Nature Conservation (Plants) 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, Leeanne Enoch, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts provide this human rights certificate with respect to the *Nature Conservation (Plants) Regulation 2020* made under the *Environmental Offsets Act 2014*, the *Nature Conservation Act 1992* and the *State Penalties Enforcement Act 1999*.

In my opinion, the *Nature Conservation (Plants) 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

Triggered by the impending expiry of the *Nature Conservation (Wildlife Management) Regulation 2006* and the *Nature Conservation (Wildlife) Regulation 2006*, the *Nature Conservation (Plants) Regulation 2020* (the Plants Regulation) is a product of the review of the protected animals framework.

The review resulted in a recommendation to repeal the *Nature Conservation (Wildlife Management) Regulation 2006*, the *Nature Conservation (Wildlife) Regulation 2006*, and the *Nature Conservation (Administration) Regulation 2017* and make two new specialised regulations: one for plants and one for animals. All relevant animal provisions were consolidated into the new *Nature Conservation (Animals) Regulation 2020*. The Plants Regulation consolidates all repealed provisions, becoming the single point of reference for all conservation and management of protected plants under the *Nature Conservation Act 1992* (NC Act).

The existing plants framework is vital to achieving the conservation objectives for protected plants under the NC Act. The Plants Regulation achieves this objective. No changes have been made to the existing policy framework for protected plants. The Plants Regulation complies with contemporary drafting practices. The Plants Regulation retains status quo, including listing all existing exemptions from section 89 and 90 of the NC Act in Chapter 3 and requirements for plant authorities in Chapters 4 and 5.

Schedule 6 includes consequential amendments to the *State Penalties Enforcement Regulation 2014* (SPE Regulation) under the *State Penalties Enforcement Act 1999* (SPE Act) to update section numbers and provide for the continuation of existing infringement notice offences and penalties for offences under the Plants Regulation.

Human Rights Issues

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

The Plants Regulation and amendments to the SPE Regulation have been assessed as having potential impacts on the following human rights under the *Human Rights Act 2019* (HR Act):

- 1. Plants Regulation
 - Property rights (section 24 of the HR Act)
 - Right to privacy and reputation (section 25 of the HR Act)
- 2. Offence provisions listed in the SPE Regulation as a Penalty Infringement Notice (PIN) offence as amended by the Plants Regulation
 - Property rights (section 24 of the HR Act)
 - Right to liberty and security of person (section 29 of the HR Act)
 - Right to a fair hearing (section 31 of the HR Act)
 - Rights in criminal proceedings (section 32 of the HR Act)

With reference to section 28 of the HR Act (Cultural rights - Aboriginal peoples and Torres Strait Islander peoples), the Queensland Government is proud that First Nations peoples have continuing rights and responsibilities as the first peoples of Queensland, including traditional ownership and connection to land and waters. The NC Act provides for the protection of native plants and the Plants Regulation provides for the take, keep and use of native plants in a sustainable and equitable way. This sets a limit on the take of protected plants from the wild, achieving conservation of species and preventing illegal trading of wildlife. The framework endeavours to ensure native plant populations thrive and remain viable in the wild, respecting First Nations peoples' ongoing connections with country.

The NC Act protects all plants and the Plants Regulation provides limited exemptions and authorities for interactions with plants. The department is well positioned to make decisions that incorporate cultural considerations, particularly ensuring authorised officers undergo rigorous training to be able to assess and differentiate cultural practice from any intentional breaches of the Plants Regulation. Application of the regulation by trained officers ensures appropriate responses where there is, prima facie, a perceived breach of the Plants Regulation, and where in fact a demonstrable justification for cultural practices exists.

Conservation Officers are aware of the interactions the regulations may have with First Nations peoples, and are mindful prior to enforcement that information is gathered in each circumstance. The enforcement of the regulation by trained officers sufficiently protects, upholds and recognises cultural practices and traditions exercised by First Nations peoples. Further, the Plants Regulation protects Country for future generations.

