



Queensland

Commercial and Consumer Tribunal Act 2003

Commercial and Consumer Tribunal Regulation 2003

**Reprinted as in force on 3 September 2004
(includes commenced amendments up to 2004 SL No. 176)**

Reprint No. 1C

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 3 September 2004. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints 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

Commercial and Consumer Tribunal Regulation 2003

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Commercial and Consumer Tribunal Regulation 2003

[as amended by all amendments that commenced on or before 3 September 2004]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Commercial and Consumer Tribunal Regulation 2003*.

2 Commencement

This regulation commences on 1 July 2003.

Part 2 Performance appraisal

3 Entering into performance agreement

- (1) As soon as practicable after a member is appointed, the member must enter into a performance agreement with—
 - (a) if the member is the chairperson—the Minister; or
 - (b) for another member—the chairperson.
- (2) The agreement must be in writing and signed by—
 - (a) the chairperson and the Minister; or
 - (b) the member and the chairperson.

4 Review of member's performance against performance agreement

- (1) A member's performance against the performance agreement under section 3—
 - (a) must be reviewed at least once each year during the term of the member's appointment; and
 - (b) may be reviewed at intervals shorter than 1 year if the chairperson directs, or the member requests, that the member's performance be reviewed.
- (2) The member's performance against the agreement must be reviewed by—
 - (a) if the member is the chairperson—the Minister; or
 - (b) for another member—the chairperson.
- (3) After a review, the agreement must be renewed.

5 Code of conduct for member

- (1) The chairperson may develop and approve a code of conduct for the members of the tribunal.
- (2) The code of conduct must be in writing.

Part 3 Case manager's matters**6 Case manager's matters**

An application or matter listed in schedule 1 is a case manager's matter.

Part 4 Fees

7 Fees

- (1) The following fees are payable to a person required to appear as a witness in the tribunal—
 - (a) an attendance fee of \$49 for each day;
 - (b) if the person travels to and from the tribunal by air and it is reasonable in the circumstances to travel by air—a travelling fee equal to the amount payable for economy class air travel by the person to and from the tribunal;
 - (c) if paragraph (b) does not apply—a travelling fee that is the lesser of the following amounts—
 - (i) the amount actually and properly paid for public transport fares;
 - (ii) if there is no public transport available—40c per kilometre and \$10 for each day;
 - (d) if the person is required to attend to give evidence for more than 1 day, and it is not reasonably practicable for the person to return to the person's place of residence on any day on which the person is required to attend at the tribunal—an accommodation fee of \$90 for each overnight stay.
- (2) The other fees payable under the Act are in schedule 2.

8 Waiver of application fee

- (1) A party may apply to have an application fee waived.
- (2) The application must be made to the director in the approved form.
- (3) The director may waive the application fee.
- (4) In deciding whether to waive the application fee, the director may—
 - (a) consider whether a party has the financial capacity to pay the fee, including, for example, by considering the following—

- (i) if the party is an individual, whether the party holds a concession card;
- (ii) whether the party is a non-profit organisation; and
- (b) require a party to provide documentary evidence to support the application.

Example of documentary evidence—

- a concession card
- a copy of the non-profit organisation's constitution

- (5) In this section—

concession card means—

- (a) a health care card or pensioner concession card under the *Social Security Act 1991* (Cwlth); or
- (b) a pensioner concession card issued by the Commonwealth Department of Veterans' Affairs.

non-profit organisation means an organisation not carried on for the profit or gain of its individual members.

Example—

A charity, church, club or environmental protection society

Part 5 Miscellaneous

9 Registry is registry for other tribunals

For section 20(3)¹ of the Act, the other tribunals are listed in schedule 3.

10 Interest

- (1) For sections 93(2)(c) and 115(2)(d)² of the Act, interest is payable on the amount ordered to be paid—

¹ Section 20(3) (Registry established) of the Act

² Sections 93 (Registration and enforcement of decisions) and 115 (Decision by default for debt) of the Act

- (a) if the parties have entered into a contract—at the rate specified under the contract; or
 - (b) at the rate agreed between the parties; or
 - (c) otherwise—at the rate of 10%.
- (2) The interest is payable on and from the day after the day that the amount became payable until and including the day the amount is paid.

