

# Justice Legislation (Fees) Amendment and Repeal Regulation (No.1) 2014

Explanatory notes for SL 2014 No. 128

made under the

*Appeal Costs Fund Act 1973*  
*Associations Incorporation Act 1981*  
*Births, Deaths and Marriages Registration Act 2003*  
*Body Corporate and Community Management Act 1997*  
*Building Units and Group Titles Act 1980*  
*Casino Control Act 1982*  
*Charitable and Non-Profit Gaming Act 1999*  
*Collections Act 1966*  
*Cooperatives Act 1997*  
*Coroners Act 2003*  
*Dispute Resolution Centres Act 1990*  
*Electoral Act 1992*  
*Electrical Safety Act 2002*  
*Evidence Act 1977*  
*Funeral Benefit Business Act 1982*  
*Gaming Machine Act 1991*  
*Information Privacy Act 2009*  
*Interactive Gambling (Player Protection) Act 1998*  
*Introduction Agents Act 2001*  
*Jury Act 1995*  
*Justices Act 1886*  
*Justices of the Peace and Commissioners for Declarations Act 1991*  
*Keno Act 1996*  
*Land Court Act 2000*  
*Land Sales Act 1984*  
*Legal Profession Act 2007*  
*Liquor Act 1992*  
*Lotteries Act 1997*  
*Partnership Act 1891*  
*Penalties and Sentences Act 1992*  
*Personal Property Securities (Ancillary Provisions) Act 2010*  
*Property Agents and Motor Dealers Act 2000*  
*Property Law Act 1974*  
*Prostitution Act 1999*  
*Queensland Civil and Administrative Tribunal Act 2009*  
*Recording of Evidence Act 1962*  
*Relationships Act 2011*  
*Retail Shop Leases Act 1994*  
*Right to Information Act 2009*  
*Second-hand Dealers and Pawnbrokers Act 2003*

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*Security Providers Act 1993*  
*Status of Children Act 1978*  
*Supreme Court of Queensland Act 1991*  
*Tattoo Parlours Act 2013*  
*Tourism Services Act 2003*  
*Wagering Act 1998*  
*Wine Industry Act 1994*  
*Work Health and Safety Act 2011*

## **General Outline**

### **Short title**

*Justice Legislation (Fees) Amendment and Repeal Regulation (No. 1) 2014*

### **Authorising law**

Section 26 of the *Appeal Costs Fund Act 1973*  
Section 134 and 135 of the *Associations Incorporation Act 1981*  
Section 56 of the *Births, Deaths and Marriages Registration Act 2003*  
Sections 319 and 322 of the *Body Corporate and Community Management Act 1997*  
Section 134 of the *Building Units and Group Titles Act 1980*  
Section 127 of the *Casino Control Act 1982*  
Section 186 of the *Charitable and Non-Profit Gaming Act 1999*  
Section 47 of the *Collections Act 1966*  
Section 468 of the *Cooperatives Act 1997*  
Section 99 of the *Coroners Act 2003*  
Section 41 of the *Dispute Resolution Centres Act 1990*  
Section 392 of the *Electoral Act 1992*  
Section 210 of the *Electrical Safety Act 2002*  
Section 135 of the *Evidence Act 1977*  
Section 88 of the *Funeral Benefit Business Act 1982*  
Section 366 of the *Gaming Machine Act 1991*  
Section 201 of the *Information Privacy Act 2009*  
Section 263 of the *Interactive Gambling (Player Protection) Act 1998*  
Section 99 of the *Introduction Agents Act 2001*  
Section 74 of the *Jury Act 1995*  
Section 266 of the *Justices Act 1886*  
Section 40 of the *Justices of the Peace and Commissioners for Declarations Act 1991*  
Section 243 of the *Keno Act 1996*  
Section 78 of the *Land Court Act 2000*  
Section 36 of the *Land Sales Act 1984*  
Section 715 of the *Legal Profession Act 2007*  
Section 235 of the *Liquor Act 1992*  
Section 228 of the *Lotteries Act 1997*  
Section 120 of the *Partnership Act 1891*  
Section 196 of the *Penalties and Sentences Act 1992*  
Section 9 of the *Personal Property Securities (Ancillary Provisions) Act 2010*

Section 600 of the *Property Agents and Motor Dealers Act 2000*  
Section 351 of the *Property Law Act 1974*  
Section 140 of the *Prostitution Act 1999*  
Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*  
Section 13 of the *Recording of Evidence Act 1962*  
Section 36 of the *Relationships Act 2011*  
Section 121 of the *Retail Shop Leases Act 1994*  
Section 193 of the *Right to Information Act 2009*  
Section 115 of the *Second-hand Dealers and Pawnbrokers Act 2003*  
Section 54 of the *Security Providers Act 1993*  
Section 32 of the *Status of Children Act 1978*  
Section 92 of the *Supreme Court of Queensland Act 1991*  
Section 70 of the *Tattoo Parlours Act 2013*  
Section 100 of the *Tourism Services Act 2003*  
Section 312 of the *Wagering Act 1998*  
Section 62 of the *Wine Industry Act 1994*  
Section 276 of the *Work Health and Safety Act 2011*

## **Policy objectives and the reasons for them**

### Indexation of fees, charges and other prescribed amounts

The Department of Justice and Attorney-General (DJAG) is responsible for administering a wide range of statutes including those listed above and the delivery of services for Queenslanders pertaining to those responsibilities. To facilitate its provision of services, a number of regulations administered by DJAG prescribe fees, charges and other amounts.

