

# Local Government Amendment Regulation 2022

## 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* (HR Act), 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 2022* (the Amendment Regulation) made under the *Local Government Act 2009* (LGA).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. 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) to implement an external boundary change recommendation of the Local Government Change Commission (the Commission).

Chapter 2, part 3 of the LGA governs the process for making a local government change, including a change of the boundaries of a local government area. The Commission is responsible for assessing whether a proposed local government change is in the public interest.

On 20 November 2019, the then Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs referred a local government change application received from the Western Downs Regional Council (and supported by the Toowoomba Regional Council) to the Commission for assessment. The application sought to correct minor boundary anomalies identified by the former Department of Natural Resources and Mines with respect to two lots of land which are each dissected by the common boundary.

In September 2021, the Commission in its final determination report ‘External Boundary Review – 2021 Final Determination – Toowoomba Regional Council and Western Downs Regional Council’ recommended that the portion of Lot 3 on RP24469 and the portion of Lot 75 on AG613 currently located within the Western Downs Regional Council be transferred so the entire properties are in the Toowoomba Regional Council.

In line with the LGA section 19(8), the Commission recommended that the Governor in Council implement its final decision. Section 20(1) of the LGA provides that the Governor in Council may implement the Commission’s recommendation under a regulation.

Section 6(1) of the LGR provides that the boundaries of each local government area, and any divisions of the area, are shown on its area map mentioned in schedule 1, column 3. Section 13B of the LGR provides that schedule 3, part 1 implements the local government

changes mentioned in it, and schedule 3, part 2 makes provision for facilitating the implementation of each local government change mentioned in schedule 3, part 1.

The amendments implement the recommended boundary changes and facilitate their implementation by updating the area map titles of the affected local governments in schedule 1, column 3 of the LGR and by including the details of the local government change in schedule 3, part 1 of the LGR.

## **Human Rights Issues**

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

Section 24 of the HR Act provides that every person has the right to own property alone or in association with others and that a person must not be arbitrarily deprived of the person's property. The proposed amendments do not limit this right as the property rights of the landholders in question are in no way affected, however, the right to property is potentially enhanced by the amendments which will help reduce the administrative burden of these landholders who currently hold property interests across two local government areas.

## **Conclusion**

I consider that the Amendment Regulation is compatible with the HR Act 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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