



## Health and Environment Committee

### Report No. 37, 57th Parliament

#### Subordinate legislation tabled between 15 March 2023 and 18 April 2023

#### 1 Aim of this report

This report summarises the findings of the Health and Environment Committee (committee) following its examination of the subordinate legislation within its portfolio areas tabled between 15 March 2023 and 18 April 2023. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs),<sup>1</sup> its compatibility with human rights,<sup>2</sup> and its lawfulness.<sup>3</sup> It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA),<sup>4</sup> and the compliance of the human rights certificate with the *Human Rights Act 2019* (HRA).<sup>5</sup>

#### 2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
25	Forestry (State Forests) and Other Legislation Amendment Regulation 2023	18 April 2023	23 August 2023

\*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

#### 3 Committee consideration of the subordinate legislation

No significant issues were identified regarding the policy, consistency with FLPs, or lawfulness of the Forestry (State Forests) and Other Legislation Amendment Regulation 2023 (SL No. 25). The committee identified a potential human rights implication of SL No. 25, which is discussed further in the next section. However, the committee was satisfied that the subordinate legislation is compatible with human rights.

The explanatory notes tabled with SL No. 25 comply with the requirements of part 4 of the LSA and the human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of SL No. 25 in relation to its compatibility with human rights.

<sup>1</sup> *Legislative Standards Act 1992* (LSA), s 4.

<sup>2</sup> *Human Rights Act 2019* (HRA), s 8.

<sup>3</sup> LSA, Part 4.

<sup>4</sup> LSA, s 24.

<sup>5</sup> HRA, s 41.

## 4 Forestry (State Forests) and Other Legislation Amendment Regulation 2023

SL No. 25 amends the Forestry (State Forests) Regulation 1987 and Nature Conservation (Protected Areas) Regulation 1994 to:

- revoke parts of the Curra State Forest and Wongi State Forest for road purposes which include the upgrade and realignment of the Bruce Highway from Cooroy to Curra (Section D), and the construction of a vehicle turn-around area to provide access to the Queensland Train Manufacturing Facility at Torbanlea<sup>6</sup>
- increase the area of one national park (scientific)<sup>7</sup>
- increase the area of 4 national parks<sup>8</sup>
- redescribe 2 national parks<sup>9</sup>
- dedicate one new conservation park<sup>10</sup>
- increase the area of one conservation park<sup>11</sup>
- redescribe and upgrade part of 2 resources reserves for dedication as part of 2 existing national parks<sup>12</sup>
- increase the area of one existing nature refuge<sup>13</sup>
- rename and increase the area of one existing nature refuge<sup>14</sup>
- declare 2 new nature refuges.<sup>15</sup>

SL No. 25 also contains minor administrative amendments which include:

- updating the plans that define the boundaries of national parks or protected areas using contemporary survey and mapping technology, to address errors in area calculations and boundary consolidation following tenure action, as well as reflecting tidal boundary changes<sup>16</sup>
- amending descriptions to meet description requirements under the *Land Act 1994*.<sup>17</sup>

### 4.1 Fundamental legislative principle issues

No FLP issues were identified.

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<sup>6</sup> SL No. 25, explanatory notes, p 2.

<sup>7</sup> Taunton National Park; SL No. 25, explanatory notes, p 2.

<sup>8</sup> Castle Tower National Park, Mount Etna Caves National Park, Pinnacles National Park and Wrattens National Park; SL No. 25, explanatory notes, p 3.

<sup>9</sup> Great Sandy National Park and Mount Coolum National Park; SL No. 25, explanatory notes, p 3.

<sup>10</sup> Baldy Mountain Conservation Park; SL No. 25, explanatory notes, p 3.

<sup>11</sup> Magnetic Island Conservation Park 1; SL No. 25, explanatory notes, p 4.

<sup>12</sup> Homevale Resources Reserve and Wrattens Resources Reserve, to be incorporated into the existing Homevale National Park and Wrattens National Park respectively; SL No. 25, explanatory notes, p 4.

<sup>13</sup> Mount Pleasant Nature Refuge; SL No. 25, explanatory notes, pp 4-5.

<sup>14</sup> Artemis Antbed Nature Refuge, to be renamed Artemis Antbed Parrot Nature Refuge; SL No. 25, explanatory notes, p 4.

<sup>15</sup> Herbertvale Nature Refuge and Norfolk Nature Refuge; SL No. 25, explanatory notes, pp 4, 5.

<sup>16</sup> Note – in addition to updates to address these issues, SL No. 25 provides for an updated plan for Great Sandy National Park, Mount Coolum National Park, Homevale Resources Reserve and Wrattens Resources Reserve, each of which is redescribed in the amendments.

<sup>17</sup> SL No. 25, explanatory notes, p 2.

#### **4.2 Explanatory notes**

The explanatory notes comply with part 4 of the LSA.

#### **4.3 Human rights considerations**

Section 28 of the HRA provides that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights.

In the human rights certificate accompanying the subordinate legislation, the Minister acknowledges that ‘dedicating new protected areas or amending existing protected areas can have a potential indirect impact, or create limitations, on cultural rights in relation to land’.<sup>18</sup>

In this instance, however, the Minister considers that rather than limiting cultural rights:

... the dedication of a protected area has the potential to broaden long-term cultural practices to be undertaken on the land through conservation and protection of the environment and productive capacity of the land’.<sup>19</sup>

The Minister also advised that during consultation on the proposed amendments, the department invited ‘views in consideration of the *Human Rights Act 2019*, including Aboriginal peoples’ and Torres Strait Islander people’s cultural rights’, but did not receive any written responses in the 28-day consultation period.<sup>20</sup>

#### **Committee comment**

The committee is satisfied that SL No. 25 is compatible with human rights.

#### **4.4 Human rights certificate**

The human rights certificate tabled with SL No. 25 provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

### **5 Recommendation**

The committee recommends that the House notes this report.



Aaron Harper MP

**Chair**

**August 2023**

#### **Health and Environment Committee**

<b>Chair</b>	Mr Aaron Harper MP, Member for Thuringowa
<b>Deputy Chair</b>	Mr Robert (Rob) Molhoek MP, Member for Southport
<b>Members</b>	Mr Stephen (Steve) Andrew MP, Member for Mirani
	Ms Ali King MP, Member for Pumicestone
	Ms Joan Pease MP, Member for Lytton
	Mr Andrew Powell MP, Member for Glass House

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<sup>18</sup> SL No. 25, human rights certificate, p 2.

<sup>19</sup> SL No. 25, human rights certificate, pp 2-3.

<sup>20</sup> SL No. 52, human rights certificate, p 3.