

Nature Conservation (Protected Areas Management) (Removal of Trustees of Jardine River Resources Reserve) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 187

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas Management) (Removal of Trustees of Jardine River Resources Reserve) Amendment Regulation 2017.

Authorising law

Sections 31 and 175 of the *Nature Conservation Act 1992* (the NC Act).

Policy objectives and the reasons for them

The objective of the *Nature Conservation (Protected Areas Management) (Removal of Trustees of Jardine River Resources Reserve) Amendment Regulation 2017* (the amendment regulation) is to revoke the joint trusteeship of the Jardine River Resources Reserve. This recognises that the Jardine River Resources Reserve is being solely managed for the protection on cultural and natural values as opposed to mining interests.

The Jardine River Resources Reserve is a 21,200 hectare area located at the tip of Cape York Peninsula. The area encompasses the balance of the catchment of the Escape River and has a range of environmental values including dunefields, perched lakes, freshwater wetlands, heaths, and a spectacular coastline including lateritic cliffs.

The NC Act allows for the establishment of a trusteeship for the management of a conservation park or resources reserves. Resources reserve trustees are a joint arrangement between the Chief Executives of the Department of National Parks, Sport and Racing (NPSR)

and the Department of Natural Resources and Mines (DNRM). Under a joint trusteeship, NPSR and DNRM are required to jointly manage the land in accordance with management principles as outlined in section 21A of the NC Act. There are currently 24 such joint trusteeships of resources reserves in place across Queensland.

Jardine River Resources Reserve was originally scheduled to be incorporated into the adjacent Jardine River National Park. However, this did not proceed to dedication due to the existence of a Special Bauxite Mining Lease which was in place from 1960-1977. When the land was gazetted as part of the protected area estate in February 1991, joint trusteeship was established between the 'Director of National Parks and Wildlife' (now the Chief Executive of NPSR) and the 'Director-General Department of Resource Industries' (now the Chief Executive of DNRM), to recognise both the conservation values and past mining use of the area.

All mining on the Jardine River Resources Reserve has ceased, and the area is now the subject of RA404 which 'restricts the application for mining and geothermal tenements under the *Mineral Resources Act 1989* and the *Geothermal Energy Act 2010*'. Therefore, the need for a joint trusteeship between NPSR and DNRM is no longer valid, and so the amendment seeks to revoke the trusteeship.

Achievement of policy objectives

To achieve this objective, the amendment regulation will amend Schedule 2, Part 1 of the *Nature Conservation (Protected Areas Management) Regulation 2017* – Resources reserves placed under joint management of joint trustees, to omit Jardine River Resources Reserve from the list of joint trusteeships.

Consistency with policy objectives of authorising law

The amendment regulation is machinery in nature and consistent with policy objectives of the NC Act, namely that trusteeship of a resources reserve may be made or revoked by Governor in Council.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation relating to State land use and allocation.

Benefits and costs of implementation

Implementing the amendment regulation will result in ownership and management of the Jardine River Resources Reserve being the sole responsibility of NPSR. Operationally, Queensland Parks and Wildlife Service (within NPSR) manages the Jardine River Resources Reserve in accordance with the NC Act and with no input from the mines chief executive. NPSR already performs all routine management of the Jardine River Resources Reserve.

Consistency with fundamental legislative principles

The legislation is consistent with the fundamental legislative principles, as defined in the *Legislative Standards Act 1992*.

Consultation

Cape York Land Council Aboriginal Corporation and Balkanu Cape York Development Corporation have been consulted on behalf of traditional owners.

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

All parties agreed to the proposed actions.

No changes to the amendment regulation were required as a result of the consultation.