

Natural Resources and Other Legislation Amendment (Postponement) Regulation 2020

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, Dr Anthony Lynham MP, Minister for Natural Resources, Mines and Energy provide this human rights certificate with respect to the Natural Resources and Other Legislation Amendment (Postponement) Regulation 2020 (postponement regulation) made under the *Natural Resources and Other Legislation Amendment Act 2019* (NROLA 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 NROLA Act received assent on 24 May 2019. The purpose of the postponement regulation is to postpone the automatic commencement of two separate sets of amendments included in the NROLA Act.

The NROLA Act includes amendments that establish prescribed terms schedules for subleases, trustee leases and trustee subleases to protect the State's interests in the land. The postponement regulation will postpone automatic commencement of sections 112, 115, 116, 117(2) and (3), 144, 149, 150, 161 (1) and (2), 186 (to the extent it inserts chapter 9, part 4, division 4), 188(1) and (2) (other than to the extent it inserts definition *perpetual lease*) of the NROLA Act relating to prescribed terms under the *Land Act 1994*.

The NROLA Act also includes amendments to the *Petroleum and Gas (Production and Safety) Act 2004* to establish a framework allowing the amalgamation of potential commercial areas. The postponement regulation will postpone the automatic commencement of sections 303, 312(1), and 313(2) (to the extent it inserts definition of *amalgamated potential commercial area*).

Under section 15DA(2) of the *Acts Interpretation Act 1954* (AIA), these sections of the NROLA Act will automatically commence on 25 May 2020. Section 15DA(3) of the AIA provides that, within 1 year of the assent day, a regulation may extend the period before commencement under section 15DA(2) to not more than 2 years of the assent day.

The postponement regulation will extend the period before automatic commencement under section 15DA(2) of the AIA to the end of 24 May 2021, unless commenced sooner.

Human Rights Issues

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

The postponement regulation is an administrative, machinery of government function that does not affect or engage any human right.

Conclusion

I consider that the postponement regulation is compatible with the *Human Rights Act 2019* because the mechanical nature of the postponement regulation does not affect or engage any human right.

DR ANTHONY LYNHAM MP
MINISTER FOR NATURAL RESOURCES, MINES AND ENERGY

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