



# QUEENSLAND PARLIAMENT COMMITTEES

## Housing, Big Build and Manufacturing Committee

### Report No. 05, 57th Parliament

### Subordinate legislation tabled between 15 November 2023 and 13 February 2024

#### 1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 15 November 2023 and 13 February 2024. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).<sup>1</sup>

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA) and the human rights certificates tabled with the subordinate legislation.<sup>2</sup>

#### 2 Subordinate legislation examined

| No. 2023 | Subordinate legislation                                                                                         | Date tabled      | Disallowance date* |
|----------|-----------------------------------------------------------------------------------------------------------------|------------------|--------------------|
| 173      | Water Amendment Regulation 2023                                                                                 | 13 February 2024 | 2 May 2024         |
| 174      | Work Health and Safety (Codes of Practice) (Respirable Dust in Coal-fired Power Stations) Amendment Notice 2023 | 13 February 2024 | 2 May 2024         |
| 178      | Building and Other Legislation (Queensland Development Code Update) Amendment Regulation 2023                   | 13 February 2024 | 2 May 2024         |
| 179      | Housing Amendment Regulation 2023                                                                               | 13 February 2024 | 2 May 2024         |
| 180      | Retirement Villages (Exempt Schemes) and Other Legislation Amendment Regulation 2023                            | 13 February 2024 | 2 May 2024         |
| 189      | Local Government (Boundary Changes) Amendment Regulation 2023                                                   | 13 February 2024 | 2 May 2024         |
| 190      | Regional Planning Interests (Fraser Island Strategic Environmental Area) Amendment Regulation 2023              | 13 February 2024 | 2 May 2024         |
| 195      | Planning (SEQ Regulatory Provisions) Amendment Regulation 2023                                                  | 13 February 2024 | 2 May 2024         |

<sup>1</sup> *Legislative Standards Act 1992*, Part 4.

<sup>2</sup> *Human Rights Act 2019*, s 41.

| No. 2024 | Subordinate legislation                                                                              | Date tabled      | Disallowance date* |
|----------|------------------------------------------------------------------------------------------------------|------------------|--------------------|
| 2        | Workers' Compensation and Rehabilitation (Psychiatric Assessment Tribunal) Amendment Regulation 2024 | 13 February 2024 | 2 May 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 or the lawfulness of the subordinate legislation considered within this report. The committee is satisfied that the subordinate legislation was compatible with the *Human Rights Act 2019*.

In undertaking its examination, the committee considered a number of potential breaches with fundamental legislative principles and limitations to human rights which are outlined within this report. In all cases, the committee was satisfied that they were sufficiently justified.

The explanatory notes tabled with each item of subordinate legislation complied with the requirements of section 24 of the *Legislative Standards Act 2019*. The human rights certificates 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.

Summary information on each item of subordinate legislation is provided below.

### 4 Water Amendment Regulation 2023 - SL No. 173

The Water Amendment Regulation 2023 (SL No. 173) amends the Water Regulation 2016 to:

- establish 2 unallocated water reserves on North Stradbroke Island (Minjerribah) for the benefit of the Quandamooka people
- declare the Southern Downs Regional Council as a bulk water customer
- include new metered entitlement areas
- make minor and administrative amendments.<sup>3</sup>

According to the explanatory notes, the end of sand mining activities on North Stradbroke Island (Minjerribah) provides an opportunity to establish unallocated water reserves for the Quandamooka people.<sup>4</sup> SL No. 173 establishes 2 unallocated water reserves. One reserve of 30,595 megalitres would be available for the social and economic benefit of the Quandamooka people for uses such as ongoing land rehabilitation and commercial activities. The second reserve of 30,595 megalitres is for supporting water-related spiritual, environmental and cultural values of the Quandamooka people.<sup>5</sup>

SL No. 173 also declares Southern Down Regional Council as a bulk water customer to enable the provision of bulk water by Seqwater to the council via the Toowoomba to Warwick pipeline.<sup>6</sup>

SL No. 173 also includes new metered entitlement areas. In December 2022, a meter notice was issued to certain water entitlement holders, advising that an approved meter must be attached to the works

<sup>3</sup> SL No. 173, explanatory notes, p 1.

