

Justice Legislation (Allowances and Other Matters) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 60

made under the

Criminal Code Act 1899

Jury Act 1995

Queensland Civil and Administrative Tribunal Act 2009

Recording of Evidence Act 1962

Supreme Court of Queensland Act 1991

General Outline

Short title

Justice Legislation (Allowances and Other Matters) Amendment Regulation 2023

Authorising law

Sections 450F and 708 of the *Criminal Code Act 1899*

Section 74 of the *Jury Act 1995*

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

Section 13 of the *Recording of Evidence Act 1962*

Section 92 of the *Supreme Court of Queensland Act 1991*

Policy objectives and the reasons for them

The Department of Justice and Attorney-General (DJAG) administers various regulations within its portfolio that provide for the payment of allowances and remuneration. DJAG conducts an annual review of prescribed allowances and remuneration, which are appropriately indexed to ensure they maintain their value over time.

On 31 March 2023, the Honourable Cameron Dick MP, Treasurer and Minister for Trade and Investment announced a government indexation rate of 3.4% for the 2023-24 financial year.

The main policy objective of the Amendment Regulation is to apply the government indexation rate to allowances and remuneration prescribed by the *Criminal Code (Animal Valuers) Regulation 2014* (CCAV Regulation), *Criminal Practice (Fees and Allowances) Regulation 2021* (CPFA Regulation), *Jury Regulation 2017* (Jury Regulation), *Queensland Civil and Administrative Tribunal Regulation 2019* (QCAT Regulation), and *Uniform Civil Procedure (Fees) Regulation 2019* (UCPF Regulation).

The Amendment Regulation also makes minor and technical amendments to the CCAV Regulation, CPFA Regulation, QCAT Regulation, UCPF Regulation, and *Recording of Evidence Regulation 2018* (RE Regulation).

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending:

- the CCAV Regulation, CPFA Regulation, Jury Regulation, QCAT Regulation, and UCPF Regulation to apply the government indexation rate to prescribed allowances and remuneration, with indexed amounts rounded in accordance with the prescribed rounding rules or otherwise adjusted where required for administrative purposes;
- the CCAV Regulation, CPFA Regulation, QCAT Regulation, and the UCPF Regulation to replace references to the repealed Public Service Act 2008 with the *Public Sector Act 2022*; and
- the RE Regulation to replace the example for the prescribed rounding rules for fees.

All amendments in the Amendment Regulation commence on 1 July 2023.

Consistency with policy objectives of authorising law

The amendments are consistent with the 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 index allowances and remuneration prescribed in the CCAV Regulation, CPFA Regulation, Jury Regulation, QCAT Regulation, and the UCPF Regulation to ensure that they maintain their value.

Any costs 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

No public consultation was undertaken as the Amendment Regulation gives effect to the annual indexation of prescribed allowances and remuneration in accordance with the endorsed government indexation rate.

In accordance with the *Queensland Government Guide to Better Regulation*, DJAG applied a self-assessable exclusion from undertaking further regulatory impact analysis on the Amendment Regulation. This was based on exclusion categories (f) relating to correcting technical errors or amending legislation to take account of current drafting practice, (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.