

Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2014

Explanatory Notes for SL 2014 No. 113

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) 2014.

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*

Sections 42, 44 and 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

Regulatory fees are reviewed annually under Government policy. The main objective of the subordinate legislation is to provide for an increase in certain fees in the following regulations within the Minister for Agriculture, Fisheries and Forestry's portfolio by the annual indexation rate for fees and charges of 3.5 percent:

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

The subordinate legislation also makes a minor consequential amendment to the *Veterinary Surgeons Regulation 2002* to remove the fees relating to secondary registration for veterinary surgeons from schedule 3. These fees are no longer applicable as the requirement to pay the fees was removed from the *Veterinary Surgeons Act 1936* by the *Agriculture and Forestry Legislation Amendment Act 2013*.

The subordinate legislation also makes a minor amendment to section 69 of the *Fisheries (Coral Reef Fin Fish) Management Plan 2003* to correct a referencing error.

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. Queensland Treasury and Trade has advised that the annual indexation rate for fees and charges for 2014-2015 is 3.5 percent.

All the amended fees have been rounded to the nearest coinable amount. In most instances rounding has been to the nearest 5 cent, however, the fees relating to stocked impoundment permits (under Table 4, schedule 9, *Fisheries Regulation 2008*) have been rounded to the nearest whole dollar amount.

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 subordinate legislation. 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 the subordinate legislation.

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 the subordinate legislation. The relevant fees relate to declared pests permits and inspecting the register for pest control and entry notices.

The subordinate legislation will also achieve its objectives by removing the references to secondary fees from schedule 3 of the *Veterinary Surgeons Regulation 2002* and by amending section 69 of the *Fisheries (Coral Reef Fin Fish) Management Plan 2003* to correct the referencing error.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objects of the relevant Acts.

Inconsistency with policy objectives of other legislation

The subordinate legislation is consistent with the 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 annual indexation rate for fees and charges for 2014-2015 is 3.5 per cent. Queensland Treasury and Trade has approved the indexed fees and the rounding policy adopted in all instances.

The Office of Best Practice Regulation (OBPR) has been consulted regarding the need for a Regulatory Impact Statement (RIS). OBPR advised that a RIS is not required as the subordinate legislation is excluded as regulation which proposes standard annual fee variations in line with or below a government endorsed indexation factor and which makes consequential amendments or is of a machinery nature.