

Nature Conservation 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*, 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 Legislation Amendment Regulation (No. 2) 2025* made under the *Nature Conservation Act 1992*.

In my opinion, the *Nature Conservation Legislation Amendment Regulation (No. 2) 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 *Nature Conservation Legislation Amendment Regulation (No. 2) 2025* (Amendment Regulation) is made under the *Nature Conservation Act 1992* (NC Act).

The purpose of the Amendment Regulation is to amend the protected area estate by dedicating national park, dedicating national park (Aboriginal land), and omitting references to joint trustee arrangements for areas that were formerly resources reserves. The Amendment Regulation amends the *Nature Conservation (Protected Areas) Regulation 1994* (PA Regulation) and the *Nature Conservation (Protected Areas Management) Regulation 2024* (PAM Regulation). The amendments are of a machinery nature consistent with the objectives of the NC Act.

The amendments:

- omit Lawn Hill (Arthur Creek) Resources Reserve, Lawn Hill (Lilydale) Resources Reserve, Lawn Hill (Littles Range) Resources Reserve, and Lawn Hill (Widdallion) Resources Reserve from Schedule 2 of the PAM Regulation (former joint trustee arrangements);
- redescribe Boodjamulla (Lawn Hill) National Park under Schedule 2 National parks of the PA Regulation by providing for the dedication and naming seven unallocated State land areas; and
- redescribe Boodjamulla National Park (Aboriginal Land) in Schedule 3B National Parks (Aboriginal land) of the PA Regulation by providing for the dedication and naming of part of a national park area.

This Amendment Regulation partially implements tranche two of the *Proposed Boodjamulla National Park (Aboriginal Land) Indigenous Land Use Agreement* (ILUA) (QI2023/003) between the Waanyi Native Title Aboriginal Corporation Registered Native Title Body Corporate (RNTBC) (Waanyi PBC) and the State of Queensland, registered on 25 September 2023 and proposes for part of Boodjamulla (Lawn Hill) National Park to be dedicated as national park (Aboriginal land) under the NC Act. The dedication and naming of Boodjamulla

National Park (Aboriginal Land) will enable the Waanyi people's co-stewardship of protected areas with the State as agreed in the ILUA.

Waanyi PBC will lease the national park (Aboriginal land) to the State in perpetuity, pursuant to section 284 of the *Aboriginal Land Act 1991* (AL Act), for the purposes of the management of the national park land under the NC Act. The lease becomes effective when the signed lease is given to the Minister before or at the time of delivery of the deed of grant in fee simple.

This Amendment Regulation also proposes to dedicate new areas of unallocated State land as Boodjamulla (Lawn Hill) National Park, as an interim tenure step that supports ILUA commitments to eventually dedicate these areas as national park (Aboriginal land). Additionally, it proposes to remove outdated references to trustee arrangements for four former Lawn Hill Resources Reserves in the PAM Regulation.

The authorising law for the Amendment Regulation is:

- (1) Section 29 of the NC Act prescribes that a regulation may dedicate specified area of State land as national park.
- (2) Section 33 of the NC Act prescribes that the Governor in Council may, by regulation, change the class of a protected area by dedicating the area as another class of protected area and change the boundaries of a protected area.
- (3) Section 40 of the NC Act prescribes that the Governor in Council must, by regulation, dedicate the national park land as national park (Aboriginal land) on approval of the management plan.
- (4) 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.
- (5) Section 175 of the NC Act specifies 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*)

The following rights are engaged:

- (6) Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28 of the *Human Rights Act 2019* (HR Act)); and
- (7) Property Rights (section 24 of the HR Act).

Section 28 of the *Human Rights Act 2019* – Cultural rights: Aboriginal peoples and Torres Strait Islander peoples

Dedicating new protected areas and amending existing national parks positively engages and does not limit human rights under 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 cooperatively managed enables a broader range of cultural practices to be undertaken on the land. Specifically, this will contribute to section 28(2):

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

Consultation with Waanyi people (represented by the Waanyi PBC) on the proposed tenure outcomes for the former Lawn Hill resources reserves has been occurring since April 2022. Consent for the ILUA, which included a commitment to grant the nine former Lawn Hill resources reserves to the Waanyi PBC, was received from Waanyi People on 6 June 2023 in accordance with the *Native Title (Prescribed Bodies Corporate) Regulations 1999*.

Waanyi people authorised the ILUA, Agreed Acts and Schedules, including the Perpetual Lease, the Cooperative Management Agreement and Protocols. Waanyi people also provided consent for any acts that are necessary for, or consequential on, any of the Agreed Acts, including the grant of Aboriginal land, the dedication of national park, the dedication of national park (Aboriginal land), and entering into and being bound by Subsequent Perpetual Leases. This means that Waanyi people agreed for the Waanyi PBC to consent to all tenure arrangements, including the transfer of tranche two lands and implementing the Amendment Regulation.

The Cooperative Management Agreement (CMA), and subsequent perpetual lease covering newly dedicated areas, stipulates that native title for the proposed national park (Aboriginal land) will only be exercisable in accordance with the conditions as set out in the CMA. The Waanyi PBC and the State acknowledge and agree that despite anything contained or implied in the subsequent perpetual lease, the Waanyi PBC, any person authorised by the Waanyi PBC and all Waanyi People may continue to access the national park at any time, subject to the terms contained in the Cooperative Management Agreement. The ILUA clearly addresses Future Acts.

This Amendment Regulation is consistent with the objectives of the NC Act, 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 Amendment Regulation to dedicate part of Boodjamulla (Lawn Hill) National Park as national park (Aboriginal land) under the NC Act protects and promotes First Nations peoples' rights and interests, including Cultural Rights under section 28 of the Act.

Section 24 of the *Human Rights Act 2019* – Property rights

The ILUA notes that the Aboriginal Land Tribunal recommended on 24 August 2016 that the land be granted under the AL Act to the Waanyi people and the Minnie Myboogundji family group.

The ILUA, and subsequently the Amendment Regulation, positively engages and does not limit human rights protected under section 24 of the HR Act:

- (1) All persons have the right to own property alone or in association with others.
- (2) A person must not be arbitrarily deprived of the person's property.

Dedicating the new protected areas which will be cooperatively managed ensures that the Waanyi people's right to own property under the AL Act recommendation is protected, as part of Boodjamulla (Lawn Hill) National Park will become Aboriginal freehold land owned by the Waanyi people under the AL Act and then dedicated as national park (Aboriginal land) under the NC Act. Given the Aboriginal Land Tribunal recommendation, it also prevents the Waanyi people being arbitrarily deprived of their property rights as asserted under the AL Act and by the Aboriginal Land Tribunal.

As part of the consultation process, a public notice was published on the Department of the Environment, Tourism, Science and Innovation (DETSI) website on the 15 August 2025 regarding consultation on proposed amendments to the protected area estates and seeking views in consideration of the HR Act, including Aboriginal peoples' and Torres Strait Islander peoples' cultural rights and property rights. Nil response was received during the 30-day consultation period, which ended 14 September 2025. DETSI progressed the proposal accordingly.

Conclusion

I consider that the *Nature Conservation Legislation Amendment Regulation (No.2) 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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