

# Planning Legislation (Fee Unit Conversion and Other Amounts) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 75

made under the

*Planning Act 2016*

*Regional Planning Interests Act 2014*

## General Outline

### Short title

*Planning Legislation (Fee Unit Conversion and Other Amounts) Amendment Regulation 2022*

### Authorising law

Section 112(1), 237(4)(b) and 284 of the *Planning Act 2016* and section 95 of the *Regional Planning Interests Act 2014*.

### Policy objectives and the reasons for them

The objective of the *Planning Legislation (Fee Unit Conversion and Other Amounts) Amendment Regulation 2022* (the Amendment Regulation) is to amend the expression of certain fees and charges in the *Planning Regulation 2017* (Planning Regulation) and *Regional Planning Interests Regulation 2014* (RPI Regulation) from dollars to fee units, and to amend the prescribed amounts under Schedule 16 of the Planning Regulation in line with the producer price index defined in the *Planning Act 2016* (Planning Act).

The change to the expression of fees and charges reflects recent amendments to the *Acts Interpretation Act 1954* (AIA) introducing a fee unit model, and subsequent changes to Queensland Treasury's Principles for Fees and Charges Policy to require all in-scope fees and charges to be prescribed as fee units rather than dollar amounts.

This is consistent with the fee unit model under the AIA and requirements under Queensland's Treasury's Principles for Fees and Charges Policy.

The implementation of the regulatory fee unit model streamlines the annual process of indexing regulatory fees, as the *Acts Interpretation (Fee Unit) Regulation 2022*, notified on 29 April 2022, will prescribe the value of a fee unit and be amended each year in line with the annual Government Indexation Rate.

The prescribed amounts in the Planning Regulation are out of scope of the fee unit model and will continue to be expressed in dollars and indexed against the 3-yearly moving average quarterly percentage increase in the producer price index (PPI), which is defined in the Planning Act as the PPI for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

## Achievement of policy objectives

The Amendment Regulation will achieve its policy intent by:

- amending the Planning Regulation to express the following fees and charges and fee units rather than dollar values:
  - description of fees under sections 33-38
  - certain development application fees under Schedules 9, 10, and 15
  - tribunal fees under Schedule 17
- amending the RPI Regulation to express the following fees and charges as fee units rather than dollar values:
  - mitigation values at section 16
  - assessment application fees under Schedule 4
- providing for the rounding of amounts expressed as numbers of fee units at new section 72A in the Planning Regulation and new section 19A in the RPI Regulation.

Prescribed amounts under Schedule 16 of the Planning Regulation have been indexed against the 3-yearly moving average quarterly percentage increase in the PPI, which is defined in the Planning Act as the PPI for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics. For 2022-2023 this is 1.31 percent.

## Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the purposes of the Planning Act and the *Regional Planning Interests Act 2014* (RPI Act) that provides regulations may provide for various fees and charges.

The AIA provides for the fee-unit model and the *Acts Interpretation (Fee Unit) Regulation 2022* gives effect to the AIA by prescribing the value of a fee unit for a given Act.

]

The amendment to the prescribed amounts under Schedule 16 of the Planning Regulation is consistent with section 112 of the Planning Act.

Increasing the fees charged by the State Assessment and Referral Agency in line with the government indexation rate, and the prescribed amounts in line with the PPI, is consistent with ensuring the ongoing operation of an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, including development assessment.

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

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

## **Alternative ways of achieving policy objectives**

There is no alternative way to achieve the policy objectives other than the Amendment Regulation.

## **Benefits and costs of implementation**

The Amendment Regulation provides the benefits of a more efficient process for certain updating fees and charges through integrating changes to government indexation rate/s centrally through the AIA. The Amendment Regulation also provides the benefits of prescribed amounts that are indexed appropriately.

No costs are anticipated to occur due to the implementation of Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles of the *Legislative Standards Act 1992*.

## **Consultation**

The Department of State Development, Infrastructure, Local Government and Planning will write to local governments and industry peak bodies to advise that fees and charges in the Planning Regulation and RPI Regulation are represented as fee units, and to advise that the amendment to the prescribed amounts under Schedule 16 of the Planning Regulation is consistent with section 112 of the Planning Act.

The proposal to update fees and charges to the fee unit model and prescribed amounts to reflect indexation rates for the 2022- 2023 financial year is excluded from the Regulatory Impact Analysis system (agency assessed) under category (a) 'regulatory proposals that make consequential amendments' and category (h) - 'regulatory proposals that put forward standard annual fees variations in line with or below a government endorsed indexation factor'.

Accordingly, no consultation with the Office of Best Practice Regulation is required for the Amendment Regulation.