

# Justice Legislation (Fees) Amendment Regulation (No.1) 2017

Explanatory notes for SL 2017 No. 109

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*  
*Cooperatives Act 1997*  
*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*  
*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 Law Act 1974*  
*Property Occupations Act 2014*  
*Prostitution Act 1999*  
*Queensland Civil and Administrative Tribunal Act 2009*  
*Recording of Evidence Act 1962*  
*Retail Shop Leases Act 1994*  
*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*  
*Working with Children (Risk Management and Screening) Act 2000*

## **General Outline**

### **Short Title**

*Justice Legislation (Fees) Amendment Regulation (No.1) 2017*

### **Authorising law**

Sections 135 and 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 468 of the *Cooperatives Act 1997*  
Section 99 of the *Coroners Act 2003*  
Sections 450F(3) 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*  
Sections 61 and 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 263 of the *Interactive Gambling (Player Protection) Act 1998*  
Section 99 of the *Introduction Agents Act 2001*  
Sections 63 and 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*  
Sections 179C and 196 of the *Penalties and Sentences Act 1992*  
Section 351 of the *Property Law Act 1974*  
Section 236 of the *Property Occupations Act 2014*  
Sections 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 121 of the *Retail Shop Leases Act 1994*  
Sections 24, 56, 57 and 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*  
Sections 53 and 62 of the *Wine Industry Act 1994*  
Section 401 of the *Working with Children (Risk Management and Screening) Act 2000*

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

The Department of Justice and Attorney-General (DJAG) administers the statutes listed above (listed statutes). A number of regulations made under the listed statutes prescribe fees, charges and other amounts.

The *Queensland Government Principles for Fees and Charges, December 2012* (Principles for Fees and Charges) requires agencies to set fees and charges to reflect the cost of providing their services and ensure these fees and charges are maintained over time. In accordance with the Principles for Fees and Charges, DJAG applies annual indexation in line with the current Government endorsed indexation factor of 3.5%.

The main objective of the *Justice Legislation (Fees) Amendment Regulation (No. 1) 2017* (the Amendment Regulation) is to index DJAG's fees and charges for the listed statutes in accordance with the Principles for Fees and Charges and by the Government endorsed indexation factor.

The Amendment Regulation also has the objective of amending various DJAG subordinate legislation to correct some minor errors, or align the legislation with current drafting convention.

## **Achievement of policy objectives**

The main objective of the Amendment Regulation is achieved by making amendments to certain regulations made under the listed statutes to index the amounts of fees and charges, in accordance with the Principles for Fees and Charges, using the government endorsed indexation factor of 3.5%.

The Amendment Regulation also indexes the offender levy under the *Penalties and Sentences Regulation 2015* in line with the government endorsed indexation factor.

Allowances and remuneration applying to jurors are increased annually by the Consumer Price Index (CPI). The Amendment Regulation increases these amounts by 1.6%, which reflects the CPI for the December 2016 quarter.

The Amendment Regulation also includes amendments to correct minor errors identified within various DJAG subordinate legislation, or align the legislation with current drafting convention.

All amendments take effect on 1 July 2017.

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

The Amendment Regulation is consistent with the main policy objectives of each of the authorising laws.

## **Benefits and costs of implementation**

The Amendment Regulation will ensure that the relevant DJAG administered fees, charges and other prescribed amounts are maintained over time. There are no anticipated implementation costs associated with the amendments.

## **Consistency with fundamental legislative principles**

This Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

In reviewing the fees and charges, consultation has been undertaken with relevant business units within DJAG, and independent statutory bodies that administer fees and charges contained in DJAG subordinate legislation.

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department 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).

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