

TASMANIA

**STATE POLICIES AND PROJECTS (FEES)
REGULATIONS 2023**

STATUTORY RULES 2023, No. 74

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**STATE POLICIES AND PROJECTS (FEES)
REGULATIONS 2023**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *State Policies and Projects Act 1993*.

Dated 20 November 2023.

B. BAKER
Governor

By Her Excellency's Command,

JEREMY ROCKLIFF
Premier

1. Short title

These regulations may be cited as the *State Policies and Projects (Fees) Regulations 2023*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

(1) In these regulations –

Act means the *State Policies and Projects Act 1993*;

chairperson, in relation to a project of State significance, means the person whom the Commission has assigned to chair the integrated assessment of the project under the Act;

consultant, in relation to a project of State significance, means a person employed or engaged by the Commission to provide advice, or recommendations, in respect of the project;

cumulative working period, in respect of a class of persons for a project stage of a project of State significance – see subregulation (2);

delegate, in relation to a project of State significance, means a person to whom a function or power of the Commission has been delegated, under section 8 of the *Tasmanian Planning Commission Act 1997*, in respect of the project;

person proposing the project of State significance has the same meaning as in Part 3 of the Act;

project stage, in relation to a project of State significance, means a stage specified in regulation 5(1);

staff, in relation to a project of State significance, means a person employed or engaged to undertake work in respect of the project at the Commission, other than a person employed or engaged as –

- (a) the chairperson, or a delegate, in respect of the project; or
- (b) a consultant in respect of the project.

(2) The cumulative working period for a class of persons, in respect of a project stage, is calculated by –

- (a) adding the total number of hours worked by all members of that class of persons on that project stage; and
- (b) dividing that total number of hours by –
 - (i) in the case of the calculation of a cumulative working period for staff – 7.35; or
 - (ii) for any other calculation of a cumulative working period – 8; and
- (c) rounding the final number up to two decimal places.

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4. Fee for consideration of project of State significance

- (1) If, under section 18(1) of the Act, the Minister considers that a project is a project of State significance, the person proposing the project of State significance is required to pay a fee of 17 000 fee units to cover the administrative costs of assessing whether the project is eligible, under section 16 of the Act, to be a project of State significance.
- (2) Despite subregulation (1), the Minister is to waive a fee payable under that subregulation in respect of a project if the Minister, under section 18(1) of the Act, considers the project, or makes a recommendation to the Governor in respect of the project, on the Minister's own initiative.
- (3) A fee payable under subregulation (1) in respect of a project is due and owing to the State within the 30-day period immediately after the making of an order under section 18(2) of the Act, in respect of the project, is notified in the *Gazette*.

5. Fees to be paid for project stages

- (1) For the purposes of the Act, a fee is payable for the following stages in respect of a project of State significance, if the stage occurs in respect of the project:
 - (a) the preparation of assessment guidelines, including exhibition of draft assessment guidelines, under section 20(2B) of the Act;

- (b) the preparation of the draft integrated assessment report and its public exhibition under section 22 of the Act;
 - (c) the modification of the draft integrated assessment report and the public exhibition of the modified report under section 25 of the Act;
 - (d) the preparation of the final recommendations report to the Minister under section 26 of the Act;
 - (e) the preparation of a report recommending additional conditions under section 26A of the Act;
 - (f) the preparation of an amendment order under section 26B of the Act.
- (2) A fee payable under subregulation (1) in respect of a stage is to be calculated in accordance with regulation 6(1).

6. Calculation of fees

- (1) A fee payable for a project stage under regulation 5(1) is the sum of the following amounts as calculated for that stage:
- (a) the amount calculated by multiplying 60 000 fee units by the relevant portion factor, for the project stage, as specified in subregulation (2);

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- (b) the chairperson component for the project stage as calculated under regulation 7;
 - (c) the delegate component for the project stage as calculated under regulation 8;
 - (d) the staff component for the project stage as calculated under regulation 9;
 - (e) the consultant component for the project stage as calculated under regulation 10.
- (2) The portion factors, for the purpose of calculating a fee under subregulation (1) in respect of a project stage, are as follows:
- (a) for the project stage relating to the preparation of assessment guidelines, including exhibition of draft assessment guidelines, under section 20(2B) of the Act – 0.2;
 - (b) for the project stage relating to the preparation of the draft integrated assessment report and its public exhibition under section 22 of the Act – 0.5;
 - (c) for the project stage relating to the modification of the draft integrated assessment report and the public exhibition of the modified report under section 25 of the Act – 0.2;
 - (d) for the project stage relating to the preparation of the final recommendations

report to the Minister under section 26 of the Act – 0.3;

(e) for the project stage relating to the preparation of a report recommending additional conditions under section 26A of the Act – 0.2;

(f) for the project stage relating to the preparation of an amendment order under section 26B of the Act – 0.2.

7. Chairperson component

The chairperson component for a project stage is to be calculated by multiplying the cumulative working period for all chairpersons on that project stage by 790 fee units.

