

# ***Justice Legislation (Fee Unit Conversion and Other Matters) Amendment Regulation 2022***

Explanatory notes for SL 2022 No. 79

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*  
*Co-operatives National Law Act 2020*  
*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*  
*Information Privacy Act 2009*  
*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 Occupations Act 2014*  
*Prostitution Act 1999*  
*Queensland Civil and Administrative Tribunal Act 2009*  
*Recording of Evidence Act 1962*  
*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 (Fee Unit Conversion and Other Matters) Amendment Regulation 2022*

### 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 27 of the *Co-operatives National Law Act 2020*  
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 201 of the *Information Privacy Act 2009*  
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 236 of the *Property Occupations Act 2014*  
Section 140 of the *Prostitution Act 1999*

Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*  
Section 13 of the *Recording of Evidence Act 1962*  
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.

The Queensland Treasury's *Queensland Government Principles for Fees and Charges (October 2021)* (Treasury Principles) require agencies to have processes in place to ensure regulated fees maintain their value over time. Where regular comprehensive review is not cost effective or no specific indexation method has been approved agencies must apply the government indexation rate (GIR) advised by Queensland Treasury each year.

On 2 June 2021, the *Acts Interpretation Act 1954* (AIA) was amended to introduce a fee unit model to streamline the annual process for indexing regulatory fees. New part 12B of the AIA provides that an Act may express a fee as a number of fee units and the monetary value of a fee unit is \$1, or another amount prescribed by regulation. Similar to the existing model of penalty units for offences in Queensland legislation, the fee unit model allows for all relevant fees to be indexed annually through an amendment regulation to prescribe a new, indexed value of a fee unit in line with the GIR. The indexed fee unit value for the 2022-2023 financial year is \$1.025 as prescribed under the *Acts Interpretation (Fee Unit) Regulation 2022*.

The dollar value of a fee is worked out by multiplying the prescribed value of a fee unit by the number of fee units and rounding the result to the nearest cent. An alternative rounding method may be provided for under an Act. Queensland Treasury has approved the use of an alternative rounding by DJAG in accordance with the Treasury Principles.

From 1 July 2022, all fees that are required to be increased by the GIR must be expressed as a number of fee units, rather than a dollar amount, in the relevant regulations to facilitate indexation of fees for the 2022-2023 financial year.

Remuneration and allowances prescribed under certain subordinate legislation administered by DJAG, will continue to be displayed as a dollar amount, indexed annually in line with the GIR and rounded, generally to the nearest coinable amount.

## **Achievement of policy objectives**

The main objective of the *Justice Legislation (Fee Unit Conversion and Other Matters) Amendment Regulation 2022* (Amendment Regulation) is achieved by amending various subordinate legislation administered by DJAG to convert the regulated fees and charges from dollar amounts to fee units, in line with Government policy and to provide for an alternative rounding method.

The Amendment Regulation also increases the dollar amounts for allowances and remuneration provided for in certain subordinate legislation administered by DJAG for the 2022-2023 financial year. These amounts have been increased by 2.5%, in line with the GIR, and rounded generally to the nearest coinable amount.

The Amendment Regulation makes some other technical drafting amendments to correct minor and technical errors, remove redundant provisions, clarify the application of provisions and align the subordinate legislation with current drafting conventions.

All amendments in the Amendment Regulation will commence on 1 July 2022.

## **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 the policy objectives of other legislation.

## **Benefits and costs of implementation**

The Amendment Regulation will ensure that the fees and charges prescribed in the justice portfolio regulations are indexed annually in line with the GIR when a new fee unit value is prescribed in regulation. Implementation of the fee unit model will effectively maintain the value of justice portfolio regulated fees and charges over time, while removing the administrative and cost burdens for government associated with the progression of annual portfolio fee indexation legislation.

The Amendment Regulation will also increase the relevant DJAG administered remuneration and allowances by an amount which is in line with the GIR for the 2022-2023 financial year.

## **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 the following self-assessable exclusions from undertaking further regulatory impact analysis:

- category (a): the conversion of the fees expressed as a dollar amount to a fee unit are consequential upon new part 12B of the AIA;
- category (f): for the correction of minor and technical errors and alignment with current drafting practice;
- category (g): for changes of a machinery nature such as the removal of redundant provisions; and
- category (h): for the standard annual remuneration and allowance variations that are in line with a government endorsed indexation factor.

Therefore, consultation with the Office of Best Practice Regulation was not required.

As the Amendment Regulation is consistent with Queensland Government policy requiring fees and charges to be expressed as a number of fee units, and is otherwise machinery and technical in nature, no consultation was undertaken with external stakeholders.