



Queensland

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 102

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

General outline

Short title

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2013

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*

Section 134 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 increase certain regulatory fees within the Minister for Agriculture, Fisheries and Forestry's portfolio by the annual rate for indexing fees and charges of 3.5 per cent in the following regulations:

Agricultural Chemicals Distribution Control Regulation 1998

Animal Care and Protection Regulation 2012

Animal Management (Cats and Dogs) Regulation 2009

Apiaries Regulation 1998

Brands Regulation 2012

Chemical Usage (Agricultural and Veterinary) Control Regulation 1999

Drugs Misuse Regulation 1987

Fisheries Regulation 2008

Land Protection (Pest and Stock Route Management) Regulation 2003

Nature Conservation (Administration) Regulation 2006

Stock Regulation 1988

Veterinary Surgeons Regulation 2002

Achievement of policy objectives

The subordinate legislation will achieve its objectives by incorporating an increase in the fees and charges under the regulations mentioned above which fall under the Minister's portfolio jurisdiction. 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 per cent per annum from 1 July 2012. For fees to be amended from 1 July 2013, the Government has reaffirmed its commitment to indexing fees and charges by 3.5 per cent per annum.

All the amended fees have been rounded to nearest coinable amount. In some instances the fees have been increased by a figure less than 3.5 per cent 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 the Department of Agriculture, Fisheries and Forestry (DAFF), the Department of National Parks, Recreation, Sport and Racing and the Department of Environment and Heritage Protection. 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 therefore 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 jointly administered by DAFF and the Department of Natural Resources and Mines. However, only DAFF-administered fees are included in this amendment regulation. The relevant fees relate to declared pests permits and inspecting the register for pest control and entry notices.

Consistency with policy objectives of authorising law

The subordinate legislation 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 was 3.5 per cent per annum unless advised otherwise. The Government reaffirmed its commitment to indexing fees and charges by 3.5 per cent for 2013.

The Office of Best Practice Regulation (OBPR) has been consulted regarding the need for a Regulatory Impact Statement (RIS). OBPR advised that a RIS was not required for this subordinate legislation as the amendments are excluded under section 3.2(iii)(g) of the RIS Guidelines as a regulation which proposes standard annual fee variations in line with or below a government endorsed factor.

ENDNOTES

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