



Queensland

Queensland Civil and Administrative Tribunal Legislation Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 19

made under the

Queensland Civil and Administrative Tribunal Act 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Queensland Civil and Administrative Tribunal Regulation 2009	
3	Regulation amended	3
4	Amendment of s 6 (Fee for an application or referral made under an enabling Act—Act, s 38(1))	3
5	Amendment of s 7 (Fee for an application for a proceeding to be reopened—Act, s 138(2)(c))	3
6	Amendment of s 8 (Fee for an appeal to the appeal tribunal—Act, s 143(2)(c))	4
7	Amendment of sch 1 (Enabling Acts and provisions)	4
	Part 1 Acts and provisions for section 6(1)	
Part 3	Amendment of Queensland Civil and Administrative Tribunal Rules 2009	
8	Rules amended	11
9	Amendment of r 7 (Form of application)	11
10	Amendment of r 9 (Referring matter)	12
11	Amendment of r 19 (Period within which notice must be given)	12
12	Amendment of r 20 (Notice given by principal registrar for particular	

Contents

	proceedings)	13
13	Amendment of r 21 (Alternative notice requirements for proceedings about persons with impaired capacity etc.)	13
14	Replacement of r 24 (Filing documents other than for minor civil dispute) 13	
	24 Filing documents generally	13
15	Omission of r 25 (Filing documents for minor civil dispute other than minor debt claim)	14
16	Amendment of r 26 (Filing documents for minor debt claim)	14
17	Amendment of r 27 (Responsibility for document electronically filed)	14
18	Insertion of new r 27A	15
	27A Signing a document to be electronically filed	15
19	Amendment of r 28 (Only original document required to be filed for particular proceedings)	15
20	Amendment of r 29 (Number of copies to be filed in other proceedings) 15	
21	Amendment of r 31 (When document is filed)	16
22	Amendment of r 32 (Refusal to file document)	16
23	Amendment of r 33 (Approved entity must be sent a copy of document electronically filed)	17
24	Amendment of r 54 (Corporation)	17
25	Replacement of r 60 (Form of application for debt or liquidated demand of money)	17
	60 Form of application for debt or liquidated demand of money 18	
26	Replacement of r 60A (Form of application for unliquidated damages) 18	
	60A Form of application for unliquidated damages	18
27	Amendment of r 62 (Application for electronic decision by default)	19
28	Amendment of r 63 (Electronic decision by default)	20
29	Amendment of r 87 (Assessing costs)	20
30	Amendment of r 100 (Form and content of register of proceedings)	21
31	Insertion of new r 100A	21
	100A Approving entity for electronic filing	21
32	Amendment of r 117 (Copy of application to be given to all concerned) 21	
33	Amendment of schedule (Dictionary)	21

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Queensland Civil and Administrative Tribunal Legislation Amendment Regulation (No. 1) 2016*.

2 Commencement

This regulation commences on 4 April 2016.

Part 2 Amendment of Queensland Civil and Administrative Tribunal Regulation 2009

3 Regulation amended

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

4 Amendment of s 6 (Fee for an application or referral made under an enabling Act—Act, s 38(1))

Section 6(1)—

omit, insert—

- (1) The fee for an application or referral made under an enabling Act or provision of an enabling Act stated in schedule 1, part 1 is \$305.

5 Amendment of s 7 (Fee for an application for a proceeding to be reopened—Act, s 138(2)(c))

Section 7(1)(b)—

omit, insert—

(b) if no fee is stated in section 5 or 6 for the application or referral that started the proceeding, for a proceeding started under an enabling Act or provision of an enabling Act stated in—

(i) schedule 1, part 1—\$305; or

(ii) schedule 1, part 2—nil.

