

# Mineral and Energy Resources 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, Dale Last MP, Minister for Natural Resources and Mines, Minister for Manufacturing and Minister for Regional and Rural Development provide this human rights certificate with respect to the *Mineral and Energy Resources and Other Legislation Amendment (Postponement) Regulation 2025* (Postponement Regulation) made under section 15DA of the *Acts Interpretation Act 1954* (AI Act) and section 2 of the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* (Amendment Act).

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 Amendment Act received Royal Assent on 18 June 2024. Section 2 of the Amendment Act provides that Parts 7, 8, 9, 10, 14 and Schedule 1, Part 2 of this Act commence on a day to be fixed by proclamation.

Section 15DA(2) of the 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.

However, section 15DA(3) of the AI Act 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 Postponement Regulation extends the period before automatic commencement of Part 7 and relevant notes within sections 88, 133, 138 and 180 (Land Access Ombudsman amendments) and Part 9 and Schedule 1, Part 2 (Financial Provisioning amendments) of the Amendment Act to 18 June 2026, meaning that these provisions will now automatically commence on 19 June 2026.

The Postponement Regulation will allow time for implementation activities to be undertaken prior to commencement of the Land Access Ombudsman's expanded remit, including:

- transitioning the Land Access Ombudsman to become a statutory body and appointing a new Advisory Council Chair and up to six members

- establishing a revised corporate structure to deliver the expanded remit of investigation and alternative dispute resolution service
- determining the levy methodology to fund operations.

The Postponement Regulation also extends the period before automatic commencement of Part 9 and Schedule 1, Part 2 of the Amendment Act to 19 June 2026, as it pertains to the *Mineral and Energy Resources (Financial Provisioning) Act 2018* (MERFP Act), meaning Part 9 and Schedule 1, Part 2 of the Amendment Act will now automatically commence on 19 June 2026.

The Postponement Regulation will allow time for Government to consider changes to the *Mineral and Energy Resources (Financial Provisioning) Regulation 2019* (MERFP Regulation), which are necessary to support amendments to the MERFP Act provided for in the Amendment Act.

## Human Rights Issues

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

The Postponement Regulation does not affect or engage any human rights.

## Conclusion

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

**DALE LAST MP**  
MINISTER FOR NATURAL RESOURCES AND MINES  
MINISTER FOR MANUFACTURING  
MINISTER FOR REGIONAL AND RURAL DEVELOPMENT

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