

# Agriculture and Fisheries Legislation (Fee Unit Conversion) Amendment Regulation 2022

Explanatory Notes for SL 2022 No. 52

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 (Fee Unit Conversion) Amendment Regulation  
2022*

### 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

The main objective of the *Agriculture and Fisheries Legislation (Fee Unit Conversion) Amendment Regulation 2022* (the Amendment Regulation) is to convert the expression of regulatory fees and charges from a dollar amount to a fee unit amount. The Amendment Regulation does not seek to substantially change fee amounts, only how they are expressed.

Indexation of regulatory fees and charges is undertaken on an annual basis and represents a significant administrative burden to the government, as each year an amendment regulation is required to change each fee amount in line with Government Indexation Rates.

Recent amendments to the *Acts Interpretation Act 1954* enable fees and charges to be expressed in fee units rather than dollar amounts. This will significantly reduce the administrative burden associated with annual indexation because indexation of the fees will be achieved automatically when the value of a fee unit under the *Acts Interpretation Act 1954* is updated.

A further objective of this Amendment Regulation is to clarify that travel time is included in calculation of monitoring fees under the *Drugs Misuse Regulation 1987*.

## Achievement of policy objectives

Fee unit implementation is achieved by removing reference to dollars within the legislation and replacing them with reference to fee units. Given that the value of a fee unit on commencement was exactly \$1.00, a fee of, for example, \$52.40 per hour under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* is now expressed 52.40 fee units.

To remain consistent with other fees, certain fees and charges within the *Fisheries (General) Regulation 2019* will be expressed in fee units to two decimal places and for this purpose have been rounded from their previous four to six decimal places. For example, the fee of \$0.4165 per effort unit for a trawl region under the *Fisheries Act 1994* is now expressed as 0.42 fee units. This avoids the requirement to include alternative rounding methods within the *Fisheries (General) Regulation 2019* and will provide easier calculation of the fees. This is the only amendment made to actual fee amounts.

The *Food Production (Safety) Regulation 2014* has additional amendments to simplify the licensing tables to comply with the intended purpose of the Amendment Regulation in removing the requirement for annual updates.

This is the most effective method of administering fee units across the wide range of Government legislation and will reduce burden for the department by removing the necessity for annual indexation amendments.

An additional amendment to the *Drugs Misuse Regulation 1987* will clarify that monitoring fees include travel time of officers undertaking the monitoring activity. This is consistent with full cost recovery of monitoring activities which the fee was intended to achieve.

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

The Amendment Regulation is mechanical in nature and hence is not inconsistent with the main objects of the authorising Acts.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with policy objectives expressed in other legislation.

## **Alternative ways of achieving policy objectives**

There are no alternative methods of achieving the policy objectives.

## **Benefits and costs of implementation**

The implementation of fee units will reduce the annual administrative burden on government associated with annual indexation of fees.

There are no other costs associated with this Amendment Regulation.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

Given its machinery nature, there was no external consultation on this Amendment Regulation.

The Department of Agriculture and Fisheries did not consult with the Office of Best Practice Regulation because the department determined that the proposal is excluded from further regulatory impact analysis under the Queensland Government Guide to Better Regulation on the basis of agency-assessed Category (a) – Regulatory proposals that make consequential amendments.