

Waste Reduction and Recycling (Annual Payments to Local Governments) Amendment Regulation 2023

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, Leanne Linard, Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs provide this human rights certificate with respect to the *Waste Reduction and Recycling (Annual Payments to Local Governments) Amendment Regulation 2023* made under the *Waste Reduction and Recycling Act 2011*.

In my opinion, the *Waste Reduction and Recycling (Annual Payments to Local Governments) Amendment Regulation 2023*, 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 *Waste Reduction and Recycling (Annual Payments to Local Governments) Amendment Regulation 2023* (Amendment Regulation) amends the *Waste Reduction and Recycling Regulation 2011* (Regulation) to provide for annual payments to levy-affected local governments for the 2026-2027 financial year, in accordance with section 73DA of the *Waste Reduction and Recycling Act 2011* (the Act).

Human Rights Issues

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

Section 73DA of the Act states that a regulation may prescribe an amount, for a financial year, that is to be paid to a local government affected by the waste levy and the chief executive must pay the amount to each local government. The purpose of the payment is to ensure that there is no direct cost to households as a result of the levy liability on municipal solid waste disposed to a levyable waste disposal site in a given financial year.

Schedule 4A (Annual payments to local governments affected by waste levy) of the Regulation currently makes provision for annual payments, through a schedule of dollar amounts, to 43 local governments affected by the levy on the disposal of municipal solid waste for the financial years 2022-2023 to 2025-2026. An amendment to the Regulation is now necessary in order to make the 2026-2027 annual payment to local governments.

The Amendment Regulation to provide for annual payments to levy-affected local governments for the 2026-2027 financial year does not affect or engage a human right under Part 2, Division 2 and 3 of the *Human Rights Act 2019*.

Conclusion

I consider that the *Waste Reduction and Recycling (Annual Payments to Local Governments) Amendment Regulation 2023* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

LEANNE LINARD MP
MINISTER FOR THE ENVIRONMENT AND THE GREAT BARRIER REEF
MINISTER FOR SCIENCE AND MINISTER FOR MULTICULTURAL AFFAIRS

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