

Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 146

made under the

Building Units and Group Titles Act 1980
Foreign Ownership of Land Register Act 1988
Land Act 1994
Water Act 2000

General Outline

Short title

Natural Resources and Mines Legislation Amendment Regulation (No. 1)2015

Authorising laws

Section 134(1) of the *Building Units and Group Titles Act 1980*
Section 45(1) of the *Foreign Ownership of Land Register Act 1988*
Section 448(1) of the *Land Act 1994*
Section 1014(1) of the *Water Act 2000*

Policy objectives and the reasons for them

The *Land Title Act 1994* enshrines the principles of Torrens titling in Queensland and provides the head of power for regulations to be made for how instruments are to be lodged with the Titles Registry and the fees that may be paid. While most of these requirements can be found in the *Land Title Regulation 2005*, a number of other regulations also provide for fees to lodge instruments in the Registry.

A review of the *Land Title Regulation 2005* was undertaken, prior to its automatic expiry under Part 7 of the *Statutory Instruments Act 1992*. The focus of the review was to identify opportunities for streamlining and red tape reduction as well as to review the efficiency and effectiveness of the *Land Title Regulation 2005* and issues which may have emerged since its introduction. To ensure consistency, any Registry-related provisions in other regulations were also reviewed.

A number of recommendations were made as a consequence of the review to improve the operation and usability of the Registry-related regulations. Most of the recommendations have been implemented through the remake of the *Land Title*

Regulation 2015, with changes to other regulations made through the Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015.

Achievement of policy objectives

The *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* amends the *Building Units and Group Titles Regulation 2008*, the *Foreign Ownership of Land Register Regulation 2013*, the *Land Regulation 2009* and the *Water Regulation 2002* to maintain consistency for fees associated with Registry transactions.

The review of the *Land Title Regulation 2005* recommended streamlining the current multi-level fee structure for administered fees and the number of individual price points to reduce the time taken by customers to prepare fees for lodgement, particularly where there is a number of fees payable, and to enable an easier annual amendment for indexation by government. The amendments in the *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* align the other regulations that prescribe fees for registration and titling matters, with the fees and price points established in the *Land Title Regulation 2015*.

Consistency with policy objectives of authorising law

The *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* is consistent with the main objects of the *Land Title Act 1994*. The *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* supports the *Land Title Act 1994* by prescribing fees to be paid in relation to the lodgement and registration of instruments in the Registry.

Inconsistency with policy objectives of other legislation

The *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Implementing the *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* will not result in an increase in costs for Government as administration will remain subject to existing processes and staffing.

Prescribing fees through regulation remains supportive of general regulatory principles, as the prescribed fees are a component most subject to periodic amendment and thus could be dealt with without change to the *Building Units and Group Titles Act 1980*, the *Foreign Ownership of Land Register Act 1988*, the *Land Act 1994*; the *Water Act 2000*.

The reviewed fee structure meets the requirements for the maintenance and improvement of systems necessary to support land titling in Queensland.

Consistency with fundamental legislative principles

It is considered that the *Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2015* is consistent with the fundamental legislative principles as defined in the *Legislative Standards Act 1992*.

Consultation

The Office of Best Practice Regulation within the Queensland Productivity Commission was consulted with regard to Regulatory Impact Statement requirements. The Office of Best Practice Regulation advised that the subordinate legislation appears unlikely to have significant adverse impacts and therefore no further assessment is required under the Treasurer's Regulatory Impact Statement System Guidelines.

The Queensland Law Society was consulted and generally supports the intent of the changes.

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