Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015

Explanatory notes for SL 2015 No. 70

made under the

Mineral and Energy Resources (Common Provisions) Act 2014

General Outline

Short title

Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015

Authorising law

Section 15DA(3) of the *Acts Interpretation Act 1954*

Section 2 of the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Policy objectives and the reasons for them

The purpose of the *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015* is to postpone the automatic commencement of all uncommenced provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*. Postponement is necessary to ensure uncommenced sections do not automatically commence before necessary changes to the *Mineral and Energy Resources (Common Provisions) Act 2014* can be made. The Queensland Government has committed to repealing and amending aspects of the *Mineral and Energy Resources (Common Provisions) Act 2014*. Provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014* that have not yet commenced relate to mining project applications, migration of some resource laws to a new common Act, new overlapping tenure framework for coal and coal seam gas and other miscellaneous amendments.

Achievement of policy objectives

Section 15DA of the *Acts Interpretation Act 1954* provides that a postponed law that has not commenced within one year of the assent day will automatically commence on the next day. Therefore, sections of the *Mineral and Energy Resources (Common Provisions) Act 2014* which have not been proclaimed to commence on or before 26 September 2015, will automatically commence on 27 September 2015.

Section 15DA(3) of the *Acts Interpretation Act 1954* enables a regulation to be made to extend the period before commencement to not more than two years of the assent day.

To achieve the policy objectives the *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015* will postpone automatic commencement of all uncommenced amendments until 27 September 2016.

Consistency with policy objectives of authorising law

The *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015* is consistent with the main objectives of the *Acts Interpretation Act 1954* and the *Mineral and Energy Resources (Common Provisions) Act 2014.*

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015* is the only effective means of postponing automatic commencement of provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Benefits and costs of implementation

There are no costs arising from the implementation of the *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015*.

Consistency with fundamental legislative principles

The *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015* is consistent with fundamental legislative principles.

Consultation

No consultation was undertaken with the community in relation to the *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation 2015*. However, relevant stakeholders will be advised of the postponement regulation.

The Office of Best Practice Regulation within the Queensland Competition Authority was consulted with regard to the Regulatory Impact Statement system requirements. The Office of Best Practice Regulation advised that because the proposed *Mineral and Energy Resources (Common Provisions) (Postponement) Regulation* 2015 simply changes the commencement date of provisions of the *Mineral and Energy Resources (Common Provisions) Act 2014*, it is machinery in nature and therefore is excluded from further analysis under the Treasurer's Regulatory Impact Statement Guidelines.