The following provisions specifically acknowledge and protect cultural rights of First Nations peoples:

- Proposed management intent of least concern plants Schedule 1, Section 27 describes the management intent for least concern wildlife, highlighting traditional interests. This ensures inclusivity of Aboriginal and Torres Strait Islander customs and traditions as a key interest in plant conservation.
- Concessional fee for application for particular plant authorities. Section 180 provides for a concessional fee attached to an authority to be issued to Aboriginal and Torres Strait Islander peoples wishing to take and use a plant in accordance with a traditional

cultural practice. As plant authorities are a key tool to managing the take of protected plants in a sustainable way, providing a concessional fees for traditional customs acknowledges and respects Cultural Rights. Using protected plants for personal use is generally exempt from licencing requirements.

Therefore, the Plants Regulation affords specific protections where there are known cultural customs, and application of the regulation does not infringe on the cultural rights of First Nations peoples.

The Human Rights impact assessment of the Plants Regulation and SPE Regulation provided below outlines the relevant sections that have potential impacts, and discusses limitation considerations.

1. Plants Regulation: Consideration of reasonable limitations on human rights (section 13 HR Act)

Property rights (section 24 of the HR Act)

(a) the nature of the right

Section 24 of the HR Act protects the right of all persons to own property (alone or with others) and provides that people have a right to not be arbitrarily deprived of their property. This right does not provide a right to compensation.

Seizure provisions included in Chapter 11, Part 2 of the Plants Regulation limits property rights in prescribed circumstances. Seizure powers are provided to conservation officers, affording the ability to seize plants, vehicles, chemicals (and poisons), harvesting equipment in particular circumstances.

(b) <u>the nature of the purpose of the limitation, including whether it is consistent with a free</u> and democratic society based on human dignity, equality and freedom

The ability to restrict access to or seize property enables investigations of, and immediate response to, the unlawful taking, keeping or use of protected plants, ensuring the conservation of plants in accordance with the NC Act.

The limitation is drafted consistent with a free and democratic society because these provisions do not affect a person's ownership of seized property, just a person's access to it and access may be returned through natural justice provisions. That is, property subject to seizure restricts a person's access to or interactions with their property, which may include plants, vehicles, chemicals (and poisons), harvesting equipment or places of residence. Provisions protect natural justice principles, requiring the department to notify the property owner of their seized property and allowing persons to have their property returned following due process. The only exception is, to ensure public safety, under section 199 the Chief Executive must destroy a dangerous seized thing (an explosive under the *Explosives Act 1999* or a poison).

(c) <u>the relationship between the limitation and its purpose, including whether the limitation</u> <u>helps to achieve the purpose</u>

Affording powers to Conservation Officers to seize property allows for a timely and effective response to illegal interactions with plants, delivering on the purpose of ensuring the conservation of native plants in Queensland. As the provisions protect natural justice principles, the limitations on property rights are appropriate and proportional to achieving the wildlife conservation objectives of the NC Act.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

The provisions providing for the seizure of property are considered the least restrictive approach for managing and enforcing compliance matters. In these situations it is often necessary to seize the object immediately in order to protect plants. It would not be appropriate to delay seizure until a warrant is obtained as the delay would likely lead to the death of the plant.

Conservation Officers and Police Officers are trained to recognise situations that require seizure powers to serve as investigation or penalisation for illegal activities related to plants and therefore do not exercise these powers arbitrarily or in the absence of trained judgement. Removing these existing tools would risk the conservation of plants.

(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

On balance, seizure powers provide the ability for Conservation Officers to act within their statutory power to immediately respond to unlawful dealings with plants that impact conservation objective of the NC Act, for example, if the unlawful dealing is in regards to a threatened plant, the dealing may impact the long term viability of the population in the wild. As seizure powers provide natural justice to ensure seized property is returned to owners, the limitation is reasonable considering the importance of native plant conservation to Queensland.

(f) any other relevant factors

Nil

Privacy and reputation (section 25 of the HR Act)

(a) the nature of the right

Section 25 of the HR Act protects the individual from arbitrary interferences with their privacy, family, home and correspondence (written and verbal) and from unlawful attacks on their reputation.

