

Queensland



Subordinate Legislation 2002 No. 326

Liquor Act 1992 *Queensland Building Tribunal Act 2000*

LIQUOR (TRIBUNAL) REGULATION 2002

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Liquor (Tribunal) Regulation 2002*.

2 Commencement

This regulation commences on 6 December 2002.

PART 2—PROVISIONS RELATING TO TRIBUNAL

3 Witness fees and expenses

(1) For section 27(3)(a)¹ of the Act, the witness fees and expenses are the following—

- (a) an attendance allowance of \$49 for each day or part of a day;
- (b) a travelling allowance;
- (c) an accommodation allowance.

(2) If the person travels to and from the Tribunal by air and it is reasonable in the circumstances to travel by air, the travelling allowance is the amount payable for economy class air travel by the person to and from the Tribunal.

(3) If subsection (2) does not apply, the travelling allowance is—

- (a) the amount actually and properly paid for fares for public transport to and from the Tribunal; or
- (b) if there is no public transport available—\$10 for each day or part of a day plus an amount worked out at the rate of 40 cents a kilometre travelled.

(4) If the person is required to attend at the Tribunal for more than 1 day and it is not reasonably practicable for the person to return to the person's

¹ Section 27 (Summons to witnesses) of the Act

place of residence on any day on which the person is required to attend at the Tribunal, the accommodation allowance is \$90 for each overnight stay.

4 Applications or matters for Queensland Building Tribunal Act 2000, s 26C(9)

(1) The applications or matters for the *Queensland Building Tribunal Act 2000*, section 26C(9),² definition “prescribed application or matter” are stated in schedule 1.

(2) However, the presiding case manager may not, under section 26A(1)³ of the Act, consider or give directions about the following—

- (a) striking out a matter or proceeding on the ground that it is frivolous or vexatious;
- (b) staying a decision of the chief executive;
- (c) giving leave to adduce new evidence under section 35A⁴ of the Act.

5 Fees

(1) The fees payable under the Act in relation to the Tribunal are stated in schedule 2.

(2) The chairperson, deputy chairperson or presiding case manager may waive the fee payable by an appellant under schedule 2, item 2(b) if the chairperson, deputy chairperson or presiding case manager is satisfied payment of the fee would cause financial hardship to the appellant.

2 *Queensland Building Tribunal Act 2000*, section 26C (Presiding case manager’s power to deal with particular applications to central tribunals)

3 Section 26A (Directions) of the Act

4 Section 35A (Tribunal may give leave for appeal to be based on new evidence and related matters) of the Act

PART 3—AMENDMENT OF LIQUOR REGULATION 2002

6 Regulation amended in pt 3

This part amends the *Liquor Regulation 2002*.

7 Replacement of s 36 (Fees)

Section 36—

omit, insert—

‘36 Fees

‘(1) The fees payable under the Act, other than in relation to the Tribunal, are stated in schedule 1.

‘(2) If an application under the Act, other than in relation to the Tribunal, is not mentioned in schedule 1, a fee of \$80 is payable for the application.’.

8 Amendment of sch 1 (Fees)

(1) Schedule 1, items 8 and 9—

omit.

(2) Schedule 1, item 10—

renumber as schedule 1, item 8.

SCHEDULE 1**APPLICATIONS OR MATTERS FOR QUEENSLAND
BUILDING TRIBUNAL ACT 2000, SECTION 26C(9)**

section 4

1. An application made to, or matter before, the Tribunal to the extent necessary—

- (a) to decide whether it has jurisdiction, under section 21(1)(a), (b), (c) or (e)⁵ of the Act, to hear and decide a particular appeal; or
- (b) to decide whether to permit amendment of a document under section 26(1)(d)⁶ of the Act; or
- (c) to hold a conference under section 26A(1)⁷ of the Act; or
- (d) to decide whether to give leave under section 34(4)(c) or (6)⁸ of the Act.

5 Section 21 (Jurisdiction and powers of Tribunal) of the Act

6 Section 26 (Powers of Tribunal in proceedings) of the Act

7 Section 26A (Directions) of the Act. See also section 4(2).

8 Section 34 (Arranging the hearing of appeal) of the Act

SCHEDULE 2**FEES**

section 5

\$

Summons to witness

1. Application for a notice under section 27(1) of the Act 23.00

Filing notice of appeal

2. Filing notice of an appeal under section 31(2) of the Act—
- (a) for an appellant who has a direct or indirect financial interest in licensed premises that may be affected by the outcome of the appeal 200.00
 - (b) for any other appellant 50.00

ENDNOTES

1. Made by the Governor in Council on 5 December 2002.
2. Notified in the gazette on 6 December 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Tourism, Racing and Fair Trading.