

State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Jarrod Bleijie MP, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 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, make this statement of compatibility with respect to amendments to be moved during consideration in detail of the State Development and Public Works Organisation (Critical Minerals) and Other Legislation Amendment Bill 2026 (Bill).

In my opinion, the amendments to be moved during consideration in detail are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill proposes reforms to the *State Development and Public Works Organisation Act 1971* (SDPWO Act) to deliver faster, clearer decisions for resource development as well as other key priority sectors, including the development and processing of Queensland's rich deposits of critical minerals. The Bill amends the SDPWO Act to:

- introduce new facilitation powers for State strategic projects, the State significance notice and modification order, that align Queensland's regulatory framework with other major development jurisdictions, particularly those with competitive critical minerals resources;
- provide greater utility for existing facilitation powers, including more flexible use of easement-creating powers and clearer processes for the step-in and notice to decide powers exercised by the Coordinator-General;
- reform the prescribed development infrastructure planning function to respond to contemporary challenges and practices for development of the State's resource regions;

- deliver greater streamlining of environmental impact assessments, especially for resource projects, through integration of the regional interests development approval process and transport infrastructure approval conditioning under the coordinated project framework;
- improve Queensland's ability to plan for, service, and deliver industrial land in key strategic locations via State development areas, to provide ideal locations for investment in downstream processing, manufacturing and export facilities;
- carry out operational amendments to ensure the SDPWO Act functions properly in the implementation of the key amendments.

The amendments to the Bill to be moved during consideration in detail will:

- preserve the integrity of recent reforms by prohibiting certain types of renewable energy projects from being declared State strategic projects;
- ensure a sensible approach to policy development for data centres by excluding the possibility of significant regulatory facilitation via State strategic project declaration;
- protect prime agricultural land by guaranteeing the need to obtain and comply with a regional interests development approval for certain projects;
- clarify how the regulating instrument to be used for State Development Area (SDA) assessable development, applies to SDA-related development declared by the Coordinator-General;
- clarify that other Acts or laws that would ordinarily regulate development do not apply to the extent they regulate the development that has been declared as SDA-related development by the Coordinator-General.

The amendments to be moved during consideration in detail of the Bill seek to ensure the integrity of the Queensland Government's policy objectives for assessment and approval of renewable energy projects, maintain a uniform approach to regulatory approval of data centres, and guarantee the protection of prime agricultural land from the impacts of resources and other regulated activities under the *Regional Planning Interests Act 2014*.

The amendments will also achieve the objectives of the Bill by improving Queensland's ability to plan for, service, and deliver industrial land in key strategic locations via State Development Areas, to provide ideal locations for investment in downstream processing, manufacturing and export facilities.

Human Rights Issues

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

I have considered each of the rights protected by Part 2 of the HR Act. Insofar as the amendments have the potential to impact on individuals, it is my opinion that the following human rights are relevant:

- freedom of expression (section 21)
- taking part in public life (section 23)
- property rights (section 24)

- fair hearing (section 31).

The amendments engage human rights in the following ways:

Freedom of expression and the right to take part in public life (sections 21 and 23)

The right to freedom of expression protects a person's right to hold an opinion and to express themselves by seeking, receiving, and imparting information and ideas. This includes access to government information. The right to take part in public life provides that every person in Queensland has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

The amendments to be moved during consideration in detail of the Bill engage this right in the following manner:

- The amendment will require an SDA-related development declaration for SDA assessable development, to identify how the SDA development scheme applies to that development. The amendment will also amend section 84 of the Bill to remove the effect of Acts or laws which would regulate development that is SDA-related development declared under section 85D.
- The amendment would mean that declared SDA-related development that is regulated by the SDA development scheme would not be subject to the usual planning framework. The usual framework could include the existing Council planning scheme which has been approved by the Council (comprising elected local government representatives). Further, the review and appeal rights in relation to the SDA framework are generally more limited than the review and appeal rights generally available under the *Planning Act 2016*.

The right to freedom of expression and the right to take part in public life will only be limited if the deprivation is arbitrary. Arbitrary means capricious, unpredictable, unjust, or unreasonable in the sense of not being proportionate to the legitimate aim sought. If an interference is proportionate under section 13 of the HR Act, it will not be arbitrary. Whether the interference is arbitrary will be addressed below when considering the factors in section 13.

The right to property and to non-interference with privacy, family, and home (section 24(2))

The right to property includes the protection from the arbitrary deprivation of property. The term 'deprived' is not defined by the HR Act. However, deprivation in this sense is considered to include the substantial restriction on a person's use or enjoyment of their property, to the extent that it substantially deprives a property owner of the ability to use their property or part of that property (including enjoying exclusive possession of it, disposing of it, transferring it, or deriving profits from it).

