

Nature Conservation (Protected Areas) (Wuthathi) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 132

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Protected Areas) (Wuthathi) Amendment Regulation 2025

Authorising law

Sections 42AC, 64 and 175 of the *Nature Conservation Act 1992* (NC Act).

Policy objectives and the reasons for them

The objectives of the *Nature Conservation (Protected Areas) (Wuthathi) Amendment Regulation 2025* (Amendment Regulation) are to:

- dedicate two parcels of State land as Wuthathi (Captain Billy Landing) National Park (Cape York Peninsula Aboriginal Land) (CYPAL) in the Cape York Peninsula Region (the Region).

Wuthathi Aboriginal Corporation RNTBC (the Corporation) and the State entered into an Indigenous Management Agreement (IMA) on 13 December 2016 for the joint management of the Wuthathi (Shelburne Bay), Wuthathi (Sir Charles Hardy Group) and Wuthathi (Saunders Islands) National Parks (CYPAL). The State and the Corporation entered into an Indigenous Land Use Agreement (ILUA) on the 14 January 2025. The ILUA provides consent to vary the IMA, through a Deed of Variation entered into on the 14 January 2025. The ILUA was registered by the National Native Title Tribunal on 3 July 2025. The Amendment Regulation proposes the amendments to the *Nature Conservation (Protected Areas) Regulation 1994* that were agreed to by the State and the Corporation in the ILUA. If successful the Amendment Regulation will allow the joint management of the land between Aboriginal Traditional Owners and the State, which is the purpose of national park (CYPAL).

The Queensland Government has made a commitment to increase the protected area estate. As part of this resolution the Government will work with Cape York people to protect Cape York's iconic natural areas and to continue arrangements for joint management of protected areas in the Region with Aboriginal Traditional Owners. Part of the proposed national park (CYPAL) is over the access track which maintains access to an existing public campground and the foreshore.

Achievement of policy objectives

To achieve its objective, the Amendment Regulation amends:

1. *Schedule 4: National parks (Cape York Peninsula Aboriginal land) of the Nature Conservation (Protected Areas) Regulation 1994* to:

Wuthathi (Captain Billy Landing) National Park (Cape York Peninsula Aboriginal Land)

- dedicate State land described as lot 19 on SP269684 and lot 20 on SP349311, containing an area of 10,560.88 hectares as the Wuthathi (Captain Billy Landing) National Park (Cape York Peninsula Aboriginal Land).

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the NC Act, namely:

- the dedication and declaration of areas representative of the biological diversity, natural features and wilderness of the State as protected areas;
- the recognition of the interest of Aboriginal People and Torres Strait Islanders in the protected areas, landscapes, native flora and wildlife;
- to ensure the conservation of nature while allowing for Indigenous involvement, community use and appropriate commercial use of protected areas; and
- the Governor in Council may make regulations under the NC Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefits of the Amendment Regulation are that the areas will enable joint management of the national park (CYPAL) between the Aboriginal Traditional Owners, Aboriginal people particularly concerned with the land and the Queensland Government. The action facilitates an opportunity for Traditional Owners to explore economic sustainability through expansion of local commercial recreation and ecotourism ventures.

Resolving tenure for the parcels of national park in the Region is of benefit to the State as it confirms joint land management responsibilities and is of benefit to local Traditional Owners as this is a recognition of owning their country.

Implementing the Amendment Regulation will result in some additional costs to the Queensland Government. Dedication of the national park (CYPAL) means that an allocation

will be made annually to the Corporation for joint management of the protected area. Funding for this purpose has been allocated by the Queensland Government to the Department of the Environment, Tourism, Science and Innovation (DETSI).

In accordance with *The Queensland Government Better Regulation Policy* (the Policy), a Summary Impact Analysis Statement (IAS) was prepared in relation to the regulatory proposal. The proposal is considered minor and machinery in nature and will not result in a substantive change to regulatory policy or new impacts on business, government or the community. No further regulatory impact analysis is required.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4(3) and 4(5) of the *Legislative Standards Act 1992*.

Consultation

The consultation about the proposed Wuthathi (Captain Billy Landing) National Park (CYPAL) began in March 2015 and included many meetings with Wuthathi people. This includes, six field trips, and 18 Traditional Owner Negotiation Committee meetings. The dealing was formalised through an ILUA authorisation meeting on 15 November 2025 in Cairns. Wuthathi people and the Corporation received independent legal advice as part of the land dealing.

In addition, the Cook Shire Council, Balkanu Cape York Development Corporation, Cape York Land Council Aboriginal Corporation, and the National Native Title Tribunal were consulted in relation to the proposed actions.

A public notice was published on the DETSI website on 29 June 2025 regarding consultation on the proposed amendment and seeking views in consideration of the *Human Rights Act 2019*, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. No written responses were received in the 28-day consultation periods ending 29 July 2025.

The Office of Best Practice Regulation was notified of the proposal.

No further external consultation was required on the amendment under the *Nature Conservation (Protected Areas) Regulation 1994* as the amendment is considered machinery in nature.

All parties consulted support the proposal. No further changes to the Amendment Regulation were required as a result of the consultation.