

Health Legislation (Fees) Amendment Regulation (No. 2) 2016

Explanatory notes for SL 2016 No. 175

made under the

Food Act 2006

Private Health Facilities Act 1999

General Outline

Short title

Health Legislation (Fees) Amendment Regulation (No. 2) 2016

Authorising law

Section 278 of the *Food Act 2006*

Section 151 of the *Private Health Facilities Act 1999*

Policy objectives and the reasons for them

The Queensland Government's *Principles for Fees and Charges* (December 2012) policy requires departments and statutory bodies to set fees and charges to accurately reflect the cost of providing their services, and to ensure those fees and charges maintain their value over time. Where a regular comprehensive review of fees and charges is not cost effective or no specific indexation method has been otherwise approved, departments are required to annually apply the Government endorsed indexation rate to their fees and charges. The current Government endorsed indexation rate is 3.5 per cent.

The *Food Act 2006* and the *Private Health Facilities Act 1999* provide for the prescribing of fees and charges by regulation. The *Food Regulation 2016* prescribes fees and charges in relation to application and renewal of approvals as an auditor for the purposes of the *Food Act 2006*. The *Private Health Facilities Regulation 2016* prescribes fees relating to approvals and licences to operate a private health facility.

The objective of the amendment regulation is to index the fees and charges prescribed in the *Food Regulation 2016* and the *Private Health Facilities Regulation 2016*, in accordance with Government policy.

Achievement of policy objectives

The amendment regulation increases fees and charges prescribed in the *Food Regulation 2016* and the *Private Health Facilities Regulation 2016* by the Government endorsed indexation rate of 3.5 per cent. In accordance with the *Queensland Government Principles for Fees and Charges*, a rounding policy, developed in consultation with Queensland Treasury, has been applied.

The increased fees and charges will take effect on 1 October 2016.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Food Act 2006* and *Private Health Facilities Act 1999*.

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

Benefits and costs of implementation

The amendment regulation will ensure that the fees and charges prescribed in the *Food Regulation 2016* and the *Private Health Facilities Regulation 2016* retain their value over time and accurately reflect the cost of providing services.

Consistency with fundamental legislative principles

The amendment 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 in the 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 the Government endorsed indexation factor.