

Mineral and Energy Resources and Other Legislation 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, 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 Regulation 2025* (Amendment Regulation) made under the *Geothermal Energy Act 2010*, the *Greenhouse Gas Storage Act 2009*, the *Land Court Act 2000*, the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* and the *State Penalties Enforcement Act 1999*.

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 Amendment Regulation amends the *Mineral and Energy Resources (Common Provisions) Regulation 2016* to establish a rent deferral framework to support industry during times of hardship. This framework allows the Minister to declare an area for which the payment of rent is deferred for up to one year if the Minister is satisfied a holder of a resource authority is suffering hardship because of exceptional circumstances affecting the authority. Exceptional circumstances are circumstances that result in significant adverse economic impacts and are outside the holder's control, such as natural disasters or pandemics.

The Amendment Regulation also amends the *Geothermal Energy Regulation 2022*, the *Greenhouse Gas Storage Regulation 2021*, the *Land Court Rules 2022*, the *Mineral and Energy Resources (Common Provisions) Regulation 2016*, the *Mineral Resources Regulation 2013*, the *Petroleum and Gas (General Provisions) Regulation 2017* and the *State Penalties Enforcement Regulation 2014* to make consequential amendments such as the renumbering of provisions to support the commencement of the *Mineral and Energy Resources and Other Legislation Amendment Act 2024* (MEROLA Act). Rather than updating the section reference for a fossicking offence that is included in the *State Penalties Enforcement Regulation 2014*, the reference will be removed, which means a penalty infringement notice will not be issued for this offence.

The Amendment Regulation also amends the *Geothermal Energy Regulation 2022*, the *Greenhouse Gas Storage Regulation 2021*, the *Mineral and Energy Resources (Common Provisions) Regulation 2016*, the *Mineral Resources Regulation 2013* and the *Petroleum and Gas (General Provisions) Regulation 2017* to correct a number of errors such as missing words in provisions or incorrect section references. The *Greenhouse Gas Storage Regulation 2021* is

also being amended to prescribe that security is calculated using dollar amounts rather than fee units, and amending the *Geothermal Energy Regulation 2021* to prescribe that rent is calculated using fee units rather than dollar amounts. These changes will correct in-section references, ensure security and rent calculations align with other resources regulations, and ensure annual rent is indexed annually in line with the whole of government policy for fees and charges.

Human Rights Issues

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

The Amendment Regulation does not limit human rights, protected under the *Human Rights Act 2019*, as the amendments establish a rent deferral framework to provide support to industry in times of hardship and make other minor corrections and consequential amendments which do not change the requirements associated with obtaining or holding a resource tenure.

Conclusion

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

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