

LEGAL AFFAIRS — SUITORS' FUND AMENDMENT REGULATIONS 2020

95. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Suitors' Fund Amendment Regulations 2020*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The Suitors' Fund Regulations 1965 had prescribed a levy of 20 cents since 1980, and the Suitors' Fund had not been able to meet its obligations under the Suitors' Fund Act 1964 from funds accumulated by the collection of the levy. The Suitors' Fund Amendment Act 2019 was passed to remove the 20 cent cap on the levy and permit the levy amount to be prescribed in regulations, as a means of addressing this ongoing shortfall. The Amendment Regulations are the result of the passage of that Act.
- (b) The Amendment Regulations were developed in consultation with the Heads of Jurisdiction, the Appeal Costs Board, legal stakeholders and relevant government agencies, including Treasury, the Office of the Director of Public Prosecutions, and the WA Police Force.
- (c) Yes.
- (d) A view was expressed that the increase in the levy should proportionately reflect the drawdown on the Suitors' Fund by the respective court jurisdictions.
- (e)–(f) The Amendment Regulations provide that the same levy is imposed on all court jurisdictions and is not linked to cost recovery of court operations. The potential benefit gained from paying the levy cannot be determined on a proportional basis per court jurisdiction, particularly when considering appeals. It is rather viewed as providing equal potential benefit regardless of the jurisdiction.