

# Exhibited Animals (Fees) Amendment Regulation 2024

Explanatory Notes for SL 2024 No. 108

made under the

*Exhibited Animals Act 2015*

## General Outline

### Short title

*Exhibited Animals (Fees) Amendment Regulation 2024*

### Authorising law

Sections 51, 87, 94, 98, 100, 105, 111, 124, 127 and 261 of the *Exhibited Animals Act 2015* (the Act)

### Policy objectives and the reasons for them

The objective is to ensure that government can provide adequate services to industry to ensure that exhibited animals are treated humanely in accordance with community expectations and ensure that exhibitors are managing the animal welfare risks and risks to the community associated with the exhibition of animals.

The *Exhibited Animals Regulation 2016* (the Regulation) made under the Act commenced on 1 July 2016 and includes provisions dealing with the granting, renewal, restoration, transfer and amendment of exhibition licences, interstate exhibitors permits, accreditations, temporary licences and monitoring and compliance functions associated with inspection services.

On its commencement the Regulation also included fees associated with these licensing functions and inspection services. However, a disallowance motion to the Regulation was tabled in Parliament on 17 June 2016 and subsequently passed on 17 August 2016, resulting in the disallowance of the Regulation's fees.

As a consequence of the successful disallowance motion, no fees for any of the functions and services provided for under the Act have been charged since 17 August 2016. It is estimated since August 2016 the Queensland Government has fully subsidised over \$500,000 to the industry in the provision of administrative services, licensing, monitoring and compliance functions.

## **Achievement of policy objectives**

The Amendment Regulation achieves the objective by prescribing fees for previously unfunded services and functions and will recover the Government's costs for service delivery to the exhibited animals industry into the future. The Fees prescribed by the Amendment Regulation will fund the Government's services to ensure that the risks associated with animal welfare, biosecurity and safety are being adequately managed.

The Amendment Regulation will also achieve the objective of ensuring that persons who exhibit animals are fulfilling their general exhibition and dealing obligations by prescribing fees to better enable monitoring and enforcement of compliance by industry.

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

The Amendment Regulation is consistent with the objectives of the Act to provide for exhibiting and dealing with exhibited animals and ensure the relevant risks and relevant adverse effects associated with exhibiting and dealing with exhibited animals are prevented or minimised.

The Amendment Regulation also includes a fee for an inspector to travel to and from a place to carry out an official assessment. Section 105(2) of the Act provides that the fee prescribed for official assessment must not be more than the reasonable cost of carrying out the assessment. The fee in item 10 of the proposed fee schedule makes no mention of reasonable cost and states a flat fee of 214.18 fee units and hence may be considered to not have regard to section 105(2) of the Act. However, taking into consideration all the associated costs associated with an inspector's travel, mostly to regional locations (such as hire vehicles, accommodation bookings, inspector's time, allowances etc), the travel cost associated with inspections would not be less than the fee unit prescribed and would often exceed this amount. As the fee unit prescribed represents at the very least the reasonable cost of travel to conduct an inspection, the fee unit is considered to align with section 105(2) of the Act.

The same applies to the fees in item 9 of the proposed fee schedule for official assessment inspections. A minimum of two inspectors will be present whilst undertaking inspection services. Due regard to section 105(2) of the Act has been considered and the fee units prescribed are reflective of the reasonable cost when factoring in the time for both inspectors undertaking inspections.

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

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

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

There are no feasible alternative ways to achieve the objectives other than through amendments to the *Exhibited Animals Regulation 2016*.

Not progressing these amendments would impact the Government's ability to maintain adequate services to the exhibited animals industry and potentially compromise the integrity of the industry and adversely affect the welfare of exhibited animals.

## **Benefits and costs of implementation**

The benefit of implementing the Amendment Regulation will be the ability of Government to adequately provide services to the exhibited animals industry through the ability to charge fees for its functions. There are no costs to Government to implement the Amendment Regulation. In fact the reverse would be true if the Amendment Regulation were not implemented, as the cost of services and functions the Government provides to the exhibited animals industry would continue to be funded from internal funding sources.

## **Consistency with fundamental legislative principles**

This Amendment Regulation is consistent with fundamental legislative principles as stated in the *Legislative Standards Act 1992* and has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

## **Consultation**

Consultation with the exhibited animals industry, relevant stakeholders and the wider community ran from 18 May to 15 June 2021.

In accordance with *The Queensland Government Better Regulation Policy* (the Policy), an Impact Analysis Statement (IAS) has been prepared identifying an increase in regulatory burden. However, this increase is a result of no fees being charged since 2016. The IAS notes that other than a unanimous request to delay implementation until 2023, there were no significant concerns with the proposed fee schedule. Any further delay of implementation via additional impact analysis process and consultation may be perceived as misuse of Queensland Government funding and subject the Department of Agriculture and Fisheries to scrutiny. The proposed amendment will align with the Queensland Government's fee-for-service delivery model and are estimated to be less than 1% of industry total expenditure. This is unlikely to result in significant adverse impacts and no further regulatory impact analysis is required under the Policy.