

Justice Legislation (Fees) Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 53

made under the

Agents Financial Administration Act 2014
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
Debt Collectors (Field Agents and Collection Agents) Act 2014
Dispute Resolution Centres Act 1990
Electoral Act 1992
Evidence Act 1977
Funeral Benefit Business Act 1982
Gaming Machine Act 1991
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
Legal Profession Act 2007
Liquor Act 1992
Lotteries Act 1997
Motor Dealers and Chattel Auctioneers Act 2014
Partnership Act 1891
Penalties and Sentences Act 1992
Property Law Act 1974
Property Occupations Act 2014
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
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

General Outline

Short title

Justice Legislation (Fees) Amendment Regulation (No. 1) 2015

Authorising law

Section 135 and 153 of the *Agents Financial Administration Act 2014*
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 150 of the *Debt Collectors (Field Agents and Collection Agents) Act 2014*
Section 41 of the *Dispute Resolution Centres Act 1990*
Section 392 of the *Electoral Act 1992*
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 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*
Sections 181 and 715 of the *Legal Profession Act 2007*
Section 235 of the *Liquor Act 1992*
Section 228 of the *Lotteries Act 1997*
Section 236 of the *Motor Dealers and Chattel Auctioneers Act 2014*
Section 120 of the *Partnership Act 1891*
Section 196 of the *Penalties and Sentences Act 1992*
Section 351 of the *Property Law Act 1974*
Section 236 of the *Property Occupations Act 2014*
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*

Policy objectives and the reasons for them

The Department of Justice and Attorney-General (DJAG) administers a wide range of statutes, including those listed above. A number of regulations made under that legislation prescribe fees, charges and other amounts.

The *Queensland Government Principles for Fees and Charges*, December 2012 (the Fees and Charges Principles) requires agencies to set fees and charges to accurately reflect the cost of providing their services and ensure these fees and charges maintain their value over time. Where a regular comprehensive review of fees and charges is not cost effective or no specific indexation method has been otherwise 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%.

The objective of the *Justice Legislation (Fees) Amendment Regulation (No. 1) 2015* (the Amendment Regulation) is to index the majority of DJAG's fees and charges in accordance with the Fees and Charges Principles. The Amendment Regulation also indexes some other prescribed amounts, 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*, by the same rate, to ensure they maintain their relative value.

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 also reviewed annually. These amounts are adjusted on the basis of movements in the Consumer Price Index (CPI), which is 2.0% in line with Brisbane All-Groups Consumer Price Index for the year to December 2014.

Achievement of policy objectives

The objective of the Amendment Regulation is achieved by making amendments to the regulations made under the legislation listed above, to index the majority of DJAG administered fees and charges in accordance with the Fees and Charges Principles, using 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, has been applied.

A small number of DJAG administered fees and charges have not been indexed for a range of reasons including, for example, because the existing fee is below a value for the indexation factor to result in any actual increase, or because they are the subject of a separate review process.

All amendments take effect on 1 July 2015.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main policy objectives of each of the authorising laws.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Amendment Regulation will ensure that the relevant DJAG administered fees, charges and other prescribed amounts retain their value over time. The Amendment 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 Amendment Regulation does not conflict with the fundamental legislative principles.

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.