

# **Nature Conservation (Protected Areas) (Pullen Pullen Reserve Nature Refuge) Amendment Regulation 2016**

Explanatory notes for Subordinate Legislation (No. 202) 2016

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

This regulation may be cited as the *Nature Conservation (Protected Areas) (Pullen Pullen Reserve Nature Refuge) Amendment Regulation 2016*.

### **Authorising law**

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

- A regulation may declare a specified area of State land, or the area the subject of a conservation agreement, as a nature refuge (section 46).
- 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 declare one new nature refuge.

Declaring areas that protect the biological diversity of native wildlife and its habitat, provide for the ecologically sustainable use of areas, recognise the interest of Aborigines and Torres Strait Islanders in nature and native wildlife, and encourage the cooperative involvement of landholders in the conservation of nature, are core components in achieving the conservation of nature (the object of the Act as per section 4).

### **Achievement of policy objectives**

To achieve its objective, the regulation will amend Schedule 5 of the *Nature Conservation (Protected Areas) Regulation 1994* to declare an area of about 56,398.68ha being leasehold land described as part of lot 2 on SP277388 as a nature refuge, a class of protected area under section 14 of the Act.

The declaration of nature refuges is routine business.

## Consistency with policy objectives of authorising law

This 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, 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 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 declaration of one new nature refuge consistent with the policy objectives of other legislation relating to State land use and allocation.

## Benefits and costs of implementation

The core benefit of the declaration of nature refuges is the preservation of significant conservation values which may include, but are not limited to:

- Areas containing or providing habitat for threatened or near threatened flora or fauna species;
- Threatened habitats or vegetation types;
- Habitats or vegetation types poorly represented in existing reserves;
- Remnant vegetation;
- Corridors linking areas of remnant vegetation or existing reserves;
- Significant wetlands;
- Areas that contribute to the future resilience of the Queensland landscape; and
- Environmental values such as carbon sequestration.

Landholders are able to negotiate conservation agreements that allow their continued environmentally sustainable use of the land, providing for continuing productive use consistent with conservation values. Subject to any other relevant legislation and lease requirements, nature refuge landholders are free to continue to own and manage their land to generate an income as per the conditions negotiated in their conservation agreement.

No appreciable social, economic or environmental costs have been identified as an outcome of this regulation.

## 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; 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

Consultation has occurred, or checks undertaken on their behalf, with relevant State interests, including:

- Department of Natural Resources and Mines;
- Department of State Development;
- Department of Infrastructure, Local Government and Planning;
- Department of Transport and Main Roads;
- Department of Environment and Heritage Protection;
- Queensland Rail;
- Department of Agriculture and Fisheries.

Other parties consulted under section 44 and 45 of the Act, where relevant, include: native title claimants, holders or their representatives; Indigenous Land Use Agreement parties; mining interest holders; financial institutions; sublessees; covenant holders; and easement holders. The landholder was closely involved in the development of their conservation agreement. Responses and consent have been received from consulted parties where relevant.

Consultation with the Office of Best Practice Regulation (Queensland Productivity Commission) was not undertaken on this occasion as a self-assessment was conducted in accordance with the Queensland Government Guide to Better Regulation. The regulation was assessed as falling within the Agency-assessed exclusion category (g) as it is machinery in nature.