The Plants Regulation limits privacy and reputation rights in the following circumstances:

Section 39 applies to a person who takes a protected plant under a scientific purposes exemption, requiring the person to supply their name on a specimen label, attached to the plant part.

Sections 154 and 155 deal with personal information required for the purchase, acceptance, sale or giving away of a restricted or prohibited plant.

Under section 202 the owner of a seized thing may be required to provide a statutory declaration to the department in order to prove ownership of a seized object, and have it returned to their possession. The nature of a statutory declaration means there is a requirement in these circumstances to provide personal information and establish ownership.

These sections represent occasions where the right to privacy is justifiably limited in order for conservation objectives of the NC Act to be upheld.

(b) <u>the nature of the purpose of the limitation, including whether it is consistent with a free</u> and democratic society based on human dignity, equality and freedom

The purpose of the regulation authorising the request of private information is to ensure the department can correctly identify who authorities will be issued to, and where native plants are taken to. This information is also used to ensure an assessment can be made to previous unlawful activities relevant to dealings with plants (ensuring licences are not issued to unsuitable applicants), to appropriately record the distribution of native plants in Queensland, and to ensure that compliance activities can occur. Private information collected by the department under these provisions is used and stored in accordance with the *Information Privacy Act 2009*.

Identifying information attached to an authority and information required for the purchase, acceptance, sale or giving away of a restricted or prohibited plant ensures that authorisations are afforded to persons reasonably capable and willing to uphold the conservation objectives of the NC Act.

Further, by allowing a Conservation Officer to inspect a plant authority with identifying information, they are able to ensure that the holder of the authority or the authorised person for the holder of the authority is in compliance with the actions allowed for by the authority, and confirm the location of the protected plant.

The objective of collecting personal information is to ensure that conservation values are being upheld in dealings with protected plants, which reinforces a strong licencing and compliance framework.

(c) <u>the relationship between the limitation and its purpose, including whether the limitation</u> <u>helps to achieve the purpose</u>

The relationship between the limitation on privacy rights and the purpose is to support the department's compliance and enforcement program in dealings with protected plants and to ensure distribution recordings of plants are accurate, thereby managing risks to plant

populations and plant diversity. By ensuring the department has the ability to identify licence holders and a plant's location, conservation and management of plants can occur.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

The provisions are considered the least restrictive approach for managing and enforcing compliance matters. Personal information is required for the department to issue a licence to an individual who can be identified and to record the address associated with the licence for compliance activities to be effective. Only personal information that is necessary for compliance is collected. Collecting this information enables the compliance officer to effectively and accurately carry out functions for which they have the statutory power.

Information collected in the department's licencing system is kept confidential in accordance with privacy laws. Information is only shared with government enforcement agencies as part of criminal investigation procedures. In the absence of this private information being held by the department to monitor interactions with protected plants, there are risks to conservation and biodiversity if accurate records of plants are not maintained.

(e) <u>the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation</u>

The limitation on privacy rights is balanced with the necessity for supporting the conservation objectives of the NC Act by managing plant diversity and populations and accurately recording interactions with plants.

Without the capacity to identify individuals interacting with plants and their locations there is increased risk of conservation objectives not being upheld.

Unauthorised and unmonitored dealings with protected plants may also cause biosecurity hazards, promote proliferation of pests or allow for ease of illegal trade.

(f) any other relevant factors

Nil

2. Offence provisions listed in the SPE Regulation as a PIN offence as amended by the Plants Regulation: Consideration of reasonable limitations on human rights (section 13 HR Act)

Property rights (section 24 of the HR Act)

(a) <u>the nature of the right</u>

Section 24 of the HR Act protects the right of all persons to own property (alone or with others) and provides that people have a right to not arbitrarily be deprived of their property. This right does not provide a right to compensation.

The SPE Regulation amendments in Schedule 6 of the Plants Regulation limit the right to property to the extent that a PIN may be prescribed and failure to pay a PIN may result in enforcement action relating to an unpaid fine. This can include seizure of a person's property or vehicle immobilisation as provided for under the SPE Act, thus limiting a person's right to property by inhibiting their capacity to trade the property, and/or restrict their access to and interactions with the property.