10A Matters for which summary decision may be made—Act, s 125

For section 125(2)(a)³ of the Act, the following matters are prescribed—

- (a) a building dispute under the *Queensland Building Services Authority Act 1991*; or
- (b) the recovery of a debt under the *Queensland Building Services Authority Act 1991*, section 71;⁴ or
- (c) a matter under the *Domestic Building Contracts Act 2000*, section 18, 55, 60 or 84.⁵

11 Contact details and address for service of application or defence

- (1) An application⁶ or a defence⁷ must state—
 - (a) if a solicitor acts for the party—
 - (i) the party's residential or business address; and

3 Section 125 (Summary decision for applicant) of the Act

4 *Queensland Building Services Authority Act 1991*, section 71 (Recovery from building contractor etc.)

5 *Domestic Building Contracts Act 2000*, section 18 (Effective completion date or period), 55 (Cost plus contracts), 60 (Effect of improper statements) or 84 (Right of building contractor to recover amount for variation)

6 Section 31 (How to start proceedings) or 32 (Application by a group of individuals) of the Act

7 Section 33 (Defence and counterclaim) of the Act

- (ii) the name of the solicitor and, if the solicitor practises in a firm of solicitors, the name of the firm; and
 - (iii) the solicitor's business address; and
 - (iv) if the address specified under subparagraph (iii) is not the party's address for service or is not a Queensland address—an address for service in Queensland including, for example, an address approved by the tribunal as the address for service; and
 - (v) the solicitor's phone number; and
 - (vi) the solicitor's fax number; or
- (b) otherwise—
 - (i) the party's residential or business address; and
 - (ii) the party's phone number, if any; and
 - (iii) if the party does not have a phone number—a phone number at which the party may be contacted; and
 - (iv) the party's fax number, if any.
- (2) A solicitor may include the solicitor's email address or document exchange address with the details required under subsection (1)(a).
- (3) A party may include the party's email address with the details required under subsection (1)(b).
- (4) Notice of any change in a party's address for service must be filed in the tribunal and served on all other parties.

Part 6 Regulations repealed

12 Regulations repealed

The following regulations are repealed—

- *Liquor (Tribunal) Regulation 2002*;

- *Property Agents and Motor Dealers (Tribunal) Regulation 2002;*
- *Queensland Building Tribunal Regulation 2000;*
- *Retirement Villages (Tribunal) Regulation 2002.*

Schedule 1 Case manager's matters

section 6

Section 31(4)	(How to start proceedings)
Section 39(4)	(Amendment as to parties)
Section 41(1)(b)(i)	(Service of documents)
Section 44(2)	(Informal service)
Section 45(2)	(Tribunal to fix time and place for proceedings)
Section 47(5)	(Way tribunal is to conduct proceedings)
Section 50	(Directions and orders)
Section 52	(Extension of time and waiver of compliance)
Section 61(2)	(Withdrawal by applicant)
Section 61(3)	(Withdrawal by applicant)
Section 61(4)	(Withdrawal by applicant)
Section 62	(Withdrawal by respondent)
Section 76(2)(e)	(Who represents party at other proceedings)
Section 76(3)	(Who represents party at other proceedings)
Section 77	(Tribunal may require witness to attend)
Section 82	(Referral of matters for expert report)
Section 118(1)	(Method of mediation)

Schedule 2 Fees

section 7(2)

Part 1 Application fees

		\$
1	For an application under section 102 ^a of the Act for a review under—	
	(a) <i>Architects Act 2002</i> , section 121(1)	212.00
	(b) <i>Building Act 1975</i> , section 41(2)	212.00
	(c) <i>Liquor Act 1992</i> , section 31(1)—	
	(i) for an appellant who has a direct or indirect financial interest in licensed premises that may be affected by the outcome of the appeal	212.00
	(ii) for another appellant	53.00
	(d) <i>Plumbing and Drainage Act 2002</i> , section 129(2)	212.00
	(e) <i>Professional Engineers Act 2002</i> , section 122(1).	212.00
	(f) <i>Property Agents and Motor Dealers Act 2000</i> —	
	(i) section 483	53.00
	(ii) section 501	109.00
	(g) <i>Queensland Building Services Authority Act 1991</i> , section 87	212.00
	(h) <i>Residential Services Accreditation Act 2002</i> , section 159(1)	212.00
2	For an application under section 113 ^b of the Act—	
	(a) for an extension of time under the <i>Property Agents and Motor Dealers Act 2000</i> , section 511(1)	53.00
	(b) to hear and decide—	
	(i) an application made to the tribunal under the <i>Domestic Building Contracts Act 2000</i> —	
	(A) section 18(6)(b)	212.00
	(B) section 55(4)	212.00
	(C) section 60(3)	212.00

