

**Subordinate legislation tabled between
20 March 2013 and 30 April 2013**

Report No. 23
Agriculture, Resources and Environment
Committee
June 2013

Agriculture, Resources and Environment Committee

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1 Introduction

1.1 Role of the Committee

The Agriculture, Resources and Environment Committee (the committee) is a portfolio committee established by the Legislative Assembly on 18 May 2012 under the *Parliament of Queensland Act 2001*.¹ It consists of government and non-government members. The committee's primary areas of responsibility are: the Department of Agriculture, Fisheries and Forestry; the Department of Environment and Heritage Protection; and the Department of Natural Resources and Mines.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider –

- a) the policy to be given effect by the legislation;
- b) the application of fundamental legislative principles to the legislation; and
- c) for subordinate legislation – its lawfulness.

1.2 Aim of this report

This report advises of subordinate legislation examined and, where applicable, presents any concerns the committee has identified in respect of subordinate legislation tabled between 20 March and 30 April 2013 that are within its portfolio responsibilities. Unless expressly noted below, no issues were identified.

SL No	Subordinate Legislation	Tabled Date	Disallowance Date
35	Proclamation made under the Mines Legislation (Streamlining) Amendment Act 2012	16 April 2013	7 August 2013
36	Proclamation made under the Mining and Other Legislation Amendment Act 2013	16 April 2013	7 August 2013
37	Natural Resources and Mines Legislation Amendment Regulation (No.1) 2013	16 April 2013	7 August 2013
51	Aboriginal Land Amendment Regulation (No.2) 2013	30 April 2013	21 August 2013

2 Issues identified in particular subordinate legislation

2.1 SL 37 Natural Resources and Mines Legislation Amendment Regulation (No.1) 2013

The government's action plan for July-December 2012 was to review legislation and regulation for the small scale mining sector to reduce red tape. This was largely achieved by the *Mining and Other Legislation Amendment Act 2013*² which provided for a small scale mining code to be made under the Mineral Resources Regulations 2003.³

The objective of the Natural Resources and Mines Legislation Amendment Regulation (the Amendment Regulation) are to update a range of regulations to support the commencement of the *Mining and Other Legislation Amendment Act 2013*.

Legislative Standards Act 1992, section 4(2)(a) – Rights and liberties of individuals

The *Legislative Standards Act 1992* provides that legislation is to have sufficient regard to the rights and liberties of individuals.

¹ s.88 *Parliament of Queensland Act 2001* and Standing Order 194.

² Assented to on 22 March 2013.

³ Explanatory Notes, page 2.

The Amendment Regulation introduces new fees for applications and registrations under the Greenhouse Gas Storage Regulation 2010, Geothermal Energy Regulation 2012, Mineral Resources Regulation 2003, Petroleum Regulation 2004 and Petroleum and Gas (Production and Safety) Regulation 2004.

The explanatory notes state that the fees will be subject to the government's indexation policy. It is the responsibility of a department to acquire approval from Cabinet where the department proposes to introduce new fees and charges. The fees in the Amendment Regulation were approved during the department's 2012 Budget Submission to the Cabinet Budget Review Committee.⁴

The new fees range from \$42.15 to \$3,731.00 and appear to be in keeping with similar fees in the above Regulations. It is considered that the new fees would not have a significant detrimental effect on businesses, and the new fees appear to reflect the administrative cost to the department of processing applications.

Therefore, there are no issues arising in relation to fundamental legislative principles in this regard.

3 Recommendation

Recommendation

The committee recommends that the Legislative Assembly note this report and the committee's conclusion that subordinate legislation nos. 35 – 37 and 51 raise no issues regarding the application of fundamental legislative principles.



Ian Rickuss MP
Chair
June 2013

⁴ Explanatory Notes, page 2.