

Nature Conservation (Wildlife) and Other Legislation Amendment Regulation 2017

Explanatory notes for SL 2017 No. 67

made under the

Nature Conservation Act 1992
Environmental Offsets Act 2014

General Outline

Short title

Nature Conservation (Wildlife) and Other Legislation Amendment Regulation 2017

Authorising law

Sections 76 to 80, and 175 of the *Nature Conservation Act 1992*. Sections 9, 10, 12 and 93 of the *Environmental Offsets Act 2014*.

Policy objectives and the reasons for them

Section 72(1) of the *Nature Conservation Act 1992* (NC Act) states that wildlife is to be managed in accordance with, among other things, the management principles prescribed for the class of wildlife. The NC Act provides the legislative framework and criteria for the classification of native wildlife according to their conservation status.

The *Nature Conservation (Wildlife) Regulation 2006* (Wildlife Regulation) lists the native wildlife species which have been classified as ‘extinct in the wild’, ‘endangered’, ‘vulnerable’, ‘near threatened’ or ‘least concern’, based upon factors including their prevalence and the extent and nature of threats to their sustainability.

The current regulatory amendments do not change the objects of the NC Act or the regulation of these matters. The reclassification of wildlife species’ conservation status by regulation is an administrative process which gives effect to a decision under the NC Act.

Nominations for reclassification of species can be received from members of the public, government, scientists, environmental groups, and development and industry proponents. These nominations include recommendations to change the conservation status of a species on the basis of current scientific information.

Recommendations for reclassification of species follow independent scientific assessment of available information by the Species Technical Committee (STC). This is a panel of government and non-government scientific experts, who consider the nominations against the criteria under the NC Act and guidelines of the International Union for Conservation of Nature (IUCN). Recommendations made by the STC to change the conservation status of a species reflect assessment of the species' population size and trends, geographic range, area of occupancy and risk of extinction, as well as taxonomic knowledge. These recommendations are made to the Minister administering the *Nature Conservation Act 1992* for consideration and any necessary action.

The conservation status of a species must be listed in the Wildlife Regulation to give statutory effect to any reclassification.

Wildlife species classification is an ongoing process that is necessary to ensure the legislative conservation status of species reflects current scientific knowledge in order to accurately inform conservation initiatives and land use requirements.

Achievement of policy objectives

The objective of the *Nature Conservation (Wildlife) and Other Legislation Amendment Regulation 2017* (Amendment Regulation) is to ensure that conservation and land use measures involving listed species are commensurate with their scientifically determined conservation status. In order for current scientific knowledge to be reflected in the legislative conservation status of species, the Wildlife Regulation requires amendments in order to give effect to recommendations for changes.

The *Queensland Environmental Offsets Policy* (Offsets Policy) contains a list of all threatened fauna listed under the Wildlife Regulation. Consequential amendments are now required to the Offsets Policy to reflect the reclassifications in the Amendment Regulation as well as those made in 2015. Amendments to the Offsets Policy will be given effect by updating the version number of the Offsets Policy prescribed in the *Environmental Offsets Regulation 2014* (EO Regulation). The Amendment Regulation will also amend the EO Regulation to correct a reference to the State Development Assessment Provisions made under the *Sustainable Planning Act 2009* and remove koalas from the list of special least concern animals to reflect its current 'vulnerable' classification.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the NC Act, that is, the protection and maintenance of nature while allowing for its ecologically sustainable use.

The Amendment Regulation is also consistent with the main objectives of the *Environmental Offsets Act 2014* (EO Act), that is, to counterbalance the significant residual impacts of particular activities on prescribed environmental matters through the use of environmental offsets.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation. The current amendments reflect contemporary scientific knowledge of wildlife species' populations.

Benefits and costs of implementation

The current amendments will ensure that conservation and land use measures for listed species applied under the NC Act as well as other legislation on the basis of species classification is scientifically justified.

Without the amendments, there is a risk that conservation and land use requirements applied on the basis of inaccurate species classifications may be ineffective where a species is recommended for reclassification to a more threatened status.

The proposed reclassification is not anticipated to impose significant costs on the community, business or government. The changes are necessary to achieve the object of the NC Act, particularly the protection of native wildlife and its habitat.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles, as defined under the *Legislative Standards Act 1992*.

