

Nature Conservation (Protected Areas) 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 (Protected Areas) Amendment Regulation 2023* made under the *Nature Conservation Act 1992*.

In my opinion, the *Nature Conservation (Protected Areas) Amendment Regulation 2023*, 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

The *Nature Conservation (Protected Areas) Amendment Regulation 2023* (Amendment Regulation) is made under the *Nature Conservation Act 1992* (NC Act).

The authorising law for the Amendment Regulation is:

- Section 29 of the NC Act prescribes that a regulation may dedicate a specified area of State land as a national park, conservation park or resources reserve.
- Section 46 of the NC Act prescribes that a regulation may declare a specified area of State land, or the area the subject of a conservation agreement, as a nature refuge.
- Section 48 of the NC Act prescribes that the State and landholders may enter into another conservation agreement that varies or terminates and replaces the earlier agreement.
- Section 50 of the NC Act prescribes that the Governor in Council may, by regulation, revoke the declaration of a nature refuge or coordinated conservation area in whole or in part.
- Section 175 of the NC Act prescribes that the Governor in Council may make regulations under this Act.

The purpose of the Amendment Regulation is to amend the protected area estates and make amendments to 11 national parks, one conservation park and eight nature refuges. The Amendment Regulation amends the *Nature Conservation (Protected Areas) Regulation 1994* and involves consequential amendments of a machinery nature that are consistent with the objectives of the NC Act.

The amendments include:

- increase in the area of 11 national parks;
- increase in the area of one conservation park;

- revocation of part of one nature refuge;
- increase in the area of two nature refuges;
- redescription of three nature refuges; and
- declaration of five new nature refuges.

The core aim of dedicating new or amending existing protected areas 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 process of selecting and approving protected areas involves the relinquishing of relevant rights or interests of interested parties such as other state departments, resource companies or lease holders. This has been completed for all proposed amendments and the engagement with human rights has been considered during this process.

Human Rights Issues

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

The following rights are engaged:

- Freedom of movement (section 19 of the HR Act); and
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act).

The proposals to change the tenure of areas of unallocated State land to protected area designation promotes the freedom of movement within Queensland by allowing public access to additional areas where previously, it was unavailable.

Dedicating new protected areas or amending existing protected areas can have a potential indirect impact, or create limitations, on cultural rights in relation to the land. The Amendment Regulation changes land owned by the Department of Environment and Science (DES) to national park. This action will change the tenure of the area. The Cultural rights of Aboriginal peoples and Torres Strait Islander peoples are positively engaged and protected through this amendment. The dedication of a protected area has the potential to broaden long-term cultural practices to be undertaken on the land where members of the community can enjoy, maintain, control, protect and develop cultural heritage, knowledge and beliefs through the conservation and protection of the environment and productive capacity of the land.

As part of the consultation process, a public notice was published on DES's website on 11 September 2023 (<https://www.des.qld.gov.au/our-department/public-notice/consultation-on-proposed-amendments-to-the-protected-area-estates>) regarding consultation on proposed amendments to the protected area estates and seeking views in consideration of the HR Act, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. Nil written responses were received in the 28-day consultation period, which ended on 9 October 2023, and DES progressed the proposals accordingly.

Conclusion

I consider that the *Nature Conservation (Protected Areas) Amendment Regulation 2023* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

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