

EXPLANATORY STATEMENT

Issued by the authority of the Attorney-General

Bankruptcy (Fees and Remuneration) Determination 2008

Background

The *Bankruptcy (Fees and Remuneration) Determination 2008* facilitates cost recovery arrangements for the provision of personal insolvency services by the Insolvency and Trustee Service Australia (ITSA), consistent with the Government's cost recovery policy.

The level of fees for the services provided by ITSA is reviewed on a biennial basis. As a result of the most recent review, minor changes are required to the fees for inspecting and taking extracts from the National Personal Insolvency Index (the Index).

Purpose

The determination reproduces the *Bankruptcy (Fees and Remuneration) Determination 2007*, with the following changes:

- a reduction in the fee in subclause 2.02(1) for inspecting material in the Index and giving an extract of that material from \$22 to \$20;
- a reduction in the fee in subclause 2.02(2) for inspecting material entered in the Index from \$14 to \$11; and
- deletion of the note to clause 1.02 which is no longer required.

The Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Operation

The Determination commences on 1 July 2008.

Nature of Consultation

ITSA's fees and charges have been based on cost recovery principles since 1 July 2006. Those fees and charges were developed following extensive consultation. ITSA has established a Cost Recovery Reference Group which includes representatives of all key stakeholders. Prior to introducing the new system, ITSA announced that it would conduct a biennial review of all fees and charges unless intervening events had a significant impact on costs warranting an earlier review. The first biennial review was conducted in late 2007/early 2008 and included meetings of the Cost Recovery Reference Group in December 2007 and April 2008.