

Housing and Public Works Legislation (Fees) Amendment Regulation 2020

Explanatory notes for Subordinate Legislation 2020 No.119

made under the

Architects Act 2002

Building Act 1975

Building Industry Fairness (Security of Payment) Act 2017

Housing Act 2003

Plumbing and Drainage Act 2018

Professional Engineers Act 2002

Queensland Building and Construction Commission Act 1991

Residential Services (Accreditation) Act 2002

Residential Tenancies and Rooming Accommodation Act 2008

Retirement Villages Act 1999

General outline

Short title

Housing and Public Works Legislation (Fees) Amendment Regulation 2020

Authorising law

Section 143 of the *Architects Act 2002*

Section 261 of the *Building Act 1975*

Section 201 of the *Building Industry Fairness (Security of Payment) Act 2017*

Section 101 of the *Housing Act 2003*

Section 157 of the *Plumbing and Drainage Act 2018*

Section 144 of the *Professional Engineers Act 2002*

Section 116 of the *Queensland Building and Construction Commission Act 1991*

Section 184 of the *Residential Services (Accreditation) Act 2002*

Section 241 of the *Residential Tenancies and Rooming Accommodation Act 2008*

Section 228 of the *Retirement Villages Act 1999*

Policy objectives and the reasons for them

The Department of Housing and Public Works (DHPW) administers various Acts which provide for the prescription of fees and charges.

Queensland Treasury's Principles for Fees and Charges, January 2018 (Principles for Fees and Charges) requires agencies to set regulated fees to reflect the cost of providing their services and ensure the fees are maintained over time. The Principles

for Fees and Charges provide that where regular comprehensive review is not cost effective or no specific indexation method was approved by Cabinet Budget Review Committee, agencies should apply the Government indexation rate for fees.

The Government indexation rate for 2020-21 is 1.8%.

The objective of the Regulation is to increase fees prescribed in the following regulations by 1.8% in accordance with the current Government indexation rate:

- *Architects Regulation 2019;*
- *Building Industry Fairness (Security of Payment) Regulation 2018;*
- *Building Regulation 2006;*
- *Housing Regulation 2015;*
- *Plumbing and Drainage Regulation 2019;*
- *Professional Engineers Regulation 2019;*
- *Queensland Building and Construction Commission Regulation 2018;*
- *Residential Services (Accreditation) Regulation 2018;*
- *Residential Tenancies and Rooming Accommodation Regulation 2009;* and
- *Retirement Villages Regulation 2018.*

Achievement of policy objectives

The amendments will achieve the objectives of ensuring the prescribed fees adhere to the Principles for Fees and Charges which requires all government departments apply the Government indexation rate to increase the fees in regulations by 1.8% from 1 July 2020.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objectives of the authorising laws.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

This Regulation is the only effective means of achieving government policy.

Benefits and costs of implementation

Implementation of the Regulation will ensure the fees administered by the Department of Housing and Public Works are in line with government policy.

The Regulation will not substantially increase the financial burden on the community.

The costs to government associated with implementation of the increased fees are minor administrative costs. These are not considered to be significant and will be funded by existing budget allocations.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (h) - Regulatory proposals that put forward standard annual fee variations in line with or below a government endorsed indexation factor).