

Water (Licence Fees and Water Authorities) Amendment Regulation 2020

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, Dr Anthony Lynham MP, Minister for Natural Resource, Mines and Energy provide this human rights certificate with respect to the Water (Licence Fees and Water Authorities) Amendment Regulation 2020 made under the *Water Act 2000* (Water Act).

In my opinion, the Water (Licence Fees and Water Authorities) Amendment Regulation 2020 as tabled in the Legislative Assembly 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 Subordinate Legislation

The purpose of the Water (Licence Fees and Water Authorities) Amendment Regulation 2020 (Amendment Regulation) is to support the application of the provisions of the Water Act. The amendments to the Water Regulation 2016 (Water Regulation) are primarily to include a range of streamlining, minor and miscellaneous amendments to improve the operations of the Water Act and the Water Regulation.

The Amendment Regulation includes the following amendments to the Water Regulation:

1. Exempt water licences with a purpose of Cape York Peninsula Heritage Area (CYPHA) from water licence fees.
2. Extend the revalidation date for metered entitlements in the Lower Balonne Water Management Area.
3. Dissolve two category 2 water authorities, Callandoon Water Supply Board and Matthews Road Drainage Board and its respective authority areas, for the purpose of converting to an alternative institutional arrangement.
4. Exclude water licences that take overland flow water in the Water Resource (Whitsunday) Plan 2010 area from being metered entitlements in acknowledgement of existing water licence conditions relating to the measurement of overland flow (OLF) water take.

Human Rights Issues

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

CYPHA water licence fees

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

Cultural Rights – Aboriginal peoples and Torres Strait Islander peoples

The clause of the Amendment Regulation that is relevant to this right is:

- Exemption of water licence fees for CYPHA water licences – clause 3.

Section 28 of the *Human Rights Act 2019* protects the right to live life as an Aboriginal person or Torres Strait Islander who is free to practice their culture, and provides that they must not be denied certain rights in relation to traditional knowledge, spiritual practices, language, kinship ties, relationship with land and resources, and protection of the environment. The exemption from water licence fees enhances these traditional values by providing Aboriginal and Torres Straits Islander people with the economic support to continue to strengthen their distinctive economic relationship with the land and waters. This objective is achieved by removing impediments, through the costs associated with holding a water licence to take water and applying for dealings in relation to said water licence that could create barriers for Aboriginal peoples and Torres Strait Islanders, identified as eligible persons under the *Water Plan (Cape York) 2019*, to access water for social, cultural and economic aspirations.

Other proposed amendments

None of the other proposed amendments raises any human right issue.

Conclusion

I consider that the Water (Licence Fees and Water Authorities) Amendment Regulation 2020 is compatible with the *Human Rights Act 2019* because it raises human rights issues but does not limit human rights.

DR ANTHONY LYMHAM MP
MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY

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