

## State Development, Natural Resources and Agricultural Industry Development Committee

Report No. 43, 56<sup>th</sup> Parliament

Subordinate legislation tabled between 4 September 2019 and  
15 October 2019

### 1 Aim of this report

This report summarises the committee’s findings following its examination of the subordinate legislation within its portfolio areas tabled between 4 September 2019 and 15 October 2019. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs) and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992 (LSA)*.

### 2 Subordinate legislation examined

| No. | Subordinate legislation   | Date tabled     | Disallowance date |
|-----|---|-----------------|-------------------|
| 195 | Rural and Regional Adjustment (Household Waste Payment Scheme) Amendment Regulation 2019      | 15 October 2019 | 20 February 2020  |
| 196 | Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019        | 15 October 2019 | 20 February 2020  |
| 202 | Proclamation made under the <i>Land, Explosives and Other Legislation Amendment Act 2019</i>  | 15 October 2019 | 20 February 2020  |
| 203 | Explosives Amendment Regulation (No. 1) 2019  | 15 October 2019 | 20 February 2020  |
| 204 | Mineral Resources and Other Legislation Amendment Regulation 2019                             | 15 October 2019 | 20 February 2020  |
| 205 | Proclamation made under the <i>Natural Resources and Other Legislation Amendment Act 2019</i> | 15 October 2019 | 20 February 2020  |

### 3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with FLPs or the lawfulness of the subordinate legislation were identified.

The explanatory notes tabled with the regulations comply with the requirements of section 24 of the LSA.

#### 3.1 Rural and Regional Adjustment (Household Waste Payment Scheme) Amendment Regulation 2019 (SL 195)

The objective is to establish the Household Waste Payment Scheme as an ‘approved scheme’ under the *Rural and Regional Adjustment Act 1994*. The scheme is to provide financial assistance to eligible individuals and eligible proprietors for households that are directly affected by the waste levy, aimed

at offsetting the direct impact of the waste levy incurred on domestic waste collection by eligible households. The scheme will include payments to cover the 2019-20, 2020-21 and 2021-22 financial years.<sup>1</sup>

The explanatory notes outline that to be eligible to receive a payment under the scheme, an applicant must:

- *be applying on behalf of an eligible household with a domestic waste collection service on which the impact of the levy is not already offset by annual payments under the Waste Act, or associated supplementary payments made to councils;*
- *have not already received a payment under the Scheme, for the relevant financial year, for the relevant household;*
- *be making the application for an eligible household that is in the waste levy zone (as defined by the Waste Act) or disposes of domestic waste in the waste levy zone; and*
- *only make the application for domestic waste generated by the relevant household.*<sup>2</sup>

#### **Committee comment**

The committee is satisfied that the Rural and Regional Adjustment (Household Waste Payment Scheme) Amendment Regulation 2019 does not raise any significant issues relating to policy, FLPs or lawfulness. The explanatory notes comply with part 4 of the LSA.

### **3.2 Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019 (SL 196)**

The Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019 amends the Planning Regulation 2017. The objectives are to:

- *improve the transparency of the infrastructure charging and planning framework*
- *remove expired provisions relating to the Guragunbah Development Area that are no longer required.*<sup>3</sup>

The regulation will improve transparency in the infrastructure and planning framework by requiring local governments to:

- *include additional information in their infrastructure charges register and to make the register and individual infrastructure charges notices available for inspection, purchase, and online;*
- *provide specific supporting material for local government infrastructure plans (LGIPs) to be made available for inspection, purchase, and online;*
- *amend the definition of 'infrastructure charges register' to include more detail about the locality where an infrastructure charge is levied and where infrastructure is provided, actual and forecast infrastructure charges revenue, and expenditure and the details of delivered trunk infrastructure;*
- *require the forecast infrastructure charges revenue, and trunk infrastructure expenditure, for the current financial year and the next three financial years, to be reported on annually (at the same time as the release of the annual budget) in the infrastructure charges register;*
- *require the actual infrastructure charges revenue, and expenditure, for the previous financial year, to be reported on annually (at the same time as the release of the annual report) in the infrastructure charges register;*

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<sup>1</sup> Explanatory notes, pp 1-2.