Schedule 2 (continued)

	\$
(D) section 84(2)(b).....	212.00
(E) section 84(3)(b).....	212.00
(ii) an application made to the tribunal under the <i>Manufactured Homes (Residential Parks)</i> <i>Act 2003</i> —	
(A) section 22(4).....	51.50
(B) section 35(2).....	51.50
(C) section 38(1).....	51.50
(D) section 39(2).....	51.50
(E) section 52(3).....	51.50
(F) section 53(5).....	51.50
(G) section 55(2).....	51.50
(H) section 70(2).....	51.50
(I) section 71(7).....	51.50
(J) section 72.....	51.50
(K) section 74(2).....	51.50
(L) section 82(2).....	51.50
(M) section 90(3).....	51.50
(N) section 94(4).....	51.50
(O) section 98(4).....	51.50
(P) section 140.....	51.50
(Q) section 151(3).....	51.50
(iii) a building dispute under the <i>Queensland</i> <i>Building Services Authority Act 1991</i> , section 77(1).....	212.00
(iv) a retirement villages dispute under the <i>Retirement Villages Act 1999</i> , section 166..	53.00

a Section 102 (Application for review) of the Act

b Section 113 (Other matters) of the Act

Schedule 2 (continued)

Part 2 Miscellaneous fees

		\$
	Copies	
1	For a black and white copy of a record or information, other than a plan or drawing, filed in the registry, for each page—	
	(a) for less than 20 pages	1.20
	(b) for 20 to 50 pages	1.00
	(c) for more than 50 pages	0.80
2	For a colour copy of a record or information, other than a plan or drawing, filed in the registry, for each page—	
	(a) for an A4 page.	3.90
	(b) for an A3 page.	4.20
3	For a copy of a plan or drawing, filed in the registry, for each page—	
	(a) for an A3 page.	3.30
	(b) for an A2 page.	4.30
	(c) for an A1 page.	5.30
	Phone calls	
4	For each call connected—	
	(a) for a local call	0.50
	(b) for an STD call—for each minute.	0.50
	(c) for a mobile phone call—for each minute	1.00
	Inspection of register	
5	Inspecting the register—	
	(a) for each hour or part of an hour	10.80
	(b) maximum fee for a day	43.90
	Attendance notice	
6	Issuing an attendance notice	13.00

Schedule 2 (continued)

		\$
	Officer's attendance	
7	For an officer of the tribunal to accompany a record or document at a place out of the tribunal building, for each day or part of a day the officer is necessarily absent from the building	123.00 plus the officer's reasonable travelling and other expenses
	Certificate	
8	Supplying a certificate as to the correctness of a matter in the register	40.70 plus an amount under item 1

Schedule 3 Registry for other tribunals

section 9

- 1 The Racing Appeals Tribunal established under the *Racing Act 2002*, section 150^a

a *Racing Act 2002*, section 150 (Establishment of Racing Appeals Tribunal)

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 3 September 2004. Future amendments of the Commercial and Consumer Tribunal Regulation 2003 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	1 July 2003	
1A	to 2003 SL No. 166	18 July 2003	
1B	to 2004 SL No. 103	1 July 2004	
1C	to 2004 SL No. 176	3 September 2004	

5 List of legislation

Commercial and Consumer Tribunal Regulation 2003 SL No. 144

made by the Governor in Council on 26 June 2003

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

exp 1 September 2013 (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—

Commercial and Consumer Tribunal Amendment Regulation (No. 1) 2003

SL No. 166

notfd gaz 18 July 2003 pp 1016–17

commenced on date of notification

Tourism, Fair Trading and Wine Industry Development (Fees) Amendment Regulation (No. 1) 2004 SL No. 103

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2004 (see s 2)

Commercial and Consumer Tribunal and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 176 pts 1–2

notfd gaz 3 September 2004 pp 99–100

commenced on date of notification

6 List of annotations

Matters for which summary decision may be made—Act, s 125

s 10A ins 2003 SL No. 166 s 3

SCHEDULE 2—FEES

amd 2003 SL No. 166 s 4

sub 2004 SL No. 103 s 3 sch

amd 2004 SL No. 176 s 3