

State Development and Public Works Organisation (CopperString 2032—Workers Accommodation Camps) Amendment Regulation 2024

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, Grace Grace, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing provide this human rights certificate with respect to the *State Development and Public Works Organisation (CopperString 2032 - Workers Accommodation Camps) Amendment Regulation 2024* (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 *Human Rights Act 2019* (HR Act). I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Background

The CopperString 2032 project, formerly known as the CopperString Project and CopperString 2.0 (the project), is an approximately 1,000 km high-voltage electricity transmission line from south of Townsville to Mount Isa that will connect Queensland's North West Minerals Province (NWMP) to the national electricity grid. Powerlink Queensland (Powerlink) is the proponent delivering the project.

The \$5 billion project will form an essential part of the new Queensland SuperGrid transmission backbone to be delivered under the Queensland Energy and Jobs Plan.

The project also aligns with the Queensland Resources Industry Development Plan and Queensland Critical Minerals Strategy by helping unlock access to critical minerals in the NWMP. The project is vital to Queensland's transition to renewable energy products and low-emission power sources.

The project includes:

- 500 kilovolt (kV) transmission line from south of Townsville to Hughenden
- 330 kV transmission line from Hughenden to Cloncurry
- 220 kV transmission line from Cloncurry to Mount Isa
- up to six new substation sites
- ancillary infrastructure such as workers accommodation camps.

On 30 October 2023, the Queensland Government committed to commencing construction in mid-2024 with a \$1.3 billion package to progress work on the project. The project is expected to be completed in 2029.

The construction of workers accommodation camps is required to accommodate workers undertaking works for the project. Camps proposed at Hughenden, Julia Creek and Richmond are critical to the project commencing and it is expected construction will commence on the camps in mid-2024 and early 2025.

Purpose

The objective of the Amendment Regulation is to create a new division in the State Development and Public Works Organisation Regulation 2020 that directs Powerlink to undertake project works in accordance with sections 99 and 100 of the SDPWO Act and also directs the Coordinator-General to undertake facilitation works in accordance with sections 108 and 109 of the SDPWO Act.

The intent is that Powerlink will construct the workers accommodation camps and the Coordinator-General will facilitate works to support the workers accommodation camps using various powers of the Coordinator-General.

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 rights under the HR Act relevant to the Amendment Regulation are:

- section 19 – freedom of movement
- section 21 – freedom of expression
- section 23 – taking part in public life
- section 24 – property rights
- section 28 – cultural rights – Aboriginal and Torres Strait Islander peoples
- section 31 – fair hearing.

Human rights potentially limited by the Amendment Regulation

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

- section 21 – freedom of expression
- section 23 – taking part in public life
- section 24 – property rights
- section 28 – cultural rights – Aboriginal and Torres Strait Islander peoples
- section 31 – fair hearing.

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

Freedom of expression (section 21)

- (a) the nature of the right

Section 21 of the HR Act provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information of all kinds. It protects the right of all persons to hold an opinion without interference and the right of all persons to seek, receive and express information and ideas (including verbal and non-verbal communication).

It may be argued that the right to freedom of expression may be restricted because a consequence of the Amendment Regulation is that third party consultation and appeal rights under the *Planning Act 2016* (Planning Act) would be removed for development of the workers accommodation camps.

The Amendment Regulation is a direction to Powerlink and the Coordinator-General to undertake particular works. Local categorising instruments will be prohibited from stating the particular works are assessable development by operation of Schedule 6 of the *Planning Regulation 2017* (Planning Regulation). Workers accommodation camp construction will therefore progress without a requirement for Powerlink, as the local body, to seek development approvals from the respective local councils, which would have otherwise been subject to public notification requirements. These camps were previously publicly consulted on through the environmental impact statement process administered by the Coordinator-General.

(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 removal of the requirement for a statutory public notification process is a consequence of the statutory framework under the Planning Act and Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis. The Amendment Regulation enlivens this existing statutory pathway.

Given the Amendment Regulation utilises existing statutory pathways, and the on-time delivery of the CopperString 2032 Project is instrumental for provision of an electricity transmission line under the Queensland Energy and Jobs Plan (QEJP), 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 potential limitation on freedom of expression, which may occur as a consequence of the Amendment Regulation, will ensure the timely establishment of necessary accommodation so that the CopperString 2032 Project may proceed.

The need to provide temporary workers accommodation for the project is in line with community expectations and broader government objectives regarding timely delivery to connect the Queensland's North West Minerals Province to the national electricity grid.

