

Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025

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* (HR Act), I, Andrew Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation provide this human rights certificate with respect to the *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025* made under the *Forestry Act 1959* (Forestry Act) and the *Nature Conservation Act 1992* (NC Act).

In my opinion, the *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025*, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025* (Amendment Regulation) is made under the Forestry Act and NC Act.

The authorising law for the Amendment Regulation is:

- Section 32 of the Forestry Act prescribes that an area of State forest may be revoked in whole or in part by regulation, if the Minister is satisfied that the land is to be opened as a road for public use.
- Section 97 of the Forestry Act prescribes that the Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- Section 29 of the NC Act prescribes that a regulation may dedicate a specified area of State land as a national park (scientific), a national park, conservation park or resources reserve.
- Section 175 of the NC Act prescribes that the Governor in Council may make regulations under this Act.

The primary purpose of the Amendment Regulation is to make amendments to four State forests and four national parks. The Amendment Regulation amends the *Forestry (State Forests) Regulation 1987* and the *Nature Conservation (Protected Areas) Regulation 1994* and involves consequential amendments of a machinery nature that are consistent with the objectives of the Forestry Act and the NC Act.

The amendments include:

- redescription of four State forests;

- revocation of part of one State forest;
- redescription of two national parks; and
- additions to two national parks.

The conservation of nature in Queensland is supported by the dedication and declaration of protected areas representative of the biological diversity, natural features and wilderness of the State.

The process of selecting and approving protected areas involves the relinquishing of relevant rights or interests of interested parties such as other State Government departments, resource companies or lease holders, where relevant. This has been completed for all proposed amendments and the engagement with human rights has been considered during this process.

Revocations affecting the forestry and protected area estates are carefully considered and are only supported when they are sensible actions that link to balanced public interest outcomes, or necessary management of the estates and are in line with departmental policy including consideration of HR Act matters.

Activities undertaken after tenure changes (e.g. road, dam or railway construction) are typically in the public interest, the impact of these specific activities on HR Act matters will be further assessed through relevant assessment and approval processes by relevant agencies as appropriate.

Human Rights Issues

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

Consideration has been given as to whether the Amendment Regulation engages human rights under the Human Rights Act (HR Act). The following rights are engaged:

- Freedom of movement (section 19 of the HR Act); and
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act).

Sections 19 and 28 of the HR Act are engaged in relation to certain actions in the Amendment Regulation.

The core aim of protected areas is to permanently preserve, to the greatest extent possible, the area's natural condition, to protect the area's cultural resources and values and provide for ecologically sustainable activities and ecotourism. Protected areas are generally accessible to the public for recreational activities, provided the necessary permits and authorities are obtained.

The cardinal principle of management of State forest areas is the permanent preservation of such areas for the purpose of producing timber and associated products in perpetuity and of protecting the watershed therein.

The actions in the Amendment Regulation that change the tenure of areas of unallocated State land to protected area designation promotes the freedom of movement within Queensland by allowing public access to additional areas where previously, it was not available.

The proposal to revoke part of Powrunna State Forest is to allow for the opening of Powrunna Road along its constructed alignment.

Dedicating new protected areas or amending existing protected areas engages the Section 28 Cultural Rights of Aboriginal peoples and Torres Strait Islander peoples in relation to the use of and access to land. A public notice was published on the Department of the Environment, Tourism, Science and Innovation's (DETSI) website to seek views in consideration of the HR Act, including in relation to Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. The Amendment Regulation changes land owned by DETSI to national park. This action will change the tenure of the area in a way that may engage with the Cultural rights of Aboriginal peoples and Torres Strait Islander peoples. The dedication of a protected area has the potential to broaden long-term cultural practices to be undertaken on the land where members of the community can enjoy, maintain, control, protect and develop cultural heritage, knowledge and beliefs through the conservation and protection of the environment and productive capacity of the land. There were no objections or comments received in relation to human rights for the proposed amendments, and DETSI progressed the proposals accordingly.

A consultation notice is published on DETSI's website for all revocation proposals affecting the forestry and protected area estates (<https://www.detsi.qld.gov.au/our-department/public-notices/proposed-amendments-to-protected-area-estate-2025-04-28>). The notice is to consult on the proposed amendments and to seek views in consideration of the HR Act, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights.

The consultation notice for the proposals in the Amendment Regulation was published on 28 April 2025 and closed on 26 May 2025. Three enquiries were received from third parties, but there were no queries or comments in relation to the consultation notice that related to human rights.

Conclusion

I consider that the *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025* is compatible with the HR Act because it does not limit human rights.

ANDREW POWELL MP
MINISTER FOR THE ENVIRONMENT AND TOURISM
MINISTER FOR SCIENCE AND INNOVATION

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