

Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2017

Explanatory Notes for SL 2017 No. 111

made under the

Agricultural Chemicals Distribution Control Act 1966

Animal Care and Protection Act 2001

Animal Management (Cats and Dogs) Act 2008

Biosecurity Act 2014

Brands Act 1915

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Drugs Misuse Act 1986

Fisheries Act 1994

Food Production (Safety) Act 2000

Veterinary Surgeons Act 1936

General Outline

Short title

Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2017

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 503 of the *Biosecurity Act 2014*

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 135 of the *Food Production (Safety) Act 2000*

Section 37 of the *Veterinary Surgeons Act 1936*

Policy objectives and the reasons for them

Regulatory fees and charges are reviewed on an annual basis in line with Government policy on the indexation of fees and charges. 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 indexation rate for fees and charges is 3.5 percent for 2017-2018.

The main objective of the subordinate legislation is to amend certain regulatory fees and charges within the Agriculture and Fisheries portfolio by the indexation rate of 3.5 per cent. The fees and charges 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

Biosecurity Regulation 2016

Brands Regulation 2012

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

Drugs Misuse Regulation 1987

Fisheries Regulation 2008

Food Production (Safety) Regulation 2014

Veterinary Surgeons Regulation 2016

Achievement of policy objectives

The subordinate legislation will achieve its objectives by increasing most of the fees and charges under the regulations mentioned above by 3.5 per cent.

The amended fees have been rounded to the nearest coinable amount as per the *Queensland Government Principles for Fees and Charges 2012*, published by Queensland Treasury. However, some fees have been charged per unit and these fees have not been rounded because payees would generally have a large number of units.

Fees for the Stocked Impoundment Permit Scheme (SIPS) in the *Fisheries Regulation 2008* will not increase. Government policy is to fix SIPS fees for five-year periods from 1 July 2016. The fees will increase every five years by the cumulative amount of the government indexation rate and then be rounded to the next highest dollar to increase efficiency at the point of collection. The next indexation will be in financial year 2021-22.

Certain fees prescribed in the *Fisheries Regulation 2008* have, or will, become obsolete due to changes in Queensland's planning legislation. Fees contained in schedule 8, parts 3 and 4 and schedule 8, part 5, column 3 are now redundant and will not be increased. Fees in schedule 8, part 5, column 2 will be copied into schedule 8, parts 1 and 2 and indexed but will not be indexed in schedule 8, part 5 where they are still referenced by the redundant parts 3 and 4. Schedule 8, parts 3, 4 and 5, together with other relevant provisions of the *Fisheries Regulation 2008*, are proposed to be omitted when the *Planning Act 2016* commences. The subordinate legislation replaces section 708 of the *Fisheries Regulation 2008* with a new section 708, which relates only to schedule 8, parts 1 and 2, and new section 708A which relates to and is proposed to be omitted with Schedule 8, parts 3, 4 and 5.

Increases to fees and charges in the *Food Production (Safety) Regulation 2014* will commence on 1 January 2018. Accreditations are effective for a calendar year, from 1 January to 31 December each year. Auditor approvals are effective from 1 October to 30 September each year, so will generally have been renewed before the relevant fee increases commence. Hence, the increases to auditor approvals contained in the subordinate legislation will not be fully implemented until the second half of 2018.

All other amendments to fees and charges in subordinate legislation within the Agriculture and Fisheries portfolio are effective for the financial year from 1 July 2017.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the policy objectives of the relevant Acts.

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

The implementation costs for Government from the subordinate legislation are limited to adjusting systems, communication materials and forms that are relevant to the collection of the fees.

The increase to SIPS fees every five years instead of annually is administratively efficient as it removes complexity around the previous financial arrangements. Less frequent fee increases reduces costs for businesses selling permits because they need to implement changes less frequently.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

Queensland Treasury has advised that the annual indexation rate for fees and charges for 2017-2018 is 3.5 per cent.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Agriculture and Fisheries applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (h) - Regulatory proposals that put forward annual fee variations in line with or below a government endorsed indexation factor).