

Forestry and Other Legislation (Revocation of Forest Reserves) 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 *Forestry and Other Legislation (Revocation of Forest Reserves) Amendment Regulation 2025* made under the *Environmental Protection Act 1994*, the *Forestry Act 1959*, the *Nature Conservation Act 1992* and the *Recreation Areas Management Act 2006*.

In my opinion, the *Forestry and Other Legislation (Revocation of Forest Reserves) Amendment Regulation 2025*, 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 *Forestry and Other Legislation (Revocation of Forest Reserves) Amendment Regulation 2025* (Amendment Regulation) is made under the *Environmental Protection Act 1994* (EP Act), the *Forestry Act 1959* (Forestry Act), the *Nature Conservation Act 1992* (NC Act), and the *Recreation Areas Management Act 2006* (RAM Act).

The authorising law for the Amendment Regulation is:

- Section 580 of the EP Act prescribes that the Governor in Council may make regulations under this Act.
- Section 25 of the Forestry Act prescribes that the Governor in Council may, by regulation, set apart and declare as a State Forest any land that is, or is part of, a forest reserve.
- 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 36A of the NC Act enables the Minister to recommend to the Governor in Council the making of a regulation prescribing an apiary area in a national park if satisfied, under subsection (3)(f), that the area is proposed for dedication as a national park and beekeeping activities are being lawfully carried out or are permitted on the area.
- Section 64 of the NC Act prescribes that the Governor in Council may, by regulation, assign a name to, or alter the name of, a protected area or aggregation of protected areas.

- Section 70E of the NC Act prescribes that the Governor in Council may, under a regulation, revoke the dedication of a forest reserve or a part of a forest reserve.
- Section 175 of the NC Act prescribes that the Governor in Council may make regulations under this Act.
- Section 232 of the RAM Act prescribes that the Governor in Council may make regulations under this Act.

The purpose of the Amendment Regulation is to amend the *Environmental Protection Regulation 2019*, the *Forestry Regulation 2024*, the *Forestry (State Forests) Regulation 1987*, the *Nature Conservation (Forest Reserves) Regulation 2000*, the *Nature Conservation (Plants) Regulation 2020*, the *Nature Conservation (Protected Areas Management) Regulation 2024*, the *Nature Conservation (Protected Areas) Regulation 1994* and the *Recreation Areas Management Regulation 2024* to provide for amendments to the protected area and forestry estates; repeal the *Nature Conservation (Forest Reserves) Regulation 2000*; remove references to forest reserves from subordinate legislation that will become redundant; continue the use of the land for beekeeping activities in areas of forest reserve (apiary areas) that are being dedicated as national park; and other machinery changes to the forestry and protected area estate that are consistent with the objectives of the Forestry Act and the NC Act.

The amendments include:

- redescription of one Timber Reserve;
- redescription of two State forests;
- additions to ten State forests;
- redescription of 20 forest reserves;
- change the tenure of all remaining forest reserves (23) to allow the areas to be added to national park, conservation park or set apart and declared as part of State forest;
- additions to 17 national parks;
- redescription of one national park;
- addition to one conservation park; and
- dedication of one new conservation park.

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 proposal to change the tenure of all remaining 23 forest reserves to national park, conservation park or State forest is part of the long-term forest reserve transfer process in Queensland. This process is necessary due to the upcoming expiry of Part 4A Forest reserves of the NC Act on 31 December 2025, as per section 70R of the NC Act. To facilitate this process, the Amendment Regulation revokes or sets apart and declares as part of a State forest all of the remaining forest reserves listed in the *Nature Conservation (Forest Reserves) Regulation 2000* to national park, conservation park or State forest; repeals the *Nature Conservation (Forest Reserves) Regulation 2000* in its entirety which becomes redundant when the forest reserves are revoked or set apart and declared as State forest; and will make consequential amendments to remove redundant references to forest reserves from

subordinate legislation administered by the Department of the Environment, Tourism, Science and Innovation (DETSI). The forest reserve areas have been assessed for their conservation values and pre-existing interests such as permits and leases, to determine the most appropriate tenure.

Beekeeping is a permitted use in three forest reserve areas that are being revoked and then dedicated as national park through the Amendment Regulation. To coincide with this change of tenure, Schedule 6 of the *Nature Conservation (Protected Areas Management) Regulation 2024* will also be amended to provide for the continuation of the use of the land for beekeeping activities on nine existing apiary sites within the three areas that contain apiary sites (apiary areas). The NC Act allows apiary permits to be granted for beekeeping in national parks if the apiary areas are prescribed in regulation.

The process of selecting and approving protected areas involves the relinquishing or authorising of relevant rights or interests of interested parties such as other state 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.

Human Rights Issues

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

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 but not limited in relation to certain actions in the Amendment Regulation.

No human rights have been identified as being engaged or limited by the amendments that will prescribe apiary areas in national parks. The amendments do not automatically authorise access to national parks for beekeeping, and any impacts on human rights will be assessed through the permit application process.

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 and public infrastructure providers such as Powerlink and Energex, 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. Stakeholders such as HQPlantations continue to have access where relevant and in accordance with their existing interests, and are not limited by the tenure changes.

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.

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 DETSI's website to seek views in accordance with section 70K of the NC Act and 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 the department progressed the proposals accordingly.

A consultation notice is published on DETSI's website for all proposals affecting the forestry and protected area estates (<https://www.detsi.qld.gov.au/our-department/public-notices/consultation-proposed-amendments-to-protected-area-estate-12aug25>). The notice is to consult on the proposed amendments in accordance with section 70K of the NC Act 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 12 August 2025 and closed on 16 September 2025. One enquiry was received from a third party, but there were no queries or comments in relation to the consultation notice that related to human rights.

Conclusion

I consider that the *Forestry and Other Legislation (Revocation of Forest Reserves) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* 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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