

# Health Legislation (Fees) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 65

made under the

*Ambulance Service Act 1991*

*Food Act 2006*

*Private Health Facilities Act 1999*

## General Outline

### Short title

*Health Legislation (Fees) Amendment Regulation 2021*

### Authorising law

Section 54 of the *Ambulance Service Act 1991*

Section 278 of the *Food Act 2006*

Section 151 of the *Private Health Facilities Act 1999*

### Policy objectives and the reasons for them

The *Queensland Government Principles for Fees and Charges* (January 2020) requires agencies to set fees and charges to accurately reflect the cost of providing their services, and to ensure these fees and charges maintain their value over time. Where a regular comprehensive review of fees and charges is not cost effective or no specific indexation method has been otherwise approved, agencies are required to annually apply the Government-endorsed indexation factor to their fees and charges. The Government-endorsed indexation factor is 1.7 per cent for 2021-2022.

The following health portfolio Acts provide for fees and charges to be prescribed by regulation:

- *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;
- *Food Act 2006*, in relation to prescribed fees and charges for application and renewal of approvals as an auditor; and
- *Private Health Facilities Act 1999*, in relation to prescribed fees for approvals and licences to operate a private health facility.

The main objective of the amendment regulation is to index the fees and charges prescribed in regulations made under the above Acts, in accordance with Government policy.

## **Achievement of policy objectives**

The amendment regulation increases fees and charges in the following regulations by the Government-endorsed indexation factor of 1.7 per cent:

- *Ambulance Service Regulation 2015*;
- *Food Regulation 2016*; and
- *Private Health Facilities Regulation 2016*.

In accordance with the *Queensland Government Principles for Fees and Charges*, a rounding policy, developed in consultation with Queensland Treasury, has been applied.

The increased fees and charges take effect on 1 July 2021 for the Ambulance Service Regulation and 1 October 2021 for the Food Regulation and Private Health Facilities Regulation.

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

The amendment regulation is consistent with the policy objectives of the authorising laws.

## **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**

The amendment regulation will ensure that the fees and charges prescribed in health portfolio regulations retain their value over time and accurately reflect the cost of providing services. The amendment regulation will not significantly increase the financial burden on the community 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 amendments were self-assessed by Queensland Health, in accordance with the *Queensland Government Guide to Better Regulation*, as being excluded from further regulatory impact assessment on the basis that the amendments align fees and charges with a government-endorsed indexation factor (exclusion category 'h'). Therefore, consultation with the Office of Best Practice Regulation, Queensland Productivity Commission, was not required.

As the amendments are consistent with Queensland Government policy requiring fees and charges to be indexed annually, no consultation was undertaken with external stakeholders.

## Notes on provisions

### Part 1 Preliminary

#### Short title

*Clause 1* states the short title of the regulation is the Health Legislation (Fees) Amendment Regulation 2021.

#### Commencement

*Clause 2* provides for the commencement of the regulation. Part 2 of the regulation commences on 1 July 2021. Parts 3 and 4 commence on 1 October 2021.

### Part 2 Amendment of Ambulance Service Regulation 2015

#### Regulation amended

*Clause 3* provides that part 2 amends the *Ambulance Service Regulation 2015*.

#### Amendment of sch 1, s 1 (Fees Payable)

*Clause 4* amends the fees schedule to reflect the indexation rate for 2021.

### Part 3 Amendment of Food Regulation 2016

#### Regulation amended

*Clause 5* provides that part 3 amends the *Food Regulation 2016*.

#### Replacement of sch 3 (Fees)

*Clause 6* amends the fees schedule to reflect the indexation rate for 2021.

### Part 4 Amendment of Private Health Facilities Regulation 2016

#### Regulation amended

*Clause 7* provides that part 4 amends the *Private Health Facilities Regulation 2016*.

#### Replacement of sch 2 (Fees)

*Clause 8* amends the fees schedule to reflect the indexation rate for 2021.