

Mineral Resources 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* (the HR Act), I, Dale Last MP, Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development, provide this human rights certificate with respect to the *Mineral Resources Regulation 2025* (the Regulation) made under the *Acts Interpretation Act 1954*, the *Coal Mining Safety and Health Act 1999*, the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989* (the MR Act), and the *Regional Planning Interests Act 2014*.

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Regulation is part of the legislative framework governing the exploration and production of minerals and coal, and plays an important role in supporting the policy objectives of the MR Act. The Regulation sets out the requirements for conditions for resource authorities, prescribed minerals and thresholds for prescribed mineral mining leases, reporting, notices, prescribed security, royalties, prescribed rents and fees.

As the matters prescribed in the Regulation are designed to support the operation of the MR Act, the *Mineral Resources Regulation 2013* must be replaced to ensure that the legislative scheme can continue to operate and not be impacted by the expiry of the *Mineral Resources Regulation 2013*. The royalty provisions will be removed into a separate regulation, the Mineral Resources (Royalty) Regulation 2025, and will be administered by Queensland Treasury.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 of the HR Act)

The following human rights are relevant to the Regulation:

- Freedom of movement (s 19) – individuals are restricted from entering mining sites;
- Property rights (s 24) – property includes licences such as mining tenements;
- Privacy and reputation (s 25) – under the Regulation certain information is required to be reported to the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (NRMMRD) which can be published; and

- Cultural rights—Aboriginal peoples and Torres Strait Islander peoples (s 28) – mining activities may occur on land that holds cultural significance and affect the ability of Aboriginal or Torres Strait Islander peoples to maintain or connect with their traditional land, waters and practices.

Consideration of reasonable limitations on human rights (section 13 of the HR Act)

Section 11 of the HR Act provides that only individuals have human rights. When considering the impact of the Regulation on individuals, it should be noted that many tenement holders are corporations rather than individuals. Therefore, the overall impact on human rights as a whole is limited.

(a) Freedom of movement

The nature of the right

Section 19 of the HR Act provides the right of every person lawfully within Queensland to move freely within the state and to enter and leave it. This right may be limited if government action restricts physical access to areas of land.

The Regulation supports Queensland's mineral resources framework under which resource authorities are provided to individuals or companies to undertake exploration and mining activities on designated land. Access to this land by the mining company is regulated by additional conditions under the Regulation if that land is occupied.

The right to freedom of movement may be limited both by requiring tenement holders to obtain certain consents before entering land and by restricting general access to mining land by individuals.

The nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the Regulation is to support the efficient administration of Queensland's mineral resources framework. Restricting access to land both by requiring consents of occupiers and restricting general access to mining land is consistent with a free and democratic society based on human dignity, equality and freedom because it upholds the safety of individuals from entering potentially dangerous mining sites, and upholds the rights of landholders.

The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

Restrictions on access to certain areas are necessary for public safety and proper function of mining activities. Without these limits, there would be increased risks to individuals and interference with lawful operations.

By prescribing additional conditions under Regulation requiring owner consent when mining on occupied land, the Regulation minimises interference with property rights and respects the autonomy of landowners.

Whether there are any less restrictive and reasonably available ways to achieve the purpose

There are no less restrictive means that would adequately protect all parties' interests.

The balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

The importance of preserving life and protecting safety, as well as upholding property rights of private landowners, weighs heavily in favour of allowing proportionate limitations on freedom of movement. The mineral resources framework appropriately balances the need to limit movement and does so in a way that is proportionate to the risk to the public of entering an active mining site. It also balances the economic interests of the state by allowing mining on occupied land with the interests of landowners by supporting autonomy by requiring certain consents.

Any other relevant factors

There are no other relevant factors for this human right.

(b) Property rights

The nature of the right

Section 24 of the HR Act provides the right to own property alone or in association with others and the right not to be deprived of that property arbitrarily. Property includes resource tenures, which are a form of state-granted property rights that allow individuals or companies to explore and extract resources, and these authorities can be revoked by government. This right may be limited if government action interferes with ownership of resource authorities arbitrarily.

The nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of granting property rights in the form of resource authorities subject to conditions under which the government can later revoke them is to ensure that authority holders comply with the relevant environmental, reporting, and other obligations of their licence to mine in that area. This is consistent with the principles of a free and democratic society as it is typical for the grant of property rights to be subject to certain conditions to ensure fair and responsible land use.

