



Queensland

Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 135

made under the

Acquisition of Land Act 1967

Building Units and Group Titles Act 1980

Coastal Protection and Management Act 1995

Environmental Protection Act 1994

Foreign Ownership of Land Register Act 1988

Forestry Act 1959

Land Act 1994

Land Protection (Pest and Stock Route Management) Act 2002

Land Title Act 1994

Land Valuation Act 2010

Marine Parks Act 2004

Nature Conservation Act 1992

Queensland Heritage Act 1992

Recreation Areas Management Act 2006

Surveyors Act 2003

Valuers Registration Act 1992

Vegetation Management Act 1999

Water Act 2000

Wild Rivers Act 2005

General outline

Short title

Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011.

Authorising law

Section 42(3) of the *Acquisition of Land Act 1967*

Section 134 of the *Building Units and Group Titles Act 1980*

Section 167 of the *Coastal Protection and Management Act 1995*

Section 580(1) of the *Environmental Protection Act 1994*

Section 45 of the *Foreign Ownership of Land Register Act 1988*

Section 97 of the *Forestry Act 1959*

Section 448(2)(b) of the *Land Act 1994*

Section 309(1) of the *Land Protection (Pest and Stock Route Management) Act 2002*

Section 199 of the *Land Title Act 1994*

Section 265 of the *Land Valuation Act 2010*

Section 150 of the *Marine Parks Act 2004*

Section 175 of the *Nature Conservation Act 1992*

Section 178 of the *Queensland Heritage Act 1992*

Section 232 of the *Recreation Areas Management Act 2006*

Section 192 of the *Surveyors Act 2003*

Section 66 of the *Valuers Registration Act 1992*

Section 72 of the *Vegetation Management Act 1999*

Section 1014(2)(a) of the *Water Act 2000*

Section 51(2) of the *Wild Rivers Act 2005*

Policy objectives and the reasons for them

The objective of the regulation is to index regulatory fees for the department of Environment and Resource Management as noted under Administrative Arrangements Order (No. 2) 2011. Regulatory fees are reviewed annually under Government policy to index by the Consumer Price Index or, where established, a separate basis for determination.

The Australian Bureau of Statistics, Consumer Price Index is used to index fees and charges by the annual movement for the Brisbane All-Groups, March to March quarter.

A small number of fees are indexed using an indices specific to the sector. This approach was established in 1992. Fees for stock grazing permits are indexed in accordance with the Queensland Livestock and Meat Authority index and use an annual percentage of change for the year ending 28 February 2011. Apiary fees are indexed using the Australian Bureau of Agricultural and Resource Economics, Honey Price Index and use the annual percentage of change averaged over 3 years.

Certain minor amendments to the regulation will also be made to implement consistency with recently amended Acts. These amendments are a result of the changes to the Acts since the regulations were last reviewed (e.g. the *Land Valuation Act 2010*). Minor drafting errors identified by the Office of Queensland Parliamentary Counsel are also being redressed. This meets the government's policy objective to keep legislation current and consistent.

Achievement of policy objectives

This subordinate legislation will achieve its objective by increasing fees and charges under the Acts administered by the Department of Environment and Resource Management. This movement of the Consumer Price Index for the March to March quarter is 3.6 percent.

Stock grazing fees this year are indexed at 8.55 percent. This is in line with the boom in the market sector for livestock and meat. The use of this index shows a close alignment to the sector as the 2010 index reduced fees by 4.8 percent when there was a downturn in the sector.

The index for the period for apiary fees was 4.65 percent in line with the average annual market movement over the past three years.

The minor amendments will achieve consistency and currency of the department's legislation in line with government objectives.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objective of the relevant Acts.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with any policy objectives of any legislation.

Benefits and costs of implementation

The indexation of fees provides a mechanism understood by the community and industry to maintain price relativity, aiding the government in formulating the state and departmental budgets.

There are no additional costs associated with implementing the regulation.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

Consultation has been undertaken with the Queensland Office for Regulatory Efficiency, Queensland Treasury in determining that the amendment was excluded from the requirement to undertake a Regulatory Assessment Statement.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.

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