

# Resources Safety and Health Legislation (Fee Unit Conversion) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 68

made under the

*Coal Mining Safety and Health Act 1999*

*Explosives Act 1999*

*Mining and Quarrying Safety and Health Act 1999*

*Petroleum Act 1923*

*Petroleum and Gas (Production and Safety) Act 2004*

## General Outline

### Short title

*Resources Safety and Health Legislation (Fee Unit Conversion) Amendment Regulation 2022*

### Authorising law

Section 282 of the *Coal Mining Safety and Health Act 1999*

Section 135 of the *Explosives Act 1999*

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*

### Policy objectives and the reasons for them

The objective of the *Resources Safety and Health Legislation (Fee Unit Conversion) Amendment Regulation 2022* (the Amendment Regulation) is to amend the *Coal Mining Safety and Health Regulation 2017*, the *Explosives Regulation 2017*, the *Mining and Quarrying Safety and Health Regulation 2017* and the *Petroleum and Gas (Safety) Regulation 2018* to convert all fees prescribed under these regulations into the fee unit model.

All regulatory fees are to be converted into fee units in line with Government's fee unit model policy. Per the *Queensland Treasury Principles of Fees and Charges* (June 2021), the fee unit model requires that by 1 July 2022, all fees captured by the Government's indexation policy be displayed as a number of fee units, not a dollar amount, in agencies' respective regulations, unless an exemption has been provided.

The legislative provisions for establishing the fee unit model are included in sections 48B and 48C of the *Acts Interpretation Act 1954* (AIA) and its subordinate legislation. Per section 48B of the AIA the value (dollar amount) of the fee unit is prescribed by regulation and is subject to annual indexation.

The fee unit model streamlines the annual process of indexing regulatory fees. It provides for indexation of the fee unit rather than the amendment of hundreds of pages of regulation each year. The value of the fee unit will be updated by Queensland Treasury annually in line with the Government Indexation Rate.

The Amendment Regulation implements the fee unit model policy for all the regulatory fees which take effect from 1 July 2022, except for the methane/biogas fees. The methane/biogas fees prescribed under current *Petroleum and Gas (Safety) Regulation 2018*, schedule 6, part 3, section 14, are subject to Treasury's exemption from the fee unit conversion for 12 months. The conversion for these fees will commence on 1 July 2023.

The Amendment Regulation also makes minor amendments to the regulatory fees to conform with drafting practices, as identified by the Office of the Queensland Parliamentary Council.

## **Achievement of policy objectives**

The Amendment Regulation achieves its objective by amending the *Coal Mining Safety and Health Regulation 2017*, the *Explosives Regulation 2017*, the *Petroleum and Gas (Safety) Regulation 2018* and the *Mining and Quarrying Safety and Health Regulation 2017* to implement the fee unit model.

With the exemption of the methane/biogas fees, the fee unit conversion changes take effect on 1 July 2022. The methane/biogas fees conversion commences on 1 July 2023.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the respective Acts.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of any other jurisdictions.

## **Benefits and costs of implementation**

The conversion of fees to fee units will achieve efficiencies and cost savings to the department as the annual indexation of fees will no longer require regulations to be amended. There are no additional costs associated with implementing the amendment regulation

## **Consistency with fundamental legislative principles**

The Amendment Regulation has been drafted to be consistent with fundamental legislative principles, as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The proposed amendment has been agency-assessed as excluded from undertaking further regulatory impact analysis under the *Queensland Government Guide to Better Regulation*. (Category (g) - regulatory proposals that are of a machinery nature).

No stakeholder consultation was undertaken as the Amendment Regulation converts fees to fee units as intended by the AIA.

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