

19 July 2012

Mr Stephen Lodge
Assistant Director
Courts Policy, Courts and Tribunals Unit
Department of Justice
Level 10, 233 William Street
MELBOURNE VIC 3000



Victorian
Competition & Efficiency
Commission

Level 14, 55 Collins Street
Melbourne Victoria 3000

GPO Box 4379
Melbourne Victoria 3001

telephone (03) 9092 5800

facsimile (03) 9092 5845

email contact@vcec.vic.gov.au

web www.vcec.vic.gov.au

Dear Mr Lodge

ADVICE ON THE ADEQUACY OF REGULATORY IMPACT STATEMENT

Thank you for seeking advice on the Regulatory Impact Statement (RIS) on the proposed Magistrates' Court (Fees) Regulations 2012 and the Juries (Fees) Regulations 2012.

The Victorian Competition and Efficiency Commission (VCEC) advises on the adequacy of RISs as required under section 10(3) of the Subordinate Legislation Act 1994 (the Act). I advise that the final version of the RIS received by the VCEC on 19 July 2012 meets the requirements of section 10 of the Act.

The VCEC's advice is based on the adequacy of the evidence presented in the RIS and is focused on the quality of the analysis rather than the merits of the proposal itself. **Therefore, the VCEC's advice that the RIS is adequate does not represent an endorsement of the proposal.**

In providing this advice, the VCEC notes that the options analysis in the RIS is focussed on the level of cost recovery and that subjective judgements are made regarding the impact of these options – in terms of efficiency, equity and access to justice – to determine the preferred approach. The RIS transparently explains the basis for the judgements made by the Department of Justice and stakeholders are explicitly invited to comment on the overall approach to cost recovery and in respect of specific fee categories.

The RIS also notes the Department had difficulties in obtaining detailed information on several issues, including the costs of specific administrative and judicial activities for which fees will be charged. While the RIS transparently identifies the limitations of the currently available data, it is important that the scope and quality of such information is improved to better inform the analysis of any future changes to the fees charged for court services. Such information would, for example, enable more detailed consideration of a broader range of cost recovery options.

It is government policy that, in the interests of transparency, VCEC's advice be published with the RIS when it is released for consultation.

If you have any questions, please contact RegulationReview@vcec.vic.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "Andrew Walker".

Andrew Walker

Assistant Director

Victorian Competition and Efficiency Commission