<sup>4</sup> SL No. 173, explanatory notes, p 1.

<sup>5</sup> SL No. 173, s 5; SL No. 173, explanatory notes, p 2.

<sup>6</sup> SL No. 173, s 4; SL No. 173, explanatory notes, p 2.

used to take water under water entitlements by 31 March 2024.<sup>7</sup> As a year has passed since the notice was given, SL No. 173 includes the following parts of the State as new metered entitlement areas:

- Nobby Basalts Underground Water Sub-Area under the *Water Plan (Condamine and Balonne) 2019*
- Cunningham Alluvium Water Underground Water Sub-Area under the *Water Plan (Condamine and Balonne) 2019*
- Stanthorpe Water Management Area under the *Water Plan (Border Rivers and Moonie) 2019*.<sup>8</sup>

#### 4.1 Compatibility with human rights

The committee considered the subordinate legislation's compatibility with human rights, including recognition and equality before the law and cultural rights. These are discussed below.

##### ***Recognition and equality before the law***

Every person has the right to recognition as a person before the law.<sup>9</sup>

SL No. 173 establishes unallocated water reserves to recognise the interests of the Quandamooka people on Minjerribah and their connection to water resources. These provisions are exclusive of non-First Nations peoples which potentially limits their right to recognition and equality before the law. The statement of compatibility considers that the importance of recognising the interests of the Quandamooka peoples on Minjerribah outweighs any potential adverse impact on the human rights of other individuals.<sup>10</sup>

##### ***Cultural rights***

Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights.<sup>11</sup>

Establishing the 2 water reserves has a positive impact on the cultural rights of Aboriginal people on Minjerribah, more specifically the Quandamooka people. There may, however, be a potential impact on any First Nations peoples who are not part of this group.<sup>12</sup> The statement of compatibility notes that on balance, establishment of the water reserves is compatible with human rights because it recognises the interests of the Quandamooka people and their connection to the water resources, and it does not affect existing water licences, particular water rights or the take of water by First Nations peoples for cultural purposes.<sup>13</sup>

##### **Committee comment**

The committee is satisfied that the potential limits to the right to recognition and equality before the law and cultural rights are reasonable and demonstrably justified.

## 5 Work Health and Safety (Codes of Practice) (Respirable Dust in Coal-fired Power Stations) Amendment Notice 2023 - SL No. 174

The Work Health and Safety (Codes of Practice) (Respirable Dust in Coal-fired Power Stations) Amendment Notice 2023 amends the Work Health and Safety (Codes of Practice) Notice 2022 by:

<sup>7</sup> SL No. 173, explanatory notes, p 2; Water Regulation 2016, s 108.

<sup>8</sup> SL No. 173, ss 8, 9; SL No. 173, explanatory notes, p 3.

<sup>9</sup> HRA, s 15.

<sup>10</sup> SL No. 173, human rights certificate, p 3.

<sup>11</sup> HRA, s 28.

<sup>12</sup> SL No. 173, human rights certificate, p 5.

<sup>13</sup> SL No. 173, human rights certificate, p 5.

- amending the entry for the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2018* (Coal Fired Power Stations Code 2018) to provide notice of the revocation of the code on 3 December 2023
- including a new entry for the *Managing respirable dust hazards in coal-fired power stations Code of Practice 2023* (Coal Fired Power Stations Code 2023) to provide notice the code has been approved to take effect on 3 December 2023.

