

# Natural Resources and Mines Legislation (Priority Notice Fee) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 204

made under the

*Land Title Act 1994*

*Water Act 2000*

## General Outline

### Short title

*Natural Resources and Mines Legislation (Priority Notice Fee) Amendment Regulation 2017.*

### Authorising law

Sections 199(1) and (2)(b) of the *Land Title Act 1994*

Sections 1014(1) and (2)(a) of the *Water Act 2000*

### Policy objectives and the reasons for them

The objective of the *Natural Resources and Mines Legislation (Priority Notice Fee) Amendment Regulation 2017*, which will amend the *Land Title Regulation 2015* and the *Water Regulation 2016*, is to make provision for fees to deposit, extend or withdraw a Priority Notice in the Titles Registry.

A nationally consistent Priority Notice is being introduced in Queensland to support the advancement of national electronic conveyancing as sponsored by the Council of Australian Governments.

### Achievement of policy objectives

Queensland's existing Settlement Notice mechanism is being replaced with a nationally consistent Priority Notice that can be deposited through the national electronic conveyancing platform. Priority Notices will extend the application of this

mechanism beyond transfer and mortgage related transactions to a broader range of title dealings, such as leases, and also allow for a 30 day extension of the notice's effect.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main objects of the *Land Title Act 1994* which enshrines the principles of Torrens titling in Queensland and provides the head of power for regulations to be made for how instruments are to be lodged or deposited in the Titles Registry and the fees to be paid. Section 173 of the *Water Act 2000* provides for the application of certain *Land Title Act 1994* provisions (including in relation to Settlement Notices) to the Water Allocations Register created under the *Water Act 2000* and which forms part of the Titles Registry. The *Water Act 2000* also provides the head of power for regulations to fix fees and charges payable under that Act.

Amendments to the *Land Title Act 1994* to commence on 1 January 2018 by proclamation (under the *Land and Other Legislation Amendment Act 2017*) will remove the Settlement Notice mechanism and instead make provision for the deposit, extension or withdrawal of a Priority Notice in the Titles Registry.

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

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

## **Benefits and costs of implementation**

There are no substantial costs associated with implementing the *Natural Resources and Mines Legislation (Priority Notice Fee) Amendment Regulation 2017*. Administration will align with existing processes and occur within existing budget allocations.

## **Consistency with fundamental legislative principles**

The subordinate legislation has been drafted consistent with fundamental legislative principles as defined in the *Legislative Standards Act 1992*.

## **Consultation**

The Queensland Law Society was consulted in relation to the proposed making of the *Natural Resources and Mines Legislation (Priority Notice Fee) Amendment Regulation 2017* and raised no concerns.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory fee proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (a) – Regulatory proposals that make consequential amendments) as the changes are necessary to give effect to the amendments to the primary legislation. The same fee amount will apply to Priority Notices as applied to Settlement Notices, therefore it is unlikely there would be an increase in the regulatory burden associated with the changes.

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