

CLAUSE NOTES

Fee Units Amendment Bill 2023

- Clause 1** Short title.
- Clause 2** This clause provides that the Act will commence on a day to be proclaimed.
- Clause 3** Defines the *Fee Units Act 1997* as the Principal Act.
- Clause 4** This clause omits the definitions of “amendment notice”, “notified fee” and “tabled notice”.
- This clause also inserts the definition of “disallowed or rescinded”.
- Clause 5** This clause omits subsection 5(1) which is now redundant and amends section 5 to clarify that it is the Minister administering the Act that is responsible for determining the annual value of a fee unit and the fee unit adjustment factor.
- This clause amends subsection 5(2) by clarifying the definition of “F0” (the value of a fee unit in the previous financial year) as being the fee unit value during the most recent financial year, as determined in accordance with subsection 6(3).
- Clause 6** This clause repeals sections 6 and 7 of the Principal Act and replaces them with new clauses relating to the setting of the value of the fee unit and the calculation of a fee for the relevant year.
- The clause requires the Minister to publish the value of the fee unit and the fee unit adjustment factor in the Gazette on or before 1 April in each calendar year and provides for this notice to be subject to potential disallowance or rescission by the Parliament.
- The clause sets out what is a valid fee unit value in the event that no notice has been published under subsection 6(1) or that notice is disallowed or rescinded.
- The clause also specifies the method to calculate fee amounts, relative to the fee unit value, as well as clarifying the application of rounding and GST treatment.

- Clause 7** This clause replaces the requirement to publish annual fee schedules in the *Gazette*, and table them in the Parliament, with an obligation for Heads of Agencies to publish fee amounts on the relevant agency's website before each financial year, and to ensure that this information is freely available in another format if requested by a member of the public.
- The clause also requires a Head of Agency to revise the published fee amounts if the fee units notice for that year is disallowed or rescinded by the Parliament, either before or during the relevant year. The revised published details are to specify the fee that is to apply according to each of those circumstances.
- Clause 8** Repeals sections 8A, 8B and 8C.
- Inserts a new section 8A to provide that, if a fee published by an agency is incorrect, or has been omitted or amended, the Head of Agency must, as soon as practicable, update the information on the relevant agency website to publish the correct fee.
- Inserts a new section 8B that sets out what is the amount of fee payable in relation to GST treatment; errors or omissions in publication; amendments in enactments; and if the fee units value notice for that year is disallowed or rescinded by the Parliament.
- Inserts a new section 8C that sets out the arrangements for the refunding of any over-charging that may occur through the charging of an incorrect fee amount.
- Clause 9** Inserts a new section 11A relating to transitional provisions that allow for the continuation of existing fees once the amendments commence.
- Clause 10** The Act will be repealed one year after its commencement.