

State Development and Public Works Organisation (Barlil Weir and Cooranga Weir Projects—Investigation Works) 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* (HR Act), I, Jarrod Bleijie, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations, provide this human rights certificate with respect to the *State Development and Public Works Organisation (Barlil Weir and Cooranga Weir Projects—Investigation Works) Amendment Regulation 2025* (Amendment Regulation) made under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

In my opinion, the Amendment 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

Background

As part of the Queensland Government's commitment to improving water security, Sunwater Limited (Sunwater) has been tasked with delivering two new weirs in the Burnett region. The proposed new weirs will improve regional water security and support agricultural growth.

The Barlil Weir Project (BWP) consists of a weir built on Barambah Creek, northwest of Murgon in the South Burnett to secure 1,500ML of water.

The Cooranga Weir Project (CWP) consists of a weir built on the Boyne River south of Mundubbera in the North Burnett to secure 2,500ML of water.

The BWP and CWP will increase reliability of existing water allocations to provide opportunities for higher value cropping options or expansion of agriculture in the area.

Construction of both weirs is intended to commence by March 2027, with practical completion expected by August 2028, weather and construction conditions permitting.

Sunwater need to undertake a range of studies to support the assessment and planning of both projects. Site investigations such as groundwater assessments, geotechnical investigations, terrestrial surveys, feature and asset surveys, will need to be undertaken to progress those studies and help inform the BWP and CWP.

Purpose

The purpose of the Amendment Regulation is to assist Sunwater to efficiently carry out investigation works for the proposed BWP and CWP through the utilisation of the Coordinator-General functions and powers under the SDPWO Act. This includes the power to authorise access to land to undertake the investigation works.

This is done through the creation of a new division within the *State Development and Public Works Organisation Regulation 2020* that directs Sunwater, a local body as defined under the SDPWO Act, to undertake works in accordance with sections 99 and 100 of the SDPWO Act and also directs the Coordinator-General to undertake reserved works in accordance with sections 108 and 109 of the SDPWO Act.

Human Rights Issues

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

In my opinion, the human rights under the HR Act that are relevant to the Amendment Regulation are:

- section 19 – freedom of movement
- section 24 – property rights
- section 25 – privacy and reputation
- section 28 – cultural rights - Aboriginal peoples and Torres Strait Islander peoples

Human rights potentially limited by the Amendment Regulation

The decision will potentially limit (or interfere with) the identified human rights:

- section 24 – property rights
- section 28 – cultural rights - Aboriginal peoples and Torres Strait Islander peoples

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

Property Rights (section 24)

(a) the nature of the right

Section 24 of the HR Act protects the right of all persons to own property alone or in association with others, and to not be arbitrarily deprived of property.

It may be argued that property rights may be restricted by the proposed amendment as it enlivens the Coordinator-General's powers in relation to authorising access to land for the investigation works.

(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 purposes for which the Coordinator-General may exercise powers under the SDPWO Act are limited to the investigation works which will inform the project design and constructability of the proposed BWP and CWP.

The proposed amendment enables the Coordinator-General to facilitate land access to support the BWP and CWP. The activities that can be undertaken however, would be in accordance with the SDPWO Act and are limited by the statute's provisions, which provide a safeguard to limit impacts on a person's human right.

The use of any powers by the Coordinator-General to facilitate land access will be subject to conditions of entry that afford protections for the landowner that allow for free use of their property.

Investigations are required to be undertaken to properly inform the BWP and the CWP and are in line with broader government objections to deliver long term sustainable water security for the region. The purpose of the potential limitation is considered consistent with a democratic society based on human dignity, equality, and freedom.

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

Any potential limitation on property rights which may occur as a consequence of the Amendment Regulation, are only to ensure the timely delivery of the proposed BWP and CWP.

Investigations are required to be undertaken to properly inform the BWP and the CWP and are in line with broader government objections to deliver long term sustainable water security for the region. The purpose of the potential limitation is considered consistent with a democratic society based on human dignity, equality, and freedom.