The amendments to be moved during consideration in detail of the Bill engage this right in the following manner:

- The amendment will require an SDA-related development declaration for SDA assessable development, to identify how the SDA development scheme applies to that development. The amendment will also amend section 84 of the Bill to remove the effect of any Acts or laws which would regulate development that is SDA-related development declared under section 85D.

- The amendment will remove the effect of existing Acts or laws which regulate development, in the circumstance where the Coordinator-General instead regulates that development following an SDA-related development declaration. This will mean a proponent's ability to develop or manage their project comes under the control of the Coordinator-General rather than the local government or other government entity and changes how they may deal with their property.

The amendment corrects a circumstance resulting from the Bill where declared SDA-related development could be subject to regulation by the Coordinator-General in addition to the usual planning framework. The amendment prevents a potential duplication in assessment that may have occurred for projects subject to SDA-related development, which would have been inconsistent with the original policy intent for SDA-related development. In this sense, the right to property is not considered to be limited.

Right to a fair hearing (section 31)

The right to a fair hearing in section 31 of the HR Act entitles a party to a civil proceeding to have the proceeding decided by a competent, independent, and impartial court or tribunal after a fair and public hearing. This includes a right of access to a court or tribunal. The right to a fair hearing is relevant to restrictions imposed on a person's ability to commence proceedings as well as restrictions on a person's ability to continue or properly conduct proceedings already commenced.

The amendments to be moved during consideration in detail of the Bill engage this right in the following manner:

- The amendment will require an SDA-related development declaration for SDA assessable development, to identify how the SDA development scheme applies to that development. The amendment will also amend section 84 of the Bill to remove the effect of any Acts or laws which would regulate development that is SDA-related development declared under section 85D.
- The amendment would mean that declared SDA-related development that is regulated by the SDA development scheme would not be subject to the usual planning framework. The usual framework could include the existing Council planning scheme under the *Planning Act 2016*. The review and appeal rights in relation to the development of land under the SDA framework are generally more limited than the review and appeal rights generally available under the *Planning Act 2016*.

The right to a fair hearing will only be limited if the deprivation is arbitrary. Arbitrary means capricious, unpredictable, unjust, or unreasonable in the sense of not being proportionate to the legitimate aim sought. If an interference is proportionate under section 13 of the HR Act, it will not be arbitrary. Whether the interference is arbitrary will be addressed below when considering the factors in section 13.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 of the HR Act)

In my opinion, any limits on human rights are considered reasonable and justified under section 13 of the HR Act as follows:

(a) the nature of the right

- Freedom of expression in section 21 of the HR Act protects the right to hold an opinion and express oneself freely as a person. It is about freedom.
- Taking part in public life in section 23 is concerned with providing the opportunity for people to participate in public affairs. It is about political participation.
- Right to a fair hearing in section 31(1) of the HR Act protects the rights of parties in criminal or civil proceedings to a fair hearing by a competent court or tribunal. This includes the right to access the court or tribunal. It is about procedural fairness.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the Bill is to deliver faster, clearer decisions for resource development as well as other key priority sectors, including the development and processing of critical minerals. This will facilitate critical mineral projects, creating jobs for Queenslanders and boosting the local economy. This is a proper purpose as there is a public interest in the State effectively leveraging its critical mineral resources to meet global demand. The amendments to be moved during consideration in detail of the Bill advances the purpose of the Bill by clarifying the regulatory effect of SDA-related development.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments to be moved during consideration in detail of the Bill will help achieve the purpose of delivering streamlined, consistent and timely assessment of critical mineral projects, as well as other significant projects, while still protecting the environment and local communities. The amendment clarifies how projects subject to an SDA-related development declaration are to be regulated and assessed and prevents a potential duplication of regulation for these projects.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The amendment to be moved during consideration in detail of the Bill clarifies the regulating instrument for projects that are subject to an SDA-related development declaration. The amendment also prevents a potential duplication of regulation for these projects.

Alternative ways to achieve the purpose of the Bill for SDA-related development were considered in the original drafting of the Bill. With respect to the amendment to be moved during consideration in detail, there are no alternative ways to achieve the purpose of the Bill, whilst clarifying and correcting the regulatory effect of SDA-related development the subject of a declaration.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

In balancing the limitations on human rights, I have considered the significant public purpose in delivering streamlined, consistent and timely assessment of critical mineral projects, as well as other key priority sectors. On balance, I am satisfied that the importance of delivering streamlined, consistent and timely assessment of critical mineral and other key priority projects outweigh the impacts on people to the extent there are restrictions of existing public consultation and review rights. To the extent that a person's right to taking part in public life and a fair hearing may be limited by the amendments, the limitation is reasonable and justified.

- (f) any other relevant factors

Nil.

Conclusion

In my opinion, the amendments to be moved in consideration in detail are compatible with human rights under the HR Act because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

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

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