

# FACT SHEET

## *Fee Units Amendment Bill 2023*

- The Fee Units Amendment Bill 2023 amends the *Fee Units Act 1997* to remove the requirement to publish annual notices of fee increases in the *Government Gazette*; to retain parliamentary scrutiny of the annual fee unit value by way of the relevant provisions of the *Acts Interpretation Act 1931* and the *Subordinate Legislation Committee Act 1969*; to transfer the responsibility for determining the fee unit adjustment factor; and to make minor consequential amendments as required.
- The Bill:
  - removes the requirement for Heads of Agencies to table the fee schedules in both Houses of Parliament and also removes the requirement for Heads of Agencies to publish fee schedules in the *Gazette* each year;
  - provides that the lawful fee is determined by the number of fee units in the relevant legislation, multiplied by the fee unit value in that year and, in order to charge that fee, it must be published on an agency's website and be made available to the public on request;
  - confirms that, if the fee unit value as set out in the instrument is disallowed by the Parliament, then the fee unit value from the preceding financial year will apply;
  - states that, if a fee published by an agency is incorrect, or an agency omits to publish a fee or there is a new fee, the agency must update its fees on its website (without the current requirement to table those changes in Parliament or publish them in the *Gazette*) before it can commence charging the correct fee;
  - broadly maintains the current provisions in the Act, requiring that:
    - o if an agency over-charges, then it must refund the overcharged amount; and
    - o if it under-charges, it can only charge the correct amount once the correct fee amount is published on its website and cannot retrospectively apply the higher amount to fees already paid;
  - transfers responsibility for determining the fee unit adjustment factor from the Treasurer to the Minister administering the Act; and
  - implements other minor consequential amendments.