<sup>2</sup> Explanatory notes, p 2.

<sup>3</sup> Explanatory notes, pp 1-2.

- require a list of delivered trunk infrastructure to be updated in the infrastructure charges register. For:
  - local governments with an estimated infrastructure charges revenue and/or contributed trunk infrastructure of more than \$20 million, the list is to be updated quarterly (as soon as possible after the close of the quarter);
  - local governments with an estimated infrastructure charges revenue and/or contributed trunk infrastructure of less than \$20 million, the list is to be updated annually (at the same time as the release of the annual report);
- note the date, the prescribed amount for infrastructure charges was last updated and how the charge increases are calculated by referring to s112(2) of the Planning Act 2016; and
- make infrastructure charges notices and amended infrastructure charges notices available for inspection, purchase and online.<sup>4</sup>

#### **Committee comment**

The committee is satisfied that the Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019 does not raise any significant issues relating to policy, FLPs or lawfulness. The explanatory notes comply with part 4 of the LSA.

### **3.3 Proclamation made under the *Land, Explosives and Other Legislation Amendment Act 2019* (SL 202)**

The objective is to fix a commencement date of 1 February 2020 for the following provisions of the *Land, Explosives and Other Legislation Amendment Act 2019*:

- parts 4 and 5;
- schedule 1, part 3, amendments of the *Explosives Act 1999* (the *Explosives Act*);
- schedule 1, part 3, amendments of the *Explosives Regulation 2017* (the *Explosives Regulation*); and
- schedule 1, part 3, amendments of the *Statutory Instruments Regulation 2012*.<sup>5</sup>

The objective of these provisions are to improve community safety and security with regards to explosives, including their transport, administration and licensing. The provisions also aim to improve information provided to the Explosives Inspectorate within the Department of Natural Resources, Mines and Energy around notification and investigation of explosives incidents.<sup>6</sup>

#### **Committee comment**

The committee is satisfied that the Proclamation made under the *Land, Explosives and Other Legislation Amendment Act 2019* does not raise any significant issues relating to policy, FLPs or lawfulness. The explanatory notes comply with part 4 of the LSA.

### **3.4 Explosives Amendment Regulation (No. 1) 2019 (SL 203)**

The Explosives Amendment Regulation (No. 1) 2019 (Explosives Amendment Regulation) prescribes regulatory fees associated with the security clearance and explosives driver licence regimes established in the *Land, Explosives and Other Legislation Amendment Act 2019* (LEOLA Act). The new regulatory fees were determined based on a cost recovery model in line with Queensland Treasury principles and were approved in the 2019-20 State Budget process. For security clearances, a fee of

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<sup>4</sup> Explanatory notes, pp 1-2.

<sup>5</sup> Explanatory notes, p 1.

<sup>6</sup> Explanatory notes, pp. 1-2.

\$200 for first-time applicants and \$160 for renewals will be payable; and for an explosives driver licences, a fee of \$62.80 for one year will be payable.<sup>7</sup>

The Explosives Amendment Regulation also aims to clarify technical errors in ss 33, 37, 38 and 39 of the Explosives Regulation, and s 36A of the Explosives Regulation as amended by the LEOLA Act. An applicant for certain licences must have completed specific competencies which are contained in industry training packages to the satisfaction of the chief inspector of explosives (chief inspector). The industry training packages themselves are not approved by the chief inspector, rather the chief inspector approves certain units of competency as criteria for issuing certain licence types.<sup>8</sup>

Section 173(1)(b)(ii) of the Explosives Regulation states that a fireworks contractor licence holder is to keep a record of each firework sold by the fireworks contractor. This is contradictory to s 34, which states that a fireworks contractor is not authorised to 'sell' fireworks under their licence. Section 34 also states that a fireworks contractor is authorised to 'supply' fireworks to a fireworks operator for a fireworks display organised by the fireworks contractor. It is this activity that the record keeping requirements apply to, and the Explosives Amendment Regulation will replace 'sold' with 'supplied' to clarify this.<sup>9</sup>

### **Committee comment**

The committee is satisfied that the Explosives Amendment Regulation (No. 1) 2019 does not raise any significant issues relating to policy, FLPs or lawfulness. The explanatory notes comply with part 4 of the LSA.