The Coal Fired Power Stations Code 2018 provided practical guidance in relation to the management of respirable dust hazards at coal-fired power stations. The Coal Fired Power Stations Code 2023 maintains its health and safety standards.<sup>14</sup>

## **6 Building and Other Legislation (Queensland Development Code Update) Amendment Regulation 2023 - SL No. 178**

The Building and Other Legislation (Queensland Development Code Update) Amendment Regulation 2023 (SL No. 178) updates the reference in the Building Regulation 2021 to the Queensland Development Code Mandatory Part 3.7 - Farm (QDC MP 3.7).<sup>15</sup>

The updated version better aligns with the National Construction Code (NCC) requirements for farm buildings and farm sheds.<sup>16</sup> Amongst other things, the updated QDC MP 3.7:

- provides additional compliance options that enable on-site firefighting water supply for farm buildings to be sourced from dams, rivers, creeks
- introduces a new term 'vehicle storage farm shed', which enables low fire risk buildings to be constructed without dedicated on-site firefighting water storage and supply equipment
- introduces a new requirement for on-site water used for firefighting purposes to meet water quality standards to ensure the safety of Queensland firefighters.<sup>17</sup>

SL No. 178 makes a consequential amendment to the Building Regulation 2021 to 'ensure that Queensland Fire and Emergency Services (QFES) are notified of approved buildings using the new, additional water supply options, for QFES's ongoing inspection and auditing activities'.<sup>18</sup>

It also makes a consequential amendment to the Planning Regulation 2017 to 'capture the new additional acceptable water supply options before the referral requirements to QFES are triggered'.<sup>19</sup>

## **7 Housing Amendment Regulation 2023 - SL No. 179**

The Housing Amendment Regulation 2023 (SL No. 179) amends the Housing Regulation 2015 to exempt Housing Investment Fund and Build to Rent pilot project providers from certain requirements in the *Housing Act 2003* and specify requirements applying to these providers.<sup>20</sup>

The amendments would enable the delivery of the Housing Investment Fund program and Build to Rent pilot project by allowing non-registered providers to participate in government funded social and affordable housing programs.<sup>21</sup>

The explanatory notes describe the Housing Investment Fund as follows:

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<sup>14</sup> SL No. 174, explanatory notes, p 1.

<sup>15</sup> From the version published on 25 May 2015 to the one published on 21 November 2023 which took effect on 8 December 2023

<sup>16</sup> SL No. 178, explanatory notes, p 1.

<sup>17</sup> SL No. 178, explanatory notes, p 2.

<sup>18</sup> SL No. 178, explanatory notes, p 2.

<sup>19</sup> SL No. 178, explanatory notes, p 2.

<sup>20</sup> SL No. 179, explanatory notes, p 3

<sup>21</sup> SL No. 179, explanatory notes, p 1.

... [it] provides subsidies, one-off capital grants and other support to encourage developers, builders, registered community housing providers, tenancy managers, institutional investors and superannuation funds to partner to develop, finance and operate additional social and affordable housing supply in Queensland.<sup>22</sup>

As regards the Build to Rent pilot projects, the explanatory notes state that these will provide targeted Government rental subsidies to deliver affordable rental housing within three approved Brisbane-based sites, and will offer approximately 1,200 rental apartments, including up to 490 dwellings at a discounted rent for low to moderate income earners.<sup>23</sup>

According to the explanatory notes, to respond to the housing crisis and increase housing supply ‘it is necessary to subsidise or fund not only registered community housing providers but also other types of entities, including developers, builders, tenancy managers, institutional investors and superannuation funds’ to ensure delivery of more social and affordable housing programs.<sup>24</sup>

## 8 Retirement Villages (Exempt Schemes) and Other Legislation Amendment Regulation 2023 - SL No. 180

The Retirement Villages (Exempt Schemes) and Other Legislation Amendment Regulation 2023 (SL No. 180) amends the Retirement Villages Regulation 2018 (RV Regulation) to declare Peninsula Terraces and Haven Retirement Complex (Peninsula Terraces), Kensington Gardens Retirement Village (Kensington Gardens), Pebble Beach Retirement Village (Pebble Beach), and Seachange Retirement Village (Seachange) exempt from mandatory buyback requirements in the *Retirement Villages Act 1999* (RV Act). It also corrects minor cross-referencing errors in the Residential Tenancies and Rooming Accommodation Regulation 2009 (RTRA Regulation).<sup>25</sup>