The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

There is a clear relationship between the limitation and the purpose of the Regulation. Without a mechanism to hold resource authority holders accountable and enforce the conditions attached to their tenure, the State would be unable to enforce compliance. By imposing

conditions, the Regulation ensures that authority holders comply with the relevant requirements of their tenure.

Whether there are any less restrictive and reasonably available ways to achieve the purpose

There are no less restrictive means that would adequately protect all parties' interests.

The balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

The Regulation balances the need for strict compliance with the conditions of resource authorities with the economic benefit to the State in maintaining a resource tenure. When compliance issues are identified, the authority holder is notified and directed to resolve the issue. Some breaches may result in the authority holder being charged a fee for non-compliance while others may require the authority to be entirely revoked. Regardless, the Regulation prescribes clear conditions and requirements and when revocation of an authority is necessary, it is not done arbitrarily.

Enforcement is proportionate to ensure compliance with the conditions imposed by the State and an efficient and effective mining industry in Queensland.

Any other relevant factors

There are no other relevant factors for this human right.

As these property rights are not taken away arbitrarily under the Regulation, this human right is not limited.

(c) Privacy and reputation

The nature of the right

Section 25 of the HR Act provides the right for individuals to be protected from arbitrary or unlawful interference with their privacy, family, home or correspondence, and from unlawful attacks on their reputation. The right to privacy encompasses informational privacy, including the right to control personal or sensitive data and to be protected from unjustified public exposure. The State collects and publishes certain exploration data relating to resource authorities. Disclosure of this data may constitute a limitation of this right as the data may be commercially sensitive for miners.

The nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of collecting and publishing exploration data is to enhance Queensland's resource exploration sector, and promote transparency and informed decision-making in the management of natural resources. This is consistent with the values of a free and democratic society by allowing public access to information about resources.

The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

There is a clear relationship between the limitation and the purpose of the Regulation. Publishing exploration data enables other potential explorers and stakeholders to make informed decisions. By collecting and publishing this data, NRMMRRD enhances the knowledge of Queensland resources and encourages further exploration and investment in Queensland's resources sector.

Whether there are any less restrictive and reasonably available ways to achieve the purpose

There are no less restrictive means that would adequately protect all parties' interests.

The balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

In this context, the right is only narrowly limited as the information collected under the Regulation pertains to commercial activities conducted under state-granted rights, not private matters. The limitation is important in promoting exploration knowledge and ensuring transparency in Queensland exploration.

Any other relevant factors

There are no other relevant factors for this human right.

This assessment shows any interference with privacy is not arbitrary and as it is done under the Regulation and the authority of the MR Act, is not unlawful. Accordingly, this human right is not limited.

(d) Cultural rights – Aboriginal peoples and Torres Strait Islander peoples

The nature of the right

Section 28 of the HR Act recognises the distinct cultural rights held by Aboriginal and Torres Strait Islander peoples and upholds those rights, including to enjoy, maintain, control, protect and develop their identity and cultural heritage and maintain and strengthen spiritual connection to land, territories, waters and resources. The grant of resource authorities over land may restrict the ability of Aboriginal and Torres Strait Islander peoples to maintain and strengthen their cultural heritage and thus limit this human right.

The nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the Regulation is to support the administration of the mineral resources framework. While this may limit cultural rights where land or waters are subject to competing cultural and commercial interests, such purposes are consistent with a democratic society if those rights are respected and protected, for example under the *Native Title Act 1993*.

The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

The Regulation may contribute to limitations on cultural rights by enabling of facilitating access to land for resource exploration and extraction, including land that is culturally significant.

Whether there are any less restrictive and reasonably available ways to achieve the purpose

There are no less restrictive means that would adequately protect all parties' interests.

The balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

Although the grant of a resource authority over land may limit the cultural rights of Aboriginal and Torres Strait Islander peoples to engage with land, waters and resources, the Regulation does not by itself directly authorise tenures over culturally significant land—it operates within a broader framework that includes cultural heritage, native title and environmental protections. Resource authorities granted will be subject to a range of conditions based on the land, with additional safeguards to protect cultural heritage that may arise from formal consultation and agreement with traditional owners.

Any other relevant factors

There are no other relevant factors for this human right.

Conclusion

I consider that the Regulation is compatible with the HR Act because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society, based on human dignity, equality and freedom in a way that is proportionate to its purpose.

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