

Fisheries (General) (Fees) Amendment Regulation 2019

Explanatory Notes for SL 2019 No. 222

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries (General) (Fees) Amendment Regulation 2019

Authorising law

Section 223 of the *Fisheries Act 1994*

Policy objectives and the reasons for them

Regulatory fees and charges are reviewed on an annual basis in line with Government policy on the indexation of fees and charges. Indexation seeks to maintain the value of the regulatory fee or charge over time relative to the anticipated increase in associated costs. Queensland Treasury (QT) has advised that the annual indexation rate for fees and charges for 2019-2020 is 2.25 per cent.

The *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2019* applied the annual indexation rate to the fees prescribed in the *Fisheries Regulation 2008* (Fisheries Regulation). However, subsequent to the fee increase, the Fisheries Regulation was replaced by the *Fisheries (General) Regulation 2019* (General Regulation) and the *Fisheries (Commercial Fisheries) Regulation 2019*. The drafting of the two new regulations commenced before the 2019-2020 indexed fees were prescribed in the Fisheries Regulation and, consequently, as a result of an oversight, the fees in the General Regulation reflected the 2018-2019 fees.

The main objective of the amendment regulation is to amend the regulatory fees prescribed in the General Regulation by the indexation rate of 2.25 per cent in line with Government policy.

Achievement of policy objectives

The amendment regulation achieves its objectives by increasing most of the fees in the General Regulation by applying the 2.25 per cent indexation rate.

Fees for the Stocked Impoundment Permit Scheme (SIPS) in the Fisheries Regulation will not increase. Government policy is to fix SIPS fees for five-year periods from 1 July 2016. The fees will increase every five years by the cumulative amount of the Government indexation rate and then be rounded to the next highest dollar to increase efficiency at the point of collection. The next indexation will be in financial year 2021-2022.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the relevant Acts.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The implementation costs for Government from the amendment regulation are limited to adjusting systems, communication materials and forms that are relevant to the collection of the fees.

The increase to SIPS fees every five years, instead of annually, is administratively efficient as it removes complexity around the previous financial arrangements. Fewer frequent fee increases reduce costs for businesses selling permits because they need to implement changes less frequently.

Consistency with fundamental legislative principles

The amendment regulation has been drafted with regard to, and is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Public consultation was not undertaken as the amendments are administrative in nature.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Agriculture and Fisheries applied a self-assessable exclusion from undertaking further regulatory impact analysis on the basis of Category (h) - Regulatory proposals that put forward annual fee variations in line with or below a Government endorsed indexation factor.