

# Impact Analysis Statement

## Summary IAS

### Details

<b>Lead department</b>	Department of Justice
<b>Name of the proposal</b>	<i>Uniform Civil Procedure (Fees) (Refund of Setting Down Fee and Hearing Fee) Amendment Regulation 2026 (Amendment Regulation)</i>
<b>Submission type</b>	Summary IAS
<b>Title of related legislative or regulatory instrument</b>	<i>Uniform Civil Procedure (Fees) (Refund of Setting Down Fee and Hearing Fee) Amendment Regulation 2026</i>
<b>Date of issue</b>	April 2026

#### **What is the nature, size and scope of the problem? What are the objectives of government action?**

Under section 92 of the *Supreme Court of Queensland Act 1991* (SCQ Act), the Governor in Council may make regulations to provide how fees are to be received and dealt with in several courts, including in the Supreme and District Courts. The regulation prescribing these matters is the *Uniform Civil Procedure (Fees) Regulation 2019* (Fee Regulation).

The recent decision of *Diamantina Shire Council v Rosecove Pty Ltd & others* [2025] QDC 29 highlighted that a more flexible approach to the refund of fees in section 6 should be considered, particularly where a Court has been given a reasonable opportunity to reallocate resources to other court matters.

The Amendment Regulation amends section 6 of the Fees Regulation to add an additional limb to section 6 which prescribes that:

- a refund must occur where —
  - the court by order or direction vacates the trial dates at least 10 business days before the first day set for the hearing or trial of the proceeding;
  - the party, within 30 days thereafter, gives the registry a request for refund of the fees in the approved form; and
  - the hearing or trial does not happen.

#### **What options were considered?**

Two options were considered; making the proposed amendments via the Amendment Regulation or not making the proposed amendments and maintaining the current requirements.

#### **What are the impacts?**

In the 2024-25 period for the Brisbane Supreme and District Court only, there were 30 total refunds processed for setting down/hearing fees. This amounted to approximately \$83,000.

The Department of Justice (DoJ) anticipates approximately 10 refunds are denied each year due to the current lack of discretion within section 6 of the Fees Regulation, and that the amendments will not have a great impact on how many refunds are issued each year.

It is expected that any financial implications of the proposed amendments will be managed within existing resources. DoJ does not expect refunds to increase greatly or in a way which would require additional resourcing.

The impact of maintaining the current requirements would be that even in situations where court resources have been reallocated and preserved due to the hearing or trial not proceeding, an applicant would not be entitled to the refund of fees due to the strict 10-day timeframe for requesting the refund being missed.

**Who was consulted?**

The Rules Committee were consulted on the Amendment Regulation.

**What is the recommended option and why?**

It is recommended the Amendment Regulation be made to allow greater flexibility for fees to be refunded in prescribed appropriate circumstances.

**Impact Assessment**

The Government costs arising from the Amendment Regulation will be managed within existing resources.


The Amendment Regulation will positively impact members of the community by allowing greater flexibility for fees to be refunded in appropriate circumstances, where court resources have been preserved. The ability to receive a refund of setting down and hearing fees also promotes early resolution of legal matters which positively impacts court resourcing.

	First full year	First 10 years
Direct costs – <i>Compliance costs</i>	Not quantifiable	Not quantifiable
Direct costs – <i>Government costs</i>	Not quantifiable	Not quantifiable

**Signed**



Sarah Cruickshank  
Director-General  
Department of Justice  
Date: 26/3/26



Deb Frecklington MP  
Attorney-General and Minister for Justice  
and Minister for Integrity  
Date: 16/4/26.