(b) <u>the nature of the purpose of the limitation, including whether it is consistent with a free</u> and democratic society based on human dignity, equality and freedom

The amendments to the SPE Regulation will allow PINs attributable to a range of offences throughout the regulation to be enforced under the SPE Act. This enforcement may, in specific circumstances, limit the right to property as described above.

The purpose of these amendments is to ensure there is an effective system for issuing and enforcing fines for unlawful direct and indirect interactions or dealings with plants. This will ensure that there continues to be a proportionate and effective enforcement response to the variety of offences within the Plants Regulation and will encourage compliance with the law, minimising illegal wildlife trade risks.

(c) <u>the relationship between the limitation and its purpose, including whether the limitation</u> <u>helps to achieve the purpose</u>

The relationship between the purpose of the Plants Regulation offences and the potential limitation is to provide an efficient system for issuing and enforcing proportionate fines for the updated offences. This will encourage individuals to comply with the law by directly and indirectly interacting or dealing with plants lawfully and in accordance with conservation values, achieving the conservation objectives of the NC Act.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

It is considered that there is no less restrictive and reasonably available way to achieve the purpose of safeguarding conservation of plants and ensuring there is an efficient system for issuing and enforcing fines relating to the offences, other than by prescribing the offences to be infringement notice offences under the SPE Regulation.

Importantly, there are several protections built into the fine enforcement system under the SPE Act which ensure seizure and sale of property or vehicle immobilisation would only occur infrequently for the offences. Importantly, there is a threshold for the amount of money owing to the State Penalties and Enforcement Registry (SPER) before vehicle immobilisation can occur. This threshold amount is prescribed under the SPE Act and is currently set at \$5,000. In terms of seizure and sale, the SPER only undertakes this activity where it has registered an interest over the property to be seized. The SPE Act requires that the total

amount owed by a debtor must be more than \$500 before the SPER can register an interest over property.

Other protections include that:

- a person who considers a fine should not have been issued may elect to have the matter heard by a court instead of paying the fine;
- if a fine is not paid within the specified timeframe and the infringement notice is registered with the SPER for enforcement action, the person may apply to pay their debt by instalments; and
- individuals who are experiencing hardship can apply to resolve their debt under a work and development order (which can include undertaking relevant courses, attending counselling and treatment programs or completing work with an approved hardship partner).

Authorised persons appointed to issue fines also receive training to ensure that fines are only issued in appropriate cases and circumstances and it is made clear to the person receiving the fine that they can challenge the fine in court. The fine amount has been set at up to 10 per cent of the maximum penalty, which is likely less than a court would impose but still at an amount to act as a disincentive for offending behaviour.

(e) <u>the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation</u>

Unlawful dealings with plants can create significant impacts on their conservation status, the function of ecosystems, health and safety of protected plants. Impacts arising from unlawful interactions are diverse across the offences but may include pest introduction or invasion, harm to ecosystems and people.

While there are material limitations on property rights through enforcement of the Plants Regulation via the amendments to the SPE Regulation, these limitations are not arbitrary and are not enforced without consideration of surrounding factual circumstances and not exercised without training and legislated authority. To that end, the benefit of the provisions in achieving nature conservation objectives of the NC Act, and maintaining a strong licencing framework outweighs any limitation on the right to property.

(f) any other relevant factors

Nil

Right to liberty and security of person (section 29 Human Rights Act 2019)

(a) <u>the nature of the right</u>

Section 29 of the HR Act provides that every person has the right to liberty and security, including not being arbitrarily arrested or detained.

The Plants Regulation may limit the right to liberty and security of a person to the extent that it prescribes infringement notice offences and failure to pay a penalty infringement fine may result in enforcement action under the SPE Act, which includes the issue of an arrest and imprisonment warrant by the SPER. Importantly, the SPER Charter, provided for under section 9 of the SPE Act, preferences the use of other enforcement actions for unpaid fines over arrest and imprisonment to reduce the use of imprisonment for fine default.

(b) <u>the nature of the purpose of the limitation, including whether it is consistent with a free</u> and democratic society based on human dignity, equality and freedom

The ability to issue a PIN for listed offences in the Plants Regulation allows enforcement and compliance actions that are proportionate to the offending behaviours which may potentially limit the right to liberty and security through arrest and imprisonment as described above.