The purpose of the amendment regulation is to change the conservation status of a number of fauna and flora species based on expert scientific assessment. The Amendment Regulation has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

Consultation

Consultation external to government is not normal practice when amending a wildlife species' conservation status, as the decision to reclassify a species relies on the expert scientific advice of the Species Technical Committee, which is a panel of government and non-government scientific experts. Consultation within government is undertaken to fully understand any implications that may flow from a change in a species' status. Community involvement in species reclassification can occur through the species nomination process, which is open to any party.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

This clause states that the subordinate legislation may be cited as the *Nature Conservation (Wildlife) and Other Legislation Amendment Regulation 2017*.

Part 2 Amendment of *Environmental Offsets Regulation 2014*

Clause 2 Regulation amended

This clause states that the following amendments are to be made to the *Environmental Offsets Regulation 2014*.

Clause 3 Amendment of s 6 (Environmental offsets policy- Act, s 12)

This clause amends section 6 (Environmental offsets policy-Act, s12) to update the Queensland Environmental Offsets Policy from version 1.2 to version 1.3 as a consequence of the species reclassified in 2015 and 2016.

Clause 4 Amendment of sch 1 (Activities prescribed for section 9 (c) of the Act)

This clause corrects the title of existing module 11 of the State Development Assessment Provisions made under the *Sustainable Planning Act 2009* in schedule 1 (Activities prescribed for section 9 (c) of the Act), section 6 (e) by removing reference to wild river areas.

Clause 5 Amendment of sch 2, s 1 (Definitions of sch 2)

This clause transfers the definition for ‘urban area’ from schedule 2, section 1 to schedule 3 (Dictionary) as part of minor administrative and structural changes. The definition for ‘bioregion’ is omitted as the term is not used elsewhere in the Regulation.

Clause 6 Amendment of sch 2, s 6 (Protected wildlife habitat)

This clause removes koalas from the definition of ‘special least concern animal’ to reflect its current ‘vulnerable’ status under the *Nature Conservation Act 1992*.

This clause amends schedule 3 (Dictionary) to include definitions in schedule 2, section 1. The definition for ‘urban area’ in schedule 3 is also being replaced with the definition for this term in schedule 2, section 1. This amendment is part of minor administrative and structural changes.

Part 3 Amendment of *Nature Conservation (Wildlife) Regulation 2006*

Clause 8 Regulation amended

This clause states that the following amendments are to be made to the *Nature Conservation (Wildlife) Regulation 2006* (Wildlife Regulation).

Clause 9 Amendment of Schedule 1 (Extinct in the wild wildlife) (Mammals)

This clause amends Schedule 1 (Extinct in the wild wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following fauna species is listed as extinct in the wild wildlife in part 1, section 2 Mammals.

Scientific name	Common name
<i>Melomys rubicola</i>	Bramble Cay melomys

Clause 10 Amendment of Schedule 1 (Extinct in the wild wildlife) (Plants)

This clause amends Schedule 1 (Extinct in the wild wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following flora species is removed from extinct in the wild wildlife in part 2, section 3 Plants.

Scientific name	Common name
<i>Oberonia attenuate</i>	

The following flora species is listed as extinct in the wild wildlife in part 2, section 3 Plants.

Scientific name	Common name
<i>Ptilotus senarius</i>	

Clause 11 Amendment of Schedule 2 (Endangered wildlife) (Birds)

This clause amends Schedule 2 (Endangered wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following fauna species are listed as endangered in the wild wildlife in part 1, section 2 Birds.

Scientific name	Common name
<i>Amytornis dorotheae</i>	Carpentaria grasswren
<i>Calidris canutus</i>	red knot
<i>Calidris ferruginea</i>	curlew sandpiper
<i>Calidris tenuirostris</i>	great knot
<i>Charadrius mongolus</i>	lesser sand plover

<i>Limosa lapponica menzbieri</i>	Northern Siberian bar-tailed godwit
<i>Numenius madagascariensis</i>	eastern curlew
<i>Sternula nereis exsul</i>	New Caledonian fairy tern

Clause 12 Amendment of Schedule 2 (Endangered wildlife) (Mammals)

This clause amends Schedule 2 (Endangered wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following fauna species is removed from endangered in the wild wildlife in part 1, section 5 Mammals.

Scientific name	Common name
<i>Melomys rubicola</i>	Bramble Cay melomys

The following fauna species is listed as endangered in the wild wildlife in part 1, section 5 Mammals.

Scientific name	Common name
<i>Macroderma gigas</i>	ghost bat

Clause 13 Amendment of Schedule 2 (Endangered wildlife) (Reptiles)

This clause amends Schedule 2 (Endangered wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following animal species is listed as endangered in the wild wildlife in part 1, section 6 Reptiles.

