

# Public Records (Commission of Inquiry to Examine Project 13 Concerns) 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, the Honourable Leanne Enoch MP, Minister for Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts provides this human rights certificate with respect to the Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024 made under the *Public Records Act 2002* (the PR Act).

The right to freedom of expression also incorporates a right to freedom of information. In particular, it includes a right to access government-held information. The prescribing of a relevant and responsible public authority protects the rights of all persons by protecting the public records of Queensland. This helps to make public records available and supports the positive right to access government-held information.

In my opinion, the Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024, 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

The purposes of the PR Act are to ensure public records of Queensland are made, managed, kept and, if appropriate, preserved in a useable form for the benefit of present and future generations and to ensure public access to records under the Act is consistent with the principles of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

When a public authority ceases to exist and its functions will not be undertaken by any other public authority, the PR Act requires a relevant and responsible public authority be assigned under a regulation.

The assignment of a relevant and responsible public authority ensures public records are always under the care of a public authority, which is responsible for the management and preservation in accordance with the PR Act.

## Human Rights Issues

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

In my opinion the following human rights are relevant to the Regulation:

- Freedom of expression (section 21).
- Privacy and reputation (section 25).

(a) The nature of the right (Freedom of expression)

Section 21 of the *Human Rights Act 2019* provides that every person has the right to freedom of expression, which includes the right to hold an opinion without interference and the right to seek, receive and impart information and ideas of all kinds, whether verbally, in writing, in print, by way of art or in another medium. The right to freedom of expression is central to the fulfilment of other rights such as cultural rights and freedom of thought, conscience and religion.

In relation to the Regulation, there is no impact on the right by the transfer of the records between the two public authorities or through the change of access to records from the Commission of Inquiry to Examine DNA Project 13 Concerns to the Department of Justice and Attorney-General.

The assignment of a relevant and responsible public authority protects the rights of all persons by protecting the public records of Queensland. This helps to make public records available and supports the positive right to access public information.

I consider that the Regulation does not limit a person's right to freedom of expression, and the Regulation is compatible with the right to privacy and reputation.

(b) The nature of the right (Privacy and reputation)

Section 25 of the *Human Rights Act 2019* provides that every person has the right not to have the person's privacy, family home or correspondence unlawfully or arbitrarily interfered with and also not to have the person's reputation unlawfully attacked.

In relation to the Regulation there is no unlawful or arbitrary interference with the privacy of any person through the change of the access to records from the Commission of Inquiry to Examine DNA Project 13 Concerns to the Department of Justice and Attorney-General.

Again, the assignment of a relevant and responsible public authority protects the rights of all persons by protecting the public records of Queensland. This helps to make public records available and supports the positive right to access public information.

I consider that the Regulation does not limit a person's right to privacy and reputation, and the Regulation is compatible with the right to privacy and reputation.

## Conclusion

I consider that the Public Records (Commission of Inquiry to Examine DNA Project 13 Concerns) Amendment Regulation 2024 is compatible with the Human Rights Act 2019 because it does not limit human rights.

**Leanne Enoch**  
MINISTER FOR TREATY  
MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS  
MINISTER FOR COMMUNITIES  
MINISTER FOR THE ARTS

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