

# Amendments during Consideration in Detail of the Water Legislation Amendment Bill 2022

## Statement of Compatibility

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

In accordance with section 38 of the *Human Rights Act 2019*, I, Glenn Butcher, Minister for Regional Development and Manufacturing and Minister for Water make this statement of compatibility with respect to the Amendments during Consideration in Detail.

In my opinion, the Amendments during Consideration in Detail proposed to the Water Legislation Amendment Bill 2022 is 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 during Consideration in Detail.

The Water Legislation Amendment Bill 2022 was introduced into Queensland Parliament by the Hon Glenn Butcher, Minister for Regional Development and Manufacturing and Minister for Water on 12 October 2022.

The Bill proposes several administrative improvements to the *Water Act 2000*, including an amendment to ensure the chief executive can apply appropriate discretion when deciding particular water licence dealing applications.

This amendment inadvertently increases regulatory burden for water licence dealings that are a renewal or reinstatement of an existing water licence; by requiring duplicative public notification about the water licence.

Currently and historically the processes for renewal or reinstatement of a water licence have not included a requirement for public notification, because public notice and the subsequent consideration of public interest was considered during the consideration of the original grant or significant amendment of the water licence.

The objective of the proposed Amendments during Consideration in Detail is to provide additional clarity about the Bill's proposed changes to the process for deciding an application for a water licence dealing. It is not intended to create duplicative administrative burden for renewal and reinstatement of a water licence in doing so.

## Human Rights Issues

### Human rights relevant to the Bill (Part 2, Division 2 and 3 Human Rights Act 2019)

I consider the following human rights may be engaged by the proposed Amendments during Consideration in Detail

- Taking part in public life (section 23 of the Human Rights Act 2019 (HR Act))—in relation to additional clarity about the Bill’s proposed changes to the process for deciding an application for a water licence dealing.

### If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (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.

Every eligible person has the right, and is to have the opportunity, without discrimination

1. to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors; and
2. to have access, on general terms of equality, to the public service and to public office.

The right to take part in public life affirms the right of all persons to contribute to and exercise their voices in relation to the public life of the State. It includes protection for all persons to make contributions to the political process and public governance, which embraces both the opportunity to participate in the formulation and implementation of public policy.

It also relates to the right to freedom of expression. This right further protects a person’s right to hold an opinion, and the right to seek, receive, and express information and ideas without interference.

##### (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality, and freedom

Currently and historically the processes for renewal or reinstatement of a water licence have not included a requirement for public notification, because public notice and the subsequent consideration of public interest was considered during the consideration of the original grant or significant amendment of the water licence.

The objective of the proposed Amendments during Consideration in Detail is to provide additional clarity about the Bill’s proposed changes to the process for deciding an application for a water licence dealing. It is not intended to create duplicative administrative burden for renewal and reinstatement of a water licence in doing so.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The objective of the proposed Amendments during Consideration in Detail are to provide additional clarity about the Bill's proposed changes to the process for deciding an application for a water licence dealing and avoiding duplicative administrative process by maintaining the status quo of the current processes.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The proposal is the least restrictive way of avoiding duplicative administrative process by maintaining the status quo of the current processes.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation.

A person's right to take Part in public life, by having access to information about, and the ability to make a submission on the granting of a new water licence is afforded during the initial resource allocation grant.

The renewal or reinstatement of an existing water licence does not allow the chief executive to make a decision that would afford additional access to water resources.

Therefore, the proposed Amendments during Consideration in Detail is considered reasonable and demonstrably justifiable.

## Conclusion

In my opinion, the Amendments during Consideration in Detail proposed to the Water Legislation Amendment Bill 2022 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**GLENN BUTCHER**

**MINISTER FOR REGIONAL DEVELOPMENT AND MANUFACTURING AND  
MINISTER FOR WATER**

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