

Health Legislation (Fees) Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 211

made under the

Ambulance Service Act 1991

Food Act 2006

Health Act 1937

Pest Management Act 2001

Private Health Facilities Act 1999

Radiation Safety Act 1999

General Outline

Short title

Health Legislation (Fees) Amendment Regulation (No. 1) 2014

Authorising law

Section 54 of the *Ambulance Service Act 1991*

Section 278 of the *Food Act 2006*

Section 180 of the *Health Act 1937*

Section 130 of the *Pest Management Act 2001*

Section 151 of the *Private Health Facilities Act 1999*

Section 215 of the *Radiation Safety Act 1999*

Policy objectives and the reasons for them

The following Health Portfolio Acts provide for the prescribing of fees and charges:

- the *Ambulance Service Act 1991*, in relation to ambulance services such as emergency and non-emergency transport, ambulance attendance and for the treatment of a person by an ambulance officer;

- the *Food Act 2006*, in relation to applications for approval, renewal or replacement of approval as an auditor, or a change in approval conditions;
- the *Health Act 1937*, in relation to applications for an endorsement, or renewal of a drug licence, poison licence, treatment approval or wholesale representative licence and fees for the analysis of a drug or article by an analyst;
- the *Pest Management Act 2001*, in relation to pest management licence fees;
- the *Private Health Facilities Act 1999*, in relation to private health facility licence fees and approvals; and
- the *Radiation Safety Act 1999*, in relation to possession, use, transport and related licences and approvals.

In accordance with Queensland Government policy, agencies are required to set fees and charges at a rate that accurately reflects the cost of providing services. Additionally, Queensland Government policy states that fees and charges administered by agencies are to be indexed annually by 3.5%.

Achievement of policy objectives

The regulation increases fees and charges in the following regulations by 3.5%, in accordance with the Queensland Government's policy on fees and charges:

- the *Ambulance Service Regulation 2003*
- the *Food Regulation 2006*;
- the *Health (Drugs and Poisons) Regulation 1996*;
- the *Health Regulation 1996*;
- the *Pest Management Regulation 2003*;
- the *Private Health Facilities Regulation 2000*; and
- the *Radiation Safety Regulation 2010*.

The increased fees and charges take effect on 1 October 2014.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objectives of each of the authorising laws which provide that the Governor in Council may make regulations about fees and charges.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

None of the increases to fees and charges are expected to impose significant financial or other costs on the Department or stakeholders.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Office of Best Practice Regulation, Queensland Competition Authority, was consulted in relation to the regulation meeting the requirements of the Regulatory Impact Statement System. The Office of Best Practice Regulation has advised that the proposal is excluded from the Regulatory Impact Statement System on the basis that it provides for standard annual fee variations in line with, or below, a government-endorsed indexation factor.

Notes on provisions

Part 1 Preliminary

Short Title

Clause 1 provides the short title of the regulation.

Commencement

Clause 2 provides for the commencement of the regulation, on 1 October 2014.

Part 2 Amendment of Ambulance Service Regulation 2003

Regulation amended

Clause 3 amends the *Ambulance Service Regulation 2003*.

Amendment of s 5 (Fees for ambulance services)

Clause 4 amends section 5 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.

Part 3 Amendment of Food Regulation 2006

Regulation amended

Clause 5 amends the *Food Regulation 2006*.

Amendment of s 7 (Fees for applications)

Clause 6 amends section 7 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.

Part 4 Amendment of Health (Drugs and Poisons) Regulation 1996

Regulation amended

Clause 7 amends the *Health (Drugs and Poisons) Regulation 1996*.

Replacement of appendix 2 (Application fees for endorsements)

Clause 8 amends appendix 2 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.

Part 5 Amendment of Health Regulation 1996

Regulation amended

Clause 9 amends the Health Regulation 1996.

Amendment of sch 3 (Fees)

Clause 10 amends schedule 3 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.

Part 6 Amendment of Pest Management Regulation 2003

Regulation amended

Clause 11 amends the Pest Management Regulation 2003.

Replacement of sch 2 (Fees)

Clause 12 amends schedule 2 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.

Part 7 Amendment of Private Health Facilities Regulation 2000

Regulation amended

Clause 13 amends the Private Health Facilities Regulation 2000.

Replacement of sch 3 (Fees)

Clause 14 amends schedule 3 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.

Part 8 Amendment of Radiation Safety Regulation 2010

Regulation amended

Clause 15 amends the Radiation Safety Regulation 2010.

Replacement of sch 8 (Fees)

Clause 16 amends schedule 8 by omitting the current fees and inserting the revised fees that apply a standard indexation rate of 3.5%.