserves.
2. Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to redescribe 8 national parks to include 12 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:

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 *Nature Conservation Act 1992* prescribes that:

1. the Governor in Council may, by or under a regulation, revoke the dedication of a forest reserve; and
2. 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 5 forest reserves and partial revocation of 7 forest reserves and redescibes 8 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 occurred with:

- Department of National Parks, Sport and Racing.
- Department of Agriculture and Fisheries.
- Department of the Premier and Cabinet – advised that a Cabinet Matter to Note was not required to progress the amendments.
- Queensland Treasury – offered no objections to the proposed regulatory amendment approach.
- The Office of Best Practice Regulation, Queensland Productivity Commission – advised that a Regulatory Impact Statement is not required as the amendments are consequential amendments of a machinery nature.

All parties support the amendments.