

**Subordinate legislation tabled between  
21 May and 3 June 2014**

**Report No. 47**  
**Agriculture, Resources and Environment**  
**Committee**  
September 2014

## **Agriculture, Resources and Environment Committee**

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<b>Deputy Chair</b>	Ms Jackie Trad MP, Member for South Brisbane
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## 1 Introduction

### 1.1 Role of the Committee

The Agriculture, Resources and Environment Committee is a portfolio committee established by the Legislative Assembly on 18 May 2012 under the *Parliament of Queensland Act 2001*.<sup>1</sup> It consists of government and non-government members. The committee's primary areas of responsibility are: agriculture, fisheries and forestry; environment and heritage protection; and natural resources and mines.<sup>2</sup>

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 portfolio subordinate legislation tabled between 21 May and 3 June 2014 that the committee has examined and presents any concerns the committee has identified. All the items of subordinate legislation covered by this report were tabled on 3 June 2014 and have a disallowance date of 15 October 2014. Unless expressly noted below, no issues were identified.

SL No	Subordinate Legislation	Tabled On	Disallowance Date
69	Fisheries Legislation Amendment Regulation (No.1) 2014	03/06/14	15/10/14
70	Nature Conservation Legislation Amendment Regulation (No.1) 2014	03/06/14	15/10/14
72	Fisheries (Spanner Crab Fishery) Quota Declaration 2014	03/06/14	15/10/14
73	Fisheries (Coral Reef Fin Fish) Quota Declaration 2014	03/06/14	15/10/14
78	Natural Resources and Mines Legislation (Fees) Amendment Regulation (No.1) 2014	03/06/14	15/10/14

## 2 Issues identified in particular subordinate legislation

### 2.1 Natural Resources and Mines Legislation (Fees) Amendment Regulation (No.1) 2014

The objective of SL78 is to index regulatory fees for the Department of Natural Resources and Mines by amending several regulations in accordance with the annual review as part of government policy.

The Explanatory Notes (at page 2) advise that an index figure of 3.5% has been applied as advised by Queensland Treasury and Trade. Therefore, should the index figure by Queensland Treasury and Trade be adopted, the fees and charges administered by the Department of Natural Resources and Mines will increase by not more than 3.5%.

#### **Potential FLP issues and comments**

SL78 increases most fees by 3.5% or less; however at section 57(3), which amends schedule 7, item(2)(b) (Application fee for a draft management plan) of the *Vegetation Management Regulation 2012*, the fee is increased from \$2667.00 to \$2770.00. This represents an increase of \$103.00 or 3.9%, which is above the index figure advised by Queensland Treasury and Trade.

<sup>1</sup> Section 88 *Parliament of Queensland Act 2001* and Standing Order 194.

<sup>2</sup> Schedule 6 of the Standing Rules and Orders of the Legislative Assembly of Queensland.

### **Committee's request for advice**

The committee sought advice from the Department of Natural Resources and Mines (DNRM) regarding the rationale for increasing the fee at Schedule 7 item (2)(b) by more than the index figure advised by Queensland Treasury and Trade, in circumstances where all other fees amended by the regulation are increased by 3.5% or less.

### **DNRM's advice**

*All fees and charges are indexed annually as instructed by Queensland Treasury and Trade. This is an extensive process with multiple checks undertaken to ensure that no fees are indexed above the indexation rate.*

**Attachment 1 - Natural Resources and Mines Legislation Amendment Regulation (No. 2) 2013 extract**, outlines approved fees for the 2013/14 financial year. The fee in schedule 7 item (2)(b) was approved for an amount of \$2677. The indexation rate for 2014/15 of 3.5% was then applied to \$2677 resulting in a price increase of \$93 or 3.47% with the new approved fee being \$2770 (**Attachment 2 –OQPC drafting instructions 2014 extract**).

**Attachment 3 - Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1) 2014 extract**, has incorrectly noted 'omitted 2667.00, insert 2770.00', this should have read 'omitted 2677.00, insert 2770.00'. As a result, an additional amendment will need to be drafted to correct this error.

*Historically, this fee has been priced as follows;*

*2014/15 \$2770 – 3.47% increase*

*2013/14 \$2677 – 3.48% increase*

*2012/13 \$2587 – 3.48% increase*

*2011/12 \$2500 – fee introduced*

*This fee has never been increased above the instructed indexation rate.*

## **3 Recommendation**

The committee recommends that the Legislative Assembly note this report and the committee's conclusion that:

1. subordinate legislation covered (nos. 69, 70, 72 and 73) raise no issues regarding the application of fundamental legislative principles, and
2. subordinate legislation no.78 contains a drafting error, which the department will correct by an additional amendment.



Ian Rickuss MP  
**Chair**  
September 2014