

Biosecurity (Fees for Registered Biosecurity Entities) Amendment Regulation 2019

Explanatory Notes for SL 2019 No. 37

made under the

Biosecurity Act 2014

General Outline

Short title

Biosecurity (Fees for Registered Biosecurity Entities) Amendment Regulation 2019

Authorising law

Sections 156 and 503 of the *Biosecurity Act 2014*

Policy objectives and the reasons for them

The *Biosecurity Act 2014* (the Act) established a framework that requires registrable biosecurity entities to apply for and maintain registration as a registered biosecurity entity. An entity may be registrable as a registered biosecurity entity because it keeps the threshold number or more of designated animals at a number of designated places. As at 5 March 2019, the total number of registrable biosecurity entities registered in Queensland was 94 525.

The Cloncurry, McKinlay, Richmond, Flinders, Winton, Carpentaria and Burke Shire local government areas experienced significant and unprecedented livestock losses due to the flooding in North and North West Queensland in January and February 2019.

The term of registration for a registered biosecurity entity is up to three years. When the term of registration ends, the Chief Executive must renew the registration and must give the registered entity the opportunity to either pay the prescribed fee for renewal of the registration or advise why the registration is no longer needed. Schedule 10 of the *Biosecurity Regulation 2016* currently prescribes the fee for renewal of a registration of a registered biosecurity entity as \$45.60 for each year of registration.

The main policy objective of the amendment regulation is to provide financial relief to currently registered biosecurity entities in the identified local government areas by exempting them from paying the next registered biosecurity entity renewal fee.

Currently, the application fee for registration of a registered biosecurity entity is waived under section 128 of the *Biosecurity Regulation 2016* for applications that are not for the purpose of carrying on a business of primary production, that is, for non-commercial entities.

The total number of non-commercial entities in Queensland with an active biosecurity entity registration cannot be determined at this stage. This is as a result of the transitional arrangement with the implementation of the *Biosecurity Act 2014* where the equivalent of existing active biosecurity entities under the previous *Stock Act 1915* were automatically transitioned to registered biosecurity entities on 1 July 2016, with the commencement of the *Biosecurity Act 2014*.

The proportion of registrable biosecurity entities that are non-commercial entities may be large. Between 1 July 2016 and 5 March 2019, there were 12 031 new registrable biosecurity entities registered for the keeping of designated animals. Of these, 3 581 were registered as primary producers and 8 450 registered as non-commercial entities.

The second policy objective of the amendment regulation is to ensure that renewal fees for non-commercial entities, in any area of Queensland, can be waived, consistent with the waiver for initial registration. This means that registered biosecurity entities who keep animals on a non-commercial basis do not have to pay either the registration fee or renewal fee associated with being a registered biosecurity entity.

Achievement of policy objectives

The amendment regulation will achieve the fee exemption objective by amending section 127 of the *Biosecurity Regulation 2016* to provide that a registered biosecurity entity is exempt from paying a renewal fee under section 156(2)(a) of the Act if:

- the renewal falls within the period of 1 July 2019 – 30 June 2020; and
- on 1 March 2019 and the day of the renewal, a designated place for the entity is situated wholly or partly in the Burke, Carpentaria, Cloncurry, Flinders, McKinlay, Richmond and Winton local government areas.

The amendment regulation will achieve the fee waiver objective by amending section 128(1) of the *Biosecurity Regulation 2016* to provide that the Chief Executive, Department of Agriculture and Fisheries, may waive the fee for renewal of a registration under section 156(2)(a) of the Act, if the chief executive is satisfied the registration is not required for the purpose of carrying on a business of primary production.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of any other legislation.

Benefits and costs of implementation

The amendment regulation will provide financial relief to approximately 1300 registered biosecurity entities with designated places situated wholly or partly in certain areas affected by the flooding in North and Northwest Queensland in early 2019 by exempting the registered biosecurity entity renewal fee. The revenue forgone as a result of the exemption over the three year renewal period is estimated to be no more than \$180,000. This is a conservative estimate, and assumes that all registered biosecurity entities who, at 1 March 2019 and the day of renewal, had a designated place situated wholly or partly in the specified local government areas.

The amendment regulation also brings the renewal fee for registered biosecurity entities who keep animals on a non-commercial basis in line with the application fee by providing for it to be waived. It is unknown how many registered biosecurity entities will be eligible for and will seek the fee waiver. This is mainly because there have been no registered biosecurity entity renewals to date.

Consistency with fundamental legislative principles

The amendment regulation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Office of Best Practice Regulation in the Queensland Productivity Commission has been consulted on about the amendment regulation and determined that the proposal falls into the OBPR assessed exclusion category (k) – regulatory proposals designed to reduce the burden of regulation, or that clearly do not add to the burden, and it is reasonably clear there are no significant adverse impacts – under the *Queensland Government Guide to Better Regulation*.