

Water Amendment 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*, I, Ann Leahy MP, Minister for Local Government and Water and Minister for Fire, Disaster Recovery and Volunteers provide this human rights certificate with respect to the *Water Amendment Regulation 2025* (Amendment Regulation) made under the *Water Act 2000* (Water Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The objective of the Amendment Regulation is to amend the *Water Regulation 2016* (Water Regulation) to:

- Prescribe two businesses named Elanda Point Pty Ltd and Tangalooma Island Resort Pty Ltd each as prescribed entities to allow them to hold a water licence that is not attached to land.
- Simplify public notification requirements for water allocation dealings by enabling the chief executive to publish the notice directly on a Queensland Government website. This will streamline the process for the applicant and align the process with the current notification of water licence dealings process under the Water Act.
- Update references to refer to the 'Queensland Government website' to match the same name reference used in Water Act.
- Correct errors relating to duly qualified persons who perform functions relating to measurement requirements, including for modular meters. This includes correcting the meaning of modular meter, as well as, correcting a cross-referencing error.
- Make corrections to measurement requirements for specific areas and water entitlement holders to ensure they reflect the current recorded needs and requirements. This involves minor amendments to the Schedules 11 and 11A for measurement requirements to maintain their accuracy. There is no substantive change to the measurement requirements.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The proposed legislation engages the following human rights under the HR Act:

- Taking part in public life (section 23 of the HR Act) in relation to public notice requirements under the Water Act framework.

- Property rights (under section 24 of the HR Act) in relation to amendments to measurement requirements for taking water under specific water authorisations under the Water Act to ensure continued sustainable management of water resources.
 - The Amendment Regulation does not propose any changes that would limit, restrict or interfere with this right. While there is some relation to property rights, this is only insofar as facilitating these rights and ensuring typographical accuracy of the measurement requirements that relate to the property of water users.

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

Taking part in public life

(a) the nature of the right

Every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

Participation in public life means participation in the political affairs and public administration of the State. Examples may include participating in public debate and dialogue with representatives (either as an individual or as part of an organisation).

This right is relevant where a law may affect communication of information and ideas about public and political issues, ensuring that all individuals have the opportunity, without discrimination, to contribute to the political process and public governance.

(b) 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 Amendment Regulation will streamline the process for applicants for water allocation dealings and align the process with current notification of water licence dealings process under the Water Act. This involves shifting the burden of publishing a notice to the chief executive rather than the applicant in most cases. The purpose of this is to simplify the process and alleviate administrative and cost burden on individuals.

(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

Moving the burden of publishing the notice from the individual applicant to the chief executive could be perceived as limiting an individual's ability to participate in communication about public issues. However, the intended outcome is simply to reduce the administrative and cost burden on the individual.

The information required to be contained in a notice is not being changed. The chief executive may still also require the applicant to publish a copy of the public submissions notice in some circumstances, but this will no longer be the default requirement. Therefore, all persons and stakeholders will still be able to access this public notice. This public notice is published on the Queensland Government website and still details how to provide a written submission. There remains the opportunity for submitters and affected persons to take part in public life by writing and submitting a properly made submission detailing their issues and concerns as part of this open and transparent process under the Water Act framework.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

There is no less restrictive way to simplify the process for publishing a notice of an application for a water allocation dealing. This change primarily reduces the administrative burden on individuals.

(e) 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 Amendment Regulation strikes the appropriate balance between administrative simplicity and the right for individuals to participate in public life. The extent of the limitation is minor, as the information and public availability of the information in the process is remaining unchanged.

Conclusion

I consider that the *Water Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* 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.

Ann Leahy MP
Minister for Local Government and Water
and Minister for Fire, Disaster Recovery and Volunteers