

# Royal National Agricultural and Industrial Association of Queensland 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, the Honourable Steven Miles MP, Deputy Premier, Minister for Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure provide this human rights certificate with respect to the Royal National Agricultural and Industrial Association of Queensland Regulation 2022 made under the *Royal National Agricultural and Industrial Association of Queensland Act 1971* (the RNA Act).

In my opinion, the Royal National Agricultural and Industrial Association of Queensland Regulation 2022, as tabled in the Legislative Assembly, is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

### Overview of the Subordinate Legislation

- The association was established under the RNA Act to carry out the purposes and objects of the association. These include holding the annual Royal Brisbane Show (EKKA), and numerous community, cultural and trade events.
- To ensure that the people of Queensland continue to enjoy the EKKA experience, and that essential land for the EKKA event was not encumbered by the association, the RNA Act was amended to include provisions preventing the encumbering of specific land owned by the association.
- Specifically, section 17D of the RNA Act restricts the sale of the land and protects the land from creditor claims if the association incurs an insolvency event, requires a regulation to prescribe certain land as "prescribed land", and to prevent it from being mortgaged, charged or made the subject of a lien to any person, except the Queensland Treasury Corporation (QTC). QTC holds registered mortgages over prescribed land to protect its interests in the land.
- The Royal National Agricultural and Industrial Association of Queensland Regulation 2022 provides the necessary notification for prescribed land once registered, in addition to a notification on the title to the land.

## Human Rights Issues

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

Property Rights (Section 24)

Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

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

(a) the nature of the right

Property Rights (Section 24)

1. All persons have the right to own property alone or in association with others.
2. A person must not be arbitrarily deprived of the person's property.

The regulation limits the right of the Royal National and Agricultural Association of Queensland (the association) to own the prescribed land as Queensland Treasury Corporation (QTC) holds registered mortgages over prescribed land.

Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

1. Aboriginal people and Torres Strait Islander peoples hold distinct cultural rights.
2. Aboriginal peoples and Torres Strait Islander peoples must not be denied the right, with other members of their community-
  - a. to enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings; and
  - b. to enjoy, maintain, control, protect and develop and use their language, including traditional cultural expression; and
  - c. to enjoy, maintain, control, protect and develop their kinship ties; and
  - d. to maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition or Island custom; and
  - e. to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.
3. Aboriginal peoples and Torres Strait Islander peoples have the right not to be subjected to forced assimilation or destruction of their culture.

The regulation limits the rights of Aboriginal Peoples to use the land as appropriate under Aboriginal tradition.

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

#### Property Rights (Section 24)

Decisions made in accordance with the proposed regulation will impact property rights for the association only and the Human Rights Act applies to human beings only.

#### Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

The regulation protects the general public interest to ensure that the people of Queensland continue to enjoy the EKKA experience, and that essential land for the EKKA event was not encumbered by the association.

- (c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

#### Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

The regulation achieves the purpose as the limitation prevents “prescribed land” from being mortgaged, charged or made the subject of a lien to any person, except the Queensland Treasury Corporation (QTC) as QTC holds registered mortgages over prescribed land to protect its interests in the land.

- (d) whether there are any less restrictive and reasonably available ways to achieve the purpose  
Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

The regulation is considered the only way to achieve the purpose of the limitation.

- (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

#### Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

The regulation provides a fair balance between protecting the general public interest and Section 28 Cultural Rights under the Human Rights legislation.

- (f) any other relevant factors

#### Property Rights (Section 24)

#### Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples (Section 28)

The regulation is a remake of the Royal National Agricultural and Industrial Association of Queensland Regulation 2010 with limited changes to the regulation which has been in place.

## Conclusion

I consider that the Royal National Agricultural and Industrial Association of Queensland Regulation 2022 is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

**STEVEN MILES MP**

Deputy Premier, Minister for State Development,  
Infrastructure, Local Government and Planning  
and Minister Assisting the Premier on Olympics Infrastructure

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