

# Nature Conservation (Wildlife) Amendment Regulation (No. 2) 2014

Explanatory notes for SL 2014 No. 305

made under the

*Nature Conservation Act 1992*

## General Outline

### Short title

*Nature Conservation (Wildlife) Amendment Regulation (No. 2) 2014*

### Authorising law

Sections 76 to 80 and 175 of the *Nature Conservation Act 1992*

### Policy objectives and the reasons for them

The *Nature Conservation Act 1992* (NCA) provides the legislative framework and criteria for the conservation classification of native wildlife and contains the detailed processes for decision making. The proposed amendments do not change the objects of the NCA or the Regulation or those powers. The class listing by regulation is simply an administrative process which gives effect to a decision under the NCA.

The *Nature Conservation (Wildlife) Regulation 2006* lists the native species which have been classified as ‘extinct in the wild’, ‘endangered’, ‘vulnerable’, ‘near threatened’, ‘special least concern’ or ‘least concern’ based upon factors including their prevalence and the extent and nature of threats to their sustainability.

The classification of a species is based on an independent scientific assessment by the Species Technical Committee (STC), an interagency panel of scientific experts, using international and national criteria. Recommendations from the STC to amend the conservation status of a species are reflective of current conservation status and taxonomic knowledge. The conservation status of a species must be listed in the *Nature Conservation (Wildlife) Regulation 2006* for the classification to come into effect.

The wildlife classification process is an ongoing process that is necessary to ensure legislative conservation status of species reflects current scientific knowledge in order to accurately inform conservation initiatives and land use requirements.

The Department of Environment and Heritage Protection regularly receives nominations from members of the public, government and external scientists, environmental groups and development and industry proponents with recommendations to change the conservation status of a species. To give effect to the revised classification, amendments to the listing in the *Nature Conservation (Wildlife) Regulation 2006* are necessary.

## **Achievement of policy objectives**

In order for current scientific knowledge to be represented in the conservation status of wildlife species, the species listing in the *Nature Conservation (Wildlife) Regulation 2006* requires regular amendment for changes in conservation status to come into effect.

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

The amendment regulation is consistent with the policy objectives of the *Nature Conservation Act 1992*. The objective of the proposed legislative amendments is to amend the classification of wildlife species to reflect better scientific knowledge of a species' population and threats to its sustainability in order to accurately inform conservation initiatives and land use requirements.

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

The amendment regulation is not inconsistent with the policy objectives of other legislation. The proposed amendments are consequential amendments based on better scientific knowledge of individual species.

## **Benefits and costs of implementation**

There will be no new or additional costs to Government resulting from the amendment of these provisions.

## **Consistency with fundamental legislative principles**

The purpose of the amendment regulation is to change the conservation status of a number of fauna and flora species based on the recommendations of the STC. The amendment regulation has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

## **Consultation**

No consultation has been undertaken with the community or industry stakeholders in relation to this amendment regulation. This amendment regulation only reclassifies the wildlife conservation status of species that are currently being downgraded in status. The amendments will also reduce regulatory burden for the parties affected without posing a threat to species' conservation.

Consultation has occurred with Queensland Treasury and Trade on the requirement of a Regulatory Impact Statement. The Office of Best Practice Regulation stated that the proposed amendments align with the exclusion category that relates to regulation that is of a savings or transitional nature, makes consequential amendments or is of a machinery nature and therefore do not require a Regulatory Impact Statement. The amendments do not impose significant adverse impacts on the community, business or government.

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