The purpose of these amendments is to ensure the appropriate conservation and management of native plants, and that there is an effective system for issuing and enforcing fines to persons who commit PIN offences, which will encourage compliance with the law.

(c) <u>the relationship between the limitation and its purpose, including whether the limitation</u> <u>helps to achieve the purpose</u>

The relationship between the purpose of the PIN offences and the potential limitation is the benefit to the courts system by ensuring there is an efficient system for issuing and enforcing penalties outside of the court as well as maintaining conservation objectives. The limitation through enforcement also acts as a deterrent to both the offending party and other people considering offending in the same way.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

As discussed above, there are a number of protections built into the fine enforcement system under the SPE Act to ensure that there are options available to assist persons who are experiencing hardship and unable to pay their fines. In addition, the SPER Charter ensures the powers of the SPER to issue arrest and imprisonment warrants are rarely used in practice.

While there may be less restrictive options, it is considered that they would not promote compliance with the licencing framework or uphold conservation objectives and plant protection to the same extent. For example, an option which could potentially be considered less restrictive is to prosecute these offences through a court. Under the *Penalties and Sentences Act 1992*, a court is required to take into account the financial circumstances of the offender and the nature of the burden that payment of the fine will have on the offender before imposing a fine. However, the burden of prosecuting each of these matters in a court means that this option is not feasible for each PIN, but a person may make that election if they wish.

Therefore, there is no suitable less restrictive and reasonably available way to achieve the purpose of the regulation other than through the issuing of fines for certain offences as the alternative is onerous.

(e) <u>the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation</u>

A person has several options in relation to an infringement notice fine. For example, the person may pay the fine in full, elect for a matter in relation to an infringement notice offence to be heard by a court or apply for approval to pay the fine by instalments. If the person does not act in relation to a fine, the SPER may take further enforcement action relating to the unpaid amount under the SPE Act. This may, as a last resort, result in the SPER issuing an arrest and imprisonment warrant under the SPE Act. The SPER Charter makes it clear that the use of other enforcement actions for unpaid fines is to be preferred over arrest and imprisonment. Other enforcement actions may include, among others, suspension of an individual's driver licence, seizure and sale of property and vehicle immobilisation.

Having regard to the nature and extent of the potential limitation on the right to liberty and security of person, the importance of implementing effective enforcement responses to offences that jeopardise the conservation objectives of the Plants Regulation are proportionate to the risk created by the offending behaviours.

(f) any other relevant factors

Nil

Fair hearing and rights in criminal proceedings (section 31 and 32 *Human Rights Act 2019*)

(a) the nature of the right

Section 31 of the Human Rights Act provides that a person has the right to a fair and public hearing. Section 32 of the Human Rights Act protects the right to be presumed innocent until proven guilty and identifies minimum guarantees for which the person charged is entitled, including to be informed of the nature and reason for a charge and to defend themselves personally or through legal assistance.

A person does not have to attend court in relation to a PIN but may elect to do so if they believe the PIN has been improperly issued or they are unable to pay the PIN and wish to negotiate a lesser fine. While the SPE Regulation amendments do not make any explicit limitation on the rights to a fair hearing and rights in criminal proceedings, some people may encounter barriers to the court process, including but not limited to disability, language and financial standing. Further disincentives include the time, effort and stress involved in court processes and the disincentive of the offender levy which will be imposed in any case where a court imposes a sentence, and this is in addition to any court-imposed fine. Therefore, there is an arguable link and possible limitation imposed by the SPE Regulation amendments where the PIN is taken to court.

(b) <u>the nature of the purpose of the limitation, including whether it is consistent with a free</u> and democratic society based on human dignity, equality and freedom

The purpose of the SPE Regulation amendments is to implement effective enforcement responses that are proportionate to the risk created by the offending behaviour and help manage demand in the courts in Queensland while maintaining the right to a fair hearing and a person's rights in criminal proceedings.

