



Queensland

Employment, Economic Development and Innovation Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 110

made under the

Agricultural Chemicals Distribution Control Act 1966

Animal Care and Protection Act 2001

Apiaries Act 1982

Brands Act 1915

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Drugs Misuse Act 1986

Land Protection (Pest and Stock Route Management) Act 2002

Nature Conservation Act 1992

Racing Act 2002

Stock Act 1915

Veterinary Surgeons Act 1936

General outline

Short title

Employment, Economic Development and Innovation Legislation Amendment Regulation (No. 1) 2011.

Authorising law

Sections 17, 19 and 48 of the *Agricultural Chemicals Distribution Control Act 1966*

Sections 52, 62, 88, 93 and 217 of the *Animal Care and Protection Act 2001*

Sections 7 and 44 of the *Apiaries Act 1982*

Sections 5, 16, 26 and 34 of the *Brands Act 1915*

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

Sections 53, 54, 65 and 134 of the *Drugs Misuse Act 1986*

Sections 58, 86 and 309 of the *Land Protection (Pest and Stock Route Management) Act 2002*

Section 175 of the *Nature Conservation Act 1992*

Section 11, 29, 129, 134, 207 and 355 of the *Racing Act 2002*

Section 48 and Schedule 1 Part 20 of the *Stock Act 1915*

Sections 17, 18A, 19, 19B, 19C, 19E, 25A, and 37 of the *Veterinary Surgeons Act 1936*

Policy objectives and the reasons for them

The objectives of the subordinate legislation are to amend the following regulations:

- *Agricultural Chemicals Distribution Control Regulation 1998 (Schedule 2);*
- *Animal Care and Protection Regulation 2002 (Schedule 2);*
- *Apiaries Regulation 1998 (Section 25);*
- *Brands Regulation 1998 (Schedule 7);*
- *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999 (Section 27);*
- *Drugs Misuse Regulation 1987 (Section 28);*
- *Land Protection (Pest and Stock Route Management)Regulation 2003 (Schedule 5);*
- *Nature Conservation (Administration) Regulation 2006 (Section 25, Section 161, Schedule 2, Schedule 3 and Schedule 7);*
- *Racing Regulation 2003 (Schedule 2 and Schedule 3);*

- *Stock Regulation 1988 (Section 45 and Schedule 7);*
- *Veterinary Surgeons Regulation 2002 (Schedule 3).*

The amendments to be implemented are:

1. to increase certain prescribed regulatory fees by the movement in the December 2009-December 2010 Consumer Price Index (CPI) of 3 percent;
2. to increase certain prescribed regulatory fees by the movement in the March 2010-March 2011 CPI of 3.6 percent in the *Nature Conservation (Administration) Regulation 2006* (Schedule 3);
3. make minor corrections that have been identified by the Office of the Queensland Parliamentary Counsel.

Regulatory fees are reviewed annually in line with Government policy to increase fees and charges by the annual movement in the CPI.

Achievement of policy objectives

The subordinate legislation will achieve its objectives by increasing the relevant fees and charges under the regulations mentioned above, with the exception of the *Nature Conservation (Administration) Regulation 2006* (the NC Regulation), by the CPI movement for the Brisbane All-Groups figure of December 2009 to December 2010 which is 3 percent (rounded) in line with the indexation policy of the Department of Employment, Economic Development and Innovation (DEEDI).

Certain fees in the NC Regulation will be amended by the CPI Brisbane All-Groups figure of March 2010 to March 2011, which is 3.6 percent in line with the indexation policy of the Department of Environment and Resource Management (DERM).

DEEDI and DERM jointly administer some elements of the *Nature Conservation Act 1992*. Specifically, DEEDI administers the regulatory provisions relating to wildlife demonstrator licences and wildlife exhibitor licences and hence is responsible for the indexation of fees in regard to these licences. The indexation of these particular fees is included in this amendment regulation.

DERM has advised that, in accordance with a previous direction from Treasury, they will be applying the March-to-March CPI indexation figure for amendment of other regulatory fees administered by DERM, including

the other fees in the NC Regulation. In line with DERM's adjustment policy, DEEDI is adopting DERM's CPI figure of 3.6 percent for the wildlife demonstrator licence fees and the wildlife exhibitor licence fees, and rounding figures to nearest whole amounts in order to achieve consistency throughout the NC Regulation and hence to avoid public confusion.

Certain minor amendments identified by the Office of the Queensland Parliamentary Counsel will be made to the following regulations:

- *Racing Regulation 2003*: Schedule 2 is amended by providing a current list of prescribed laws about racing and betting;
- *Nature Conservation (Administration) Regulation 2006*: Section 25, section 161 and schedule 2 are amended to correct references to other legislation; and
- *Stock Regulation 1998*: section 45 is amended to make minor corrections.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main policy objective 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 State Government will not incur any additional costs in the implementation of this subordinate legislation.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

Queensland Treasury was consulted and advised that an adjustment of 3 percent should be used as the basis for annual increases to fees and charges and that the CPI adjustment of 3.6 percent for the DEEDI-administered fees under the *Nature Conservation (Administration) Regulation 2006* is also appropriate.

The Queensland Office of Regulatory Efficiency was also consulted regarding the need for a Regulatory Assessment Statement. The result of the consultation was that a Regulatory Assessment Statement was not required for this subordinate legislation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Employment, Economic Development and Innovation.

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