

Local Government (Boundary Change) 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* (HR Act), I, Ann Leahy MP, Minister for Local Government and Water and Minister for Fire, Disaster Recovery and Volunteers, provide this human rights certificate with respect to the *Local Government (Boundary Change) Amendment Regulation 2025* (Amendment Regulation) made under the *Local Government Act 2009* (the Act).

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 purpose of the Amendment Regulation is to implement an external boundary change recommendation of the Local Government Change Commission (the Commission).

Under the Act, the Commission has jurisdiction to assess and make recommendations in relation to proposals for local government changes. Local government changes are changes to a local government's boundaries, divisions (other than the Brisbane City Council), number of councillors, name or classification.

Chapter 2, part 3 of the Act governs the process for making a local government change.

Section 18 of the Act provides that only the Minister may propose a local government change to the Commission. Section 19 of the Act provides that the Commission is responsible for assessing whether a local government change is in the public interest. In doing so, the Commission must consider matters prescribed under a regulation.

Section 9 of the *Local Government Regulation 2012* (the Regulation) provides that the external boundaries of a local government area should be drawn in a way that has regard to communities of interest, including that the local government area should generally have external boundaries that do not dissect properties.

On 8 May 2025, a proposal from the Somerset Regional Council to alter the common boundary between the Ipswich City Council and the Somerset Regional Council was referred to the Commission for assessment.

On 4 June 2025, the Commission provided its final report 'External Boundary Review—June 2025—Ipswich City Council and Somerset Regional Council'. The Commission recommended the portion of Lot 20 on SP344163 currently located in the Ipswich City Council be transferred so the entire lot is in the Somerset Regional Council.

Given there was unanimous support from both councils and the landholders and noting that the external boundary of the councils would no longer dissect the property, the Commission found the proposed change to be in the public interest.

Section 20 of the Act provides that the Governor in Council may implement the Commission's recommendation under a regulation and that the regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government change.

Section 6(1) of the Regulation 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 Regulation 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 Amendment Regulation amends the Regulation to implement the recommendation of the Commission. The Amendment Regulation amends schedule 1, column 3 of the Regulation to update the area map titles for the Ipswich City Council and the Somerset Regional Council; and schedule 3, part 1 of the Regulation to implement the external boundary change and to make available to the councils the implementation matters ancillary to boundary changes listed in schedule 3, part 2 of the Regulation.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 of the *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 their property. Property includes real and personal property, including contractual rights and leases. Property may include statutory rights and non-traditional or informal rights (for example, the right to enjoy uninterrupted possession of land), and other economic interests.

The proposed amendments do not limit this right as the property rights of the landholders whose land is impacted by the external boundary change are not negatively affected. However, the right to property is potentially promoted by the amendments which will reduce the administrative burden on the landholders who currently hold property interests across two local government areas.

Conclusion

I consider that the *Local Government (Boundary Change) Amendment Regulation 2025* is compatible with the HR Act because it does not limit human rights.

ANN LEAHY MP
MINISTER FOR LOCAL GOVERNMENT AND WATER
MINISTER FOR FIRE, DISASTER RECOVERY AND VOLUNTEERS