

# Health Legislation (Fees) Amendment Regulation (No. 1) 2015

Explanatory Notes for SL 2015 No. 49

made under the

*Ambulance Service Act 1991*

*Food Act 2006*

*Health Act 1937*

*Pest Management Act 2001*

*Private Health Facilities Act 1999*

*Radiation Safety Act 1999*

## General Outline

### Short title

*Health Legislation (Fees) Amendment Regulation (No. 1) 2015*

### Authorising law

Section 54 of the *Ambulance Service Act 1991*

Section 278 of the *Food Act 2006*

Section 180 of the *Health Act 1937*

Section 130 of the *Pest Management Act 2001*

Section 151 of the *Private Health Facilities Act 1999*

Section 215 of the *Radiation Safety Act 1999*

### Policy objectives and the reasons for them

The following Health portfolio legislation provides for the prescribing of fees and charges:

- the *Ambulance Service Act 1991*, in relation to ambulance services such as emergency and non-emergency transport, ambulance attendance and for the treatment of a person by an ambulance officer

- the *Food Act 2006*, in relation to applications for approval, renewal or replacement of approval as an auditor, or a change in approval conditions
- the *Health Act 1937*, in relation to applications for an endorsement, or renewal of a drug licence, poison licence, treatment approval or wholesale representative licence and fees for the analysis of a drug or article by an analyst
- the *Pest Management Act 2001*, in relation to pest management licence fees
- the *Private Health Facilities Act 1999*, in relation to private health facility licence fees and approvals
- the *Radiation Safety Act 1999*, in relation to possession, use, transport and related licences and approvals

In accordance with Queensland Government policy, agencies are required to set fees and charges at a rate that accurately reflects the cost of providing services. Additionally, Queensland Government policy states that fees and charges administered by agencies are to be indexed annually by 3.5 per cent.

## **Achievement of policy objectives**

The Amendment Regulation increases fees and charges in the following Regulations by 3.5 per cent in accordance with the Queensland Government's policy on fees and charges:

- the *Ambulance Service Regulation 2003*
- the *Food Regulation 2006*
- the *Health (Drugs and Poisons) Regulation 1996*
- the *Health Regulation 1996*
- the *Pest Management Regulation 2003*
- the *Private Health Facilities Regulation 2000*
- the *Radiation Safety Regulation 2010*

The increased fees and charges for the *Ambulance Service Regulation 2003* take effect on 1 July 2015 and increases in the remaining six Regulations take effect on 1 October 2015.

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

The Amendment Regulation is consistent with the main objectives of each of the authorising laws, which provide the Governor in Council may make Regulations about fees and charges.

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

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

The Amendment Regulation is the only effective means of achieving the policy objectives.

## **Benefits and costs of implementation**

None of the increases to fees and charges are expected to impose significant financial or other costs on the Department or stakeholders.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The Office of Best Practice Regulation, Queensland Competition Authority, was consulted in relation to the regulation meeting the requirements of the Regulatory Impact Statement System. The Office of Best Practice Regulation has advised that the proposal is excluded from the Regulatory Impact Statement System on the basis that it provides for standard annual fee variations in line with the Government endorsed indexation factor.

## **Notes on provisions**

### **Part 1 Preliminary**

#### **Short Title**

*Clause 1* provides the short title of the regulation.

#### **Commencement**

*Clause 2* provides for the commencement of provisions relating to the *Ambulance Service Regulation 2003* on 1 July 2015 and commencement of the remaining provisions on 1 October 2015.

### **Part 2 Amendment of Ambulance Service Regulation 2003**

#### **Regulation amended**

*Clause 3* amends the *Ambulance Service Regulation 2003*.

#### **Amendment of s 5 (Fees for ambulance services)**

*Clause 4* amends section 5 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

### **Part 3 Amendment of Food Regulation 2006**

#### **Regulation amended**

*Clause 5* amends the *Food Regulation 2006*.

#### **Amendment of s 7 (Fees for applications)**

*Clause 6* amends section 7 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

### **Part 4 Amendment of Health (Drugs and Poisons) Regulation 1996**

#### **Regulation amended**

*Clause 7* amends the *Health (Drugs and Poisons) Regulation 1996*.

## **Replacement of appendix 2 (Application fees for endorsements)**

*Clause 8* amends appendix 2 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

## **Part 5 Amendment of Health Regulation 1996**

### **Regulation amended**

*Clause 9* amends the *Health Regulation 1996*.

### **Amendment of sch 3 (Fees)**

*Clause 10* amends schedule 3 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

## **Part 6 Amendment of Pest Management Regulation 2003**

### **Regulation amended**

*Clause 11* amends the *Pest Management Regulation 2003*.

### **Replacement of sch 2 (Fees)**

*Clause 12* amends schedule 2 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

## **Part 7 Amendment of Private Health Facilities Regulation 2000**

### **Regulation amended**

*Clause 13* amends the *Private Health Facilities Regulation 2000*.

### **Replacement of sch 3 (Fees)**

*Clause 14* amends schedule 3 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

## **Part 8 Amendment of Radiation Safety Regulation 2010**

### **Regulation amended**

*Clause 15* amends the *Radiation Safety Regulation 2010*.

## **Replacement of sch 8 (Fees)**

*Clause 16* amends schedule 8 by omitting the present fees and inserting the revised fees that apply a standard indexation rate of 3.5 per cent.

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