

# **Energy and Public Works Legislation (Fees) Amendment Regulation 2021**

Explanatory notes for Subordinate Legislation 2021 No.83

made under the

*Architects Act 2002*

*Building Act 1975*

*Building Industry Fairness (Security of Payment) Act 2017*

*Electricity Act 1994*

*Gas Supply Act 2003*

*Plumbing and Drainage Act 2018*

*Professional Engineers Act 2002*

*Queensland Building and Construction Commission Act 1991*

## **General outline**

### **Short title**

*Energy and Public Works Legislation (Fees) Amendment Regulation 2021*

### **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 263 of the *Electricity Act 1994*

Section 323 of the *Gas Supply 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*

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

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

Queensland Treasury's Principles for Fees and Charges (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 set by Queensland Treasury for 2021-22 is 1.7%.

The objective of the Regulation is to increase fees prescribed in the following regulations by 1.7% in accordance with the current Government indexation rate:

- *Architects Regulation 2019*
- *Building Industry Fairness (Security of Payment) Regulation 2018*
- *Building Regulation 2006*
- *Electricity Regulation 2006*
- *Gas Supply Regulation 2007*
- *Plumbing and Drainage Regulation 2019*
- *Professional Engineers Regulation 2019*
- *Queensland Building and Construction Commission 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 1.7% from 1 July 2021.

## **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 DEPW 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 and Red Tape Reduction within Queensland Treasury was not consulted in relation to the regulatory proposal. DEPW 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).