

Forestry (State Forests) and Other Legislation Amendment Regulation 2025

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, Andrew Powell, Minister for the Environment and Tourism and Minister for Science and Innovation provide this human rights certificate with respect to the *Forestry (State Forests) and Other Legislation Amendment Regulation 2025* made under the *Forestry Act 1959* and the *Nature Conservation Act 1992*.

In my opinion, the *Forestry (State Forests) and Other Legislation Amendment Regulation 2025*, 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 *Forestry (State Forests) and Other Legislation Amendment Regulation 2025* (Amendment Regulation) is made under the *Forestry Act 1959* (Forestry Act) and the *Nature Conservation Act 1992* (NC Act).

The authorising law for the Amendment Regulation is:

- Section 97 of the Forestry Act prescribes that the Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- 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 33 of the NC Act prescribes that a regulation may amalgamate protected areas of the same class and assign a name to the amalgamated area.
- 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 Act prescribes that a regulation may vary or replace a conservation agreement.
- 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 primary purpose of the Amendment Regulation is to amend state forests and the protected area estate and make amendments to one state forest, five forest reserves, fifteen national parks and seven nature refuges. The Amendment Regulation amends the *Forestry (State Forests) Regulation 1987*, 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 Forestry Act and the NC Act.

The amendments include:

- redescription of one state forest;
- redescription of two forest reserves;
- revocation of parts of five forest reserves for dedication as part of existing national parks;
- additions to ten national parks;
- redescription of five national parks;
- amalgamation of two national parks;
- addition to one nature refuge;
- declaration of five new nature refuges; and
- redescription of two nature refuges.

The conservation of nature in Queensland is supported by the dedication and declaration of protected areas representative of the biological diversity, natural features and wilderness of the State.

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, where relevant. 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).

Sections 19 and 28 of the HR Act are engaged in relation to certain actions in the Amendment Regulation.

The core aim of 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. Protected areas are generally accessible to the public for recreational activities, provided the necessary permits and authorities are obtained.

The cardinal principle of management of State forest areas is the permanent preservation of such areas for the purpose of producing timber and associated products in perpetuity and of protecting the watershed therein.

The actions in the Amendment Regulation that 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 not available.

The proposal to revoke parts of five forest reserves and subsequently dedicate them as national park is part of the long-term forest reserve transfer process in Queensland. In accordance with section 70E(3) of the NC Act, the purpose of revoking the dedication of forest reserves is to allow them to become protected area. In accordance with section 70F(3) of the NC Act, any designation of land in the forest reserve as a proposed protected area does not extinguish or affect native title or native title rights and interests in relation to the land.

Dedicating new protected areas or amending existing protected areas or forest reserves engages the Section 28 Cultural Rights of Aboriginal peoples and Torres Strait Islander peoples in relation to the use of and access to land. A public notice was published on the Department of the Environment, Tourism, Science and Innovation's (DETSI) website to seek views in consideration of the HR Act, including in relation to Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. The Amendment Regulation changes land owned by the DETSI to national park. This action will change the tenure of the area in a way that may engage with the Cultural rights of Aboriginal peoples and Torres Strait Islander peoples. 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. There were no objections or comments received in relation to the proposed amendments, and the department progressed the proposal accordingly.

As part of the consultation process and in accordance with section 70K of the NC Act, a public notice was published on the department's website on 13 September 2024 ([Consultation on proposed Amendments to the protected area estates | Department of the Environment, Tourism, Science and Innovation, Queensland \(desi.qld.gov.au\)](https://www.desi.qld.gov.au/consultation-on-proposed-amendments-to-the-protected-area-estates)), regarding consultation on proposed amendments to the protected area estate 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 relation to Human Rights Act matters within the 35-day consultation period.

Conclusion

I consider that the *Forestry (State Forests) and Other Legislation Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

ANDREW POWELL MP
MINISTER FOR THE ENVIRONMENT AND TOURISM
MINISTER FOR SCIENCE AND INNOVATION

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