

# **Queensland Civil and Administrative Tribunal (Fees) Amendment Regulation 2022**

Explanatory notes for SL 2022 No. 173

made under the

*Queensland Civil and Administrative Tribunal Act 2009*

## **General Outline**

### **Short Title**

*Queensland Civil and Administrative Tribunal (Fees) Amendment Regulation 2022*

### **Authorising law**

Sections 242 of the *Queensland Civil and Administrative Tribunal Act 2009*

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

The purpose of the *Queensland Civil and Administrative Tribunal (Fees) Amendment Regulation 2022* (Amendment Regulation) is to amend the *Queensland Civil and Administrative Tribunal Regulation 2019* (QCAT Regulation) to increase fees for minor civil dispute (MCD) applications and applications for notices to produce and/or witnesses to Attend. The fee increases are intended to improve cost recovery and better align The Queensland Civil and Administrative Tribunal's (QCAT) fees with similar fees in other jurisdictions.

#### **Amendments to increase the prescribed fees for MCD applications**

QCAT's MCD application and counter-application fees vary depending on the amount claimed. The lowest application fee is currently 27.90 fee units for a claim under \$500 or where no amount is claimed. Compared to other jurisdictions, this is the lowest fee charged for an application of a similar nature. QCAT's highest MCD application fee is 358.00 fee units for a claim over \$10,000. This 'higher fee' sits within the average range payable in other Australian jurisdictions.

QCAT's fees and charges do not reflect the complexities involved with resolving matters nor are they comparable to the fees levied in other jurisdictions. There has been a continuous upward trend in lodgements since QCAT's inception in 2009. Lodgements for MCD matters have increased by an average of 22% from 2011-12 to 2019-20 (except for 2020-21 due to COVID-19 impacts). This, combined with an increase in the complexity of matters being lodged, has resulted in the need for more dedicated registry and tribunal resources to resolve these matters.

## **Amendments to increase the prescribed fees for witness hearing notices**

QCAT currently has the lowest fee for an application for a notice to produce or witness to attend compared to other jurisdictions.

## **Achievement of policy objectives**

The Amendment Regulation will amend section 7(2) of the QCAT Regulation to increase the fees for applications or counter-applications for MCDs as follows:

- if no amount is claimed—105 fee units; or
- if the amount claimed is not more than \$1,000—85 fee units; or
- if the amount claimed is more than \$1,000 but not more than \$10,000—145 fee units.

The proposed fee of 105 fee units for MCD matters where no amount is claimed is higher than the proposed fee of 85 fee units for matters where the amount claimed is up to \$1,000. This is to ensure consistency with comparable jurisdictions. It also reflects that claims where no monetary amount is in dispute are usually more complex and charging the same fee for a matter with \$500 or less in dispute is not reflective of the distinct differences between these matters.

The Amendment Regulation will also amend schedule 1 (Other fees) of the QCAT Regulation to increase the application fees for a notice to produce or witness to attend from 22.10 fee units to 40.00 fee units, which is still below the average fee in other jurisdictions.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the policy objectives of the authorising law.

## **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**

QCAT provides access to justice services and is essential to community justice, safety and wellbeing. An increase in fees will enable QCAT to offset a portion of its service delivery costs, improve finalisation rates by allowing QCAT to conduct additional hearings and assist to address some of its workload demands. The fee increase will also align QCAT's fees with similar fees in other jurisdictions.

The proposed fee increases are not expected to have significant adverse impacts on business, the community or government. In addition, the fee increases are not considered so significant that they would restrict access to QCAT's services or disproportionately impact any stakeholder group.

Any costs to departments or agencies arising from the implementation of the Amendment Regulation will be met from existing resources.

## **Consistency with fundamental legislative principles**

No potential inconsistencies with fundamental legislative principles have been identified.

## **Consultation**

QCAT was consulted and supports the Amendment Regulation.

The Office of Best Practice Regulation was consulted and advised that no further regulatory impact analysis is required under the Queensland Government Guide to Better Regulation as the amendments are unlikely to add significantly to the burden of regulation or result in significant adverse impacts.