(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. Sections 100 and 109 of the SDPWO Act require directions to be made by regulation. Administrative arrangements would not provide the streamlining benefits that can be provided through the Amendment Regulation or enliven the Coordinator-General's powers.

(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 enlivens an existing statutory pathway in the Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis.

The amendment will facilitate a temporary element (the workers accommodation camps) required to progress the CopperString 2032 Project.

When balancing the right to freedom of expression in relation to the development of the workers accommodation camps with the urgent need to facilitate the CopperString 2032 Project, the Amendment Regulation is considered to be in line with community expectations.

Taking part in public life (section 23)

(f) the nature of the right

Section 23 of the HR Act provides that every person has the right to take part in public life. It protects the right of all persons to have the opportunity, without discrimination to participate in the conduct of public affairs.

It may be argued that the right to take part in public life may be restricted because a consequence of the Amendment Regulation is that third party consultation and appeal rights under the *Planning Act 2016* (Planning Act) would be removed for development of the workers accommodation camps.

The Amendment Regulation is a direction to Powerlink and the Coordinator-General to undertake particular works. Local categorising instruments will be prohibited from stating the particular works are assessable development by operation of Schedule 6 of the *Planning Regulation 2017* (Planning Regulation). Workers accommodation camp construction will therefore progress without a requirement for Powerlink, as the local body, to seek development approvals from the respective local councils, which would have otherwise been subject to public notification requirements. These camps were previously publicly consulted on through the environmental impact statement process administered by the Coordinator-General.

(g) 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 removal of the requirement for a statutory public notification process is a consequence of the statutory framework under the Planning Act and Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis. The Amendment Regulation enlivens this existing statutory pathway.

Given the Amendment Regulation utilises existing statutory pathways, and the on-time delivery of the CopperString 2032 Project is instrumental for provision of an electricity transmission line under the Queensland Energy and Jobs Plan (QEJP), the purpose of the potential limitation is considered consistent with a democratic society based on human dignity, equality and freedom.

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

The potential limitation on freedom of expression, which may occur as a consequence of the Amendment Regulation, will ensure the timely establishment of necessary accommodation so that the CopperString 2032 Project may proceed.

The need to provide temporary workers accommodation for the project is in line with community expectations and broader government objectives regarding timely delivery to connect the Queensland's North West Minerals Province to the national electricity grid.

(i) 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. Sections 100 and 109 of the SDPWO Act require directions to be made by regulation. Administrative arrangements would not provide the streamlining benefits that can be provided through the Amendment Regulation or enliven the Coordinator-General's powers.

(j) 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 enlivens an existing statutory pathway in the Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis.

The amendment will facilitate a temporary element (the workers accommodation camps) required to progress the CopperString 2032 Project.

When balancing the right to freedom of expression in relation to the development of the workers accommodation camps with the urgent need to facilitate the CopperString 2032 Project, the Amendment Regulation is considered to be in line with community expectations.

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 Amendment Regulation as it enlivens the Coordinator-General's powers including in relation to access to land, compulsory acquisition and rearrangement of roads.

(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 and impact the right under the Amendment Regulation are limited to works to support the project works and does not extend to Powerlink's wider project.

Powerlink has indicated it has, or will have, established tenure agreements and rights to access the properties with landholders on which the workers accommodation camps are located. Property acquisition or compulsory access is not therefore envisaged for the properties on which the workers accommodation camps are located.

The Amendment Regulation enables the Coordinator-General to use powers under the SDPWO Act including to open, close or otherwise rearrange roads. Any potential acquisition of land for a road would only occur if necessary to facilitate road upgrades to support the workers accommodation camps.

Potential land acquisition would require further consultation with, and consideration by, the Coordinator General, as well consultation with affected landowners. The exercise of powers is subject to the process under the SDPWO Act and the *Acquisition of Land Act 1967* (ALA) and payment of compensation.

The process and compensation provisions are outlined within the SDPWO Act and ALA and provide a framework for the implementation of compulsory access and acquisition. The compulsory access and acquisition powers are therefore limited by the statutes' provisions, which provide a safeguard to limit impacts on a person's human rights.

The need for construction of workers accommodation camps for the CopperString 2032 project is in line with community expectations and broader government objectives regarding timely delivery of the electricity transition line. The purpose of the 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

A potential limitation on property rights may arise to ensure the timely establishment of necessary accommodation so that the CopperString 2032 Project may proceed.

