

# **Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2020**

Explanatory notes for SL 2020 No. 174

made under the

*Nature Conservation Act 1992*

## **General Outline**

### **Short title**

*Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2020*

### **Authorising law**

Sections 29 and 175 of the *Nature Conservation Act 1992* (NC Act).

### **Policy objectives and the reasons for them**

The policy objectives of the subordinate legislation are to increase the area of the national park estate to allow for 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; and, to also correct an error in the regulation.

The core aim of dedicating new or amending existing national parks or conservation parks is to permanently preserve, to the greatest extent possible, the area's natural condition, to protect the area's cultural resources and values and provide for ecologically sustainable activities and ecotourism. The two parcels of land that are being added to the national park estate as a result of this subordinate legislation were previously road reserve which was partly undeveloped as the road reserve did not align with the constructed road. Due to the conservation values of the land, and its alignment with the existing national park boundary, it was being managed on-ground by the Queensland Parks and Wildlife Service (QPWS). In order to allow for the proper practical management of the land by QPWS, the parts of the road reserve that did not align with the constructed road were closed and reverted to unallocated State land to allow for the land to be added to the national park. This ensures that these parcels of land can be preserved and managed in perpetuity.

The Quandamooka People are the Native Title holders and First Nations custodians of the lands and waters of Mulgumpin (Moreton Island). Mulgumpin is one of the least polluted and least disturbed coastal environments along the Queensland coast, with as many as 330 cultural sites, including shell and bone scatters, large shells middens and stone quarries being recorded.

The Queensland Government recognises the rights and interests of Aboriginal peoples in the management of Mulgumpin with respect to traditional lore and is committed to work with Traditional Owners to protect the areas' natural and cultural values and to continue arrangements for joint management of protected areas in the region. The dedication of this land as national park will expand the protected area estate on Moreton Island and enable the future declaration of indigenous joint management in accordance with the Government's commitments to the Quandamooka Yoolooburabee Aboriginal Corporation (QYAC) under the Indigenous Land Use Agreement (ILUA) and the Indigenous Management Agreement.

Correcting administrative errors within the regulation, such as miscalculations of the area of a national park, ensures the accuracy and transparency of the protected area reporting system.

## **Achievement of policy objectives**

The subordinate legislation achieves the policy objectives by amending Schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994* to increase the area of the Moreton Island National Park, by adding 42.04 hectares of unallocated State land to the national park.

Additionally, the subordinate legislation also corrects the error in the regulation by reducing the total area outlined in Schedule 2 for Moreton Island National Park by 1.367 hectares in order to make the area described in the regulation accurately reflect the land area that is contained in the national park.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the objectives of the Act, namely:

- the dedication of areas representative of the biological diversity, natural features and wilderness of the State as protected areas; and
- the recognition of the interest of Aboriginal peoples and Torres Strait Islander peoples in protected areas and native wildlife.

## **Inconsistency with policy objectives of other legislation**

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

Protected areas provide conservation and ecosystem services which have indirect economic value and positive benefits to society. Protected areas also provide special places for recreation and tourism activities and are often places of important cultural and spiritual significance for Traditional Owners.

Adding former road reserve to Moreton Island National Park ensures the land is able to be managed appropriately by the department, under the *Nature Conservation Act 1992*.

Costs relating to Department of Environment and Science's (DES) administration and ongoing management of associated areas are met through existing annual budget allocations.

## **Consistency with fundamental legislative principles**

The subordinate legislation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Consultation was undertaken with the Native Title Applicant for the area and Queensland South Native Title Services. Agreement was reached for this action to occur as part of the Quandamooka People Tenure Resolution Indigenous Land Use Agreement – Mulgumpin/Moreton Island (the ILUA). QYAC and their legal representatives were consulted as part of this broader action and Native Title consent was obtained in the ILUA.

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. DES applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category g – regulatory proposals that are of a machinery nature).