

Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 143

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

General Outline

Short title

Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2020

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*
Sections 450F and 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*

Policy objectives and the reasons for them

The Department of Justice and Attorney-General (DJAG) administers various Acts which provide for the prescription of fees and charges, remuneration and allowances.

Queensland Treasury's *Principles for Fees and Charges* policy, January 2020 (Principles for Fees and Charges) requires agencies to set fees and charges to reflect the cost of providing their services and ensure the fees maintain their value over time. The Principles for Fees and Charges permits regulated fees and allowances to be rounded, generally to the nearest coinable amount.

Where it is not cost-effective to conduct a comprehensive review of regulated fees, a specific indexation method has been approved by the Cabinet Budget Review Committee, the Principles for Fees and Charges provide that agencies are to apply the current government indexation policy. Queensland Treasury has advised that a Government indexation rate (GIR) of 1.8% is to be applied for the 2020-2021 financial year for any fees and charges subject to the Principles for Fees and Charges.

Queensland Treasury has approved amounts for allowances and remuneration to be indexed in accordance with the Brisbane All-Groups Consumer Price Index (CPI) for the year to March 2020 of 1.8%. The CPI increase will apply to allowances and remuneration applying to jurors, witnesses, interpreters, animal valuers and the fee for a jury in civil cases.

Achievement of policy objectives

The main objective of the *Justice Legislation (Fees, Allowances and Other Amounts) Amendment Regulation 2020* (Amendment Regulation) is achieved by amending certain subordinate legislation administered by DJAG to apply the GIR of 1.8% to regulated fees and charges. The offender levy under the *Penalties and Sentences Regulation 2015* is also indexed in line with the GIR of 1.8%.

The Amendment Regulation also increases the amounts for allowances and remuneration by amending certain subordinate legislation administered by DJAG by the CPI of 1.8%.

Indexed fees, charges and other prescribed amounts have been rounded in accordance with the Principles for Fees and Charges or otherwise adjusted where required for administrative purposes.

The Amendment Regulation will remove an obsolete fee for *supplying a certificate as to the correctness of a matter in the register* prescribed under Schedule 1 of the *Queensland Civil and Administrative Tribunal Regulation 2019* (QCAT Regulation).

The Amendment Regulation also makes some other minor technical amendments and to reflect current drafting convention.

All amendments in the Amendment Regulation will commence on 10 August 2020.

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 ensures that the relevant DJAG administered regulated fees and charges are maintained over time. It will further ensure that the relevant DJAG administered remuneration and allowances are increased by the Brisbane All-Groups CPI.

Any costs, although these are expected to be minimal, arising from implementation will be met from existing departmental resources.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

In accordance with the *Queensland Government Guide to Better Regulation*, DJAG applied a self-assessable exclusion from undertaking further regulatory impact analysis on the basis of category (h) in relation to the amendments for standard annual fee variations in line with or below a government endorsed indexation factor. Other amendments, including the removal of an obsolete fee, were assessed as falling under exclusion categories (f) relating to the correction of minor and technical errors and alignment with current drafting convention, (g) relating to proposals that are of a machinery nature and (j) relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.