

Planning (Development in Priority Port's Master Planned Area) Amendment Regulation 2021

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, Steven Miles, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure provide this human rights certificate with respect to the *Planning (Development in Priority Port's Master Planned Area) Amendment Regulation 2021* (the Amendment Regulation) made under the *Planning Act 2016* (Planning 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*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The objective of the Amendment Regulation is to clarify that the relevant port authority is the assessment manager where development is proposed on strategic port land and made assessable by a port overlay. This is reflected in amendments to Schedule 8 (assessment manager for development applications), Table 2 of the *Planning Regulation 2017*.

The Amendment Regulation reflects the intent for the port authority assessment manager function, as expressed in the explanatory notes for the *Sustainable Ports Development Act 2015*.

Human Rights Issues

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

In my opinion, the human right under the *Human Rights Act 2019* that is engaged by the Amendment Regulation is property rights (section 24) being the right to own property and the right to not be arbitrarily deprived of property.

The Amendment Regulation engages property rights in that it involves a change to the process for development on a person's land. However, it does not restrict, affect or limit property rights in any way, because the Amendment Regulation does not change the right to develop land, or any aspect of property ownership. A person will still have the right to lodge a development application over their property, where in strategic port land areas. The amendment is purely a change to the assessment manager who is to receive and assess the development application.

Conclusion

I consider that the *Planning (Development in Priority Port's Master Planned Area) Amendment Regulation 2021* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

STEVEN MILES MP
Deputy Premier, Minister for State Development,
Infrastructure, Local Government and Planning
and Minister Assisting the Premier on Olympics Infrastructure

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