

Property Law (Postponement) Regulation 2024

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, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Property Law (Postponement) Regulation 2024* (Postponement Regulation) made under section 235 of the *Property Law Act 2023*.

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

On 25 October 2023, the Bill for the *Property Law Act 2023* (the Act) was passed by the Legislative Assembly. The Act received assent on 2 November 2023. Section 2 of the Act provides that the Act commences on a day to be fixed by proclamation.

Section 15DA(2) of the *Acts Interpretation Act 1954* (AI Act) provides that if a postponed law has not commenced within one year of the assent day, it automatically commences on the next day. Under section 15DA(2) of the AI Act, the Act will automatically commence on 3 November 2024.

However, section 15DA(3) of the AI Act provides that within one year of the assent day, a regulation may extend the period before automatic commencement to not more than two years of the assent day. 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 the Act to the end of 2 November 2025, meaning the Act will now not automatically commence until 3 November 2025.

Human Rights Issues

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.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence

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