

Mineral and Energy Resources and Other Legislation Amendment (Postponement) Regulation 2025

Explanatory notes for SL 2025 No. 34

made under the

Mineral and Energy Resources and Other Legislation Amendment Act 2024

General Outline

Short title

Mineral and Energy Resources and Other Legislation Amendment (Postponement) Regulation 2025

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Mineral and Energy Resources and Other Legislation Amendment Act 2024*

Policy objectives and the reasons for them

The objective of the Mineral and Energy Resources and Other Legislation Amendment (Postponement) Regulation 2025 (Postponement Regulation) is to delay commencement of the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* (the Amendment Act) relating to amendments made to the *Land Access Ombudsman Act 2017* (the LAO Act) and the *Mineral and Energy Resources (Financial Provisioning) Act 2018* (the MERFP Act).

The Amendment Act received Royal Assent on 18 June 2024. Section 2 of the Amendment Act contains the provisions of the Amendment Act that are to commence on a day to be fixed by proclamation.

The relevant provisions of the Amendment Act for which commencement is to be postponed by the Postponement Regulation are: Part 7, which amends the LAO Act; sections 88, 133, 138 and 180 to the extent that they insert a note referring the LAO Act amendments; and Part 9 together with Schedule 1, Part 2 amendments to the

MERFP Act, which amends the MERFP Act to streamline and modernise the operation of Queensland's financial provisioning scheme.

Section 15DA(2) of the *Acts Interpretation Act 1954* (AI Act) provides that if a provision has not commenced within one year of the assent day, it automatically commences on the next day. This means that under section 15DA(2) of the AI Act, the Amendment Act will automatically commence in full on 19 June 2025.

Section 15DA(3) of the AI Act, however, provides that within one year of Royal Assent, a regulation may extend the period before automatic commencement to no more than two years after Royal Assent. Section 15DA(4) of the AI Act provides that such a regulation may be made under the Act that is the postponed law.

The Amendment Act requires the Land Access Ombudsman (LAO) to transition to a statutory body; establish the LAO Advisory Council and an appropriate corporate structure to deliver an increased remit of investigation and alternative dispute resolution services; and develop the levy methodology to fund operations. It is necessary to delay commencement of the relevant Amendment Act provisions to ensure there is sufficient time to operationalise these changes.

The Amendment Act also incorporated amendments to MERFP Act. To support the MERFP Act amendments, changes to the *Mineral and Energy Resources (Financial Provisioning) Regulation 2019* are required which necessitates the postponement of the MERFP Act provisions in the Amendment Act.

Achievement of policy objectives

The Postponement Regulation achieves the policy objectives by postponing the automatic commencement of Parts 7 and 9 and relevant notes in particular provisions of the Amendment Act to 19 June 2026.

The postponement of commencement by a further year provides sufficient time to finalise the activities to implement the relevant provisions in the Amendment Act.

Consistency with policy objectives of authorising law

The policy objectives of the Amendment Act include strengthening relationships and coexistence between the resources and agriculture industries by expanding the functions and responsibilities of the State's coexistence institutions, including the LAO. The Postponement Regulation supports these objectives by ensuring adequate time for the LAO to:

- establish appropriate governance, oversight and service delivery arrangements
- consult with stakeholders to develop a levy to fund operations,
- engage and train staff to deliver the expanded remit of investigation and alternative dispute resolution

- deliver stakeholder engagement and education activities to promote understanding and uptake of services.

Inconsistency with policy objectives of other legislation

The Postponement Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Postponement Regulation is that it will allow sufficient time for the LAO to undertake necessary activities to transition to a statutory body with appropriate oversight arrangements and deliver an expanded remit of services for land access disputes to stakeholders.

With the delay of the commencement of all LAO provisions, the industry levy and cost recovery fees will not be implemented until June 2026. From 1 July 2026, the LAO will be fully funded through the industry levy and fees for service delivery from 1 July 2026.

Streamlining and modernisation of the operation of the Financial Provisioning Scheme will be funded from the Scheme Fund.

Consistency with fundamental legislative principles

The Postponement Regulation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation (OBPR) was provided a notification of regulatory proposal and Summary Impact Assessment Statement. No feedback was provided by the OBPR on the regulatory impact assessment.

The LAO has been consulted and is supportive of delaying commencement of the relevant provisions.

Consultation on the Financial Provisioning amendments was undertaken during development of the Amendment Act. The Amendment Act identified these provisions as commencing via proclamation, consequently no further consultation on further postponement was undertaken.