

Regional Planning Interests (North Queensland Strategic Environmental Area) Amendment Regulation 2020

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, Cameron Dick, Minister for State Development, Manufacturing, Infrastructure and Planning provide this human rights certificate with respect to the *Regional Planning Interests (North Queensland Strategic Environmental Area) Amendment Regulation 2020* made under the *Regional Planning Interests Act 2014*.

In my opinion, the *Regional Planning Interests (North Queensland Strategic Environmental Area) Amendment Regulation 2020*, 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 objective of the *Regional Planning Interests (North Queensland Strategic Environmental Area) Amendment Regulation 2020* (Amendment Regulation) is to update the *Regional Planning Interests Regulation 2014* to ensure resource activities in a designated precinct in the North Queensland Regional Plan strategic environmental area are an unacceptable use. The inclusion of the definition of *North Queensland strategic environmental area* will ensure differentiation between unacceptable uses in the Cape York strategic environmental area. This policy will make ‘resource activity’ an unacceptable use in the designated precinct of the North Queensland strategic environmental area.

Human Rights Issues

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

Section 24 Property rights

The rights of all persons to own property along or in association with others. A person must not be arbitrarily deprived of the persons property.

Section 28 Cultural rights – Aboriginal peoples and Torres Strait Islander Peoples

The rights of Aboriginal peoples and Torres Strait Islander peoples to practise their culture including through their spiritual material and economic relationship with land, territories, coastal seas and other resources.

Schedule 2, part 5, section 15 – Prescribed solution

This section allows for the differentiation between unaccepted uses for the designated precinct in the Cape York strategic environmental area and the designated precinct in the North Queensland strategic environmental area as identified in the North Queensland Regional Plan and will ensure resource activity becomes an unacceptable use.

Schedule 6 – Dictionary

The inclusion of the definition of *North Queensland strategic environmental area* acts to provide clarity to the prescribed solution in Schedule 2, part 5, section 15 (aa) to differentiate the unacceptable uses between the Cape York strategic environmental area and the North Queensland strategic environmental area.

With respect to property rights the Amendment Regulation will not restrict the right to own property. The Amendment Regulation will only identify resource activity as an unacceptable use on a property that is located in the designated precinct in the North Queensland strategic environmental area.

The cultural rights of Aboriginal peoples and Torres Strait Islander peoples are not restricted by the Amendment Regulation. The provisions only provide for the identification of unacceptable uses of resource activity and will not restrict the practise of culture, including spiritual and economic relationship with their land.

It is considered that the Amendment Regulation is compatible with human rights and the *Human Rights Act 2019*. The Amendment Regulation will not affect or engage any of the human rights as identified in Part 2 of the *Human Rights Act 2019*.

The Amendment Regulation does not engage human rights as the change is to give statutory effect to the policy of making ‘resource activity’ an unacceptable use in the designated precinct of the strategic environmental area of the North Queensland Regional Plan.

Conclusion

I consider that the *Regional Planning Interests (North Queensland Strategic Environmental Area) Amendment Regulation 2020* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue and therefore does not limit, restrict or interfere with a human right.

Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning