

# **Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2016**

Explanatory notes for SL 2016 No. 191

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) 2016* (the Amendment Regulation).

### **Authorising law**

Section 42AC of the *Nature Conservation Act 1992* provides for the dedication of land as national park (Cape York Peninsula Aboriginal land).

### **Policy objectives and the reasons for them**

The Amendment Regulation will dedicate areas 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 the joint management of parks 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 a national park (Cape York Peninsula Aboriginal land).

## **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*.

## **Benefits and costs of implementation**

The benefits of the regulation are that it will protect the natural and cultural values of the areas, ensure that areas are used appropriately and provide for Aboriginal Traditional Owners to be involved in the management of the protected areas.

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 Balnggarrawarra Aboriginal Corporation, the Cape York Land Council Aboriginal Corporation, the Balkanu Cape York Development Corporation and Cook Shire Council in relation to creation of the protected areas. The Department of Aboriginal and Torres Strait Islander Partnerships carried out the consultation through correspondence and through meetings in Cooktown and on Cape York Peninsula. All parties agreed to the proposed actions.

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