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

There are no less restrictive ways to achieve the purpose of the Amendment Regulation. Investigation works to inform the BWP and CWP may not be able to be delivered within the required project timeframes without the use of the Coordinator-General's functions and powers under the SDPWO Act. Sections 100 and 109 of the SDPWO Act require directions to be made by regulation.

(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 proposed amendment enlivens an existing statutory power under the SDPWO Act that will enable the BWP and CWP to meet project timeframes.

The proposed amendment will facilitate land access to undertake the investigation works to inform the BWP and CWP and assist Sunwater meet delivery timeframes to improve long term sustainable water security for the region.

Cultural Rights – Aboriginal and Torres Strait Islander peoples (section 28)

(a) the nature of the right

Aboriginal and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right, with other members of the community, to maintain their distinctive spiritual practices, material or economic relationship with the land or water to which they have a connection.

(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 purposes for which the Coordinator-General may exercise powers under the SDPWO Act are limited to the investigation works which will inform the project design and constructability of the proposed BWP and CWP.

The proposed amendment enables the Coordinator-General to facilitate land access to support the BWP and CWP. If the Coordinator-General exercises powers under the SDPWO Act to authorise access to land, this would be done in accordance with the SDPWO Act and is therefore limited by the statute's provisions, which provide a safeguard to limit impacts on a person's human right.

Investigations are required to be undertaken to properly inform the BWP and the CWP and are in line with broader government objections to deliver long term sustainable water security for the region. The purpose of the potential limitation is considered consistent with a democratic society based on human dignity, equality, and freedom.

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

The purposes for which the Coordinator-General may exercise powers under the SDPWO Act are limited to the investigation works to inform project design and constructability.

Any potential limitation of the right is only to allow the Coordinator-General to facilitate significant economic and infrastructure projects that provide benefit to a region, the State, and residents within.

In Queensland the rights of Aboriginal people and Torres Strait Islander peoples are lawfully established through a range of legislative mechanisms. In the context of planning and development, these rights are primarily achieved through the *Native Title Act 1993* (Cth), *Native Title (Queensland) Act 1993*, *Aboriginal Cultural Heritage Act 2003*, and the *Torres Strait Islander Cultural Heritage Act 2003*, but also enabled via other legislative and statutory mechanisms.

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

There are no less restrictive ways to achieve the purpose of the Amendment Regulation. Investigation works to inform the BWP and CWP may not be able to be delivered within the required project timeframes without the use of the Coordinator-General's functions and powers under the SDPWO Act. Sections 100 and 109 of the SDPWO Act require directions to be made by regulation.

- (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 proposed amendment enlivens an existing statutory power under the SDPWO Act that will enable the BWP and CWP to meet project timeframes.

The proposed amendment will facilitate land access to undertake the investigation works to inform the BWP and CWP and assist Sunwater meet delivery timeframes to improve long term sustainable water security for the region.

Human rights potentially limited by the Amendment Regulation

The Amendment Regulation is relevant to, but will not potentially limit (or interfere with), the identified human rights in the sections outlined below:

- section 19 – freedom of movement

Section 19 of the HR provides that every person has the right to move freely within Queensland and the freedom to choose where to live.

- section 25 – privacy and reputation

Section 25 of the HR Act provides that a person has the right not to have their privacy, family, home, or correspondence unlawfully or arbitrarily interfered with and not to have the person's reputation unlawfully attacked.

The Amendment Regulation itself does not limit these rights, but they may be a proper consideration for the Coordinator-General in the exercise of any powers under the SDPWO Act to facilitate land access for the investigation works to inform the BWP and CWP depending on the factual circumstances.

Conclusion

I consider that the *State Development and Public Works Organisation (Barlil and Cooranga Weir Projects—Investigation Works) 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.

JARROD BLEIJIE MP

Deputy Premier, Minister for State Development, Infrastructure and Planning
and Minister for Industrial Relations