

Local Government Amendment Regulation 2021

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, Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure provide this human rights certificate with respect to the *Local Government Amendment Regulation 2021* (the Amendment Regulation) made under the *Local Government Act 2009*.

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 Amendment Regulation amends the *Local Government Regulation 2012* (LGR) in relation to the levy on the Kuranda rail line.

Chapter 3, part 4 of the LGR is about the levy on the Kuranda rail line and currently expires on 30 June 2022. Among other things, the provisions impose a tourist infrastructure levy on each Kuranda rail operator until 31 December 2021. Queensland Rail is the current Kuranda Scenic Railway operator.

The Kuranda Infrastructure Agreement 2021 (the Agreement) between the State and Mareeba Shire Council (the Council) provides for the permitted use of monies from levies on the Kuranda Scenic Railway and the Skyrail Rainforest Cableway. In particular, the Agreement provides that the State shall pay the Council monies collected from the levy imposed on the Kuranda rail operator under the LGR. The Agreement expires on 31 December 2021.

A new ten-year Kuranda Infrastructure Agreement was developed, in consultation with the Council, to govern the disbursement of the tourist infrastructure levy monies provided for under the LGR to support investment in new infrastructure and capital maintenance in Kuranda.

As a consequence, the amendments will extend the end date for imposition of the tourist infrastructure levy on each Kuranda rail operator under the LGR and the expiry date for chapter 3, part 4 of the LGR for a further ten years to cover the life of the new Kuranda Infrastructure Agreement. Both the amendments and the new Agreement are to commence on 1 January 2022.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the Amendment Regulation does not engage in any human rights under the *Human Rights Act 2019*, as the amendments relate to the obligations of public or corporate entities, not individuals.

Conclusion

I consider that the *Local Government Amendment Regulation 2021* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

STEVEN MILES MP

Deputy Premier, Minister for State Development,
Infrastructure, Local Government and Planning and
Minister Assisting the Premier on Olympics Infrastructure

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