### Retirement villages – exempt schemes

The *Retirement Villages Act 1999* (RV Act) requires a scheme operator to pay a resident’s exit entitlement 18 months after the resident terminates their right to reside in a retirement village and (if relevant) a scheme operator must enter into and complete a contract to purchase a former resident’s freehold retirement village unit 18 months after that resident terminates their right to reside in the village.<sup>26</sup> These are commonly referred to as mandatory buyback requirements.<sup>27</sup>

Under the RV Act, a regulation may declare that an exemption applies to a stated scheme. The Minister may only recommend to the Governor in Council the making of a such regulation if certain conditions are satisfied, including that each residence contract is based on a freehold interest in an accommodation unit and the exemption would be appropriate because of the specified matters. These matters include that the scheme operator’s assets and ability to generate income are likely to be insufficient to purchase the resident’s freehold property.<sup>28</sup>

The schemes included in SL No. 180 requested an exemption from the mandatory buyback requirements. After considering each application, the Minister for Housing made the necessary recommendation to the Governor in Council. According to the explanatory notes:

These villages are registered and also operate as community titles schemes under the *Body Corporate and Community Management Act 1997*. They do not derive significant profit from the operation of their schemes, nor do the retirement villages have sufficient operational income to fund the buybacks. The

<sup>22</sup> SL No. 179, explanatory notes, p 1.

<sup>23</sup> SL No. 179, explanatory notes, p 2.

<sup>24</sup> SL No. 179, explanatory notes, p 2.

<sup>25</sup> SL No. 180, explanatory notes, p 1.

<sup>26</sup> *Retirement Villages Act 1999*, ss 63, 63A-63I.

<sup>27</sup> SL No. 180, explanatory notes, p 2.

<sup>28</sup> RV Act, pt 3, div 5B.

retirement villages do not directly involve themselves in the sale or marketing of accommodation units, and do not charge fees greater than is necessary to cover administrative expenses.<sup>29</sup>

## **8.1 Consistency with fundamental legislative principles**

The committee considered whether the subordinate legislation is consistent with fundamental legislative principles, including retrospectivity. This is discussed below.

### ***Retrospectivity***

Exempting a scheme from the mandatory buyback requirements is potentially inconsistent with fundamental legislative principles because it removes the right of current residents to have their unsold accommodation unit purchased by the scheme operator 18 months after they terminate their right to reside.

The explanatory notes state that the retrospective application of these provisions is justified to address the significant stress and uncertainty for residents of resident-operated villages arising from the prospect of having to potentially raise significant amounts of money to fund the scheme operator to buyback unsold units or risk the village becoming insolvent.<sup>30</sup>

The explanatory notes add that the scheme operators for the retirement villages exempted by SL No. 180 'have not advised of any unsold accommodation units subject to a mandatory buyback at their respective villages',<sup>31</sup> so no former residents were waiting for the scheme operator to purchase their freehold property at the time of the commencement of SL No. 180.

## **8.2 Compatibility with human rights**

The committee also considered the subordinate legislation's compatibility with human rights, including the right to property. This is discussed below.

### ***Right to property***

A person must not be arbitrarily deprived of the person's property.<sup>32</sup> A former resident's property rights may be limited by declaring that an exemption applies to a retirement village. An exempt scheme operator is no longer obliged to pay the exit entitlement of the former resident and is no longer required to enter and complete a contract to purchase the former resident's freehold property. The removal of these requirements may have the effect of limiting the former resident's property rights in respect of the disposal of the former resident's freehold property.<sup>33</sup>

However, on balance, declaring an exemption from mandatory buyback requirements at the request of the named retirement villages strikes a fair and appropriate balance between the limitation on the right to property and ensuring residents are protected from the financial and administrative burden of mandatory buybacks.<sup>34</sup>

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<sup>29</sup> SL No. 180, explanatory notes, p 3.

