

Agriculture and Fisheries and Other Legislation Amendment (Postponement) 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, Anthony Perrett MP, Minister for Primary Industries provide this human rights certificate with respect to the *Agriculture and Fisheries and Other Legislation Amendment (Postponement) Regulation 2025* (Postponement Regulation) made under the *Agriculture and Fisheries and Other Legislation Amendment Act 2024*.

In my opinion, the Postponement 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 Postponement Regulation is made under the *Agriculture and Fisheries and Other Legislation Amendment Act 2024*.

The authorising laws for the Postponement Regulation is section 15DA of the *Acts Interpretation Act 1954* and section 2 of the *Agriculture and Fisheries and Other Legislation Amendment Act 2024*.

The objective of the Postponement Regulation is to postpone the automatic commencement of the outstanding provisions of the *Agriculture and Fisheries and Other Legislation Amendment Act 2024* (AFOLA Act) other than schedule 1, part 3, amendment 3 of the *Fisheries Act 1994*, until the end of 26 April 2026.

The outstanding provisions include amendments to the *Fisheries Act 1994* which establish a new aquaculture authority for the authorisation and management of aquaculture operations, and a new independent onboard monitoring framework to support the independent validation of data reported by commercial fishers.

The provisions also amend the *Biosecurity Act 2014* to remove the lists of prohibited and restricted matter from the *Biosecurity Act 2014*, facilitate the listing of prohibited and restricted matter within the *Biosecurity Regulation 2016* moving forward, and amend references to the schedules of prohibited and restricted matter in relevant other legislation.

These provisions have not yet commenced. However, under section 15DA(2) of the *Acts Interpretation Act 1954* they will automatically commence on 27 April 2025 unless the Postponement Regulation is made to delay automatic commencement.

Accompanying subordinate legislation, which is required to support the commencement of these provisions, is still under development by the Department of Primary Industries.

It is considered that automatic commencement on 27 April 2025 will not provide sufficient time for the development of the supporting subordinate legislation, it is therefore intended to postpone the automatic commencement of these provisions.

Human Rights Issues

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

No human rights have been identified as being engaged or limited by the Postponement Regulation.

Conclusion

I consider that the Postponement Regulation is compatible with the *Human Rights Act 2019* because it does not engage human rights.

ANTHONY PERRETT MP
MINISTER FOR PRIMARY INDUSTRIES

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