## **3.5 Mineral Resources and Other Legislation Amendment Regulation 2019 (SL 204)**

The objective is to amend the Mineral Resources Regulation 2013, the State Penalties Enforcement Regulation 2014 and the Water Regulation 2016 to provide for a range of water-related purposes, as detailed below.

### Amendments to the Mineral Resources Regulation 2013

These amendments are aimed at making operational improvements to the measuring and reporting of associated water taken by mining lease or mineral development licence holders, including to:

- *allow additional methods for calculating the volume of associated water taken;*
- *adjust the period for reporting volumes of associated water take to better align with wet season reporting;*
- *exempt reporting of volumes of less than 2 megalitres within a reporting period;*
- *allow the chief executive to require further information be provided about the calculation of associated water taken.*<sup>10</sup>

### Amendments to the State Penalties Enforcement Regulation 2014

These amendments are aimed at making enhancements to water related infringement notice offences, including by:

- *increasing penalties for corporations*
- *removing limitations on existing offences*
- *aligning penalties for similar offences*
- *prescribing new infringement notice offences.*<sup>11</sup>

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<sup>7</sup> Explanatory notes, pp. 1-3.

<sup>8</sup> Explanatory notes, pp. 2-3.

<sup>9</sup> Explanatory notes, pp. 2-3.

<sup>10</sup> Explanatory notes, p 1.

<sup>11</sup> Explanatory notes, p 2.

### Amendments to the Water Regulation 2016

These amendments are aimed at:

- *facilitating CleanCo's operation as an energy generation Government Owned Corporation (GOC) in Queensland, by ensuring it can hold and receive transfers of water licences and water contracts with Seqwater*
- *aligning the terminology and process for relocation of water licences with the current Water Act 2000 provisions*
- *making amendments related to metered entitlements*
- *providing for Granite Belt Water Limited to hold a water licence not attached to land by listing it as a prescribed entity.*<sup>12</sup>

#### **Committee comment**

The committee is satisfied that the Mineral Resources and Other Legislation Amendment Regulation 2019 does not raise any significant issues relating to policy, FLPs or lawfulness. The explanatory notes comply with part 4 of the LSA.

### **3.6 Proclamation made under the *Natural Resources and Other Legislation Amendment Act 2019* (SL 205)**

The objective is to fix a commencement date of 11 October 2019 for certain provisions of chapter 3 of the *Natural Resources and Other Legislation Amendment Act 2019*, including: 104-111; 113-114; 117(1); 118-121; 128-143; 145-147; 151-160; 161(3); 162-184; 186 (to the extent it inserts chapter 9, part 4, division 5); 187; and 188(2) (to the extent it inserts definition *perpetual lease*).<sup>13</sup>

These provisions largely enable the chief executive to make decisions on administrative matters relating to certain tenures of State Land without the need for a ministerial delegation of power, as well as provide for an exemption to be made from seeking the chief executive's approval to transfer particular leases.<sup>14</sup>

#### **Committee comment**

The committee is satisfied that the Proclamation made under the *Natural Resources and Other Legislation Amendment Act 2019* does not raise any significant issues relating to policy, FLPs or lawfulness. The explanatory notes comply with part 4 of the LSA.

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<sup>12</sup> Explanatory notes, pp 2-3.

<sup>13</sup> Explanatory notes, p 1.

<sup>14</sup> Explanatory notes, p 1.

## 4 Recommendation

The committee recommends that the Legislative Assembly notes this report.



Chris Whiting MP

**Chair**

**December 2019**

### **State Development, Natural Resources and Agricultural Industry Development Committee**

**Chair**

Mr Chris Whiting MP, Member for Bancroft (Chair)

**Deputy Chair**

Mr Pat Weir MP, Member for Condamine (Deputy Chair)

**Members**

Mr David Batt MP, Member for Bundaberg

Mr James (Jim) Madden MP, Member for Ipswich West

Mr Brent Mickelberg MP, Member for Buderim

Ms Jessica (Jess) Pugh MP, Member for Mount Ommaney