<sup>30</sup> SL No. 180, explanatory notes, p 5.

<sup>31</sup> SL No. 180, explanatory notes, p 5.

<sup>32</sup> HRA, s 24.

<sup>33</sup> SL No. 180, human rights certificate, p 3.

<sup>34</sup> SL No. 180, human rights certificate, p 5.

### **Committee comment**

The committee is satisfied that the subordinate legislation is consistent with fundamental legislative principles and compatible with human rights.

The committee notes that the Minister for Housing has made the necessary recommendation to the Governor in Council in regard to declaring the particular retirement villages as being exempt from mandatory buyback requirements, and that no former residents were waiting for the scheme operator to purchase their freehold property at the time of the commencement of SL No. 180.

Similarly, we are satisfied that any potential limitations to the right to property are reasonable and justified, in order to ensure that residents of the particular retirement villages in SL No. 180 are protected from the financial and administrative burden of mandatory buybacks.

## **9 Local Government (Boundary Changes) Amendment Regulation 2023 - SL No. 189**

The Local Government (Boundary Changes) Amendment Regulation 2023 (SL No. 189) implements recommendations of the Local Government Change Commission (Commission) to alter:

- the divisional boundaries within Bundaberg Regional Council, Fraser Coast Regional Council and Isaac Regional Council
- the external boundaries affecting South Burnett Regional Council and Gympie Regional Council; and Lockyer Valley Regional Council, Toowoomba Regional Council and Ipswich City Council.<sup>35</sup>

According to the explanatory notes, relevant councils and landholders supported the boundary changes.<sup>36</sup> The Electoral Commission Queensland also supports SL No. 189.

## **10 Regional Planning Interests (Fraser Island Strategic Environmental Area) Amendment Regulation 2023 - SL No. 190**

The Regional Planning Interests (Fraser Island Strategic Environmental Area) Amendment Regulation 2023 (SL No. 190) removes references to the prescribed Fraser Island strategic environmental area (SEA) and its environmental attributes from the Regional Planning Interests Regulation 2014.<sup>37</sup> Instead, the Fraser Island SEA will be shown on a map and the environmental attributes included into the broader Wide Bay Burnett Regional Plan, which is currently under review.<sup>38</sup>

## **11 Planning (SEQ Regulatory Provisions) Amendment Regulation 2023 - SL No. 195**

The objective of the Planning (SEQ Regulatory Provisions) Amendment Regulation 2023 (SL No. 195) is to ensure that land use planning and development in the region align with the goals and strategies of the South East Queensland (SEQ) Regional Plan (ShapingSEQ) 2023 update.<sup>39</sup>

The human rights certificate states that SL No. 195 seeks to:

- provide additional protection from premature development to South East Queensland (SEQ) development areas (SEQ development areas), before detailed land use and infrastructure planning is undertaken
- strengthen protection for SEQ major enterprise and industrial areas (SEQ MEIAs) from incompatible accommodation activities to ensure SEQ MEIAs remain available and viable for industrial uses

<sup>35</sup> SL No. 189, explanatory notes, p 1.

<sup>36</sup> SL No. 189, explanatory notes, pp 2-4.

<sup>37</sup> SL No. 190, explanatory notes, p 1.

<sup>38</sup> SL No. 190, explanatory notes, pp 1, 2.

<sup>39</sup> SL No. 195, explanatory notes, p 1.

