

# Health Legislation (Fees) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 98

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 2019*

### 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 *Queensland Government Principles for Fees and Charges* (January 2018) requires agencies to set fees and charges to accurately reflect the cost of providing their services, and to ensure these 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, agencies are required to annually apply the Government-endorsed indexation factor to their fees and charges. The current Government-endorsed indexation factor is 2.25 per cent.

The following health portfolio Acts provide for fees and charges to be prescribed by regulation:

- *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;
- *Food Act 2006*, in relation to prescribed fees and charges for application and renewal of approvals as an auditor;
- *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;
- *Pest Management Act 2001*, in relation to pest management licence fees;
- *Private Health Facilities Act 1999*, in relation to prescribed fees for approvals and licences to operate a private health facility; and
- *Radiation Safety Act 1999*, in relation to possession, use, transport and related licences and approvals.

The main objective of the amendment regulation is to index the fees and charges prescribed in regulations made under the above Acts, in accordance with Government policy.

## **Achievement of policy objectives**

The amendment regulation increases fees and charges in the following regulations by the Government-endorsed indexation factor of 2.25 per cent:

- *Ambulance Service Regulation 2015*;
- *Food Regulation 2016*;
- *Health (Drugs and Poisons) Regulation 1996*;
- *Health Regulation 1996*;
- *Pest Management Regulation 2003*;
- *Private Health Facilities Regulation 2016*; and
- *Radiation Safety Regulation 2010*.

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 take effect on 1 July 2019 for the *Ambulance Service Regulation 2015* and 1 October 2019 for the remaining regulations.

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

The amendment regulation is consistent with the policy objectives of the authorising laws.

## **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 health portfolio regulations retain their value over time and accurately reflect the cost of providing services. The amendment regulation will not significantly increase the financial burden on the community or stakeholders.

## **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 amendments were self-assessed by Queensland Health, in accordance with the *Queensland Government Guide to Better Regulation*, as being excluded from further regulatory impact assessment on the basis that the amendments align fees and charges with a government-endorsed indexation factor (exclusion category 'h'). Therefore, consultation with the Office of Best Practice Regulation, Queensland Productivity Commission, was not required.

As the amendments are consistent with Queensland Government policy requiring fees and charges to be indexed annually, no consultation was undertaken with external stakeholders.

## 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. Part 2 of the regulation commences on 1 July 2019. Parts 3 to 8 commence on 1 October 2019.

### Part 2 Amendment of Ambulance Service Regulation 2015

#### Regulation amended

*Clause 3* provides that part 2 amends the *Ambulance Service Regulation 2015*.

#### Amendment of sch 1, s 1 (Fees Payable)

*Clause 4* amends the fees schedule to reflect the indexation rate for 2019.

### Part 3 Amendment of Food Regulation 2016

#### Regulation amended

*Clause 5* provides that part 3 amends the *Food Regulation 2016*

#### Replacement of sch 3 (Fees)

*Clause 6* amends the fees schedule to reflect the indexation rate for 2019.

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

#### Regulation amended

*Clause 7* provides that part 4 amends the *Health (Drugs and Poisons) Regulation 1996*.

#### Replacement of appendix 2 (Application fees for endorsements)

*Clause 8* amends the fees schedule to reflect the indexation rate for 2019.

### Part 5 Amendment of Health Regulation 1996

#### Regulation amended

*Clause 9* provides that part 5 amends the *Health Regulation 1996*.

**Replacement of sch 3 (Fees)**

*Clause 10* amends the fees schedule to reflect the indexation rate for 2019.

**Part 6 Amendment of Pest Management Regulation 2003**

**Regulation amended**

*Clause 11* provides that part 6 amends the *Pest Management Regulation 2003*.

**Replacement of sch 2 (Fees)**

*Clause 12* amends the fees schedule to reflect the indexation rate for 2019.

**Part 7 Amendment of Private Health Facilities Regulation 2016**

**Regulation amended**

*Clause 13* provides that part 7 amends the *Private Health Facilities Regulation 2016*.

**Replacement of sch 2 (Fees)**

*Clause 14* amends the fees schedule to reflect the indexation rate for 2019.

**Part 8 Amendment of Radiation Safety Regulation 2010**

**Regulation amended**

*Clause 15* provides that part 8 amends the *Radiation Safety Regulation 2010*.

**Replacement of sch 8 (Fees)**

*Clause 16* amends the fees schedule to reflect the indexation rate for 2019.