

Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022

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, Meaghan Scanlon, Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs provides this human rights certificate with respect to the *Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022* made under the *Forestry Act 1959*.

In my opinion, the *Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022*, 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 *Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022* amends section 27 of the *Forestry Regulation 2015* (Forestry Regulation) to allow the chief executive the power to approve recreational use of side-by-side vehicles on roads in State forests, under an organised event permit. The amendment is required to facilitate the delivery of a Queensland government commitment regarding facilitation of event-based opportunities for recreational side-by-side vehicle use.

Section 27 of the Forestry Regulation contains an offence to drive a conditionally registered vehicle in a State forest without the approval of the chief executive. There are a number of purposes for which the chief executive may grant approval for the use of a conditionally registered vehicle, including for the conduct of an organised event. However, this approval is restricted to use of vehicles to support an organised event rather than participation in the event. Therefore, the Forestry Regulation is being amended to broaden the scope of the chief executive's powers to facilitate opportunities for events for the recreational use of side-by-side vehicles.

The Department of Environment and Science, as land managers, has a duty of care to road users, including side-by-side riders. To minimise risk to riders of side-by-sides, the safety requirements relating to safe operation of the vehicle that currently apply to other users such as motorcyclists under section 30 of the Forestry Regulation will be extended to include riders and passengers of side-by-side vehicles.

These amendments are authorised under section 97 of the *Forestry Act 1959*.

Human Rights Issues

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

No human rights have been identified as being engaged by the subordinate legislation.

Conclusion

I consider that the *Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

MEAGHAN SCANLON
MINISTER FOR THE ENVIRONMENT AND THE GREAT BARRIER REEF
MINISTER FOR SCIENCE AND YOUTH AFFAIRS

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