



Queensland

# **Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2012**

## **Explanatory Notes for SL 2012 No. 92**

made under the

*Agricultural Chemicals Distribution Control Act 1966*

*Animal Care and Protection Act 2001*

*Animal Management (Cats and Dogs) Act 2008*

*Apiaries Act 1982*

*Brands Act 1915*

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Drugs Misuse Act 1986*

*Fisheries Act 1994*

*Land Protection (Pest and Stock Route Management) Act 2002*

*Nature Conservation Act 1992*

*Stock Act 1915*

*Veterinary Surgeons Act 1936*

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## **General outline**

### **Short title**

*Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2012.*

### **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 44 of the *Apiaries Act 1982*

Section 34 of the *Brands Act 1915*

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

Sections 53 and 65 of the *Drugs Misuse Act 1986*

Section 223 of the *Fisheries Act 1994*

Section 309 of the *Land Protection (Pest and Stock Route Management) Act 2002*

Section 175 of the *Nature Conservation Act 1992*

Section 48 of the *Stock Act 1915*

Section 37 of the *Veterinary Surgeons Act 1936*

### **Policy objectives and the reasons for them**

The objective of the amendment regulation is to amend the following regulations:

- *Agricultural Chemicals Distribution Control Regulation 1998* (Schedule 2)
- *Animal Care and Protection Regulation 2002* (Schedule 2)
- *Animal Management (Cats and Dogs) Regulation 2009* (Schedule 3)
- *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)
- *Fisheries Regulation 2008* (Section 709 and Schedule 8)
- *Land Protection (Pest and Stock Route Management) Regulation 2003* (Schedule 5)
- *Nature Conservation (Administration) Regulation 2006* (Schedule 3, Part 2, Division 1)
- *Stock Regulation 1988* (Schedule 7)

- *Veterinary Surgeons Regulation 2002* (Schedule 3)

The amendments to be implemented are to increase certain prescribed regulatory fees by the annual rate for indexing fees and charges of 3.5 percent; and, to make minor revision amendments that have been identified by the Office of the Queensland Parliamentary Counsel.

### **Achievement of Policy Objectives**

The amendment regulation will achieve its objectives by incorporating an increase in the fees and charges under the regulations mentioned above administered by the Department of Agriculture, Fisheries and Forestry (DAFF). Regulatory fees are reviewed annually under Government policy. Queensland Treasury and Trade has advised that the annual rate for indexing fees and charges is 3.5 percent per annum from 1 July 2012. All the amended fees have been rounded to coinable amounts. In some instances the fees have been increased by a figure less than the full annual rate due to the methodology used for calculating the relevant fees and in order to ensure the amended amounts are coinable.

Certain fees in the *Nature Conservation (Administration) Regulation 2006* are jointly administered by DAFF, the Department of Natural Resources and Mines (DNRM), the Department of Environment and Heritage Protection and the Department of National Parks, Recreation, Sport and Racing. However, only DAFF-administered fees are included in this amendment regulation. DAFF is solely responsible for the administration of fees 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.

Certain fees in the *Land Protection (Pest and Stock Route Management) Regulation 2003* are also jointly administered by DAFF and DNRM. However, only DAFF-administered fees are included in this amendment regulation. The relevant fees relate to declared pest permits and inspecting a register for pest control and entry notices.

This amendment regulation also incorporates minor amendments not related to the annual rate adjustment of fees and charges. The minor amendments have been identified by the Office of the Queensland Parliamentary Counsel and are of a technical nature without affecting the policy intention of the relevant provisions.

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

The amendment regulation is consistent with the main 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 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 and Trade advised that the rate for indexing fees and charges from 1 July 2012 is 3.5 percent per annum.

The Transport, Agriculture, Government Services and Science Branch of Queensland Treasury and Trade was also consulted regarding the need for an authorisation for the fees amended by less than the annual rate. The advice was that an authorisation was not required.

The Regulatory Review Branch of Queensland Treasury and Trade has been consulted regarding the need for a Regulatory Assessment Statement (RAS). The result of the consultation was that a RAS was not required for this amendment regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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