The need to provide temporary workers accommodation for the project is in line with community expectations and broader government objectives regarding timely delivery of the electricity transition line.

(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. Project works may not be able to be delivered within required 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 Amendment Regulation enlivens an existing statutory pathway in the SDPWO Act that enables significant projects to proceed on a streamlined and urgent basis. The amendment will facilitate a temporary element (the workers accommodation camps) required for the CopperString 2032 Project.

When balancing property rights in relation to construction of the workers accommodation camps with the urgent need to facilitate the CopperString 2032 project, the Amendment Regulation is considered to be in line with community expectations.

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

(a) the nature of the right

Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right, with other members of their 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

If the use of any Coordinator-General powers is required that may affect native title interests (native title parties are required to be afforded same procedural fairness as though they held freehold title), it is expected that the parties may continue to exercise and enjoy native title rights, except during any construction, for health and safety reasons.

(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 and impact the right under the Amendment Regulation are limited to works to support workers accommodation camps construction and does not extend to Powerlink’s wider program of works.

The potential limitation of the right allows the Coordinator-General to facilitate this significant infrastructure project to benefit both the region, 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. The Amendment Regulation does not impact this legislation.

(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. Project works may not be able to be delivered within required 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 Amendment Regulation enlivens an existing statutory pathway in the SDPWO Act that enables significant projects to proceed on a streamlined and urgent basis. The amendment will facilitate a temporary element (the workers accommodation camps) required for the CopperString 2032 Project.

When balancing cultural rights of Aboriginal peoples and Torres Strait Islander peoples in relation to construction of the workers accommodation camps with the urgent need to facilitate the CopperString 2032 project, the Amendment Regulation is considered to be in line with community expectations.

Fair hearing (section 31)

(a) the nature of the right

Section 31 of the HR Act is directed at the procedure of trials for criminal offences and civil proceedings. It protects the right to a fair and public hearing by an impartial decision maker. Section 31 provides that a person has the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

It may be argued that the right to a fair hearing may be restricted by the Amendment Regulation as the potential for third party consultation and appeal rights would be removed for development of the workers accommodation camps.

The Amendment Regulation is a direction to Powerlink and the Coordinator-General to undertake particular works. Local categorising instruments will be prohibited from stating the particular works are assessable development by operation of Schedule 6 of the Planning

Regulation. Workers accommodation camp construction will therefore progress without a requirement for Powerlink, as the local body, to seek development approvals from the respective local councils, which would have otherwise been subject to public notification requirements. These camps were previously publicly consulted on through the environmental impact statement process administered by the Coordinator-General.

(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 removal of the requirement for a statutory public notification process and the ability to make a submission that then enlivens appeal rights is a consequence of the statutory framework under the Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis. The Amendment Regulation enlivens this existing statutory pathway.

Given the Amendment Regulation utilises existing statutory pathways, and the on-time delivery of the CopperString 2032 Project is instrumental for provision of an electricity transmission line under the QEJP, 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 potential limitation on the right to a fair hearing, which may occur as a consequence of the effect of the Amendment Regulation, will ensure the timely construction of necessary accommodation for the CopperString 2032 Project may proceed.

The need to provide temporary workers accommodation for the project is in line with community expectations and broader government objectives regarding timely delivery of the transition to a renewable energy system.

(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. Sections 100 and 109 of the SDPWO Act require directions to be made by regulation. Administrative arrangements would not provide the streamlining benefits that can be provided through the Amendment Regulation or enliven the Coordinator-General's powers.

(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 employs an existing statutory pathway in the Planning Regulation that enables significant projects to proceed on a streamlined and urgent basis. The amendment will facilitate a temporary element (the workers accommodation camps) required to progress the CopperString 2032 Project.

When balancing the right to a fair hearing in relation to the development of the workers accommodation camps with the urgent need to facilitate the CopperString 2032 project, the Amendment Regulation is considered to be in line with community expectations.

Human rights potentially relevant to the Amendment Regulation but not limited

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 Act provides that every person has the right to move freely within Queensland and the freedom to choose where to live.

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 the construction of the workers accommodation camps and opening, closing or rearrangement of roads depending on the factual circumstances.

Conclusion

I consider that the *State Development and Public Works Organisation (CopperString 2032 - Workers Accommodation Camps) Amendment Regulation 2024* 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.

GRACE GRACE MP
Minister for State Development and Infrastructure
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Minister for Racing