

Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries, provide this human rights certificate with respect to the *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020* made under the following Acts:

- *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.*

In my opinion, the *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020* (the Amendment Regulation), as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020* is authorised by the following acts:

- 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.*

The Amendment Regulation makes amendments to allow for the annual indexation of the regulatory fees and charges within the Agricultural Industry Development and Fisheries portfolio by the Government Indexation Rate of 1.80 per cent for the financial year 2020-21.

The fees and charges increased by the Amendment Regulation 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.*

Fees for the Stocked Impoundment Permit Scheme (SIPS) in the *Fisheries (General) Regulation 2019* 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 the financial year 2021-22.

Increases to fees and charges in the *Food Production (Safety) Regulation 2014* will commence on 1 January 2021. 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 under subordinate legislation within the Agricultural Industry Development and Fisheries portfolio will commence on notification.

The Amendment Regulation also contains a number of minor supporting and clarifying amendments that relate to the fee indexation.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, this subordinate legislation does not engage or limit any human rights protected under the *Human Rights Act 2019*.

Conclusion

I consider that the *Agriculture and Fisheries Legislation (Fees) Amendment Regulation 2020* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

Mark Furner MP
Minister for Agricultural Industry
Development and Fisheries