

Land and Other Legislation Amendment Bill 2022

Statement of Compatibility

FOR

Amendments during consideration in detail to be moved by the Honourable Scott Stewart MP

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Mr Scott Stewart MP, Minister for Resources, make this statement of compatibility with respect to amendments during consideration in detail to be moved to the Land and Other Legislation Amendment Bill 2022 (the Bill).

In my opinion, the amendments to be moved to the Land and Other Legislation Amendment Bill 2022 are 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 Amendments

Clause 2 lists the provisions in the Bill to commence on a day fixed by proclamation. Amendment is required to clause 2 to remove reference to clause 97 under subsection (e). The Bill is being amended to omit clause 97, and the reference to clause 97 in clause 2 is no longer necessary. The definition information contained within clause 97 will instead be inserted into clause 107.

Clause 2(f) relates to the commencement of a provision amending to the Stock Route Management Act. A technical processing error occurred during the supply of the Bill which resulted in the number 4 being inadvertently omitted from the end of clause 2 (f).

This number provides a reference to the corresponding Stock Route Management Act amendment in Schedule 1 of the Bill, which is required to commence on proclamation due to its interconnectedness with another Stock Route Management Act provision commencing by proclamation. If the error in clause 2(f) is left uncorrected, the reference amendment will occur out of sequence and make the relevant provision inoperable until the correlating provision is given effect by proclamation.

In addition, the Bill will be amended to broaden the operation of the rent deferral framework for critical mineral mining leases under the *Mineral Resources Act 1989* to ensure that a rent deferral is for a minimum of 12 months from the commencement of the mining lease.

The amendments improve and help to further the intent of the critical minerals rent deferral framework by enabling eligible mining lease holders to release capital by redirecting the first year's rent into their project during its infancy to improve its chance of success.

The amendments provide a transitional arrangement so that the improved critical minerals rent deferral framework will apply to any critical minerals mining leases granted after 21 November 2022 but before the amended framework takes effect. This ensures that all eligible applicants will be able to take advantage of the improved rent deferral framework.

The Bill includes amendments to the *Vegetation Management Act 1999* (the *Vegetation Management Act*) to alter the mechanism by which regional ecosystems are identified and classified. Under the existing *Vegetation Management Framework*, regional ecosystems and their class are identified in schedules in the *Vegetation Management Regulation 2012*.

Amendments in the Bill changed this, so that regional ecosystems and their class would instead be identified in a database (the *Vegetation Management Regional Ecosystem Description Database (VM REDD)*) certified by the chief executive of the *Vegetation Management Act*. The objective of this was to provide greater clarity and ease of reference for landholders on information and application of regional ecosystems regulated under the *vegetation management framework*; reduce the risk of errors in updating regional ecosystem descriptions through a regulation amendment; and result in substantial operational efficiencies for government.

Submissions made during the *Transport and Resources Committee Inquiry in the Land and Other Legislation Amendment Bill 2022 (the Bill)* stated concerns that this change would reduce transparency and rigour because the listing of regional ecosystems and their class would no longer be subject to Parliamentary oversight that is part of the regulation amendment process.

The Bill will be amended to require that the VM REDD, certified by the chief executive of the *Vegetation Management Act*, must be tabled in *Legislative Assembly* within 14 sitting days of certification otherwise it has no effect. This amendment will be consistent with clause 73 of the Bill which ensures changes to the survey standards under the *Survey and Mapping Infrastructure Act 2003* must be tabled in the *Legislative Assembly*.

The amendment will address the concerns raised during the *Committee process* by reinserting Parliamentary oversight into the process for updating the VM REDD and making the updates subject to disallowance whilst maintaining the benefits the original amendment in the Bill.

Human Rights Issues

Human rights relevant to amendments to be moved to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No human rights have been identified as being engaged or limited by the amendments to be moved to the Bill.

Conclusion

In my opinion, the amendments to be moved to the Land and Other Legislation Amendment Bill 2022 are compatible with human rights under the *Human Rights Act 2019* because they do engage a human right.

Hon Scott Stewart
Minister for Resources