

# Economic Development (Revocation of Moranbah PDA) 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*, I, Jarrod Bleijie MP, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations provide this human rights certificate with respect to the *Economic Development (Revocation of Moranbah PDA) Amendment Regulation 2025* (the Amendment Regulation) made under the *Economic Development 2012* (ED 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The Moranbah Urban Development Area was declared on 30 July 2010 under the now repealed *Urban Land Development Authority Act 2007*. On the repeal of the *Urban Land Development Authority Act 2007* and the commencement of the ED Act, the Moranbah Urban Development Area was taken to be a priority development area (PDA) under the ED Act.

At the time the Moranbah PDA was declared, Moranbah was experiencing high growth due to the rapid expansion of coal mining operations in the Bowen Basin and, more particularly, in the Moranbah area. The Moranbah PDA was declared to facilitate the delivery of a range of housing, non-resident accommodation and other urban development to support this growth.

The period of rapid expansion of coal mining operations near Moranbah has ended, and there is now no need for the continuation of the Moranbah PDA.

The Amendment Regulation amends the *Economic Development Regulation 2023* by revoking the Moranbah PDA.

## 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 in the *Human Rights Act 2019* that are engaged by the Amendment Regulation are:

- the right to choose where to live (section 19);
- the right to freedom of expression (section 21);
- the right to take part in public life (section 23);

- the right to not be arbitrarily deprived of property (section 24); and
- the right to privacy, family and home (section 25).

The Amendment Regulation will engage each of these human rights in the following ways:

Section 19 – The right to choose where to live

The right to freedom of movement includes the freedom to choose where to live. The revocation of a PDA has planning and land use implications that engage and potentially limit the ability of individuals to choose where to live.

Declaring an area as a PDA establishes a framework to facilitate economic development and development for community purposes. The framework includes streamlined planning and development processes, which create certainty for businesses and therefore encourage investment in development projects. More particularly, development in the PDA is regulated under the ED Act and not the *Planning Act 2016* (Planning Act).

The revocation of the Moranbah PDA will have the following effects:

- The PDA will cease to exist and land within the PDA is no longer subject to the planning and development processes under the ED Act. Instead, the development of the land would be regulated by the local government's planning scheme and the Planning Act. In this regard, the Isaac Regional Council's Isaac Regional Planning Scheme 2021 includes the land currently in the Moranbah PDA in zones, overlays and planning provisions. For most land parcels, the Isaac regional Planning Scheme 2021 provides development opportunities commensurate with those under the Moranbah PDA Development Scheme.
- Any PDA development approvals in place before the Moranbah PDA is revoked will generally be taken to be a development approval under the Planning Act.
- Any PDA development applications on foot but not decided when the Moranbah PDA is revoked will continue to be decided under the ED Act as if the Moranbah PDA has not been revoked and any PDA development approval given for that PDA development application will be taken to be a development approval under the Planning Act.

Having regard to the above implications, any impact on the freedom to choose where to live by the revocation of the Moranbah PDA will be minimal in nature. The decision is also justifiable, because:

- decisions about urban land use planning inevitably restrict where people can establish their residence, but the limitation caused by the revocation of the Moranbah PDA is unlikely to be greater than under the Isaac Regional Planning Scheme 2021; and
- the benefits that accrue to individuals through considered land use planning are considerable, and will continue after the Moranbah PDA is revoked.

### Section 21 – The right to freedom of expression

Section 21 of the Human Rights Act states that every person has the right to hold an opinion without interference and the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

The revocation of the Moranbah PDA does not have the potential to limit this right, because development of the land which was in the Moranbah PDA will be regulated by the Isaac Regional Planning Scheme 2021 and the Planning Act, both of which assessable development to be subject to impact assessment where the development is inconsistent with the purpose of the zone in which the land on which the proposed development is located. Impact assessment involves the public notification of a development application, with members of the public having the right to make submissions about the development application.

### Section 23 – The right to take part in public life

The revocation of the Moranbah PDA engages, but does not limit, the right to take part in public life. The development of the land which was in the Moranbah PDA will be regulated by the Isaac Regional Planning Scheme 2021 and the Planning Act, both of which assessable development to be subject to impact assessment where the development is inconsistent with the purpose of the zone in which the land on which the proposed development is located. Impact assessment involves the public notification of a development application, with members of the public having the right to make submissions about the development application.

### Section 24 – The right not to be arbitrarily deprived of property

Section 24(2) of the Human Rights Act states that a person must not be arbitrarily deprived of the person's property. Although land use planning does not amount to a total deprivation of property, the regulation of development is sufficient to engage this right because human rights jurisprudence recognises that limitations or restrictions on the use and enjoyment of property can constitute limitations on the right to property.

The right stated in section 24(2) of the Human Rights Act protects against *arbitrary* deprivation of property. In the context of human rights jurisprudence, arbitrary means capricious, unpredictable or unjust or disproportionate to a legitimate aim sought.

Any limitation on property rights resulting from the making of the Amendment Regulation is lawful, being made under the authority of the ED Act, and is not arbitrary, because the effect of the revocation of the Moranbah PDA is that development on land that was previously within the Moranbah PDA will be regulated by the Isaac Regional Planning Scheme 2021 and the Planning Act. For most land parcels, the Isaac Regional Planning Scheme 2021 provides development opportunities commensurate with those under the Moranbah PDA Development Scheme.

### Section 25 – The right to privacy, family and home

Section 25(a) of the Human Rights Act states that a person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The revocation of the Moranbah PDA engages this right, because development on that land (including the ways in which landowners and occupiers can build and enjoy their homes and

conduct their family life within their homes) will now be regulated by the Isaac Regional Planning Scheme 2021 and the Planning Act.

Any limitation on property rights resulting from the making of the Amendment Regulation is lawful, being made under the authority of the ED Act, and is not arbitrary, because the effect of the revocation of the Moranbah PDA is that development on land that was previously within the Moranbah PDA will be regulated by the Isaac Regional Planning Scheme 2021 and the Planning Act. For most land parcels, the Isaac Regional Planning Scheme 2021 provides development opportunities commensurate with those under the Moranbah PDA Development Scheme.

## **Conclusion**

I consider the *Economic Development (Revocation of Moranbah PDA) Amendment Regulation 2025* is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonably and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**Jarrold Bleijie MP**

Deputy Premier, Minister for State Development, Infrastructure  
and Planning and Minister for Industrial Relations

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