

Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) 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*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, provide this human rights certificate with respect to the *Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2022* (Amendment Regulation) made under the *Rural and Regional Adjustment Act 1994*.

In my opinion, the *Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2022*, 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 is made under the *Rural and Regional Adjustment Act 1994*.

The authorising law for the regulation is sections 3, 10, 11 and 44 of the *Rural and Regional Adjustment Act 1994*.

The main objectives of the Amendment Regulation are to amend the existing Resilient Homes Assistance Scheme (the Scheme) to, firstly, provide that funding under the Scheme is to be inclusive rather than exclusive of the Goods and Services Tax (GST). Secondly, to provide financial assistance for alternative resilience options for circumstances where a homeowner would otherwise be eligible for home-raising works under the Scheme, but, due to building typology and/or construction, this is not possible.

Finally, removing the requirement for an applicant to notify both the authority and the Department of Energy and Public Works (DEPW), in writing, of changes to the eligible works which will reduce the potentially unnecessary regulatory burden of the Scheme.

Human Rights Issues

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

The Amendment Regulation has been considered with regards to the *Human Rights Act 2019*, and it has been determined that no human rights are limited. The Amendment Regulation supports the property rights, under section 24 of the *Human Rights Act 2019*, of participants in the scheme by removing the potential financial barrier of having to pay the GST component

attributable to their funding and providing financial assistance for further resilience options for those currently ineligible for home raising works.

Conclusion

I consider that the *Rural and Regional Adjustment (Variation of Resilient Homes Assistance Scheme) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

MARK FURNER MP
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES
AND MINISTER FOR RURAL COMMUNITIES

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