

Planning (Prescribed Amounts) Amendment Regulation 2025

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, Jarrod Bleijie, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations provide this human rights certificate with respect to the *Planning (Prescribed Amounts) Amendment Regulation 2025* (the Amendment Regulation) made under the *Planning Act 2016*.

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 policy objectives of the Amendment Regulation are to amend the *Planning Regulation 2017* (the Planning Regulation) to:

- Amend the prescribed amounts in Schedule 16 to reflect the Producer Price Index (PPI) on 1 July 2025, in accordance with section 112 of the *Planning Act 2016*

Schedule 16 contains the ‘Prescribed amounts’, the maximum amount a local government or distributor-retailer can adopt in a charges resolution. A charges resolution governs what infrastructure charges can be issued.

While the *Planning Act 2016* details how the indexation should be applied by Local Governments and distributor retailers in accordance with the quarterly PPI indexation, it also provides that the Planning Regulation may prescribe the amount at the start of each financial year. This is traditionally actioned by the Department of State Development, Infrastructure and Planning to provide for consistency and ease of use for Local Governments and distributor-retailer.

Human Rights Issues

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

In my opinion, the human rights that may be relevant to the decision are:

- Section 15 – Right to recognition as a person and equality before the law
- Section 24 – Property rights (the right to own property and not be arbitrarily deprived of it)

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The following table considers the relevant human rights and whether they are limited by the decision.

Human right	Comment
Section 15 – Right to recognition as a person and equality before the law	<p>Section 15 of the <i>Human Rights Act 2019</i> (HR Act) recognises that everyone is entitled to equal and effective protection against discrimination and to enjoy their human rights without discrimination.</p> <p>Section 15 is concerned with policy, legislation or other actions that may be discriminatory. In considering whether an action is discriminatory, it is relevant to consider a person's right to be treated the same as another and that future generations may be discriminated against due to the impacts of decisions presently being made.</p> <p>The Amendment Regulation ensures that the prescribed amounts are consistent with the indexation released by the Australian Bureau of Statistics on an annual basis. Accordingly, this change can be considered an administrative/procedural change due to the adjusting of the prescribed fees rather than altering the terms of the prescribed fees.</p> <p>Therefore, the proposed decision does not impact this right.</p>
Section 24 – Property rights (the right to own property and not be arbitrarily deprived of it)	<p>Section 24 of the HR Act recognises that people have the right to own property and are protected from having their property arbitrarily taken, unless the law says it can be taken.</p> <p>This decision does not limit the right. The prescribed amounts are updated to reflect annual indexation to ensure consistency of maximum amounts that are charged by local governments. The update adjusts the fees rather than altering the terms of the prescribed fees.</p>

Conclusion

I consider that the *Planning (Prescribed Amounts) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

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