

Policy

Application of fees under the *Exhibited Animals Act 2015*

Exhibited Animals Act 2015

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The Department of Agriculture and Fisheries proudly acknowledges all First Nations peoples (Aboriginal peoples and Torres Strait Islanders) and the Traditional Owners and Custodians of the country on which we live and work. We acknowledge their continuing connection to land, waters and culture and commit to ongoing reconciliation. We pay our respect to their Elders past, present and emerging.

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1 Policy statement

This policy details the Department of Agriculture and Fisheries position for the application of fees and charges under the *Exhibited Animals Act 2015* (Act). Fees and charges are made pursuant to the Queensland Treasury Principles for Fees and Charges and are subject to the annual Government Indexation Rate (GIR). Fees are applied in accordance with prescribed criteria under the Act and are listed in accordance with this criterion as fee units under schedule 3 of the *Exhibited Animals Regulation 2016* (Regulation). Where GIR is applied, the relevant GIR rate for each fee unit will take effect annually from 1 July.

2 Application fees

The Act denotes circumstances for when a fee will be charged. Fees are charged on submission of an application that relates to an authority or an accreditation for private assessment. Section 30 of the Act identifies an authority as an exhibition licence, interstate exhibitors permit or temporary authority. Generally, fees are charged for all circumstances that relate to the requirement to submit an application in the approved form. This includes applications associated with a request to grant, renew, restore, amend, transfer or, obtain a copy of the authorities register. Each fee and the relevant circumstance for fee application is recorded within the fee schedule set out in the Regulation. Respective application fees must be paid on submission of an application under the Act. Applicants are required to pay the accompanying application fee at the time of application submission using the department's [online application portal](#). Each application will record the respective fee and payment will be required during completion of the form, prior to final submission via the online portal. Application forms submitted without the required fee are deemed incomplete applications and will not be processed. If an applicant has accidentally paid an incorrect fee, and endeavours to immediately rectify the issue within a period agreed to by the department, the application processing time will not commence until the required fee is paid. If the required fee is not paid by the agreed date, the application will be deemed withdrawn or refused. All application fees are non-refundable, this includes circumstances where the applicant has withdrawn the application, the application is deemed withdrawn or a decision has been made by the respective delegate to refuse to grant an application.

3 Inspection services

There are a number of circumstances where an appointed Inspector under the Act may carry out an inspection that requires the payment of a fee. Inspections and associated rates apply to authorities with a status of current, within the restorative period, or on application as a new applicant. Inspection rates are charged at the relevant rate stated within the Regulation and applied where an inspection is conducted for an official assessment (application) or an official assessment (follow-up). Official assessment (application) or official assessment (follow-up) inspections are carried out to assess a person's compliance, or likely compliance with the Act.

3.1 Official assessment (application)

Official assessment (application) inspections are undertaken in circumstances where an applicant has submitted an application for the grant, renewal, restoration, or amendment, including a special exhibition approval for an exhibition licence. The chief executive or their delegate may request an inspection on receipt of an application. In the event that an applicant does not agree to an official assessment (application) inspection, the application is taken to have been withdrawn and the relevant application fee will not be refunded. It is important to note that inspections of this nature are carried out to aid the department's decision-making process. The undertaking of an official assessment (application) does not guarantee an application will result in the decision to grant the application.

3.2 Official assessment (follow-up)

Inspectors will carry out inspections that relate to an animal, enclosure, or place where an authorised animal is, or is expected to be exhibited or dealt with, to assess compliance aspects against Act requirements. An Exhibited Animal Direction (Direction) may be issued by an Inspector at any time during an inspection that has occurred in accordance with prescribed criteria under the Act. An official assessment (follow-up) inspection may be undertaken as a result of a Direction being issued to an authority holder. The official assessment (follow-up) inspection may be carried out within one year of a Direction being issued.

3.3 Inspections - payment of fees

On finalisation of the official assessment (application) or (follow-up) inspection, the appointed Inspector undertaking the inspection will calculate the relevant fee that will be issued to the applicant or authority holder (responsible person). Payment of the fee will be required by the stated due date recorded on the respective invoice. It is important to note that if not paid by the stated due date, the chief executive or their delegate may recover the fee from the responsible person, as a debt payable to the state of Queensland. In addition, the Act provides for the cancellation or suspension of an authority in circumstances where the authority holder has not paid a fee or other amount payable to the chief executive, that relates to the authority.

4 Exhibited Animals Regulation 2016 – fee units

The Act prescribes the circumstances for when a fee is charged, and each respective fee is recorded in the Regulation. The Queensland Government records regulatory fees under a fee unit model. This means that all fees are recorded in the Regulation as a fee unit rather than a dollar amount, with the fee unit value prescribed in the *Acts Interpretation Act 1954* (AIA). The department calculates each required fee in accordance with the Regulation fee unit, the prescribed fee unit value recorded in the AIA and lists each fee for the relevant financial year period on the Department of Agriculture and Fisheries [fee page](#).

5 Human rights considerations

This policy has been reviewed to ensure actions and decisions under this policy can be made in a way that is compatible with the *Human Rights Act 2019*.

6 Related and reference documents

Related reference material including defined terms in the Act and Regulation may be acquired from the department's website at <https://www.business.qld.gov.au/>

Additional reference documents include

- *Exhibited Animals Regulation 2016*
- *Exhibited Animals Act 2015*
- *Additional policy: [Qld Government Publication Portal](#)*