

# **Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020**

Explanatory Notes for SL 2020 No. 152

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 2020*

### **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*

Sections 54, 65 and 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 (QT) has advised that the Government Indexation Rate (GIR) for fees and charges is 1.80 per cent for the financial year 2020-21.

The objective of the *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020* (the subordinate legislation) is to make amendments to allow for the annual indexation of the regulatory fees and charges within the Department of Agriculture and Fisheries' administration. A further objective of the subordinate legislation is to make minor supporting and clarifying amendments directly related to the fee indexation. The fees and charges to be increased by the subordinate legislation are prescribed in the following regulations:

- *Agricultural Chemicals Distribution Control Regulation 1998*
- *Animal Care and Protection Regulation 2012*
- *Animal Management (Cats and Dogs) Regulation 2019*
- *Biosecurity Regulation 2016*
- *Brands Regulation 2012*
- *Chemical Usage (Agricultural and Veterinary) Control Regulation 2017*
- *Drugs Misuse Regulation 1987*
- *Fisheries (General) Regulation 2019*
- *Food Production (Safety) Regulation 2014*
- *Veterinary Surgeons Regulation 2016*

## **Achievement of policy objectives**

The subordinate legislation achieves its objective by amending the above regulations to increase most fees and charges within the Department of Agriculture and Fisheries' administration by the GIR of 1.80 per cent for the financial year 2020-21. There are two exceptions to this increase:

- Increases to fees and charges in the *Food Production (Safety) Regulation 2014* will commence on 1 January 2021. Accreditations and auditor approvals are effective for a calendar year, from 1 January to 31 December each year.
- Fees for the Stocked Impoundment Permit Scheme (SIPS) in the *Fisheries (General) Regulation 2019* 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 the financial year 2021-22.

All other amendments to fees and charges will commence on notification.

The subordinate legislation also contains a number of minor supporting and clarifying amendments. These include:

- Minor wording changes throughout the provisions of the subordinate legislation that prescribe fees to modernise the provisions in accordance with current drafting practice;

- An amendment to Schedule 1 of the *Animal Management (Cats and Dogs) Regulation 2019* to separately prescribe the fee for application for a licence and the fee for an application for renewal of a licence;
- An amendment to Schedule 2, Item 1 of the *Agricultural Chemical Distribution Control Regulation 1998* to clarify that the fee for an aerial distribution contractor licence, commercial operator's licence, ground distribution contractor's licence or pilot chemical rating licence is paid on application and is charged under Section 17(1)(b) of the Act;
- An amendment to Schedule 2, Item 2 of the *Agricultural Chemical Distribution Control Regulation 1998* to clarify that the fee for renewal of an aerial distribution contractor licence, commercial operator's licence, ground distribution contractor's licence or pilot chemical rating licence is paid on application and is charged under Section 19(3)(b) of the Act;
- The replacement of section 28 of the *Drugs Misuse Regulation 1987* to modernise the provision in accordance with current drafting practice;
- An amendment to section 141 of the *Fisheries (General) Regulation 2019* to clarify that the section authorises the additional administrative fee mentioned in Schedule 6, Parts 1 and 2;
- An amendment to Schedule 6, Part 1, Item 1 of the *Fisheries (General) Regulation 2019* to clarify that the fee is to be paid on application and is charged under section 54(1)(b) of the Act;
- An amendment to Schedule 6, Part 3, Item 9 of the *Fisheries (General) Regulation 2019* to clarify that the fee relates to the cost of allowing the person to inspect, take extracts from, or obtain a copy of details in, the register;
- An amendment to Schedule 3, Item 5 of the *Veterinary Surgeons Regulation 2016* to clarify that the fee for an approval under s 18A(2)(c) of the *Veterinary Surgeons Act 1936* is paid on application only; and
- An amendment to Schedule 3, Item 10 of the *Veterinary Surgeons Regulation 2016* to clarify the total cost of an application for approval to use premises as veterinary premises when an inspection is and is not required.

Per the *Queensland Government Principles for Fees and Charges* (2018) published by QT, the amended fees have been rounded to the nearest coinable value unless the value is more than the indexation rate. 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.

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

The subordinate legislation is consistent with the policy objectives of the authorising 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 indexation of fees provides a mechanism understood by the community and industry to maintain price relativity, aiding the Government in formulating the state and departmental budgets.

The implementation costs for Government for the subordinate legislation are limited to adjusting systems, communication materials and forms that are relevant to the collection of fees. These are not considered to be significant and will be met from existing resources.

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

## **Consultation**

The subordinate legislation has been self-assessed by the Department of Agriculture and Fisheries in accordance with the *Queensland Government Guide to Better Regulation*. The Department of Agriculture and Fisheries assessed that the fee indexation is excluded from further regulatory impact analysis on the basis of Category (h) - Regulatory proposals that put forward annual fee variations in line with or below a government endorsed indexation factor.

No stakeholder consultation was undertaken as the subordinate legislation implements annual fee increases by the endorsed GIR of 1.80 per cent.