In accordance with the Queensland Government Principles for Fees and Charges, December 2012 (the Fees and Charges Principles), agencies are required to set fees and charges to accurately reflect the cost of providing their services and to ensure these fees and charges maintain their value over time. Where regular comprehensive review of fees and charges is not cost effective or no specific indexation method has been approved by the Cabinet Budget Review Committee, agencies are required to apply the Government endorsed indexation factor, currently 3.5%.

The primary objective of the *Justice Legislation (Fees) Amendment and Repeal Regulation (No. 1) 2014* (the Amendment Regulation) is to index DJAG fees and charges in accordance with the Fees and Charges Principles. It also indexes other prescribed amounts to maintain their relative value.

Consistent with previous years, certain application fees under the *Queensland Civil and Administrative Tribunal Regulation 2009* are increased by more than the Government endorsed indexation factor. This higher increase is the result of a staged standardisation of application fees commenced following the amalgamation of various tribunals to form the Queensland Civil and Administrative Tribunal (QCAT).

Under section 63 of the *Jury Act 1995* jurors are entitled to allowances and remuneration as prescribed under a regulation. Juror allowances and remuneration are reviewed annually and adjusted on the basis of movements in the Consumer Price Index (CPI).

The Amendment Regulation also makes amendments to ensure ongoing accuracy and relevance of DJAG fee provisions by repealing redundant provisions and correcting minor drafting errors.

## **Achievement of policy objectives**

The main policy objective of the Amendment Regulation is achieved by the indexation of the prescribed DJAG fees and charges in accordance with the Fees and Charges Principles, and the Government endorsed indexation factor of 3.5%.

The Amendment Regulation also increases various other prescribed amounts in line with the Government endorsed indexation factor, for example, witness and interpreter allowances under the *Uniform Civil Procedure (Fees) Regulation 2009* and the offender levy prescribed in section 8A of the *Penalties and Sentences Regulation 2005*. In accordance with the Fees and Charges Principles, a rounding policy, developed in consultation with Queensland Treasury and Trade, has been applied.

A small number of DJAG fees and charges have not been indexed, for example, because they are part of a separate regulatory review which is near completion.

The Amendment Regulation also increases:

- the fees prescribed for certain applications and referrals under the *Queensland Civil and Administrative Tribunal Regulation 2009* as part of a staged approach to standardising QCAT fees; and
- the juror remuneration and allowances and the associated fee payable for a jury in civil cases based on a CPI increase of 2.6% .

The Amendment Regulation also repeals the *Personal Property Securities (Ancillary Provisions) Regulation 2011* which is now redundant. It also makes amendments of a clarifying or drafting nature. This includes an amendment so the fee under the *Gaming Machine Regulation 2001* for an application to relocate a gaming machine area applies as a set fee rather than as a fee per machine. This is consistent with other application fees which relate to the operation of the licensed premises rather than the number of gaming machines on the premises. Another amendment makes it clear when corporations can apply for a reduced fee under the *Uniform Civil Procedure (Fees) Regulation 2009*. This reinforces the original policy position of promoting consistency with the Federal Court for proceedings under the *Corporations Act 2001* and *Admiralty Act 1988*.

All amendments take effect on 1 July 2014.

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

The Regulation is consistent with the main policy objectives of each of the authorising laws, that is, to ensure the various regulations prescribe appropriate fees, charges and other prescribed amounts which retain their relative value over time.

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

The Regulation is not inconsistent with policy objectives of other legislation.

## **Benefits and costs of implementation**

The Regulation will ensure that DJAG's fees, charges and other prescribed amounts retain their value over time. The Regulation will not substantially increase the financial burden on the community.

There are no anticipated implementation costs associated with the amendments.

## **Consistency with fundamental legislative principles**

The Regulation does not conflict with the fundamental legislative principles.

The increase in certain QCAT fees above the Government endorsed indexation factor is justified by the need to standardise certain fees following the amalgamation of tribunals in QCAT.

## **Consultation**

The Queensland Competition Authority's Office of Best Practice Regulation (OBPR) has been consulted with regard to the obligations imposed under the Regulatory Impact Statement (RIS) System. OBPR has advised that a RIS is not required.