

Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Report No. 13, 56th Parliament

Subordinate legislation tabled between 2 May and 12 June 2018

1 Aim of this report

This report summarises the committee’s findings following its examination of the subordinate legislation within its portfolio areas tabled between 2 May and 12 June 2018. It reports on issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
62	Health Legislation (Fees) Amendment Regulation 2018	12 June 2018	17 October 2018

2.1 Health Legislation (Fees) Amendment Regulation 2018

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

- the *Ambulance Service Act 1991*, in relation to ambulance services such as emergency and non-emergency transport, ambulance attendance and for the treatment of a person by an ambulance officer
- the *Food Act 2006*, in relation to prescribed fees and charges for application and renewal of approvals as an auditor
- the *Health Act 1937*, in relation to applications for an endorsement, or renewal of a drug licence, poison licence, treatment approval or wholesale representative licence, and fees for the analysis of a drug or article by an analyst
- the *Pest Management Act 2001*, in relation to pest management licence fees
- the *Private Health Facilities Act 1999*, in relation to prescribed fees for approvals and licences to operate a private health facility
- the *Radiation Safety Act 1999*, in relation to possession, use, transport and related licences and approvals.

The main objective of the amendment regulation is to index the fees and charges prescribed in regulations made under the above Acts, in accordance with government policy.

The amendment regulation does not introduce new fees or charges.

The objective of this regulation is to index fees and charges already administered by Queensland Health and prescribed in the following regulations:

- Ambulance Service Regulation 2015
- Food Regulation 2016

- Health (Drugs and Poisons) Regulation 1996
- Health Regulation 1996
- Pest Management Regulation 2003
- Private Health Facilities Regulation 2016
- Radiation Safety Regulation 2010

In accordance with the *Queensland Government Principles for Fees and Charges*,¹ agencies are required to maintain the value of their fees and charges over time. Where there has been no review or no specific indexation method approved, agencies are required to annually apply the government endorsed indexation factor to their fees and charges. The current government endorsed indexation factor is 3.5 per cent.²

In some instances the indexation is slightly higher than 3.5 per cent. The explanatory notes state that, in accordance with the *Queensland Government Principles for Fees and Charges*, a rounding policy has been applied.³

The increased fees took effect on 1 July 2018 for the Ambulance Service Regulation 2018, and on 1 October 2018 for the remaining regulations.⁴

3 Committee consideration of the subordinate legislation

The committee has examined the policy to be given effect by the subordinate legislation and its lawfulness. The committee identified no issues regarding consistency with fundamental legislative principles (FLPs).

The explanatory notes tabled with the regulations generally comply with part 4 of the *Legislative Standards Act 1992*.

4 Recommendation

The committee recommends that the House notes this report.



Aaron Harper MP

Chair

October 2018

Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Chair	Mr Aaron Harper MP, Member for Thuringowa
Deputy Chair	Mr Mark McArdle MP, Member for Caloundra
Members	Mr Michael Berkman MP, Member for Maiwar
	Mr Marty Hunt MP, Member for Nicklin
	Mr Barry O'Rourke MP, Member for Rockhampton
	Ms Joan Pease MP, Member for Lytton

¹ Queensland Treasury, *Queensland Government Principles for Fees and Charges*, January 2018.

² Explanatory notes, p 1.

³ Explanatory notes, p 2.

⁴ Explanatory notes, p 2.