



Queensland

Mines Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 94

made under the

Coal Mining Safety and Health Act 1999

Explosives Act 1999

Fossicking Act 1994

Geothermal Exploration Act 2004

Greenhouse Gas Storage Act 2009

Mineral Resources Act 1989

Mining and Quarrying Safety and Health Act 1999

Petroleum Act 1923

Petroleum and Gas (Production and Safety) Act 2004

General outline

Short title

Mines Legislation Amendment Regulation (No. 1) 2011.

Authorising law

Section 282 *Coal mining Safety and Health Act 1999*

Section 135 *Explosives Act 1999*

Section 107 *Fossicking Act 1994*

Section 139 *Geothermal Exploration Act 2004*

Section 429 *Greenhouse Gas Storage Act 2004*

Section 417 *Mineral Resources Act 1989*

Section 262 *Mining and Quarrying Safety and Health Act 1999*
Section 149 *Petroleum Act 1923*, and
Section 859 *Petroleum and Gas (Production and Safety) Act 2004*

Policy objectives and reasons for them

The objectives of the regulation are as follows.

1. The increase of prescribed regulatory fees by the annual Consumer Price Index (CPI). Regulatory fees are reviewed annually under standing government policy to increase fees and charges by the annual movement in CPI.
2. Setting a nil amount for the rental payable for mining claims (i.e. small hand-mined operations), to reduce the regulatory burden and also allow some financial relief for claim holders.
3. The increase of fees for counter searches and extracts of the geothermal and GHG registers. The wording regarding these fees is also amended to make it clear that the fees apply only for searches obtained at a public counter. The increases will make these fees consistent with other comparable counter searches and it should be noted that these searches are also available online free of charge.

Achievement of policy objectives

The regulation will achieve its objectives by increasing the relevant fees and charges from 1 July 2011 and tenure rental rates from 1 September 2011, in line with government policy. This CPI adjustment is based on movements in the Brisbane All-Groups CPI from December 2009 to December 2010, which is 3 percent (rounded). Other fee increases above CPI are reflective of the costs involved and were announced in the 2010-11 State Budget.

The nil rental payable for mining claims, by amendment of the *Mineral Resources Regulation 2003*, Schedule 5, section 83(1), will apply from 1 September 2011.

Consistency with policy objectives of authorising law

The regulation is consistent with the policy objectives of the authorising Acts and amends the relevant subordinate legislation to ensure the scheduled fees remain relevant and appropriate.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with any policy objectives of any legislation.

Alternative ways of achieving policy objectives

The authorising Acts set out the frameworks for the administration of the regulatory fees. There are no alternative means to effectively achieve the policy objectives.

Benefits and costs of implementation

Statutory provisions for the collection of prospective revenue formalises administrative practice and provides certainty to the community, industry and the government in formulating the State and departmental budgets.

There are no additional costs associated with implementing the regulation.

Consistency with fundamental legislative principles

The amendment has been drafted with regard to the fundamental legislative principles and is considered to comply with these principles.

Consultation

Queensland Treasury was consulted in determining the annual CPI figure. The result of the consultation was that the 3 percent figure should be used as the basis for annual increases in fees and charges.

The Queensland Office of Regulatory Efficiency was also consulted in determining that a Regulatory Assessment Statement was not required for this subordinate legislation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Employment, Economic Development and Innovation.

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