

Justice Legislation (Fees) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 72

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
Civil Partnerships Act 2011
Collections Act 1966
Cooperatives Act 1997
Coroners Act 2003
Criminal Code Act 1899
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
Queensland Civil and Administrative Tribunal Act 2009
Recording of Evidence Act 1962
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 Industry Act 2013
Tourism Services Act 2003
Wagering Act 1998
Wine Industry Act 1994
Working with Children (Risk Management and Screening) Act 2000

General Outline

Short title

Justice Legislation (Fees) Amendment Regulation 2018

Authorising law

Section 153 of the *Agents Financial Administration Act 2014*
Section 26 of the *Appeal Costs Fund Act 1973*
Sections 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 36 of the *Civil Partnerships Act 2011*
Section 47 of the *Collections Act 1966*
Section 468 of the *Cooperatives Act 1997*
Section 99 of the *Coroners Act 2003*
Section 708 of the *Criminal Code Act 1899*
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*
Section 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 242 of the *Queensland Civil and Administrative Tribunal Act 2009*
Section 13 of the *Recording of Evidence Act 1962*
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 Industry 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 401 of the *Working with Children (Risk Management and Screening) Act 2000*

Policy objectives and the reasons for them

The Department of Justice and Attorney-General (DJAG) is responsible for the administration of various legislation which provides for the prescription of fees, charges, remuneration and allowances.

The Queensland Treasury *Principles for Fees and Charges, January 2018* (Queensland Treasury Principles) require agencies to set fees and charges to accurately reflect the full cost of providing their services. Agencies are required to have processes in place to ensure the fees and charges maintain their value over time. Because a regular comprehensive review of fees and charges is not cost effective or, no specific indexation method has been otherwise approved, DJAG applies annual indexation in line with the current Government indexation policy as advised by Queensland Treasury. The Government endorsed indexation factor is 3.5%.

Juror allowances and remuneration and prosecution witness allowances are also increased by the Consumer Price Index (CPI). The Brisbane All-Groups CPI for the year to December 2017 is 1.9%.

In accordance with the Queensland Treasury Principles, a consistent rounding policy is applied to the annual increases which ensures that the amounts are increased generally, to the nearest coinable amount.

Achievement of policy objectives

The main objective of the *Justice Legislation (Fees) Amendment Regulation 2018* (the Amendment regulation) is to index DJAG's fees and charges for the statutes listed above in accordance with the Queensland Treasury Principles and by the Government endorsed indexation factor of 3.5% (taking into account the rounding policy consistent with Queensland Treasury Principles).

The Amendment regulation further increases allowances provided for in the listed statutes by 1.9% (taking into account the rounding policy consistent with Queensland Treasury Principles), to reflect movements in the CPI.

The Amendment regulation also indexes the offender levy under the *Penalties and Sentences Regulation 2015* in line with the Government endorsed indexation factor of 3.5%.

All amendments will take effect on 1 July 2018.

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 consistent 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 are maintained over time. It will further ensure that the relevant DJAG administered allowances are increased by the Brisbane All-Groups CPI.

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 is consistent with fundamental legislative principles.

Consultation

The Amendment regulation is excluded from the Regulatory Impact Analysis system on the basis it is a regulatory proposal that puts forward standard annual fee variations in line with or below a government endorsed indexation factor.