

Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2015

Explanatory notes for Subordinate Legislation (No. 165) 2015

made under the

Nature Conservation Act 1992

General Outline

Short title

This regulation may be cited as the *Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2015*.

Authorising law

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

- a regulation may dedicate a specified area of State land as a national park or regional park (section 29)
- a regulation may declare a regional park, or part of a regional park, as a resource use area (section 42C)
- the Governor in Council may, by regulation, assign a name to, or alter the name of, a protected area or aggregation of protected areas (section 64)
- the Governor in Council may make regulations under this Act (section 175).

Policy objectives and the reasons for them

The objective of the regulation is to dedicate areas of unallocated State land as national park, regional park (general) and regional park (resource use area) acquired with the assistance of the Australian Government for inclusion in to the Queensland protected area estate and National Reserve System.

Dedicating and declaring areas that protect the biological diversity of native wildlife and its habitat, provide for the ecologically sustainable use of protected wildlife and areas, recognise the interest of Aborigines and Torres Strait Islanders in protected areas and native wildlife, and encourage the cooperative involvement of landholders in the conservation of nature is a core component in achieving the conservation of nature (the objective of the *Nature Conservation Act 1992*).

Achievement of policy objectives

To achieve its objective, the regulation will amend:

1. Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate:
 - a. as Expedition National Park an area of about 19,230 hectares being unallocated State land described as lots 1 and 6 on SP275178.
 - b. an area of about 69,273 hectares being unallocated State land described as lot 3 on AP19366, and combine the area with the existing Girringun National Park.
 - c. as Littleton National Park an area of about 79,444.78 hectares being unallocated State land described as lot 3 on AP19375.
 - d. as Rungulla National Park an area of about 118,500 hectares being unallocated State land described as lots 1 and 5 on SP275179 and lot 315 on plan VR840983.
 - e. an area of about 11,139.527 hectares being unallocated State land described as lots 43, 44, 46 and 48 on plan MH295 and lot 3147 on plan PH1511, and combine the area with the existing Wondul Range National Park.
2. Schedule 3, Part 1 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate:
 - a. as Girringun Regional Park 1 an area of about 6,892 hectares being unallocated State land described as lot 1 on AP19366.
3. Schedule 3, Part 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to:
 - a. dedicate as Belmah Regional Park an area of 2,046.007 hectares being unallocated State land described as lot 6 on plan DSN808887.
 - b. dedicate as Canyon Regional Park an area of about 48,622.6 hectares being unallocated State land described as lots 1, 3 and 4 on SP275171.
 - c. dedicate an area of about 129.9 hectares being unallocated State land described as lots 5 and 7 on SP275178, and combine the area with the existing Expedition Regional Park.
 - d. dedicate as Girringun Regional Park 2 an area of about 335 hectares being unallocated State land described as lots 2, 4 and 5 on AP19366.
 - e. dedicate as Littleton Regional Park an area of about 155.22 hectares being unallocated State land described as lots 1, 2 and 4 to 19 on AP19375.
 - f. dedicate as Rungulla Regional Park an area of about 11,007.45 hectares being unallocated State land described as lots 3, 4, 6 and 8 to 13 on SP275179.

Consistency with policy objectives of authorising law

The amendments to the *Nature Conservation (Protected Areas) Regulation 1994* are consequential amendments of a machinery nature that are consistent with the policy objectives of the *Nature Conservation Act 1992*, namely the conservation of nature achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things, the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas.

Inconsistency with policy objectives of other legislation

The regulation provides for the dedication of three new national parks and six new regional parks, an increase in area of two existing national parks and one existing regional parks consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

The benefits of the regulation are that areas representative of the biological diversity, natural features and wilderness of the State will be added to the protected area estate.

Implementing the regulation is not considered to constitute significant subordinate legislation and will have negligible costs. The areas to be dedicated as national park and regional park will temporarily be unallocated State land which 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*, 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.

Consultation

Consultation has occurred with:

- Private stakeholders.
- Australian Government Department of Environment.
- Department of National Parks, Sport and Racing.
- Department of Agriculture and Fisheries.
- Department of Natural Resources and Mines.
- Department of the Premier and Cabinet.
- Queensland Treasury.

The Office of Best Practice Regulation, Queensland Competition Authority advised that a Regulatory Impact Statement is not required for the amendment regulation as the regulation 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 amendments.

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