

# **Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2015**

Explanatory Notes for SL 2015 No. 57

made under the

*Agricultural Chemicals Distribution Control Act 1966*

*Animal Care and Protection Act 2001*

*Animal Management (Cats and Dogs) Act 2008*

*Apiaries Act 1982*

*Brands Act 1915*

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Drugs Misuse Act 1986*

*Fisheries Act 1994*

*Land Protection (Pest and Stock Route Management) Act 2002*

*Nature Conservation Act 1992*

*Stock Act 1915*

*Veterinary Surgeons Act 1936*

## **General Outline**

### **Short title**

*Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2015*

### **Authorising law**

Section 48 of the *Agricultural Chemicals Distribution Control Act 1966*

Section 217 of the *Animal Care and Protection Act 2001*

Section 210 of the *Animal Management (Cats and Dogs) Act 2008*

Section 44 of the *Apiaries Act 1982*

Section 34 of the *Brands Act 1915*

Section 38 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

Section 134 of the *Drugs Misuse Act 1986*

Section 223 of the *Fisheries Act 1994*

Section 309 of the *Land Protection (Pest and Stock Route Management) Act 2002*

Section 175 of the *Nature Conservation Act 1992*

Section 48 of the *Stock Act 1915*

Section 37 of the *Veterinary Surgeons Act 1936*

## **Policy objectives and the reasons for them**

Regulatory fees are reviewed annually under Government policy. Indexation seeks to maintain the value of the regulatory fee or charge over time relative to the anticipated increase in associated costs. Queensland Treasury has advised that the annual rate for indexing fees and charges is 3.5 percent per annum for 2015-2016.

As such, the main objective of the subordinate legislation is to increase certain regulatory fees within the Agriculture and Fisheries' portfolio by the annual rate for indexing fees and charges of 3.5 percent. The fees are prescribed in the following regulations:

*Agricultural Chemicals Distribution Control Regulation 1998*

*Animal Care and Protection Regulation 2012*

*Animal Management (Cats and Dogs) Regulation 2009*

*Apiaries Regulation 1998*

*Brands Regulation 2012*

*Chemical Usage (Agricultural and Veterinary) Control Regulation 1999*

*Drugs Misuse Regulation 1987*

*Fisheries Regulation 2008*

*Land Protection (Pest and Stock Route Management) Regulation 2003*

*Nature Conservation (Administration) Regulation 2006*

*Stock Regulation 1988*

*Veterinary Surgeons Regulation 2002*

## **Achievement of policy objectives**

The subordinate legislation will achieve its objectives by increasing fees and charges under the regulations mentioned above.

Under the *Principles for Fees and Charges 2012* document published by Queensland Treasury, rounding is permissible. Most of the amended fees have been rounded to the nearest coinable amount. However, some fees have been charged per animal or per unit, but as payees would generally have a large number of animals or units, these fees have not been rounded.

In most instances, rounding has been to the nearest 5 cent. However, the fees relating to stocked impoundment permits (under schedule 9, table 4, item 4 of the *Fisheries Regulation 2008*) have been rounded to the nearest whole dollar amount for efficiency at point of collection.

Rounding of fees relating to stocked impoundment permits to the nearest whole dollar amount could result in a significant variation from the approved indexation rate. The approach to indexation of these fees in 2015 is different to that used in 2014 to reduce long term variation from the intended indexation rates for fees and changes.

The 2014-15 permit fees were calculated by applying the indexation rate of 3.5 percent to the fees payable in 2013-14 and rounding up to the nearest dollar. As such, the 2014-15 fees were increased by more than the approved indexation rate of 3.5 percent. However, if the same approach were used to calculate the 2015-16 fees, it would compound the rounding error.

Instead, a slightly different approach has been taken to calculating the indexed fees for 2015 to minimise any long term variation from their intended indexation. The indexation rate of 3.5 percent was applied to the fees payable in 2013-14 to reach a raw (unrounded) 2014-15 amount. The indexation rate of 3.5 percent was then applied to this raw figure to reach a raw figure for 2015-16 which was then rounded to the nearest whole dollar.

Certain fees in the *Fisheries Regulation 2008* have become obsolete in light of recent legislative change. Offset fees in schedule 8, part 3 are now administered by the Department of Infrastructure, Local Government and Planning under the *Sustainable Planning Regulation 2009*. An amendment regulation will be made at some stage to remove these obsolete fees from the *Fisheries Regulation 2008*. Consequently, the offset fees contained within the table in schedule 8, part 5 (which provide the fees for parts 1-4) have not been increased.

The subordinate legislation also makes a consequential change to the example in section 710 of the *Fisheries Regulation 2008* in regard to the reference to development fees in schedule 8 of the *Fisheries Regulation 2008*. The amounts in the example have been increased by 3.5 percent consistent with the fee increases in schedule 8.

The fee structure for the Finfish Trawl Fishery (T4 fishery symbol) has been restructured compared to 2014-15. This reflects that individual allowable catch quotas, which were licence conditions, became individual transferable quotas from 1 April 2015. Previously, fishers were charged a fee per T4 endorsed licence. A lower base fee per T4 endorsed licence will now be charged and a fee per individual transferable quota unit will also be collected. The total fees collected for the fishery under the new fee structure will be the same as had the existing fees been indexed by 3.5 percent.

The *Nature Conservation (Administration) Regulation 2006* is jointly administered by the Minister for Agriculture and Fisheries and Minister for Sport and Racing and the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef. The Department of Agriculture and Fisheries is solely responsible for the administration of fees relating to wildlife demonstrator licences and wildlife exhibitor licences and therefore is responsible for the indexation of fees in regard to these licences. The indexation of these particular fees is included in the subordinate legislation.

The *Land Protection (Pest and Stock Route Management) Regulation 2003* is jointly administered by the Minister for Agriculture and Fisheries and Minister for Sport and Racing and the Minister for State Development and Minister for Natural Resources and Mines. However, only Agriculture and Fisheries'-administered fees are included in the subordinate legislation. The relevant fees relate to declared pests permits and inspecting the register for pest control and entry notices.

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

The subordinate legislation is consistent with the objects of the relevant Acts.

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

The subordinate legislation is consistent with the objectives of other legislation.

## **Benefits and costs of implementation**

The implementation costs for Government from the subordinate legislation are limited to adjusting communication materials and forms that mention the fees.

There are some costs to business in implementing the increases to the stocked impoundment permit fees. Some small businesses may have difficulties implementing the changes efficiently because permit sales do not represent a significant proportion of their business and do not generate direct revenue for them. For this reason, a Consultation Regulatory Impact Statement (RIS) was released in 2014 that proposed, among other things, that fees might be set every five years, by a cumulative 5 year indexation rounded up to the nearest whole dollar. The Government is still considering the feedback received in response to the RIS.

## **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

## **Consultation**

Queensland Treasury has approved the indexed fees and the rounding policy adopted in all instances.

The Office of Best Practice Regulation advised that a RIS is not required for the subordinate legislation because it proposes standard annual fee variations in line with a government endorsed indexation factor.

The new fee structure for the Finfish Trawl Fishery was developed with significant consultation with all T4 licence holders over a number of years including face to face meetings.