

Nature Conservation (Protected Areas) (Nature Refuges) Amendment Regulation 2016

Explanatory notes for Subordinate Legislation (No. 242) 2016

made under the

Nature Conservation Act 1992

General Outline

Short title

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

Authorising law

Sections 45, 46, 48, 50 and 175 of the *Nature Conservation Act 1992* (the Act).

Policy objectives and the reasons for them

The objective of the *Nature Conservation (Protected Areas) (Nature Refuges) Amendment Regulation 2016* (the Amendment Regulation) is to declare five new nature refuges, amend eleven existing nature refuges and revoke four existing nature refuges.

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 objective of the Act as per section 4).

Achievement of policy objectives

Nature refuges are a class of protected area under section 14 of the Act. The declaration of new nature refuges, amendments to existing nature refuges and revocation of existing nature refuges will be achieved through amendments to Schedule 5 of the *Nature Conservation (Protected Areas) Regulation 1994*.

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 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, amendment and revocation of nature refuges, 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 the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles. It complies with the 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;

- (b) is consistent with the policy objectives of the authorising law;
- (c) contains only matter appropriate to subordinate legislation;
- (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 the Department of Natural Resources and Mines; the Department of State Development; the Department of Infrastructure, Local Government and Planning; the Department of Transport and Main Roads; the Department of Environment and Heritage Protection; Queensland Rail; and the 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. Landholders have been closely involved in the development of their conservation agreements. Responses and consent have been received from consulted parties where relevant.

Consultation with the 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.