

Statement of compatibility with human rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

Territory Parks and Wildlife Conservation Amendment Bill 2019

This bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

Overview of the bill

The *Territory Parks and Wildlife Conservation Act 1976* (the Act) makes provisions for an in relation to the establishment of Territory Parks and other Parks and Reserves and the study, protection, conservation and sustainable utilisation of wildlife.

The purpose of the Territory Parks and Wildlife Conservation Amendment Bill 2019 (the Bill) is to include Aboriginal Rangers as a new category of conservation officers and to specifically recognise the role of Aboriginal Rangers as conservation officers.

Human rights implications

This bill engages the right conferred under Article 2(1) of the International Covenant on Civil and Political Rights that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

This Bill however, promotes the human right by specifically recognising Aboriginal Rangers as a category of conservation officer and recognises them a being highly qualified in providing the functions of conservation officers because of their traditional, cultural and technical skills.

Part 3, Section 22 of the Act provides interpretation for joint management arrangements including traditional Aboriginal owners, indigenous land use agreements and joint management agreements to name a few. Section 25AA and 25AB define joint management partners and the objective of joint management, while section 25AC outlines the principles of joint management. These sections relate to the parks and reserves that were established under the *Parks and Reserves (Framework for the Future) Act 2003*, provide a framework for negotiations between the Territory and the traditional Aboriginal owners of certain parks and reserves for the establishment, maintenance and management of a comprehensive system of parks and reserves.

The Bill is consistent with Part 3 of the Act in that it provides for the Director to confer powers to Aboriginal Rangers as conservation officers so they have increased ability to manage land which has been granted under the *Aboriginal Land Rights (Northern*

Territory) Act 1976, however not under the care, control and management of the Northern Territory Government, but on land formally granted by the Aboriginal Lands Commissioner and Minister for Aboriginal Affairs as Aboriginal Land.

The Bill promotes Aboriginal Rangers and their ability to manage Traditional lands.

With reference to the powers the Director can confer on Aboriginal Rangers in the Bill, section 110 of the Act provides for limitation of liability. No civil or criminal liability is incurred by the Director, a member of the Commission, a conservation officer (including the new category of Aboriginal Ranger), an honorary conservation officer or any other officer or employee of the Commission for or in relation to an act or omission on his or her part done or made in good faith in or in connection with the performance or exercise, or purported performance or exercise, of his or her powers or functions under the Act.

Conclusion

This bill does interfere with the distinction of race but in a positive manner to specifically recognise Aboriginal Rangers as conservation officers and the role they undertake in recognition of their traditional lands, and management and cultural connection to that land.

The Bill is, therefore, compatible with human rights.