

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

*Seventy-fifth Report — “Identifying a Systemic Issue Arising out of Nine Court and Tribunal Instruments” —
Tabling*

MR P. ABETZ (Southern River) [10.02 am]: I present for tabling the seventy-fifth report of the Joint Standing Committee on Delegated Legislation entitled “Identifying a Systemic Issue Arising out of Nine Court and Tribunal Instruments”.

[See paper 2043.]

Mr P. ABETZ: This report describes the method the Department of the Attorney General uses to cost its court and tribunal fees. The way the Department of the Attorney General has structured its model means the committee cannot properly perform its role of scrutinising individual fees for court and tribunal services. However, the model provides cost-recovery percentages for a very small number of fees in the District Court, with some extrapolation to similar fees in other courts. This is encouraging. The committee observed that there is no single method for costing court and tribunal fees amongst other states and territories. The Department of the Attorney General’s preference for costing fees at a “whole-of-court and tribunal level” is the same as other states and territories. This method demonstrates significant levels of under-recovery in court and tribunal services. The Department of Treasury is concerned at the low quantum of cost recovery rather than the actual methodology.

The committee is of the view that the likelihood of a tax rather than a fee being imposed in the Department of the Attorney General’s annual fee review process is remote, given the Department of Treasury’s statement that it subsidises 80 per cent of court and tribunal services. The Department of the Attorney General’s historical reluctance to approach the Department of Treasury for assistance in developing a fee-for-service costing model is puzzling. The committee encourages the Department of the Attorney General to take up Treasury’s invitation for assistance in developing a model that can reveal more individual fees for court and tribunal services. I commend the report to the house.