



Queensland

# **National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 1) 2012**

## **Explanatory Notes for SL 2012 No. 116**

made under the

*Forestry Act 1959*

*Marine Parks Act 2004*

*Nature Conservation Act 1992*

*Racing Act 2002*

*Recreation Areas Management Act 2006*

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## **General outline**

### **Short title**

*National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 1) 2012.*

### **Authorising law**

Section 97 *Forestry Act 1959*

Section 150 *Marine Parks Act 2004*

Section 175 *Nature Conservation Act 1992*

Section 355 *Racing Act 2002*

Section 232 *Recreation Areas Management Act 2006*

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

The objective of the regulation is to index regulatory fees for the Department of National Parks, Recreation, Sport and Racing as noted under *Administrative Arrangements Order (No.4) 2012*. As per Government policy regulatory fees are reviewed annually for the application of the Government endorsed indexation factor. The current Government endorsed factor for the general indexation of fees and charges is 3.5% unless approved otherwise.

A small number of fees have not been adjusted by the approved index as the fee is below a value for the indexation factor to affect an increase.

A small number of fees are indexed using indices specific to the sector. This approach was established in 1992. Fees for stock grazing permits (*Schedule 3 of the Nature Conservation (Administration) Regulation 2006*) are indexed in accordance with the Queensland Livestock and Meat Authority index and use an annual percentage of change for the year ending 28 February 2012.

Apiary fees (*Schedule 3 of the Nature Conservation (Administration) Regulation 2006*) were initially determined to be appropriate to be held over for 2012-13. These fees are aligned in price to non regulatory products managed by the Department of Agriculture, Fisheries and Forestry (DAFF). DAFF determined that the index historically used in the annual review of these fees is no longer considered a reliable factor for fee indexation. DAFF then gained approval to hold these fees over whilst industry consultation and research was undertaken to develop a new indexation factor. Further consultation with Queensland Treasury and Trade has identified that the recent Government endorsed approach on fee indexation supersedes any previous approved position in relation to these fees. Subsequently Queensland Treasury and Trade have agreed to the Department of National Parks, Recreation, Sport and Racing addressing the indexation of apiary fees in a second regulation amendment, the preparation of which will commence immediately.

Commercial wildlife licenses under the *Nature Conservation (Administration) Regulation 2006* which are administered by calendar year have been indexed in the review, however, will not become effective until January 2013.

The indexed fees have been rounded in accordance with the department's current rounding policy.

### **Achievement of policy objectives**

This subordinate legislation will achieve its objective by increasing fees and charges under the Acts administered by the Department of National Parks, Recreation, Sport and Racing. The current Government endorsed factor for the general indexation of fees and charges is 3.5% unless approved otherwise. All indexation effected through this regulatory amendment reflects an increase of 3.5% or other approved factor.

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

The amendment regulation is consistent with the objective of the relevant Acts.

### **Inconsistency with policy objectives of other legislation**

The subordinate legislation is not inconsistent with any policy objectives of any 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.

There are no additional costs associated with implementing the regulation.

### **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

### **Consultation**

Consultation has been undertaken with the Regulatory Review Branch, Queensland Treasury and Trade in determining that the amendment was excluded from the requirement to undertake a Regulatory Assessment Statement.

#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of National Parks, Recreation, Sport and Racing.

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