Progressive Coal Royalties Protection (Keep Them in the Bank) Bill 2024 – Sandy Bolton, MP for Noosa

Thank you, Mr Speaker.

The Bill is essentially one page long and makes one change to the Mineral Resources Act − that regulations under that Act cannot repeal or lower the current coal royalty rate.

The explanatory note argued this was needed because the Opposition have said they might change the royalty rate, so any new Government would have to come back to Parliament with new legislation.

This is important as Bills are debated in this chamber by the elected representatives of Queensland. However regulations are made by Ministers, lodged with the Parliament and are not debated, often without notifications to Members of Parliament and their communities.

The Department of Premier and Cabinet’s Queensland Legislation Handbook states that powers should only be delegated to regulations to: save pressure on parliamentary time, where it is too technical or detailed, or to deal with rapidly changing situations or emergencies.

The royalty rate is neither time consuming to set, technical or detailed, and doesn’t need to change rapidly, so there is literally no reason for it to be in regulations and not the primary legislation.

Similarly, the serious vilification legislation passed this year which bans hate symbols, however, which symbols are banned was left to regulation, even though it was not time consuming, was not a technical detail or needed to change rapidly. Again it should have been in the primary legislation.

Similarly the definition of affordable housing for the planning scheme should have been in primary legislation and debated in the House. As the Australian Institute for Progress said in a submission on this bill, there is a longstanding trend for Parliaments to allow ministers and public servants to use regulation to effect change to the law, bypassing the democratic process.

Treasury said in response to submissions that the Government has decided that there should be appropriate visibility and Parliamentary consideration of any proposed decrease to the rates.

If it is good enough in this case it should apply to all key policy issues and regulations should not remove key issues from Parliamentary scrutiny.

Democratic processes would also be improved if we had, like the New Zealand Parliament, a specialist Regulation Review Committee, and reforms to the Committee system to make them more independent and effective, as I have previously advocated for.

(390 words)