The right to a fair hearing and rights in criminal proceedings are likely to have particular significance for certain individuals. For example, individuals may have a reasonable excuse for non-compliance including because they have trouble understanding the requirements of the Plants Regulation in dealing with protected plants. This is particularly relevant for persons for whom English is their second language (including immigrants and tourists) or persons who suffer from disadvantage (including intellectual disabilities or mental health conditions). In addition, some persons may not have access to identity documents, including persons in crisis or suffering homelessness. Further, some people may not have the financial capacity to pay a PIN and are therefore faced with no choice other than negotiation firstly with the authorised officer and then possibly the court for a less burdensome penalty. These are matters that would be taken into account by a court before any penalty is imposed on an individual.

Prescribing an offence under the SPE Act enables a fine to be issued to an alleged offender by an authorised officer without a charge being decided by an independent court after a fair and public hearing, and without the person having the opportunity to exercise their rights in criminal proceedings. It is possible that such a fine may be imposed where the alleged offender has a reasonable excuse for their offending behaviour or did not commit the offence that is alleged. In addition, it is possible that the particular circumstances of the offending behaviour, or the financial circumstances of the offender, or the burden which payment of the fine would impose on the offender could mean that if the matter was heard by a court a lesser fine than the amount prescribed under the SPE Act would be imposed.

(c) <u>the relationship between the limitation and its purpose, including whether the limitation</u> <u>helps to achieve the purpose</u>

The amendments to the SPE Regulation will ensure compliance with conservation objectives by ensuring there is an efficient system for issuing and enforcing fines, which encourages compliance with the Plants Regulation.

The relationship between the purpose of the Plants Regulation offences and the potential limitation is the regulatory benefit to the courts system as well as retaining the enforcement abilities with the requirements under the NC Act.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

There are various protections built into the fine enforcement system under the SPE Act, including the ability for persons to elect to have the matter heard in court at various stages of the process. In addition, the SPER enforcement system includes a number of protections to ensure that there are supports and options available to assist persons who are experiencing hardship and unable to pay their fines.

Further, authorised officers are provided with extensive training by the department in respect of issuing fines for plant offences in appropriate circumstances, including guidelines which provide information and guidance for authorised persons in respect of reasonable excuses for a person's failure to comply with the Plants Regulation.

There is no less restrictive and reasonably available way to uphold the purpose and requirements of the Plants Regulation.

(e) <u>the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation</u>

On balance, it is considered that the importance of implementing effective enforcement responses that are proportionate to the risk created by the offending behaviour and help manage demand in the criminal courts in Queensland outweighs any potential limitations imposed on the right to a fair hearing or rights in criminal proceedings. Any potential limitation would not represent a complete restriction on an individual's right to a fair hearing or rights in criminal proceedings as individuals retain the capacity to elect to have the matter heard in court instead of paying the penalty amount. Further, there are various protections under the SPE Act which include the option for persons to elect to have their matter heard in court at various stages of the process. In particular, section 15 of the SPE Act requires that all penalty infringement notices must indicate that the alleged offender may elect to have the matter of the offence decided by a court. This promotes awareness that persons may elect for the matter of the offence to be heard by a court at the time the person is issued with an infringement notice fine. In addition, there are various protections to assist persons who are unable to pay their fines.

Having regard to the nature and extent of the potential limitation on the right to a fair hearing and rights in criminal proceedings, the rights are protected by creating an infringeable offence with the option to challenge the matter in court. Any remaining potential limitation is reasonable considering the importance of implementing effective enforcement responses to offences that jeopardise the conservation objectives of the Plants Regulation.

(f) any other relevant factors

Nil

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

Based on the human rights analysis above, the benefits gained by fulfilling the purpose of the encroachment of the human rights outweigh the harm caused to the human right.

Conclusion

I consider that the *Nature Conservation (Plants) Regulation 2020* is compatible with the *Human Rights Act 2019* because it does limit, restrict or interfere with human rights, but the limitations are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

THE HONOURABLE LEEANNE ENOCH MP MINISTER FOR ENVIRONMENT AND THE GREAT BARRIER REEF, MINISTER FOR SCIENCE AND MINISTER FOR THE ARTS

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