

# Nature Conservation (Protected Areas) (Wuthathi) 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 MP, Minister for the Environment and Tourism and Minister for Science and Innovation provide this human rights certificate with respect to the *Nature Conservation (Protected Areas) (Wuthathi) Amendment Regulation 2025* made under the *Nature Conservation Act 1992*.

In my opinion, the *Nature Conservation (Protected Areas) (Wuthathi) 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 Subordinate Legislation

The purpose of the *Nature Conservation (Protected Areas) (Wuthathi) Amendment Regulation 2025* (Amendment Regulation) is to amend the protected area estate register and creates a new protected area. The Amendment Regulation which amends the *Nature Conservation (Protected Areas) Regulation 1994* (Regulation), is consistent with the objectives of the *Nature Conservation Act 1992* (NC Act). A separate assessment process considers the NC Act and the Regulation as compatible with the *Human Rights Act 2019* (the Act).

The Amendment Regulation includes:

- Dedicating two parcels of State land as national park (Cape York Peninsula Aboriginal land) (CYPAL).

Free, prior and informed consent (FPIC) is required from the First Nations People that hold an interest in the land for the dedication of State land as national park (CYPAL) in the Cape York Peninsula Region (the Region). FPIC has been confirmed for the areas proposed for dedication. The Wuthathi (Captain Billy Landing) National Park (CYPAL) was agreed through an Indigenous Land Use Agreement (ILUA) between the State and Traditional Owners.

### **Dedicating State land as national park (Cape York Peninsula Aboriginal land) (CYPAL)**

The Wuthathi Aboriginal Corporation RNTBC (the Corporation) and the State entered into an Indigenous Management Agreement (IMA) on 13 December 2016 for the joint management of Wuthathi (Shelburne Bay), Wuthathi (Sir Charles Hardy Group) and Wuthathi (Saunders Islands) National Parks (CYPAL). The Corporation and the State have entered into the Wuthathi Captain Billy Landing Land Transfer ILUA, which provides consent to vary the IMA via a Deed of Variation (DOV). The DOV enables two parcels to be added to the existing Wuthathi IMA as well as other minor amendments. Negotiations with the Traditional Owners for the Wuthathi (Captain Billy Landing) National Park (CYPAL) proposal began in 2015. The ILUA authorised the dedication of land held as State land as Wuthathi (Captain Billy Landing)

National Park (CYPAL). The proposed Amendment Regulation finalises this action enabling joint management to occur through the IMA.

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

The dedication of national park (CYPAL) requires the decision of the Governor in Council. In this respect, the Amendment Regulation applies to:

- Section 42AC of the NC Act prescribes that the Governor in Council, by regulation, may dedicate other land as national park (CYPAL) where under the *Aboriginal Land Act 1991*, an entity has entered into an IMA for the land and the Minister and the Indigenous landholder agree that the land is to be managed as a national park (CYPAL). The grant of the land as Aboriginal land is subject to a condition that the land must become national park (CYPAL).
- Section 64 of the NC Act as this enables the Governor in Council to assign a name to, or alter the name of, a protected area or aggregation of protected areas.
- Section 175 of the NC Act prescribes that the Governor in Council may make regulations under this Act.

## Human Rights Issues

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

**Section 28 of *Human Rights Act 2020* – Cultural rights: Aboriginal people and Torres Strait Islander peoples**

The Amendment Regulation positively engages with section 28 of the Act where it provides for dedicating State land as national park (CYPAL) over two parcels of Aboriginal freehold land. Specifically, the commencement of joint management arrangements and protection of Aboriginal freehold land will positively engage with section 28(2), which recognises the cultural rights of Aboriginal peoples and Torres Strait Islander peoples to:

- (Part d) 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
- (Part e) conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.

Implementing the Amendment Regulation goes hand in hand with agreeing an IMA and ILUA between the parties (including the State). Native title rights and interests for this proposal have been negotiated with the Wuthathi people, and the outcome is agreed in an ILUA. In particular, the ILUA clearly addresses Future Acts.

Once the land becomes national park (CYPAL) the Native Title parties will be decision makers about the land and jointly manage the land with the Department of the Environment, Tourism,

Science and Innovation (DETSI). Joint management provides opportunities for the Wuthathi people to actively conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources as joint land managers.

DETSI reached an agreement on the actions affecting the Wuthathi lands through meetings with the Traditional Owner Negotiation Committee, the Wuthathi Aboriginal Corporation board meetings, community meetings with Traditional Owners and authorised through an ILUA.

A public notice was published on the DETSI website on 29 June 2025 regarding consultation on the proposed amendment to the protected area estate. The notice sought views in consideration of the NC Act, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights. No written responses were received in the consultation periods which were over periods of 28 days and ended 29 July 2025. DETSI progressed the proposal accordingly.

## **Conclusion**

I consider that the *Nature Conservation (Protected Areas) (Wuthathi) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* as it raises human rights issues but does not limit human rights.

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

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