

Nature Conservation (Macropod Harvest Period 2021) Notice 2020

Explanatory notes for SL 2020 No. 259

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Macropod Harvest Period 2021) Notice 2020 (MHP 2021 Notice).

Authorising law

Section 11 of the *Nature Conservation (Macropod) Conservation Plan 2017* (Macropod Conservation Plan).

Policy objectives and the reasons for them

The Macropod Conservation Plan provides that a written notice (a harvest period notice) may be prepared to declare a harvest period. Key purposes of the Macropod Conservation Plan include allowing the ecologically sustainable use of macropods taken from the wild and minimising the impact of taking macropods on nature. The policy objective of the MHP 2021 Notice operates within these overarching purposes, being to regulate the harvest of macropods in a manner that ensures sustainable harvest levels are maintained.

Achievement of policy objectives

To achieve its objective, the MHP 2021 Notice will—

1. Declare a harvest period from 1 January 2021 to 31 December 2021 for harvest macropods.
2. Allow the lawful harvesting of three species of macropod:
 - (a) eastern grey kangaroo (*Macropus giganteus*);
 - (b) red kangaroo (*Macropus rufus*); and
 - (c) common wallaroo (*Macropus robustus*).
3. Define particular areas where harvesting of macropods can occur.
4. Define the maximum amount of macropods harvested from a particular area.

Consistency with policy objectives of authorising law

Section 11(1) of the Macropod Conservation Plan states that the chief executive may, by written notice (a harvest period notice), declare a harvest period for macropods.

Inconsistency with policy objectives of other legislation

The MHP 2021 Notice is not inconsistent with any other legislation.

Benefits and costs of implementation

A harvest period notice is issued annually to declare a harvest period for protected macropods in a given period. A harvest period notice sets quotas for the allowable harvest of particular species that are of least concern.

A harvest period notice is required to be issued on an annual basis, in order to ensure the quotas set are reflective of any changes in estimated population size of harvest macropod species. Failure to make the MHP 2021 Notice will result in the commercial macropod harvest industry being unable to lawfully operate, as the *Nature Conservation (Macropod Harvest Period 2020) Notice 2019* (2020 Notice) will expire on 31 December 2020. Due to the fact that there has not been any increase in threat levels to species of macropods harvested under the 2020 Notice, the MHP 2021 Notice will be purely administrative in nature and will not impose any additional requirements or costs on macropod harvesters, landholders or the Government.

Consistency with fundamental legislative principles

The MHP 2021 Notice, which is subordinate legislation, has been assessed for consistency with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

There is potentially an inconsistency with a fundamental legislative principle defined in section 4(5)(e) of the *Legislative Standards Act 1992*. The MHP 2021 Notice provides subdelegation of power in sections 4(1)(a) and 6(3).

Section 4(1)(a) provides subdelegation of power to the chief executive to change the end of the harvest period. As the end date, determined by the chief executive, may change after notification of MHP 2021 Notice it may not be publicly available. To address this issue, sections 4(3) and 5 of MHP 2021 Notice states that a change of end date notice is to be published on the department's website and provided to holders of macropod harvesting licences (affected parties). This subdelegation is justified as an appropriate case to ensure that harvested macropods do not exceed the relevant maximum amounts stated in section 4(4). It is also a requirement approved by the Australian Government for the sustainable use and export of protected wildlife. The subdelegation enables the department responsible for monitoring harvested macropod numbers to move quickly to ensure the relevant maximum amounts are not exceeded.

It is not a potential breach of the *Legislative Standards Act 1992*, rather it is the possibility that someone may be adversely affected by an administrative action undertaken pursuant to the MHP 2021 Notice.

Section 6(3) provides subdelegation of power to the external document ‘National code of practice for the humane shooting of kangaroos and wallabies for commercial purposes’. This is justified by the need to meet Australian Government obligations for sustainable use and export of protected wildlife.

The approved Australian Government requirements are outlined in the Queensland Wildlife Trade Management Plan for Export – Commercially Harvested Macropods 2018-22 and permits Queensland to export macropod products.

Consultation

The provisions contained within the MHP 2021 Notice are consistent with those contained within the 2020 Notice. Therefore, requirements imposed on stakeholders by the MHP 2021 Notice will not differ from those imposed by the 2020 Notice. For the reason that harvest period notices of this kind are made on an annual basis, in combination with the fact that the MHP 2021 Notice will not affect existing rights pertaining to protected macropods, stakeholder consultation was not considered necessary in the making of this subordinate legislation.

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