

# Exhibited Animals Act 2015 fees

## QUESTIONS & ANSWERS



### **Will the Department limit applications submitted in bulk prior to commencement of fees?**

The Department recognises that industry members may submit multiple amendment applications in an effort to reduce potential future costs.

The Department asks that the industry consider fellow industry members that may have legitimate applications delayed due to resource diversions for amendment applications that are not required in the immediate future. When comparing ongoing costs associated with the acquisition of an animal, the amendment fee is an affordable fee that has been reduced and restructured to reflect associated animal category risks.

### **Why do fees need to be charged?**

The Queensland Government has a principle that individuals and groups who benefit from the provision of a good, product or service should pay for it. The beneficiaries of goods and services for which charges are made should be identified to assist in making decisions on how these groups can best be charged.

The legislation and provision of licences provides safeguards to authority holders and the industry in general. The Department undertakes monitoring and compliance to ensure authority holders are mitigating relevant risks (biosecurity, animal welfare and public safety risks) and relevant adverse effects (animal welfare, human health and safety, social amenity, the economy, the environment). By mitigating these risks and adverse effects the industry continues to be viable and robust. Fair and transparent regulation of the exhibited animal industry also provides confidence to the broader community about the exhibiting and dealing with exhibited animals. The Department's role is to ensure the industry undertakes activities in accordance with legislative requirements.

### **Who makes the final decision on fees?**

The Department's role in the fee consultation process is to present the proposed fees to the industry and broader community for feedback. Feedback will be collated and provided to the Queensland Government for consideration in making a final decision.

### **How were amendment fees calculated?**

Excluding the amendment fee, the proposed fee schedule is very similar to the fee schedule that was disallowed on 17 August 2016.

The disallowed amendment fee provided the greatest concern for industry due to the scale of the increase in comparison to the very low cost of amendment fees applied under the repealed legislation (*Nature Conservation Act 1992* and *Land Protection (Pest and Stock Route Management) Act 2002*).

The proposed amendment fees increase in accordance with the animal risk category and have been calculated based on:

- Cost recovery of services provided to the industry including average timeframes for assessment of the different types of applications and associated risks.
- Average staff costs across various levels.
- Average time it takes to assess an application excluding general administration, requests for information and general industry communications.

**We thought all fees had to be at cost recovery, why are these fees lower?**

The Department has reduced the proposed amendment fees by reducing the timeframes for assessment by:

- Charging for the average time it takes to assess an application excluding general administration, requests for information and general industry communications.
- Developing forms and templates for the industry that request only relevant information required to conduct an assessment, which streamlines the process.
- Providing fact sheets and other general information ensuring applicants are aware of their application requirements prior to applying.

**Industry were unhappy with the previous amendment fee, has this fee reduced?**

The previous amendment fee (disallowed fee) provided the greatest concern for industry due to the scale of the increase in comparison to the very low cost of amendment fees applied under repealed legislation (*Nature Conservation Act 1992* and *Land Protection (Pest and Stock Route Management) Act 2002*) and the uncertainty regarding application of these fees to major and minor amendments to an authority. The Department proposes to address these concerns by:

- reducing the overall fee proposed to be applied to amendments, compared to the previous amendment fee scale
- scaling the amendment fee in accordance with associated risks of exhibiting and dealing with a species, requiring a higher fee for high-risk species such as non-indigenous species and lower fees for low-risk species
- providing clear guidance regarding the application of amendment fees.

### **Does the fee have to be paid on application and is it non-refundable?**

The proposed fee structure will include that:

- fees must be paid on application
- fees paid on application are non-refundable
- if an application is refused the associated fees are not refunded.

### **What if my application is withdrawn?**

If an application is deemed withdrawn in accordance with section 52 of the Act, it is proposed that the associated fees are not refunded.

*Note: Withdrawal includes:*

- *voluntary withdrawal*
- *withdrawal due to no response received from the Department's Request for Information process.*

### **Can we reduce the audit/inspection fees?**

- The proposed fees for audit/inspection services are consistent with other Queensland Government legislated inspection service fees.
- An inspection may not necessarily be conducted at every renewal (renewal required every 3 years).
- An inspection may not necessarily be conducted with every amendment application.

### **If we require an inspection will we be charged the inspection rate per inspector?**

The inspection rate is charged per inspection rather than per inspector that attends the inspection.

### **Why do I have to pay for staff to come and conduct an inspection?**

The charging of fees is in accordance with the Queensland Government requirement for cost recovery of services to ensure that adequate monitoring and compliance is afforded. Site visits carried out at a licensed premises or other particular place are conducted to ensure monitoring and compliance in accordance with legislative requirements. This is an important tool that aids industry by ensuring:

- legislative requirements are met
- members of the public have confidence in the industry and are assured that in the event of any licence related issues arising, action is taken and adequate resolution to the issue is applied.

**I only have one species and do not charge for my services; will I still have to pay fees?**

Yes. It is proposed that new applicant, renewal or restoration fees are not applied according to the number of animals held or whether the licence holder charges a fee for their service. The proposed fees will be set by legislation which means that all associated fees apply to any business or person exhibiting and dealing with animals under the *Exhibited Animals Act 2015*, regardless of animal numbers held or commercial gain.

**What determines whether the Department will conduct an inspection?**

The decision to inspect is at the discretion of the Department and must be in accordance with *Exhibited Animals Act 2015* requirements. There are several reasons why the Department may be required to conduct an inspection and may include:

- on application for renewal of an Exhibition Licence
- ongoing monitoring and compliance
- in response to a complaint submitted to the Department
- in response to a serious incident or significant change occurrence
- to assess compliance with an Exhibited Animal Direction
- an Official Assessment as a result of an amendment application.

**When would the Department charge a fee for an inspection:**

Fees **may** apply for:

- grant of an exhibition licence application, a renewal, restoration, or an amendment
- if the authority holder is given an exhibited animal direction and an inspection is required to monitor compliance with the direction.

**I have an application for decision currently with the Department, will I be charged the associated fee if fees are introduced after I made my application?**

If you have already submitted an application to the Department prior to the commencement of fees you will not be charged the proposed fee.

The Department is currently consulting with industry, relevant stakeholders and the broader community regarding the proposed fee structure. This process could take some time to finalise.

**What if I do not pay the fee associated with my application?**

On commencement of regulated fee, they become a mandatory requirement and must be applied to applications where specified in the *Exhibited Animals Act 2015*.

Once fees are approved, the Department will be unable to process applications without the relevant applicable fee. If an authority holder does not intend on paying the associated application fee, the application cannot be processed.

If the application was to renew or restore a licence, this would mean that on expiry of the renewal or restoration period, the authority holder would no longer be permitted to exhibit and deal with animals listed on the authority.

**How will I know when I have to pay fees?**

On approval of a fee schedule, the Department will notify the industry and relevant stakeholders via email.

The announcement will also be published on relevant webpages such as the Exhibited Animals webpages.

