

Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1) 2014

Explanatory notes for SL2014 No. 78

made under the

Acquisition of Land Act 1967

Building Units and Group Titles Act 1980

Coal Mining Safety and Health Act 1999

Explosives Act 1999

Foreign Ownership of Land Register Act 1988

Fossicking Act 1994

Geothermal Energy Act 2010

Greenhouse Gas Storage Act 2009

Land Act 1994

Land Protection (Pest and Stock Route Management) Act 2002

Land Title Act 1994

Land Valuation Act 2010

Mineral Resources Act 1989

Mining and Quarrying Safety and Health Act 1999

Petroleum Act 1923

Petroleum and Gas (Production and Safety) Act 2004

Strategic Cropping Land Act 2011

Surveyors Act 2003

Valuers Registration Act 1992

Vegetation Management Act 1999

Water Act 2000

General Outline

Short title

Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1) 2014.

Authorising law

Section 42(3) of the *Acquisition of Land Act 1967*
Section 134 of the *Building Units and Group Titles Act 1980*
Section 282 of the *Coal Mining Safety and Health Act 1999*
Section 135 of the *Explosives Act 1999*
Section 45 of the *Foreign Ownership of Land Register Act 1988*
Section 107 of the *Fossicking Act 1994*
Section 385 of the *Geothermal Energy Act 2010*
Section 429 of the *Greenhouse Gas Storage Act 2009*
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 417 of the *Mineral Resources Act 1989*
Section 262 of the *Mining and Quarrying Safety and Health Act 1999*
Section 149 of the *Petroleum Act 1923*
Section 859 of the *Petroleum and Gas (Production and Safety) Act 2004*
Section 278 of the *Strategic Cropping Land Act 2011*
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*

Policy objectives and the reasons for them

The objective of the regulation is to index regulatory fees for the Department of Natural Resources and Mines. Regulatory fees are reviewed annually in accordance with government policy.

Minor amendments identified by the Office of the Queensland Parliamentary Counsel are also being made. This meets the policy objective to keep legislation current and consistent.

Amend fee for section 229 of the *Water Act 2000*. Section 229 of the Water Act details the effect the disposal of part of the land to which a water licence attaches, has on the water licence. Section 229 of the Water Act was amended on 24 November 2011. Item 33 of schedule 16 of the *Water Regulation 2002* provides a description and the fee for section 229 of the Water Act. The objective is to amend the description of fee (item 33) to reflect the 2011 change to section 229 of the Water Act.

Achievement of policy objectives

This subordinate legislation will achieve its objective by increasing fees and charges under the Acts administered by the Department of Natural Resources and Mines. An index figure of 3.5% has been applied (with rounding for coinable amounts), as advised by Queensland Treasury and Trade.

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

Amend fee for section 229 of the Water Act. The amendment regulation amends the description fee 33 in schedule 16 of the *Water Regulation 2002* to say 'application to replace jointly held water licence on part disposal of land to which the water licence relates'. This reflects the 2011 change to section 229 of the Water Act.

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.

Fees for section 229 of the Water Act. The changes to the description of this fee will facilitate the operation of the Water Act by accurately reflecting the 2011 changes to section 229 of the Water Act.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

Consultation has been undertaken with the Office of Best Practice Regulation, Queensland Competition Authority in determining that the amendment was excluded from the requirement to undertake a Regulatory Impact Statement.

Amend fee for section 229 of the Water Act. No consultation was undertaken on this proposed amendment as it is a consequential amendment that seeks to update the description of the fee to support amendments made to section 229 of the Water Act.