- revise the assessment framework for large-scale food and drink outlets to ensure this activity is assessed if proposed in the Regional Landscape and Rural Production Area (RLRPA)
- reduce unnecessary referral triggers and/or over regulation of significant tourist activities, transport depots and function facilities in the RLRPA
- ensure multiple urban activities in the RLRPA can be assessed together instead of individually to ensure a comprehensive assessment process
- introduce provisions to strengthen protection for the SEQ northern inter-urban break (NIUB).<sup>40</sup>

The explanatory notes state that the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) published a consultation paper relating to the updated regulation and that consultation occurred with state agencies, all 12 SEQ local governments and the public.<sup>41</sup>

### **11.1 Compatibility with human rights**

The committee considered the subordinate legislation's compatibility with human rights, including: the right to freedom of expression and the right to a fair hearing. These are discussed below.

#### ***Freedom of expression***

Every person has the right to hold an opinion without interference and the right to freedom of expression.<sup>42</sup>

SL No. 195 includes the prohibition of certain types of development that is not consistent with the future planning intent of the area. This outcome may limit the right to freedom of expression because development applications cannot be made for prohibited development and a person cannot appeal the decision to the Planning and Environment Court on appeal. However, the purpose of the limitation on the right is to protect land from pre-emptive development applications, ensuring that open space and rural land does not become subject to urban development without careful and orderly planning.<sup>43</sup>

#### ***Right to a fair hearing***

A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.<sup>44</sup>

The right to a fair hearing may be limited by SL No. 195 for the RLRPA, SEQ development areas, SEQ MEIAs and the SEQ NIUB in that the prohibitions do not allow a development application to be made which would have had associated appeal rights for the applicant. Amendments to the category of assessment are also relevant as the changes remove third party appeal rights. This means a person cannot appeal the decision to the Planning and Environment Court.<sup>45</sup>

However, according to the human rights certificate, if appeal rights were permitted, many individuals could appeal, 'potentially hindering the efficient and effective implementation of the regional plan'.<sup>46</sup>

The human rights certificate provides that instead, the regional planning process includes a statutory consultation stage which allows interested persons, including property owners, to make requests and provide input on the regional plan.<sup>47</sup>

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<sup>40</sup> SL No. 195, human right certificate, p 2.

<sup>41</sup> Explanatory notes, p 5.

<sup>42</sup> HRA, s 21.

<sup>43</sup> SL No. 195, human rights certificate, p 6.

<sup>44</sup> HRA, s 31.

<sup>45</sup> SL No. 195, human rights certificate, p 12.

<sup>46</sup> SL No. 195, human rights certificate, p 12.

<sup>47</sup> SL No. 195, human rights certificate, p 12.



**Committee comment**

The committee is satisfied that any potential limitations to human rights contained in SL No. 195 of 2023 are reasonable and justified. We note that persons who may be potentially impacted by limitations to freedom of expression and/or the right to a fair hearing, can participate in the statutory consultation stage of the regional planning process to provide input on the regional plan.

## **12 Workers' Compensation and Rehabilitation (Psychiatric Assessment Tribunal) Amendment Regulation 2024 - SL No. 2**

The Workers' Compensation and Rehabilitation (Psychiatric Assessment Tribunal) Amendment Regulation 2024 (SL No. 2) amends section 138 of the Workers' Compensation and Rehabilitation Regulation 2014 to prescribe an additional Specialty Medical Assessment Tribunal (SMAT) for psychiatry, to be designated the Psychiatric Assessment Tribunal (SMAT-Psych).<sup>48</sup>

According to the explanatory notes, SL No. 2, which responds to the recent increase in psychiatric and psychological injuries within the workers' compensation scheme, 'recognises the importance of psychiatry as a medical specialty in the workers' compensation scheme and is consistent with community expectations'.<sup>49</sup>

### **12.1 Compatibility with human rights**

The committee considered the subordinate legislation's compatibility with human rights, including the right to a fair hearing. This is discussed below.

