

## Housing, Big Build and Manufacturing Committee

### Report No. 1, 57th Parliament

#### Subordinate legislation tabled between 11 October and 14 November 2023

#### 1 Aim of report

This report summarises the findings of the Housing, Big Build and Manufacturing Committee following its examination of subordinate legislation within its portfolio areas. It reports on any issues identified by the committee relating to: the policy to be given effect by the legislation, its consistency with fundamental legislative principles, its compatibility with human rights and its lawfulness.

It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA) and the human rights certificates with the *Human Rights Act 2019* (HRA).

#### 2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
156	State Development and Public Works Organisation (Julia Creek-Richmond Critical Minerals Zone Water Delivery Options) Amendment Regulation 2023	14 November 2023	21 March 2024

\*Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

#### 3 Committee consideration of the subordinate legislation



The committee did not identify any significant issues regarding the policy to be given effect, consistency with fundamental legislative principles, human rights compatibility, or lawfulness of the subordinate legislation covered by this report.

As part of its examination of the State Development and Public Works Organisation (Julia Creek-Richmond Critical Minerals Zone Water Delivery Options) Amendment Regulation 2023 the committee considered a potential limitation to cultural rights relating to Aboriginal and Torres Strait Islander peoples, which is discussed below. The committee was satisfied that the limitation was demonstrably justified in the circumstances.

The committee considers that:

- the explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA.
- The human rights certificate tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

The following sections provide a brief overview of the subordinate legislation.

#### **4 State Development and Public Works Organisation (Julia Creek-Richmond Critical Minerals Zone Water Delivery Options) Amendment Regulation 2023 – SL 156**

The Julia Creek/Richmond area has been identified as a Critical Minerals Zone in the Queensland Critical Minerals Strategy as it has significant vanadium resources with the potential to develop an important critical minerals industry for Queensland.<sup>1</sup>

The objective of the State Development and Public Works Organisation (Julia Creek-Richmond Critical Minerals Zone Water Delivery Options) Amendment Regulation 2023 (SL No. 156) is to direct Sunwater to undertake a strategic assessment, in accordance with the Queensland Government Business Case Development Framework, to analyse options available to supply reliable water to critical minerals projects in the Julia Creek/Richmond area on an interim and permanent basis.<sup>2</sup>

The total cost to deliver the strategic assessment is \$1.1 million which will be funded by the Department of Resources from the Critical Minerals Strategy fund.<sup>3</sup>

The Coordinator-General's functions and powers under the *State Development and Public Works Organisation Act 1971* are intended to facilitate large-scale and complex projects. SL No. 156 enables the Coordinator-General to exercise these powers for this project.<sup>4</sup>

##### **4.1 Consistency with fundamental legislative principles**

No issues of fundamental legislative principle were identified.

##### **4.3 Compatibility with human rights**

The human rights certificate raises cultural rights relating to Aboriginal and Torres Strait Islander peoples.<sup>5</sup> Under s 28 of the HRA, Aboriginal and Torres Strait Islander peoples hold distinct cultural rights to maintain their distinctive spiritual practices, material or economic relationship with the land or water to which they have a connection.<sup>6</sup>

The human rights certificate acknowledges that this human right may be limited by SL No. 156 as the investigations by Sunwater may impact Aboriginal peoples and Torres Strait Islander peoples' access to that land. The justification provided in the human rights certificate is that the limitation is to allow the Coordinator-General to 'facilitate significant economic and infrastructure projects to benefit both the region, state and residents within'.<sup>7</sup>

##### **Committee comment**

The committee is satisfied that the subordinate legislation is compatible with human rights and that the potential limitation to cultural rights is demonstrably justified in the circumstances.

#### **5 Recommendation**

The committee recommends that the House notes this report.



Chris Whiting MP

**Chair**

**February 2024**

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<sup>1</sup> SL No. 156, explanatory notes, p 2.

<sup>2</sup> SL No. 156, explanatory notes, p 3.

<sup>3</sup> SL No. 156, explanatory notes, p 3.

<sup>4</sup> SL No. 156, explanatory notes, p 2.

<sup>5</sup> HRA, s 28.

<sup>6</sup> HRA, s 28.

<sup>7</sup> SL No. 156, human rights certificate, p 3.

**Housing, Big Build and Manufacturing Committee**

<b>Chair</b>	Mr Chris Whiting MP, Member for Bancroft
<b>Deputy Chair</b>	Mr Jim McDonald MP, Member for Lockyer
<b>Members</b>	Mr Don Brown MP, Member for Capalaba
	Mr Michael Hart MP, Member for Burleigh
	Mr Robbie Katter MP, Member for Traeger
	Mr Tom Smith MP, Member for Bundaberg