

# Health Legislation (Fee Unit Conversion) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 40

made under the

*Ambulance Service Act 1991*

*Food Act 2006*

*Medicines and Poisons Act 2019*

*Private Health Facilities Act 1999*

*Radiation Safety Act 1999*

## General Outline

### Short title

*Health Legislation (Fee Unit Conversion) Amendment Regulation 2022*

### Authorising law

Section 54 of the *Ambulance Service Act 1991*

Section 278 of the *Food Act 2006*

Section 240 of the *Medicines and Poisons Act 2019*

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* (October 2021) 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 Indexation Rate to their fees and charges. All prescribed fees and charges in health portfolio regulations are indexed annually by the Government Indexation Rate.

On 2 June 2021, the *Acts Interpretation Act 1954* was amended to insert a new Part 12B, which introduced a fee unit model to streamline the annual process for indexing regulatory fees. Part 12B provides that an Act may express a fee as a number of fee units and the monetary value of a fee unit is \$1, or another amount prescribed by regulation. Similar to the existing model of penalty units for offences in Queensland legislation, the fee unit model allows for all

relevant fees and charges to be indexed annually through an amendment regulation to prescribe a new, indexed value of a fee unit in line with the Government Indexation Rate.

From 1 July 2022, all fees that are required to be increased by the Government Indexation Rate must be expressed as a number of fee units, rather than a dollar amount, in the relevant regulations to facilitate indexation of fees for the 2022-23 financial year.

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

- *Ambulance Service Act 1991*, for 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*, for prescribed fees and charges for applications and renewals of approvals as an auditor;
- *Medicines and Poisons Act 2019*, for prescribed fees for applications, amendments and renewals of substance authorities;
- *Private Health Facilities Act 1999*, for prescribed fees for approvals and licences to operate a private health facility; and
- *Radiation Safety Act 1999*, for possession, use, transport and related licences and approvals.

The main objective of the *Health Legislation (Fee Unit Conversion) Amendment Regulation 2022* (Amendment Regulation) is to convert the fees and charges prescribed in regulations made under the above Acts from dollar amounts to number of fee units, in accordance with Government policy.

## **Achievement of policy objectives**

The Amendment Regulation directly converts the current dollar value of fees and charges in the following regulations to the equivalent number of fee units:

- *Ambulance Service Regulation 2015*;
- *Food Regulation 2016*;
- *Medicines and Poisons (Medicines) Regulation 2021*;
- *Medicines and Poisons (Pest Management Activities) Regulation 2021*;
- *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*;
- *Private Health Facilities Regulation 2016*; and
- *Radiation Safety Regulation 2021*.

## **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 will be indexed annually in line with the Government Indexation Rate when a new fee unit value is prescribed in regulation. These fees and charges will 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 Office of Best Practice Regulation has advised that where agencies are amending their regulations to adopt the fee unit model and comply with the requirements in the *Principles for Fees and Charges*, the amendments are excluded from further regulatory impact assessment on the basis that these are consequential amendments within agency self-assessed exclusion category (a) (Regulatory proposals that make consequential amendments). Therefore, consultation with the Office of Best Practice Regulation, Queensland Treasury, was not required.

As the amendments are consistent with Queensland Government policy requiring fees and charges to be expressed as a number of fee units, no consultation was undertaken with external stakeholders.

## Notes on provisions

### Part 1 Preliminary

#### Short title

*Clause 1* states the short title of the regulation is the Health Legislation (Fee Unit Conversion) Amendment Regulation 2022.

#### Commencement

*Clause 2* provides for the commencement of the regulation on 1 July 2022.

### 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 omit references to the dollar value of a fee and replace them with an equivalent number of fee units.

### Part 3 Amendment of Food Regulation 2016

#### Regulation amended

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

#### Amendment of sch 3 (Fees)

*Clause 6* amends the fees schedule to convert the prescribed fees to fee units by omitting the '\$' in the heading of the third column and replacing it with '*fee units*'.

### Part 4 Amendment of Medicines and Poisons (Medicines) Regulation 2021

#### Regulation amended

*Clause 7* provides that part 4 amends the *Medicines and Poisons (Medicines) Regulation 2021*.

#### Amendment of sch 19 (Fees)

*Clause 8* amends the fees schedule to convert the prescribed fees to fee units by omitting the '\$' in the heading of the third column and replacing it with '*fee units*'.

## **Part 5 Amendment of Medicines and Poisons (Pest Management Activities) Regulation 2021**

### **Regulation amended**

*Clause 9* provides that part 5 amends the *Medicines and Poisons (Pest Management Activities) Regulation 2021*.

### **Amendment of sch 2 (Fees)**

*Clause 10* amends the fees schedule to convert the prescribed fees to fee units by omitting the '\$' from the heading of the third column and replacing it with '*fee units*'.

## **Part 6 Amendment of Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021**

### **Regulation amended**

*Clause 11* provides that part 6 amends the *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021*.

### **Amendment of sch 6 (Fees)**

*Clause 12* amends the fees schedule to convert the prescribed fees to fee units by omitting the '\$' from the heading of the third column and replacing it with '*fee units*'.

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

### **Regulation amended**

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

### **Amendment of sch 2 (Fees)**

*Clause 14* amends the fees schedule to convert the prescribed fees to fee units by omitting the '\$' in the headings of the third column and replacing them with '*fee units*'.

## **Part 8 Amendment of Radiation Safety Regulation 2021**

### **Regulation amended**

*Clause 15* provides that part 8 amends the *Radiation Safety Regulation 2021*.

### **Amendment of sch 8 (Fees)**

*Clause 16* amends the fees schedule to convert prescribed fees to fee units by omitting the '\$' in the headings of the third column and replacing them with '*fee units*'.