



Queensland

*Small Claims Tribunals Act 1973*

# Small Claims Tribunals Regulation 2005

Reprinted as in force on 19 December 2005

Reprint No. 1A

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

## Information about this reprint

This regulation is reprinted as at 19 December 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

### **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Small Claims Tribunals Regulation 2005

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# Small Claims Tribunals Regulation 2005

[as amended by all amendments that commenced on or before 19 December 2005]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Small Claims Tribunals Regulation 2005*.

### 2 Definitions

In this regulation—

*examination* means an examination conducted under an order for examination.

*examinee* means a person required to attend an examination and be examined under section 23A<sup>1</sup> of the Act.

*order for examination* means an order for attendance and examination made by a small claims tribunal under section 23A of the Act.

## Part 2 Fees and forms

### 3 Approval of forms

The chief executive may approve a form—

- (a) for a purpose for which a prescribed form is required or authorised to be used under the Act; or

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<sup>1</sup> Section 23A (Examination of person required by order to pay money) of the Act

- (b) for use under this regulation, other than under section 8(1).

#### **4 Fees**

The fees payable under the Act are stated in the schedule.

#### **5 No filing fee for State-related claimant**

- (1) A State-related claimant may file a claim in a registry without paying the filing fee for filing the claim.
- (2) This section applies despite section 4.
- (3) In this section—

*State-related claimant* means—

- (a) the State or a person acting for the State; or
- (b) an entity, or a person acting for the entity, whose expenditure is entirely payable out of the consolidated fund.

### **Part 3 Provisions for examinations**

#### **6 Service of order**

The registrar must ensure a copy of an order for examination is served on the examinee at least 3 days before the day of the examination.

#### **7 Adjournment of examination**

- (1) A referee may adjourn an examination to a time and place that the referee considers appropriate.
- (2) If the applicant for an order for examination or the examinee is not present when an examination is adjourned, the referee must give the absent party a notice in the form approved by the chief executive.

- (3) The notice must state the time and place to which the examination is adjourned.

## **8 Warrant**

- (1) If an examinee fails to attend an examination without reasonable excuse, the referee may issue a warrant for the arrest of the examinee.
- (2) The warrant must—
  - (a) be in the form approved by the Attorney-General; and
  - (b) require that the examinee—
    - (i) be brought before the referee for examination; and
    - (ii) produce all relevant books, deeds, papers or writings.

## **9 Enforcement of warrant**

- (1) Until an examinee mentioned in a warrant issued under section 8 is brought before the referee to be orally examined as ordered, the examinee may, without further warrant—
  - (a) be taken into custody by a police officer; and
  - (b) be received by a person in charge of a prison.
- (2) In this section—

*prison* has the meaning given by the *Corrective Services Act 2000*.

## **10 Duties of bailiff**

- (1) A bailiff must—
  - (a) serve all copies of orders for examination and enforce all warrants as required by a referee or registrar; and
  - (b) comply with any orders of the referee, or directions of the registrar, about the service or enforcement of documents.

- (2) The registrar may give directions, about the service or enforcement of documents, that the registrar considers appropriate.
- (3) A bailiff may receive and hold for the bailiff's own use the fees stated in the *Uniform Civil Procedure (Fees) Regulation 1999*, schedule 2, part 2<sup>2</sup> in relation to the following matters—
  - (a) for serving, including attempting to serve, a copy of an order for examination within 12km of the registry;
  - (b) for enforcing, including attempting to enforce, a warrant within 12km of the registry;
  - (c) for each kilometre or part of a kilometre travelled, one way, more than 12km from the registry to the place of service or enforcement or attempted service or enforcement;
  - (d) for taking a person to prison or a place of detention.
- (4) A bailiff must provide for the performance of a duty mentioned in subsection (3) from the fee received for performing the duty.

## **Part 4                      Repeal**

### **11            Repeal**

The Small Claims Tribunals Regulation 1993 SL No. 385 is repealed.

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<sup>2</sup> *Uniform Civil Procedure (Fees) Regulation 1999*, schedule 2 (Magistrates Courts fees), part 2 (Bailiff's fees)

**Schedule****Fees**

section 4

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1 Filing small claim if the amount claimed is—	
(a) less than \$500 . . . . .	13.00
(b) \$500 or more but less than \$1500 . . . . .	44.00
(c) \$1500 or more . . . . .	73.00
2 Application under the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 153(2) . . . . .	64.00
3 Application to a small claims tribunal under the <i>Dividing Fences Act 1953</i> . . . . .	64.00
4 Tenancy application (other than an application under the <i>Residential Tenancies Act 1994</i> , section 150(2) or 188(b) <sup>a</sup> )—	
(a) claim less than \$500 . . . . .	13.00
(b) claim of \$500 or more but less than \$1500 . . . . .	44.00
(c) claim of \$1500 or more . . . . .	72.00
(d) if no money is claimed. . . . .	13.00

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- a There is no fee for an application by a spouse—
- (a) under section 150(2) for recognition as tenant or cotenant; or
  - (b) under section 188(b) for termination of a tenancy because of the other spouse's domestic violence.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 December 2005. Future amendments of the Small Claims Tribunals Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	19 August 2005	
1A	2005 SL No. 326	19 December 2005	

## 5 List of legislation

### **Small Claims Tribunals Regulation 2005 SL No. 204**

made by the Governor in Council on 18 August 2005

notfd gaz on 19 August 2005 pp 1380–1

commenced on date of notification

exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation —

### **Justice and Other Legislation (Costs and Fees) Amendment Regulation (No. 1) 2005 SL No. 326 ss 1–3 sch**

notfd gaz on 16 December 2005 pp 1490–6

ss 1–2 commenced on date of notification

remaining provisions commenced 19 December 2005 (see s 2)

## 6 List of annotations

### **SCHEDULE—FEES**

sub 2005 SL No. 326 s 3 sch