

## EXPLANATORY MEMORANDUM

### (JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION)

#### *Evidence Act 1906*

#### **Evidence (Video and Audio Links Fees and Expenses) Regulations 1999**

- **The date of publication of the instrument in the *Government Gazette*.**

30 November 2012

- **The title of the subsidiary legislation.**

Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012

- **Identification of the section(s) of the statute(s) under which the subsidiary legislation is made.**

*Evidence Act 1906* section 131

- **A description of the purpose and effect of, and justification for, the subsidiary legislation (or any amendments to or repeals of it).**

The Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 made under the *Evidence Act 1906* have been gazetted and are provided for your consideration. Amendments include:

- an increase in fees of 2.8%. The Department has determined that costs have broadly moved in accordance with the CPI rate of 2.8% and hence most fees were increased by CPI the day following gazettal.

Specific amendments are as follows:

#### ***Regulation 2 and 3 Schedule 1 amended***

The fees for items 1 and 2 relating to court fees have been increased by 2.8% to match the movements in costs as determined by the Department. These applied from the day following gazettal.

Type of fee	Date last updated Increase/Decrease	Old Fee (\$)	New Fee (\$)	Increase/ Decrease (%) <sup>∞</sup>
1 Booking Fee (1) Intrastate link (2) Interstate or overseas link	21.12.11 Increase	72.50 107.50	74.50 110.50	2.8 2.8
2. Hourly fee per hour or part of an hour.	21.12.11 Increase	57.00	58.50	2.6

- ∞ Fees were rounded as follows:
  - less than or equal to \$20 - round to the nearest 5c
  - greater than \$21 less than \$50 - round to the nearest 10c
  - greater than \$51 less than \$200 - round to the nearest 50c
  - greater than \$200 - round to the nearest dollar

The rounding has resulted in variations to the 2.8% CPI increase

- **Identification of any unusual or controversial provisions, having particular regard to the matters set out in item 3.6 of the Joint Standing Committee's terms of reference.**

NIL

- **Details of consultations undertaken including a list of the business and community groups consulted, a précis of their comments and the response to any suggestions put forward.**

NIL

- **If applicable, reasons justifying any change in fees, charges and penalties and details of the amount of the fee, charge or penalty before the change.**

In accordance with Department of Treasury instructions the Department reviews its fees on an annual basis to determine whether an increase in some or all of its fees are required.

Legal advice with respect to the current fee increases has been sought from the State Solicitors Office. This advice suggests all fees in the amendments stipulated in the Supreme Court (Fees) Amendment Regulations (No. 3) 2012 are legally valid.

- **The name, email address, telephone number and direct fax number of a person whom the Committee can contact regarding the subsidiary legislation.**

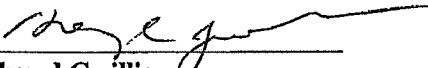
Please contact Mark Hainsworth, Manager Advisory Services, Department of the Attorney General with any queries on 9264-1371 fax number 9264-1121 or [mark.hainsworth@justice.wa.gov.au](mailto:mark.hainsworth@justice.wa.gov.au)


- **Where relevant, confirmation that a National Competition Policy Review has been conducted and the outcome of that review.**

Not relevant

#### **Disclaimer**

This explanatory memorandum has been prepared as an aid and must not be substituted for the subsidiary legislation or other instrument gazetted, or made available to the public in any way.

  
Cheryl Gwilliam  
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Department of the Attorney General

  
Hon Michael Mischin MLC  
ATTORNEY GENERAL