

Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2021

Explanatory Notes for SL 2021 No. 85

made under the

Agricultural Chemicals Distribution Control Act 1966

Animal Care and Protection Act 2001

Animal Management (Cats and Dogs) Act 2008

Biosecurity Act 2014

Brands Act 1915

Chemical Usage (Agricultural and Veterinary) Control Act 1988

Drugs Misuse Act 1986

Fisheries Act 1994

Food Production (Safety) Act 2000

Veterinary Surgeons Act 1936

General Outline

Short title

Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2021

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 503 of the *Biosecurity Act 2014*

Section 34 of the *Brands Act 1915*

Section 38 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*

Sections 54, 65 and 134 of the *Drugs Misuse Act 1986*

Section 223 of the *Fisheries Act 1994*

Section 135 of the *Food Production (Safety) Act 2000*

Section 37 of the *Veterinary Surgeons Act 1936*

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.

The Government Indexation Rate (GIR) for fees and charges is 1.70 per cent for the financial year 2021-22.

The objective of the *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2021* (the subordinate legislation) is to make amendments to give effect to the annual indexation of the regulatory fees and charges within the portfolio of the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities. A further objective of the subordinate legislation is to make minor supporting and clarifying amendments directly related to the fee indexation. The fees and charges to be increased by the subordinate legislation are prescribed in the following regulations:

- *Agricultural Chemicals Distribution Control Regulation 1998*
- *Animal Care and Protection Regulation 2012*
- *Animal Management (Cats and Dogs) Regulation 2019*
- *Biosecurity Regulation 2016*
- *Brands Regulation 2012*
- *Chemical Usage (Agricultural and Veterinary) Control Regulation 2017*
- *Drugs Misuse Regulation 1987*
- *Fisheries (General) Regulation 2019*
- *Food Production (Safety) Regulation 2014*
- *Veterinary Surgeons Regulation 2016*.

Achievement of policy objectives

The subordinate legislation achieves its objective by amending the above regulations to increase most fees and charges within the portfolio of the Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities by the GIR of 1.70 per cent for the financial year 2021-22.

The only exception to is fees for the Stocked Impoundment Permit Scheme (SIPS) in the *Fisheries (General) Regulation 2019* which will increase this year for the first time in five years. Government policy was to fix SIPS fees for the five-year period from 1 July 2016 and to index the fees after the five years by the cumulative amount of the GIR and then round the fees to the next highest dollar to increase efficiency at the point of collection. The Amendment Regulation has indexed the SIPS fees in accordance with this policy.

The subordinate legislation also amends section 195 of the *Fisheries Legislation Amendment Regulation 2020* (FLAR). Section 195 of the FLAR amends the fees in schedule 6, part 2 of the *Fisheries (General) Regulation 2019* (FGR), to introduce or rename a number of existing fees for quota and effort managed fisheries. Section 195 of the FLAR will commence on 1 September 2021. For fees in section 195 of the FLAR which are existing fees, the fees were prescribed at the 2020-21 rate which is being indexed. Amendments will, therefore, be made to these fees to reflect the GIR of 1.70 per cent for the 2021-22 financial year. Without this amendment, the FLAR would have reverted the indexation of the fees in FGR to the 2020-21 level on its commencement.

Fees and charges in the *Food Production (Safety) Regulation 2014* will commence on 1 January 2022. This is because accreditations and auditor approvals are effective for a calendar year, from 1 January to 31 December each year.

All other amendments to fees and charges will commence on 1 July 2021.

Per the *Queensland Treasury Principles for Fees and Charges (2020)*, the amended fees have been rounded to the nearest coinable value, unless the value is more than the indexation rate. However, some fees fisheries fees have been charged per unit and these fees have not been rounded because payees would generally have a large number of units.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the policy objectives of the authorising Acts.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The indexation of fees provides a mechanism understood by the community and industry to maintain price relativity, aiding the Government in formulating the state and departmental budgets.

The implementation costs for Government for the subordinate legislation are limited to adjusting systems, communication materials and forms that are relevant to the collection of fees. These are not considered to be significant and will be met from existing resources.

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

Consistency with fundamental legislative principles

The subordinate legislation 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

The subordinate legislation has been self-assessed by the Department of Agriculture and Fisheries in accordance with the *Queensland Government Guide to Better Regulation*. The Department of Agriculture and Fisheries assessed that the fee indexation is excluded from 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.

No further stakeholder consultation was undertaken as the subordinate legislation implements annual fee increases by the endorsed GIR of 1.70 per cent.

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