

# **Housing Legislation (Fee Unit Conversion) Amendment Regulation 2022**

Explanatory notes for Subordinate Legislation 2022 No 66

made under the

*Housing Act 2003*

*Residential Services (Accreditation) Act 2002*

*Retirement Villages Act 1999*

## **General outline**

### **Short title**

*Housing Legislation (Fee Unit Conversion) Amendment Regulation 2022*

### **Authorising law**

Section 101 of the *Housing Act 2003*

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

Section 228 of the *Retirement Villages Act 1999*

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

Queensland Treasury's Principles for Fees and Charges (Principles) requires agencies to set fees and charges to accurately reflect the cost of providing their services and to 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 Indexation Rate to their fees and charges.

The Department of Communities, Housing and Digital Economy (DCHDE) administers various Acts which provide for the prescription of fees and charges.

On 2 June 2021, the *Acts Interpretation Act 1954* was amended to insert a new Part 12B, which introduced a fee unit model to streamline the annual process for indexing regulatory fees. Part 12B provides that an Act may express a fee as a number of fee units rather than dollar amounts and the monetary value of a fee unit is \$1, or another amount prescribed by regulation.

The objective of the *Housing Legislation (Fee Unit Conversion) Amendment Regulation 2022* (Amendment Regulation) is to convert the fees and charges prescribed in following regulations from dollar amounts to number of fee units, in accordance with Government policy:

- *Housing Regulation 2015*;
- *Residential Services (Accreditation) Regulation 2018*;
- *Retirement Villages Regulation 2018*.

These amendments will significantly reduce the administrative burden associated with annual indexation because indexation of the fees will be achieved automatically when the value of a fee unit under the *Acts Interpretation Act 1954* is updated.

## **Achievement of policy objectives**

The Amendment Regulation will achieve its objective by converting the within scope fees and charges under the Acts administered by DCHDE from dollar values to fee units.

## **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 Amendment Regulation is not inconsistent with any policy objectives of any legislation.

## **Alternative ways of achieving policy objectives**

This Amendment Regulation is the only effective means of achieving the policy objective.

## **Benefits and costs of implementation**

The conversion of fees to fee units will achieve efficiencies and cost savings to DCHDE as the annual indexation of fees will no longer require regulations to be amended. There are no additional costs associated with implementing the Amendment Regulation.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Office of Best Practice Regulation has advised that where agencies are amending their regulations pursuant to the *Acts Interpretation Act 1954* to adopt the fee unit model (i.e. comply with the requirements of the Principles), they can rely on agency assessed exclusion category (a) 'Regulatory proposals that make consequential amendments'.

Given its machinery nature, there was no external consultation on this Amendment Regulation.