

Forestry (State Forests) and Other Legislation Amendment Regulation (No. 3) 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 *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 3) 2025* made under the *Forestry Act 1959* and the *Nature Conservation Act 1992*.

In my *opinion*, the *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 3) 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 (State Forests) and Other Legislation Amendment Regulation (No. 3) 2025* (Amendment Regulation) is made under the *Forestry Act 1959* (Forestry Act) and the *Nature Conservation Act 1992* (NC Act).

The authorising law for the Amendment Regulation is:

- 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 30 of the NC Act prescribes that for an area of State forest that is to be dedicated as a protected area, the regulation dedicating the area as protected area may revoke the State forest declaration, only if the Legislative Assembly has passed a resolution requesting the Governor in Council to dedicate the area.
- Section 32 of the NC Act prescribes that the Governor in Council may, by regulation, revoke the dedication of a protected area in whole or part if the Legislative Assembly has passed a resolution requesting the Governor in Council to make the revocation.
- Section 46 of the NC Act prescribes that a regulation may declare a specified area of State land, or the area the subject of a conservation agreement, as a nature refuge.
- Section 48 of the NC Act prescribes that the State and landholders may enter into another conservation agreement that varies or terminates and replaces the earlier agreement.
- 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 175 of the NC Act prescribes that the Governor in Council may make regulations under this Act.

The purpose of the Amendment Regulation is to amend the *Forestry (State Forests) Regulation 1987* and the *Nature Conservation (Protected Areas) Regulation 1994* to provide for amendments to the forestry and protected area estates consistent with the objectives of the Forestry Act and the NC Act.

The amendments include:

- revocation of one whole State forest for dedication as one new national park (scientific);
- additions to one national park (scientific);
- additions to two national parks;
- revocation of one whole national park and part of four national parks;
- revocation of part of one conservation park;
- addition to and subsequent redescription of one nature refuge; and
- declaration of three new nature refuges.

The core aim of dedicating new or amending existing 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. 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.

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 outcomes for the estates. Revocations are progressed in accordance with departmental policy and, where appropriate, compensation for the loss of estate values must be satisfied by the proponent.

Redescriptions are minor amendments, such as updating of the plans that define the boundaries of State forests or protected areas using contemporary survey and mapping technology. Reasons for these updates include correcting area calculation errors, more accurate descriptions of the area following tenure actions and updating plan information (including updating area calculations where necessary without changing the boundaries on-ground) to improve clarity, accuracy and transparency for the protected area and forest estate reporting system. Correcting administrative errors and amending descriptions will meet description requirements under the *Land Act 1994*.

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).

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

Sections 19 and 28 of the HR Act are engaged by certain actions in the Amendment Regulation that make additions to, or revoke areas from, the forestry and protected area estates. The limitations are however considered reasonable, lawful and justifiable and consistent with a free and democratic society based on human dignity, equality and freedom.

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 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 actions in the Amendment Regulation which change the tenure of areas from unallocated State land to protected area is considered to promote freedom of movement within Queensland, by allowing public access to additional areas where previously it was not available. One action in the Amendment Regulation which changes the tenure of a State forest area into a protected area may limit freedom of movement, however the conservation outcome resulting from the amendment is considered to outweigh the potential limitations on freedom of movement.

Proposals that seek to revoke area from the protected area estate are carefully considered and are only supported when linked with balanced public interest outcomes or significant management benefits for the estate. The Amendment Regulation contains revocation actions that may limit freedom of movement, however the public benefit of these actions is considered to outweigh the potential limitation on freedom of movement.

Dedicating land as, or revoking land from, protected area tenures may engage Section 28 Cultural Rights of Aboriginal peoples and Torres Strait Islander peoples in relation to the use of and access to land.

Protected areas are managed in consultation with relevant First Nations people and their core objective is to preserve an area's natural and cultural interests, therefore the engagement with section 28 of the HR Act is considered to be positive.

For the revocation actions in the Amendment Regulation, the cultural values of each estate were considered in the assessment of each proposal by the Department of the Environment, Tourism, Science and Innovation. Native title rights and interests and cultural heritage obligations have been satisfied by proponent's prior to progression of all proposals, as appropriate. To further support consideration of section 28 of the HR Act, a public consultation was issued for all actions in the Amendment Regulation inviting comments relating to Aboriginal and Torres Strait Islander peoples' cultural rights. The notice for the nature refuge actions was live between 7 October 2025 and closed 4 November 2025. The notice for the remaining actions was live between 28 August 2025 and 23 September 2025. During the consultation periods, there were no comments received in relation to human rights for the proposed amendments, and the department progressed the proposals accordingly.

Conclusion

I consider that the *Forestry (State Forests) and Other Legislation Amendment Regulation (No. 3) 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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