

Planning (Rural Workers' Initiative and Other Matters) 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* (HR Act), I, Meaghan Scanlon, Minister for Housing, Local Government and Planning and Minister for Public Works provide this human rights certificate with respect to the *Planning (Rural Workers' Initiative and Other Matters) Amendment Regulation 2024* (the Amendment Regulation) made under the *Planning Act 2016*.

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

The policy objectives of the Amendment Regulation are to amend the *Planning Regulation 2017* (the Planning Regulation) to:

- give effect to a new nominated premises for rural workers' accommodation under the Queensland Rural Workers' Accommodation initiative by reflecting the new date of 22 August 2024 in the Planning Regulation 2017 (Planning Regulation)
- give effect to the updated State Development Assessment Provisions (SDAP) to reflect amendments to the State Code 23: Wind Farm Development by reflecting the new date in the Planning Regulation
- extend the sunset clause for an additional two year period for development for relocatable classrooms at State schools to allow Department of Education (DoE) to respond to fluctuating enrolment numbers.

Human Rights Issues

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

In my opinion, the human right that may be relevant to the decision is:

- Section 16 – Right to live
- Section 19 – Freedom of movement
- Section 24 – Property rights (the right to own property and not be arbitrarily deprived of it)
- Section 25 – Right to privacy and reputation
- Section 27 – Cultural rights
- Section 36 – Right to education

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

The following table considers the relevant human rights and whether they are limited by the decision.

Human right	Comment
<p>Section 16 — Right to live (the right to life and not be arbitrarily deprived of life)</p>	<p>Section 16 of the HR Act recognises that every person has the right to life and has the right not to be arbitrarily deprived of life.</p> <p>This right is concerned about government action to refrain from taking someone’s life (a negative duty) while also protecting people from real and immediate risks to life.</p> <p>This right may be relevant as the Amendment Regulation involves a change to give effect to a new nominated premises for rural workers’ accommodation to repurpose existing underutilised facilities as an interim solution for rural workers’ accommodation.</p> <p>The proposed change will provide additional supply to address the shortage of appropriate accommodation for rural workers.</p> <p>Therefore, this right is promoted.</p>
<p>Section 19 – Freedom of movement (the right to lawfully enter and leave Queensland and choose where they want to live)</p>	<p>Section 19 of the HR Act recognises that every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it and has the freedom to choose where to live.</p> <p>This right may be relevant as the Amendment Regulation will ensure rural workers will have suitable accommodation located in proximity to their place of work. The proposed change will also reduce commute times and support movement within the local area of their place of work.</p> <p>Therefore, this right is promoted.</p>
<p>Section 23 – Taking part in public life (the right to participate in the conduct of public affairs, vote and be elected, and access to public service and public office)</p>	<p>Section 23 of the HR Act recognises that every person has the right to participate in the conduct of public affairs, including at elections, and to have equal access to the public service (including through the formulation and implementation of policy).</p> <p>This right is concerned about decisions that include taking part in public life where public consultation is required before a statutory decision is made and where the decision-maker is required to consider submissions received during the public consultation.</p> <p>This right may be relevant as the Amendment Regulation involves a change to implement policy and public consultation regarding the proposed changes has not been undertaken. However, the proposed change has limited impact and gives effect to ministerial decisions.</p> <p>Therefore, this right is not limited.</p>
<p>Section 24 — property rights (the right to own property and not be arbitrarily deprived of it)</p>	<p>Section 24 of the HR Act recognises that people are protected from having their property taken, unless the law says it can be taken.</p> <p>This right is concerned about decisions that include restricting the use of private property, including under planning laws, and their right to the</p>

	<p>enjoyment of their property. Planning decisions may have the impact of limiting the use of land.</p> <p>This right may be relevant as the Amendment Regulation involves a change to give effect to a new nominated premises for rural workers' accommodation, however the proposed changes do not impact a persons right to be protected from having their property taken, unless the law says it can be taken.</p> <p>Therefore, this right is not limited.</p>
<p>Section 25 – Right to privacy and reputation (the right to not have the person's privacy, family, home, correspondence, and reputation unlawfully attacked)</p>	<p>Section 25 of the HR Act recognises that nobody can arbitrarily interfere with a person's private life (which includes family, home or correspondence).</p> <p>This right involves protection against interference with individuals' autonomy, security and wellbeing in the private sphere, in addition to protecting information and data provided to government. It also extends to protection against unlawful attack against a person's reputation. This right may be engaged for a decision about a proposal which impacts on the peaceful enjoyment of a person's home, through:</p> <ul style="list-style-type: none"> • environmental impacts such as odour, dust and other forms of pollution; • through altering the views from the person's property; • unwanted overlooking of a person's' home. <p>This right may be relevant as the Amendment Regulation involves a change that may require personal information to be collected. However, the proposed changes does not involve the use or disclosure of personal information that would impact privacy or reputation.</p> <p>Therefore, this right is not limited.</p>
<p>Section 27 – Cultural rights (enjoy their culture, declare and practice their religion and use their languages, individually and in community with others)</p>	<p>Section 27 of the HR Act recognises that every person can enjoy their culture, declare and practice their religion and use their languages, individually and in community with others.</p> <p>This right may be relevant as the Amendment Regulation includes changes relevant to significant development that may impact and require careful management of cultural rights. However, these changes do not directly impact cultural rights.</p> <p>Therefore, this right is not limited.</p>
<p>Section 36 – Right to education (the right to every child in Queensland to have access to both primary</p>	<p>Section 36 of the HR Act recognises that every child in Queensland is to have access to both primary and secondary education appropriate to their needs as well as further vocational training, based on their ability.</p> <p>This right may be relevant as the Amendment Regulation involves a change to extend the sunset clause for an additional two years for development for relocatable classrooms at State schools to allow DoE to respond to fluctuating enrolment numbers. The Amendment Regulation promotes this human right by ensuring that DoE can supply necessary</p>

and secondary education)	classroom accommodation to meet community needs and ensure children have access to both primary and secondary education appropriate. Therefore this right is promoted.
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Conclusion

I consider that the *Planning (Rural Workers' Initiative and Other Matters) Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and justifiable.

Meaghan Scanlon MP
Minister for Housing, Local Government and Planning
Minister for Public Works

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