

Nature Conservation Legislation Amendment Regulation 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*, I, Andrew Powell, Minister for the Environment and Tourism and Minister for Science and Innovation provide this human rights certificate with respect to the *Nature Conservation Legislation Amendment Regulation 2025* made under the *Nature Conservation Act 1992*.

In my opinion, the *Nature Conservation Legislation Amendment Regulation 2025*, 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 Regulation

The *Nature Conservation and Other Legislation Amendment Act 2025* (Amendment Act) introduced provisions under the *Nature Conservation Act 1992* (NC Act) to enable regulations to prescribe particular matters, including types of authorities, to be automatically dealt with using electronic systems.

The purpose of the *Nature Conservation Legislation Amendment Regulation 2025* (Amendment Regulation) is to maintain current operational practices under the NC Act to use electronic systems for automatically dealing with authorities. This includes animal authorities for low-risk activities, such as keeping native animals as pets, and protected area authorities for camping on protected areas. While provisions to approve an electronic system for automatically dealing with authorities are contained in the NC Act, the Amendment Regulation is required to clearly establish the framework for authorities that are suitable for automated decision-making.

The Amendment Regulation contains amendments to the *Nature Conservation (Animals) Regulation 2020* to:

- specify which low-risk animal authorities can be dealt with using an electronic system, subject to suitability requirements of the authority holder;
- ensure the continued automatic granting of particular authorities using a contemporary framework and in a way that has regard to regulatory obligations; and
- make other consequential and minor changes required to retrofit an automated decision-making framework into the regulation.

The Amendment Regulation also contains amendments to the *Nature Conservation (Plants) Regulation 2020* to specify the process for notifying changes to plant authorities using an electronic system.

Consequential amendments are being made to the *Nature Conservation (Protected Areas Management) Regulation 2024* to prescribe the automatic grant and amendment of camping permits for protected areas as a consequence of the new provisions of the Amendment Act.

Human Rights Issues

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

I have considered each of the rights protected by part 2 of the HR Act. In my opinion, the Amendment Regulation engages privacy rights (section 25) under the *Human Rights Act 2019* (HR Act) but does not limit these rights.

Privacy rights (section 25 of the HR Act)

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 Amendment Regulation interacts with privacy rights in circumstances where personal information is requested as part of the application process for a prescribed authority but is not considered to limit this right.

Limitations to the right to privacy may be perceived in circumstances where personal information (i.e. name and address) is collected as part of an animal licence or camping permit application through the automated process, as required by the Department of the Environment, Tourism, Science and Innovation's (the department's) online system. These details are used by the chief executive (through the automated system) to identify an applicant for the licence or permit ('authority'). In these cases, a person is voluntarily seeking an authority, and the collection of information is part of that voluntary action. An individual is not being forced to provide information as they are not being forced to apply for an authority. Private information collected, used and stored by the department is subject to strict control principles and practices, and complies with the *Information Privacy Act 2009*. The information is not made publicly available. The purpose of sections authorising the request of private information is to ensure that compliance officers can correctly identify who animal licences and camping permits are issued to, and to verify the validity of the authority to ensure the activities being undertaken are lawful. The collection of this information is not unlawful nor arbitrary and therefore there is not considered a limitation of privacy rights.

Further, the amendments do not newly propose use of an electronic system. The Amendment Regulation simply gives effect to the Amendment Act to provide legislative authority for an approved electronic system to be validly used to automatically deal with authorities under the NC Act. The department has used electronic systems as part of normal business process prior to the Amendment Regulation. Further, the details entered by applicants into the system used by the department has always been, and will remain, subject to the *Information Privacy Act 2009*.

Conclusion

I consider that the *Nature Conservation Legislation Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

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MINISTER FOR THE ENVIRONMENT AND TOURISM
MINISTER FOR SCIENCE AND INNOVATION

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