

# Nature Conservation (Protected Areas) 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 provide this human rights certificate with respect to the *Nature Conservation (Protected Areas) Amendment Regulation 2022* made under the *Nature Conservation Act 1992*.

In my opinion, the *Nature Conservation (Protected Areas) 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 purpose of the *Nature Conservation (Protected Areas) Amendment Regulation 2022* (Amendment Regulation) is to amend the protected area estate and make additions to several classes of protected areas. The Amendment Regulation amends the *Nature Conservation (Protected Areas) Regulation 1994* (the Regulation) and involves consequential amendments of a machinery nature that are consistent with the objectives of the *Nature Conservation Act 1992* (NC Act).

The amendments include:

- adding unallocated State land to the protected area estate as national park (Cape York Peninsula Aboriginal land) (CYPAL);
- redescribing two existing Cape York Peninsula national parks as national parks (CYPAL); and
- retaining five parcels of land as national park to enable the State to deal with this land in separate dealings.

The dedication of new or amended protected areas is machinery in nature. The process of selecting and approving new protected areas involves the relinquishing of rights or interests of interested parties such as other state departments, resource companies or lease holders. Free, prior and informed consent is required from the First Nations peoples that hold an interest in the land for the redescription of national parks to national parks (CYPAL).

This proposal to dedicate and redescribe protected areas will be enshrined in an Indigenous Land Use Agreement (ILUA) to be authorised by the Native Title Parties, and the State (the parties).

## Human Rights Issues

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

The following right is engaged:

**Cultural rights – Aboriginal people and Torres Strait Islander peoples (section 28 *Human Rights Act 2019*)**

Dedicating new protected areas or amending existing national parks engages section 28 of the HR Act. Cultural rights of Aboriginal people are protected and promoted through this amendment. Dedicating the new protected areas which will be jointly managed, enables a broader range of cultural practices to be undertaken on the land. Implementing the Amendment Regulation goes hand in hand with agreeing an Indigenous Management Agreement and ILUA between the parties. Native title rights and interests for this proposal have been negotiated with the Atambaya, Angkamuthi (Seven Rivers) and Gudang/Yadhaykenu People and the outcome is agreed in an ILUA. In particular, the ILUA clearly addresses Future Acts.

This Amendment Regulation is consistent with the objectives of the NCA, namely the conservation of nature, while allowing for the involvement of Aboriginal peoples in the management of protected areas in which they have an interest under Aboriginal tradition. The Atambaya, Angkamuthi (Seven Rivers) and Gudang/ Yadhaykenu people have also sought to apply traditional names to the redescribed national parks (CYPAL). This Amendment Regulation promotes cultural rights by delivering the aspiration of First Nations peoples to have traditional names.

The Amendment Regulation to convert the majority of these national parks to national park (CYPAL) under the NCA protects and promotes First Nations peoples' rights and interests, including Cultural Rights under section 28 of the *Human Rights Act 2019*.

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

The action/decision is being made in support of the Cultural Rights of First Nations peoples from the local area. There are no limitations on human rights.

## **Conclusion**

I consider that the *Nature Conservation (Protected Areas) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

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

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