

Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 32

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. 1) 2016* (Amendment Regulation).

Authorising law

Section 42AC and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The Amendment Regulation will dedicate an area of unallocated State land, on becoming Aboriginal land, as a national park (Cape York Peninsula Aboriginal land).

The Queensland Government has made commitments to resolve the tenure of identified State lands in the Cape York Peninsula region, to work with Cape York people to protect Cape York's iconic natural areas and to continue arrangements for joint management of protected areas in the region by Aboriginal Traditional Owners and the Queensland Government.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation will amend Schedule 4 of the *Nature Conservation (Protected Areas) Regulation 1994* to dedicate as Biniirr National Park (Cape York Peninsula Aboriginal Land) an area of 29,310 hectares being unallocated State land described as lot 55 on SP273793.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with policy objectives of the *Nature Conservation Act 1992*, namely the conservation of nature while allowing for indigenous involvement, community use and appropriate commercial use of protected areas, as it will create a new protected area with indigenous involvement.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation, including the *Aboriginal Land Act 1991*, relating to State land use and allocation.

Benefits and costs of implementation

The benefits of the Amendment Regulation are that areas representative of the biological diversity, natural and cultural features, and wilderness of the State will be added to the protected area estate, ensure that the area is used appropriately, and provide for Aboriginal Traditional Owners to be involved in the management of the protected area.

Implementing the Amendment Regulation will result in some additional costs to the Government. The dedication of the national park (Cape York Peninsula Aboriginal land) will increase protected area management costs. Funding for this purpose has been allocated by the Queensland Government to the Department of National Parks, Sport and Racing.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles. It complies with relevant requirements of 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; and
- e) allows the subdelegation of a power delegated by an Act only—
 - (i) in appropriate cases and to appropriate persons; and
 - (ii) if authorised by an Act.

Consultation

The Queensland Government has consulted with the Aboriginal people particularly concerned with the land, the Waarnthuurr-iin Aboriginal Corporation, the Cape York Land Council Aboriginal Corporation, the Balkanu Cape York Development Corporation and the Cook Shire Council in relation to creation of the protected area. The Department of Aboriginal and Torres Strait Islander Partnerships carried out the consultation through correspondence and through meetings in Cooktown, Hope Vale and on Cape York Peninsula.

Consultation has also taken place with the Department of National Parks, Sport and Racing; the Department of Natural Resources and Mines; the Department of Aboriginal and Torres

Strait Islander and Partnerships; the Department of Agriculture and Fisheries; the Department of the Premier and Cabinet; and Cook Shire Council.

The Queensland Productivity Commission has advised that a Regulatory Impact Statement is not required.

All parties agreed to the proposed actions.

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