

Nature Conservation (Protected Areas) (Olkola) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 83

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) (Olkola) Amendment Regulation 2018.

Authorising law

Sections 33, 42AC 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) (Olkola) Amendment Regulation 2018* (amendment regulation) is to change the class of the entirety of Olkola (Kurrumbila) Resources Reserve 1, about 150 kilometres east of Kowanyama, by dedicating and amalgamating the area with the existing Olkola National Park (Cape York Peninsula Aboriginal Land).

The proposal is consistent with the objectives of the Act, namely “the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom”.

This is achieved by an integrated and comprehensive conservation strategy for the whole of the State that involves, among other things:

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;
- recognition of Aboriginal and Torres Strait Islander people’s interests in nature and their cooperative involvement in its conservation; and

- to ensure that no land comprised in a protected area shall be dedicated as another class of protected area other than by the Governor in Council making a regulation changing the dedication of the protected area.

The Queensland Government recognises the rights and interests of the Olkola People in the use and management of Olkola National Park (Cape York Peninsula Aboriginal Land) with respect to traditional lore. The Queensland Government is committed to working with Aboriginal and Torres Strait Islander people to protect the areas' natural and cultural values and to continue arrangements for joint management of protected areas in the Cape York Region by Aboriginal and Torres Strait Islander people and the Queensland Government.

Achievement of policy objectives

To achieve its objective, the amendment regulation will amend:

1. *Schedule 3A Resources reserves of the Nature Conservation (Protected Areas) Regulation 1994* by changing the class of the entirety of:
 - a. Olkola (Kurrumbila) Resources Reserve 1, described as lot 20 on SP241432 containing an area of 103,600 hectares.
2. *Schedule 4 National parks (Cape York Peninsula Aboriginal land) of the Nature Conservation (Protected Areas) Regulation 1994* by dedicating and amalgamating the entirety of:
 - a. Olkola (Kurrumbila) Resources Reserve 1, described as lot 20 on SP241432 containing an area of 103,600 hectares, with the existing 269,630 hectare Olkola National Park (Cape York Peninsula Aboriginal Land).

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the Act.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with any other legislation.

Benefits and costs of implementation

The benefits of the amendment regulation are that areas representative of the biological diversity, natural features and wilderness of the State will be consolidated, affording a higher-level of protection to the protected area estate and provide for joint management of protected areas in the Cape York Region by Aboriginal and Torres Strait Islander people and the Queensland Government.

Implementing the amendment regulation is a requirement of the 2014 *Olkola Land Transfer Indigenous Land Use Agreement* executed between Native Title Parties, the Olkola Aboriginal Corporation and the State of Queensland, is in the public interests and is not considered to constitute significant subordinate legislation and will have negligible costs.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles in accordance with the *Legislative Standards Act 1992*.

Consultation

Consultation has occurred with Aboriginal people particularly concerned with the land and other relevant Aboriginal people, the Olkola Aboriginal Corporation, the Cape York Land Council Aboriginal Corporation, the Balkanu Cape York Development Corporation, and Cook Shire Council.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Environment and Science applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (g) — Regulatory proposals that are of a machinery nature).

All parties support the amendments.

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