8. Delegate component

The delegate component for a project stage is to be calculated by multiplying the cumulative working period for all delegates, other than the chairpersons, on that project stage by 510 fee units.

9. Staff component

(1) In this regulation –

TSS Award means the Tasmanian State Service Award made under the *Industrial Relations Act 1984* and any award made in substitution for that award.

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- (2) The staff component for a project stage is the sum of the following amounts for that stage:
 - (a) the amount calculated by multiplying the cumulative working period, for level 1 staff on that project stage, by 290 fee units;
 - (b) the amount calculated by multiplying the cumulative working period, for level 2 staff on that project stage, by 340 fee units;
 - (c) the amount calculated by multiplying the cumulative working period, for level 3 staff on that project stage, by 370 fee units;
 - (d) the amount calculated by multiplying the cumulative working period, for level 4 staff on that project stage, by 510 fee units.

- (3) For the purposes of these regulations, the levels for staff for a project of State significance are determined as follows:
 - (a) level 1 staff for the project are staff who are employed or engaged at Band 5, under the TSS Award, in respect of work performed in respect of the project;
 - (b) level 2 staff for the project are staff who are employed or engaged at Band 6, under the TSS Award, in respect of work performed in respect of the project;

- (c) level 3 staff for the project are staff who are employed or engaged at Band 7, under the TSS Award, in respect of work performed in respect of the project;
- (d) level 4 staff for the project are staff who are employed or engaged at Band 8 or above, under the TSS Award, in respect of work performed in respect of the project.

10. Consultant component

- (1) The consultant component for a project stage is the sum of the following amounts for that stage:
 - (a) the amount calculated by multiplying the cumulative working period, for level 1 consultants on that project stage, by 560 fee units;
 - (b) the amount calculated by multiplying the cumulative working period, for level 2 consultants on that project stage, by 1 120 fee units;
 - (c) the amount calculated by multiplying the cumulative working period, for level 3 consultants on that project stage, by 1 690 fee units;
 - (d) the amount calculated by multiplying the cumulative working period, for level 4 consultants on that project stage, by 2 250 fee units;

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- (e) the amount calculated by multiplying the cumulative working period, for level 5 consultants on that project stage, by 2 810 fee units.
- (2) For the purposes of these regulations, the classification of a consultant at a specific level is to be in accordance with the arrangements, made by the Commission under section 18(3) of the *Tasmanian Planning Commission Act 1997*, under which the consultant has been engaged for that project stage.

11. Person liable to pay fees under these regulations

- (1) For the purposes of these regulations, the person liable to pay a fee under these regulations, in respect of a project of State significance, is the person proposing the project of State significance.
- (2) If there are two or more persons proposing the project of State significance –
 - (a) each such person is liable, in equal shares, to pay a fee that is payable under these regulations in respect of the project, unless all such persons agree otherwise; and
 - (b) the person to whom the fee is payable may recover the fee, jointly and severally, from one or more such persons.

- (3) Nothing in subregulation (2) prevents a person proposing the project of State significance (the *first proponent*) from recovering, from another person proposing the project of State significance, an amount paid by the first proponent under subregulation (2), in respect of a fee, that exceeds the amount that the first proponent is liable to pay under that subregulation for that fee.

12. Project fee payable at specified time

A fee payable under regulation 5(1) in respect of a project stage is due and owing to the Commission as follows:

- (a) if the fee relates to the preparation of assessment guidelines, including exhibition of draft assessment guidelines, under section 20(2B) of the Act – within the 30-day period immediately after the publication of the assessment guidelines;
- (b) if the fee relates to the preparation of the draft integrated assessment report and its public exhibition under section 22 of the Act – within the 30-day period immediately after the completion of the public exhibition;
- (c) if the fee relates to the modification of the draft integrated assessment report and the public exhibition of the modified report under section 25 of the Act – within the 30-day period immediately

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- after the completion of the modification of the draft report;
- (d) if the fee relates to the preparation of the final recommendations report to the Minister under section 26 of the Act – within the 30-day period immediately after the Commission publishes notice of the report under section 26(3) of the Act;
 - (e) if the fee relates to the preparation of a report recommending additional conditions under section 26A of the Act – within the 30-day period immediately after the Commission publishes notice of the report under section 26A(3) of the Act;
 - (f) if the fee relates to the preparation of an amendment order under section 26B of the Act – within the 30-day period immediately after the Commission publishes notice of the report, in respect of the amendment order, under section 26B(6).

13. Remission of fees in certain circumstances

If the person proposing a project of State significance has paid a fee under these regulations in respect of a project stage of the project, the Commission may remit such part of that fee so paid that exceeds the actual costs incurred by the Commission for that project stage.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 29 November 2023.

These regulations are administered in the Department of Premier and Cabinet.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe the fees payable, for the purposes of the *State Policies and Projects Act 1993*, for certain stages of assessment of a project under that Act.