#### ***Right to a fair hearing***

A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.<sup>50</sup> The human rights certificate states that this right ensures that decisions affecting individuals' legal rights are made in a transparent fashion and the reasons for those decisions can be relied upon by others.<sup>51</sup>

According to the human rights certificate, although SL No. 2 ensures that a dedicated independent and expert medical tribunal exists to review and assess psychological and psychiatric injuries, the subordinate legislation potentially limits the right to a fair hearing 'by continuing a practice where Tribunal examinations are not conducted in public and their decisions are not published'.<sup>52</sup>

The human rights certificate states:

The right is limited in this case to prevent the disclosure of individuals' personal information, particularly their medical information. This is consistent with the broader right to privacy recognised in section 25 of the HR Act [Human Rights Act 2019], and the right to security of personal information that underpins the Information Privacy Act 2009... It is also consistent with community expectations that personal medical information is kept confidential.<sup>53</sup>

Given that the right to privacy and security of personal information, particularly medical information, is critical to maintaining public confidence in the health system, the human rights certificate concludes that the limitation of the right to a fair and public hearing is outweighed by the right of individuals not to have their privacy interfered with.<sup>54</sup>

<sup>48</sup> Previously, the assessment of medical matters relevant to workers' compensation claims for psychiatric or psychological injury has been undertaken by the General Medical Assessment Tribunal (GMAT) convening as the 'GMAT-Psychiatric'. SL No. 2, explanatory notes, p 2.

<sup>49</sup> SL No. 2, explanatory notes, p 2.

<sup>50</sup> HRA, s 31(1).

<sup>51</sup> SL No. 2, human rights certificate, p 2.

<sup>52</sup> SL No. 2, human rights certificate, p 1.

<sup>53</sup> SL No. 2, human rights certificate, p 2.

<sup>54</sup> SL No. 2, human rights certificate, p 3.

**Committee comment**

The committee is satisfied that the limitation of the right to a fair and public hearing is outweighed by the right of individuals not to have their privacy interfered with. We are therefore satisfied that any potential limitation to human rights contained in SL No. 2 of 2024 are reasonable and justified.

**13 Recommendation**

The committee recommends that the House notes this report.



Chris Whiting MP

**Chair**

**April 2024**

**Housing, Big Build and Manufacturing Committee**

**Chair**

**Deputy Chair**

**Members**

Mr Chris Whiting MP, Member for Bancroft

Mr Jim McDonald MP, Member for Lockyer

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

**STATEMENT OF RESERVATIONS**  
**SUBORDINATE LEGISLATION NO. 173**  
**WATER AMENDMENT REGULATION 2023**  
**JIM MCDONALD MP (DEPUTY CHAIR) AND MICHAEL HART MP**

The LNP members of the committee have strong concerns regarding the proposed Water Amendment Regulation 2023.

Of particular concern is the Government's decision to establish two unallocated water reserves on North Stradbroke Island.

The proposal of 60,190 megalitres, two reserves of 30,595, of unallocated water to be given to QYAC (Quandamooka Yoolooburrabee Aboriginal Corporation) for sole management is an unprecedented move.

There is no water resource plan attached to the rights of this unallocated water which may have implications in the future.

As is well known, Queensland is often subject to extreme weather including drought and bush fire. Ensuring that North Stradbroke Island has access to water into the future is critical in managing and mitigating emergencies. It is not clear how this arrangement will impact the North Stradbroke Island Community's ability to respond to these types of natural disasters.

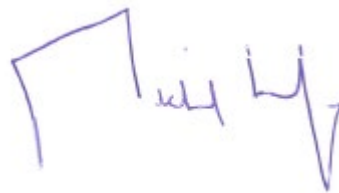
Ensuring North Stradbroke Island has access to a stable water supply going forward is also critical to the economic viability of the island.

Opposition committee members believe transparency and accountability have not been considered in full.

We have seen no plan or commitment to ensure this allocation of water will be managed in an open and transparent manner and in the best interests of the whole of North Stradbroke Island.



**Jim McDonald MP**  
**Deputy Chair**  
**Member for Lockyer**



**Michael Hart MP**  
**Member for Burleigh**