

Environmental Protection and Other Legislation Amendment Bill 2020

Statement of Compatibility

FOR

Amendments during consideration in detail to be moved by the Honourable Leeanne Enoch MP

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Hon Leeanne Enoch, Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts, make this statement of compatibility with respect to amendments to be moved during consideration in detail for the Environmental Protection and Other Legislation Amendment Bill 2020 (the Bill).

In my opinion, the amendments to be moved to the Bill are 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 Amendments

The Bill provides for amendments to the *Environmental Protection Act 1994* so that an administrative note is made on land title if a surrender application is approved for which there is a risk management plan. While an environmental authority can cover multiple lots, it was intended that the noting would occur only on those lots with ongoing management activities or remedial action. However, during the consideration of the Bill by the Natural Resources, Agricultural Industry Development and Environment Committee, it became apparent that there was some ambiguity in the drafting. The proposed amendment to clause 61 of the Bill clarifies the intent of the relevant provision to address this ambiguity. Specifically, the amendment will make it clear that an administrative note will occur at a Lot on Plan scale, not at an environmental authority scale. This means that if residual risk activities are not located on certain lots under an environmental authority, a noting will not be made on the land title for that lot.

The proposed amendments to the Bill also correct an error in terminology within the *Acquisition of Land Act 1967*.

Human Rights Issues

Human rights relevant to amendments to be moved to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The proposed amendments do not raise any additional human rights considerations under the *Human Rights Act 2019*.

If human rights may be subject to limitation if the amendments to be moved to the Bill are enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 *Human Rights Act 2019*)

The proposed amendments do not raise any additional human rights considerations under the *Human Rights Act 2019*.

Conclusion

In my opinion, the amendments to be moved to the Bill are compatible with human rights under the *Human Rights Act 2019* because they do not limit a human right.

HON LEEANNE ENOCH MP
MINISTER FOR ENVIRONMENT AND THE GREAT BARRIER REEF
MINISTER FOR SCIENCE AND MINISTER FOR THE ARTS

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