

# **Housing and Public Works Legislation (Fees) Amendment Regulation 2019**

Explanatory notes for Subordinate Legislation 2019 No.123

made under the

*Architects Act 2002*

*Building Act 1975*

*Building Industry Fairness (Security of Payment) Act 2017*

*Housing Act 2003*

*Plumbing and Drainage Act 2018*

*Professional Engineers Act 2002*

*Queensland Building and Construction Commission Act 1991*

*Residential Services (Accreditation) Act 2002*

*Residential Tenancies and Rooming Accommodation Act 2008*

*Retirement Villages Act 1999*

## **General outline**

### **Short title**

*Housing and Public Works Legislation (Fees) Amendment Regulation 2019*

### **Authorising law**

Section 143 of the *Architects Act 2002*

Section 261 of the *Building Act 1975*

Section 201 of the *Building Industry Fairness (Security of Payment) Act 2017*

Section 101 of the *Housing Act 2003*

Section 157 of the *Plumbing and Drainage Act 2018*

Section 144 of the *Professional Engineers Act 2002*

Section 116 of the *Queensland Building and Construction Commission Act 1991*

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

Section 241 of the *Residential Tenancies and Rooming Accommodation Act 2008*

Section 228 of the *Retirement Villages Act 1999*

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

The objective of the Regulation is to increase fees prescribed in the following regulations by 2.25% in accordance with the current Government indexation policy:

- *Architects Regulation 2003*;
- *Building Industry Fairness (Security of Payment) Regulation 2018*;
- *Building Regulation 2006*;
- *Housing Regulation 2015*;
- *Plumbing and Drainage Regulation 2019*;

- *Professional Engineers Regulation 2003;*
- *Queensland Building and Construction Commission Regulation 2018;*
- *Residential Services (Accreditation) Regulation 2002;*
- *Residential Tenancies and Rooming Accommodation Regulation 2009;* and
- *Retirement Villages Regulation 2010.*

## **Achievement of policy objectives**

The amendments will achieve the objectives of ensuring the prescribed fees adhere to the Government indexation policy and the Treasury Financial Circular dated 20 March 2019 (No. 2018-19/5), which directs all government departments to increase the fees in the regulations by 2.25% from 1 July 2019.

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

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

This Regulation is the only effective means of achieving government policy.

## **Benefits and costs of implementation**

Implementation of the Regulation will ensure the fees administered by the Department of Housing and Public Works are in line with government policy.

The Regulation will not substantially increase the financial burden on the community.

The costs to government associated with implementation of the increased fees are minor administrative costs. These are not considered to be significant and will be funded by existing budget allocations.

## **Consistency with fundamental legislative principles**

The amendments are consistent with fundamental legislative principles.

## **Consultation**

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).