

# Planning (Wind Farms) Amendment Regulation 2025

## 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, Jarrod Bleijie, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations provide this human rights certificate with respect to the *Planning (Wind Farms) Amendment Regulation 2025* (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:

- establish that all wind farm developments are subject to impact assessment, requiring statutory public consultation and allowing third party appeal rights
- retain the State Assessment and Referral Agency (SARA) as the Assessment Manager for wind farms in Queensland
- give effect to an 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.

## Human Rights Issues

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

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

- Section 15 – Right to recognition as a person and equality before the law
- Section 23 – Taking part in public life
- Section 24 – Property rights (the right to own property and not be arbitrarily deprived of it)

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

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

<b>Human right</b>	<b>Comment</b>
<p>Section 15 –                      Right to recognition as a person and equality before the law</p>	<p>Section 15 of the HR Act recognises that every person has the right to recognition as a person before the law, not be discriminated against, and to enjoy equal and effective protection under the law, with measures to assist disadvantaged groups not considered discriminatory.</p> <p>This Amendment Regulation aligns with Section 15 of the HR Act by ensuring that wind farm developments undergo impact assessment that incorporates mandatory statutory public consultation and third party appeal rights. This process ensures a consistent and comprehensive assessment process for wind farm projects that more closely aligns with the scale of assessment applied to other similar land uses, like mining and agriculture. It enhances transparency and accountability, promoting equal and effective protection under the law for all individuals, including those in communities potentially affected by these projects. Further, it does not compromise the ability for land owners and developers to be treated fairly under law, as they will still be afforded a transparent and accountable process with respect to the assessment and determination of development applications under the Planning Act.</p> <p>By implementing the impact assessment process to assess wind farm developments that mandates public consultation, this Amendment Regulation provides a platform for all community members to have their voices heard, thereby supporting the right to recognition and non-discrimination. Additionally, this inclusive approach ensures that any potential adverse impacts on disadvantaged groups are considered and mitigated, reinforcing the principle that measures to assist such groups are not discriminatory but necessary for equitable treatment under the law.</p> <p>This Amendment Regulation therefore promotes this human right.</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, such as 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 Amendment Regulation relates to the right to take part in public life by enhancing opportunities for individuals to participate in the conduct of public affairs by implementing the impact assessment process for wind farm applications, which involves mandatory public consultation. This process ensures that all persons, without discrimination, can engage in</p>

	<p>decision-making that affects their environment and communities, thereby directly participating in public affairs.</p> <p>By allowing third-party appeal rights, this Amendment Regulation also provides a legal avenue for individuals to challenge development assessment decisions, further reinforcing their ability to influence public affairs and hold decision-makers accountable. The rights of land owners to consent to development applications being made and the right of applicants to make and be afforded due process in the assessment of development applications is not altered by this Amendment Regulation.</p> <p>Although no community consultation was conducted for this proposal, which may be seen as limiting this human right, this Amendment Regulation aligns with the public commitment to making wind farms subject to impact assessment. This, in turn, establishes a framework to enhance community participation in the decision-making process for wind farm development projects.</p> <p>The Amendment Regulation therefore promotes this human right by providing for broader access to the decision-making process, aligning with the principle that every person should have the opportunity to participate in public life on equal terms, ensuring that the governance of public matters is inclusive and representative.</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 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 relates to property rights by ensuring that wind farm developments undergo a thorough impact assessment process, which includes public consultation and third party appeal rights. This process helps protect individuals and communities from potential arbitrary impacts on their property resulting from development, as it allows them to voice concerns and participate in the decision-making process regarding developments that may affect their property rights.</p> <p>By requiring that wind farm developments consider social and other impacts through impact assessment, this Amendment Regulation aims to balance the interests of land owners consenting to renewable energy development on their land and both owners or occupiers of land with the potential to be impacted by renewable energy developments. Enabling impact assessment does not compromise either of these individual property rights.</p> <p>The Amendment Regulation does not alter a person’s right to be protected from having their property taken, unless the law says it can be taken. Impact assessment provides a structured and transparent process, including consideration of decommissioning of wind farms, ensures that</p>

	<p>property owners are not arbitrarily deprived of their property or subjected to undue harm, thereby safeguarding their rights under the law.</p> <p>This Amendment Regulation does not limit this human right.</p>
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## Conclusion

I consider that the *Planning (Wind Farms) Amendment Regulation 2025* is compatible with the HR Act because it does not limit human rights.

**JARROD BLEIJIE MP**  
Deputy Premier, Minister for State Development, Infrastructure and Planning  
and Minister for Industrial Relations