



Queensland

Revenue Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 89

made under the

Duties Act 2001

Land Tax Act 2010

Mineral Resources Act 1989

Petroleum and Gas (Production and Safety) Act 2004

State Penalties Enforcement Act 1999

General outline

Short title

Revenue Legislation Amendment Regulation (No. 1) 2013

Authorising law

Sections 495(3), 508(1) and (2)(a) of the *Duties Act 2001*

Sections 63(2)(a), 85(1) and (2)(a) of the *Land Tax Act 2010*

Sections 320(4)–(7), 417(1) and (2)(a) of the *Mineral Resources Act 1989*

Sections 595(3), 859(1) and (2)(a) of the *Petroleum and Gas (Production and Safety) Act 2004*

Sections 75(3), 119(5), 136(1)(h)(ii), 165(1) and (6) and Schedule 2 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

The objective of the *Revenue Legislation Amendment Regulation (No. 1) 2013* is to increase fees administered by the Office of State Revenue (OSR) in accordance with current Government policy.

On 25 June 2012, Cabinet decided that, from 1 July 2012, all fees and charges are to be indexed annually at a rate of 3.5% per annum until further notice. In April 2013, the Cabinet Budget Review Committee (CBRC) confirmed the continuation of the 3.5% indexation policy in 2013-14.

An annual indexation rate of 3.5% per annum is to apply to fees and charges in accordance with Government policy.

Achievement of policy objectives

The Regulation amends the *Duties Regulation 2002*, *Land Tax Regulation 2010*, *Mineral Resources Regulation 2003*, *Petroleum and Gas (Production and Safety) Regulation 2004* and *State Penalties Enforcement Regulation 2000* by increasing the fees administered by OSR for the 2013-14 financial year.

Fees under the *Duties Regulation 2002*, *Land Tax Regulation 2010*, *Mineral Resources Regulation 2003* and *Petroleum and Gas (Production and Safety) Regulation 2004*

Fees administered by OSR under the *Duties Regulation 2002*, *Land Tax Regulation 2010*, *Mineral Resources Regulation 2003* and *Petroleum and Gas (Production and Safety) Regulation 2004* are increased by 3.5%. This will ensure the fees charged under these regulations are appropriate and are in accordance with Government policy.

Fees under the *State Penalties Enforcement Regulation 2000*

The administration of the State Penalties Enforcement Registry (SPER) was transferred from the Department of Justice and Attorney-General to OSR on 25 May 2012.

Fees administered by OSR are, in practice, increased on 1 July each year. However, due to the timing of the transfer of the administration of SPER to OSR, there was insufficient time for OSR to progress amendments to increase SPER fees on 1 July 2012. Consequently, the SPER fees were increased on 1 August 2012.

In order to align the SPER fees with all other fees administered by OSR, the SPER fees are increased by 3.5% per annum on 1 July 2013 instead of 1 August 2013. Although only 11 months will have elapsed since the previous increase, the alignment of the SPER fees is necessary for administrative efficiency. Therefore, increasing the SPER fees on this basis will ensure the fees charged under the *State Penalties Enforcement Regulation 2000* appropriately adhere to Government policy.

Consistency with policy objectives of authorising law

Amendments increasing the fees in the *Duties Regulation 2002* are consistent with the policy objective of the *Duties Act 2001* that the fees are prescribed by regulation.

Amendments increasing the fees in the *Land Tax Regulation 2010* are consistent with the policy objective of the *Land Tax Act 2010* that the fees are prescribed by regulation.

The amendment increasing the royalty return late lodgement fee in the *Mineral Resources Regulation 2003* is consistent with the policy objective of the *Mineral Resources Act 1989* that the fee is prescribed by regulation.

The amendment increasing the royalty return late lodgement fee in the *Petroleum and Gas (Production and Safety) Regulation 2004* is consistent with the policy objective of the *Petroleum and Gas (Production and Safety) Act 2004* that the fee is prescribed by regulation.

Amendments increasing the fees in the *State Penalties Enforcement Regulation 2000* are consistent with the policy objective of the *State Penalties Enforcement Act 1999* that fees are prescribed by regulation.

Inconsistency with policy objectives of other legislation

Not applicable.

Benefits and costs of implementation

Implementation of the Regulation will ensure the fees administered by OSR are in line with Government policy.

Implementation of the amendments increasing the fees administered by OSR and contained in the *Duties Regulation 2002*, *Land Tax Regulation*

2010, *Mineral Resources Regulation 2003*, *Petroleum and Gas (Production and Safety) Regulation 2004* and *State Penalties Enforcement Regulation 2000* will not result in any additional costs to Government as the administration of the fees will continue to be subject to existing processes, systems and staffing.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation (OBPR), Queensland Competition Authority, was consulted regarding the need to prepare a Regulatory Impact Statement (RIS). As the Regulation proposes standard annual fee variations in line with a Government endorsed indexation factor, OBPR advised that an RIS does not need to be prepared.

All fees administered by OSR under the *Duties Regulation 2002*, *Land Tax Regulation 2010*, *Mineral Resources Regulation 2003*, *Petroleum and Gas (Production and Safety) Regulation 2004* and *State Penalties Enforcement Regulation 2000* are increased by a rate of 3.5% per annum in accordance with current Government policy. Therefore, consultation was considered unnecessary.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is Queensland Treasury and Trade.