



Queensland

Foreign Ownership of Land Register Regulation 2013

Explanatory Notes for SL 2013 No. 152

made under the

Foreign Ownership of Land Register Act 1988

General outline

Short title

Foreign Ownership of Land Register Regulation 2013.

Authorising law

Section 45(1)(d) of the *Foreign Ownership of Land Register Act 1988*.

Policy objectives and the reasons for them

As part of the administration of the Foreign Ownership of Land Register, section 14 of the *Foreign Ownership of Land Register Act 1988* provides that a person can obtain information from the Foreign Ownership of Land Register on payment of a prescribed fee.

The policy objective of the proposed re-make of the Regulation is to facilitate the continued effective administration of the Foreign Ownership of Land Register by prescribing the relevant fees for obtaining information from the Foreign Ownership of Land Register.

Achievement of policy objectives

To achieve its objectives, the proposed re-make of the Regulation will define the various fees for obtaining information from the Foreign Ownership of Land Register in a schedule to the Regulation.

This is the most appropriate way to achieve the policy objectives of the Regulation because it allows the schedule of regulated fees to be reviewed and updated efficiently at regular intervals. The current schedule of prescribed fees in the Foreign Ownership of Land Register Regulation 2003 has been regularly reviewed since its making and since 2007 has been annually updated to reflect government policy on indexation of fees and charges.

The regular review and update of the schedule of prescribed fees ensures that the prescribed fees remain relevant and appropriate.

The schedule of prescribed fees in effect as of 1 July 2013 will not be changed when the Regulation is re-made.

Consistency with policy objectives of authorising Act

The policy objective of the *Foreign Ownership of Land Register Act 1988* is to provide for the disclosure of foreign ownership of land and for related purposes. Section 14 of the *Foreign Ownership of Land Register Act 1988* provides that a person can obtain information from the Foreign Ownership of Land Register upon payment of a prescribed fee and is contained within Part 2 which provides for the administration of the Foreign Ownership of Land Register. It is a clear policy objective of the *Foreign Ownership of Land Register Act 1988* to allow a person to obtain information from the Foreign Ownership of Land Register for a prescribed fee as part of the administration of the Foreign Ownership of Land Register.

The proposed re-make of the Regulation is consistent with this policy objective because it will continue to prescribe the relevant fees to obtain information from the Foreign Ownership of Land Register which is necessary for the continued effective administration of the Foreign Ownership of Land Register.

Additionally, the Schedule of prescribed fees in the Regulation will continue to be reviewed and amended to ensure that the prescribed fees remain appropriate.

Benefits and costs of implementation

Because the proposed re-make will not change the schedule of prescribed fees which exists at the time of re-making, there will be continued certainty around the provision of Foreign Ownership of Land Register information and no change in the cost to a person seeking such information. Additionally, there will be no additional costs to the government and the administration of the Foreign Ownership of Land Register will continue to be met through existing resources.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

The use of subordinate legislation to prescribe the relevant fees is more appropriate than utilising primary legislation because the prescribed fees are regularly reviewed and updated (there is a formal annual review program) which requires a streamlined and flexible approach to amendment within a short time period. This also has the added advantage of reducing the time and resources required to amend the regulated fees.

The Regulation has sufficient regard to rights and liberties of individuals because it only regulates the amount that is paid by a person to obtain information from the Foreign Ownership of Land Register. No other rights or liberties of individuals are affected. The Regulation also has sufficient regard to the institution of Parliament, because the extent of the powers provided under the *Foreign Ownership of Land Register Act 1988* were determined by Parliament and the power in relation to determining fees is limited to fees payable under the Act.

Consultation

The Regulation only serves to define a schedule of prescribed fees to be paid to search for and obtain information from the Foreign Ownership of Land Register and does not impose any other obligations.

Because there is no regular need for the information from the Foreign Ownership of Land Register by an identifiable group, there is no particular section of the community, business or government that can be identified as a main stakeholder group that would be impacted by the schedule of fees.

Additionally, the schedule of fees has been consistently reviewed and amended to ensure that the prescribed fees are appropriate and continue to

be relevant to the proper administration of the *Foreign Ownership of Land Register Act 1988*. The schedule of prescribed fees in existence as at 1 July 2013 will merely be remade without amendment so there will be no further impact on a person seeking information from the Foreign Ownership of Land Register.

The Office of Best Practice Regulation, Queensland Competition Authority was consulted and has advised that the proposal to re-make the Foreign Ownership of Land Register Regulation 2003 is considered not to impose significant adverse impacts on the community, business or government.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Natural Resources and Mines.

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