

# Nature Conservation and Other Legislation (K'gari) Amendment Regulation 2023

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Leanne Linard, Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs provide this human rights certificate with respect to the *Nature Conservation and Other Legislation (K'gari) Amendment Regulation 2023* (the Amendment Regulation) made under the *Environmental Protection Act 1994* and the *Nature Conservation Act 1992*.

In my opinion, the Amendment Regulation as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

On 7 June 2023, Fraser Island was renamed K'gari under the *Place Names Act 1994* to reflect the traditional Aboriginal name for the Island.

The Amendment Regulation contains consequential amendments in recognition of the recent renaming of Fraser Island to K'gari. The Amendment Regulation amends provisions in the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019*, *Nature Conservation (Animals) Regulation 2020* and the *Nature Conservation (Protected Areas Management) Regulation 2017*, to update the term Fraser Island to K'gari where necessary.

The Amendment Regulation seeks to ensure consistency with the recent renaming of Fraser Island, to reflect the change to the traditional name of K'gari used historically for the land by the Butchulla People.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the Amendment Regulation engages the following human right under Part 2, Division 2 of the *Human Rights Act 2019*:

- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28)

Section 28 of the *Human Rights Act 2019* protects the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples. Aboriginal peoples and Torres Strait Islander peoples must not be denied the right to enjoy their identity and cultural heritage and use their

language to maintain and strengthen connection under Aboriginal tradition or Island custom. *The Human Rights Act 2019* also protects the rights of Aboriginal peoples and Torres Strait Island peoples to conserve and protect the environment of their land and waters.

The Amendment Regulation promotes and supports the cultural rights of Aboriginal peoples and Torres Strait Islander peoples by recognising the use of Aboriginal language. The renaming of Fraser Island to K'gari aligns with the use of the traditional name of the Island by the Butchulla People.

The Amendment Regulation makes consequential amendments to legislation to reflect the recent renaming of Fraser Island to K'gari, which supports the cultural rights of Aboriginal peoples and does not affect or engage or limit any other human rights under Part 2, Division 2 and 3 of the *Human Rights Act 2019*.

## **Conclusion**

I consider that the *Nature Conservation and Other Legislation Amendment (K'gari) Regulation 2023* is compatible with the *Human Rights Act 2019* as it does not limit human rights.

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MINISTER FOR SCIENCE AND MINISTER FOR MULTICULTURAL AFFAIRS

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