

Nature Conservation Legislation Amendment Regulation 2024

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 and Minister for Science and Innovation provide this human rights certificate with respect to the *Nature Conservation Legislation Amendment Regulation 2024* made under the *Nature Conservation Act 1992*.

In my opinion, the *Nature Conservation Legislation Amendment Regulation 2024*, 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 Legislation Amendment Regulation 2024* (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 (scientific), 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 64 of the NC Act prescribes that the Governor in Council may, by regulation, assign a name to, or alter the name of, a protected area or aggregation of protected areas.
- Section 70E of the NC Act prescribes that the Governor in Council may, under a regulation, revoke the dedication of a forest reserve or a part of a forest reserve.
- 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 estate and make amendments to six forest reserves, eighteen national parks, two conservation parks and four nature refuges. The Amendment Regulation amends the *Nature Conservation (Forest Reserves) Regulation 2000* and 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:

- revocation of six forest reserves for dedication as national park;
- increase in the area of seventeen national parks;
- redescription of one national park;
- increase in the area of two conservation parks; and
- declaration of four 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 engages cultural rights in relation to the use of and access to land. The Amendment Regulation changes land owned by the Department of Environment, Science and Innovation (DESI) to national park and conservation 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.

In accordance with section 70K of the NC Act, public notification of the proposed transfer of six forest reserves to national park was notified on DESI's website (<https://www.des.qld.gov.au/our-department/public-notices/proposed-revocation-of-six-forest-reserves>), with one query received and no objections to the proposals within the 35-day consultation period ending 16 January 2024.

As part of the consultation process, a public notice was published on DESI's website on 12 December 2023 (<https://www.des.qld.gov.au/our-department/public-notices/consultation-on-proposed-amendments-to-the-protected-area-estates2>) 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 January 2024, and DESI progressed the proposals accordingly.

Conclusion

I consider that the *Nature Conservation Legislation Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

LEANNE LINARD
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MINISTER FOR SCIENCE AND INNOVATION

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