Scientific name	Common name
<i>Eretmochelys imbricata</i>	hawksbill turtle

Clause 14 Amendment of Schedule 2 (Endangered wildlife) (Plants)

This clause amends Schedule 2 (Endangered wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following flora species are removed from endangered in the wild wildlife in part 2, section 7 Plants.

Scientific name	Common name
<i>Cajanus mareebensis</i>	
<i>Eremochloa muricata</i>	

The following flora species are listed as endangered in the wild wildlife in part 2, section 7 Plants.

Scientific name	Common name
<i>Homoranthus tricolor</i>	
<i>Oberonia attenuata</i>	
<i>Pluchea alata</i>	
<i>Solanum adoxum</i>	
<i>Solanum orgadophilum</i>	
<i>Solanum unispinum</i>	

Clause 15 Amendment of Schedule 3 (Vulnerable wildlife) (Birds)

This clause amends Schedule 3 (Vulnerable Wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following fauna species is removed from vulnerable in the wild wildlife in part 1, section 2 Birds.

Scientific name	Common name
<i>Numenius madagascariensis</i>	eastern curlew

The following fauna species are listed as vulnerable in the wild wildlife in part 1, section 2 Birds.

Scientific name	Common name
<i>Ardenna pacifica</i>	wedge-tailed shearwater
<i>Charadrius leschenaultii</i>	greater sand plover
<i>Limosa lapponica baueri</i>	Western Alaskan bar-tailed godwit
<i>Probosciger aterrimus</i>	palm cockatoo

Clause 16 Amendment of Schedule 3 (Vulnerable wildlife) (Mammals)

This clause amends Schedule 3 (Vulnerable Wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following fauna species is removed from vulnerable in the wild wildlife in part 1, section 5 Mammals.

Scientific name	Common name
<i>Macroderma gigas</i>	ghost bat

The following fauna species are listed as vulnerable in the wild wildlife in part 1, section 5 Mammals.

Scientific name	Common name
<i>Conilurus penicillatus</i>	brush-tailed tree-rat
<i>Petauroides volans</i>	greater glider
<i>Petrogale xanthopus celeris</i>	yellow-footed rock-wallaby
<i>Pseudomys novaehollandiae</i>	New Holland mouse

Clause 17 Amendment of Schedule 3 (Vulnerable wildlife) (Reptiles)

The following fauna species is removed from vulnerable in the wild wildlife in part 1, section 6 Reptiles.

Scientific name	Common name
<i>Eretmochelys imbricata</i>	hawksbill turtle

The following fauna species are listed as vulnerable in the wild wildlife in part 1, section 6 Reptiles.

Scientific name	Common name
<i>Acanthophis hawkei</i>	plains death adder
<i>Anilius inperatus</i>	Fassifern blind snake
<i>Tympanocryptis wilsoni</i>	Roma earless dragon

Clause 18 Amendment of Schedule 3 (Vulnerable wildlife) (Plants)

This clause amends Schedule 3 (Vulnerable wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following flora species are removed from vulnerable in the wild wildlife in part 2, section 7 Plants.

Scientific name	Common name
<i>Rutidosia lanata</i>	
<i>Stemona angusta</i>	

The following flora species is listed as vulnerable in the wild wildlife in part 2, section 7 Plants.

Scientific name	Common name
<i>Pluchea tenuis</i>	

Clause 19 Amendment of Schedule 5 (Near threatened wildlife) (Birds)

This clause amends Schedule 5 (Near threatened wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following fauna species are removed from near threatened in the wild wildlife in part 1, section 2 Birds.

Scientific name	Common name
<i>Amytornis dorotheae</i>	Carpentaria grasswren
<i>Probosciger aterrimus</i>	palm cockatoo

Clause 20 Amendment of Schedule 5 (Near threatened wildlife) (Mammals)

The following fauna species is listed as near threatened in the wild wildlife in part 1, section 3 Mammals.

Scientific name	Common name
<i>Dendrolagus lumholtzi</i>	Lumholtz's tree-kangaroo

Clause 21 Amendment of Schedule 5 (Near threatened wildlife) (Plants)

This clause amends Schedule 5 (Near threatened wildlife) of the Wildlife Regulation to reflect the recommendations of the Species Technical Committee and current scientific knowledge.

The following flora species are listed as near threatened in the wild wildlife in part 2, section 5 Plants.

Scientific name	Common name
<i>Eucalyptus tereticornis subsp. rotunda</i>	
<i>Rutidosia lanata</i>	
<i>Sphaeromorphaea major</i>	
<i>Stemona angusta</i>	

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