6 Amendment of s 8 (Fee for an appeal to the appeal tribunal—Act, s 143(2)(c))

Section 8(1)(a), ‘parts 1 to 5’—

omit, insert—

part 1

7 Amendment of sch 1 (Enabling Acts and provisions)

(1) Schedule 1, parts 1 to 5—

omit, insert—

Part 1

**Acts and provisions for
section 6(1)**

Adult Proof of Age Card Act 2008

Agents Financial Administration Act 2014,
section 45, 103 or 122(1)

*Agricultural Chemicals Distribution Control Act
1966*

*Agricultural Chemicals Distribution Control
Regulation 1998*

Agricultural Standards Act 1994, section 50(1) or
51

Animal Care and Protection Act 2001, section
196(2) or 198A

Animal Management (Cats and Dogs) Act 2008,
section 184(2) or 188

Apiaries Regulation 1998

Architects Act 2002, section 121(2)

Associations Incorporation Act 1981, section
111(1) or 113

Biodiscovery Act 2004

*Births, Deaths and Marriages Registration Act
2003*

*Body Corporate and Community Management
Act 1997*, section 47AA(3)(b), 47B(3)(b),
48(1)(b), 133(2)(b), 149A(b), 149B(2)(b),
178(2)(b), 304, 385(8)(b), 387(6)(b), 389(4),
405(2)(b), 412(2)(b) or 414(3)

Building Act 1975, section 189(2)

*Building and Construction Industry Payments Act
2004*, section 96(1) or 97

Casino Control Act 1982, section 91A

Charitable and Non-Profit Gaming Act 1999,
section 174(2), (4) or (5)

*Chemical Usage (Agricultural and Veterinary)
Control Act 1988*

Civil Partnerships Act 2011, section 29

*Classification of Computer Games and Images
Act 1995*

Classification of Films Act 1991

Classification of Publications Act 1991

Community Ambulance Cover Act 2003
(repealed, as applied by the *Community
Ambulance Cover Levy Repeal Act 2011*, section
22)

Cooperatives Act 1997

Crime and Corruption Act 2001, section 219G(1)
(for any application other than an application by
the Crime and Corruption Commission)

*Debt Collectors (Field Agents and Collection
Agents) Act 2014*, section 117 or 119(1)

Disability Services Act 2006, section 109(1) or
115(3)

Disaster Management Act 2003

Domestic Building Contracts Act 2000, section
18(6)(b), 55(4), 60(3) or 84(2)(b) or (3)(b)
(repealed, as applied by the *Queensland Building
and Construction Commission Act 1991*, schedule
1, section 62)

Drugs Misuse Act 1986

Duties Act 2001

Education and Care Services Act 2013

*Education and Care Services National Law
(Queensland) Act 2011*

Education (General Provisions) Act 2006, section
139, 394, 397 or 402

Education (Overseas Students) Act 1996

*Education (Queensland College of Teachers) Act
2005*, section 215

*Education (Queensland Curriculum and
Assessment Authority) Act 2014*, part 5, division 3

Electricity Act 1994, section 216(1) or 219(1)

Electricity Regulation 2006, section 210(1) or
212(a) or (b)

Environmental Offsets Act 2014, section 30 or 38

Environmental Offsets Regulation 2014, section
20(1) or 21

Exotic Diseases in Animals Act 1981, section

33(1)(c) (for any application other than an application by the Minister) or 34(1)(b)

Explosives Act 1999, section 110(1) or 111

Financial Intermediaries Act 1996

Fire and Emergency Services Act 1990

First Home Owner Grant Act 2000

Fisheries Act 1994

Food Act 2006, section 240(1) or 241

Food Production (Safety) Act 2000

Funeral Benefit Business Act 1982, section 61(6) or 65(9)

Further Education and Training Act 2014

Gaming Machine Act 1991, section 29

Gas Supply Act 2003

Guide, Hearing and Assistance Dogs Act 2009

Health (Drugs and Poisons) Regulation 1996

Health Ombudsman Act 2013, section 94(1)(a) or (c) or (2)(b)

Health Practitioner Regulation National Law (Queensland), section 199

Health Practitioners (Disciplinary Proceedings) Act 1999, section 398F (repealed, as applied by the *Health Ombudsman Act 2013*, section 315)

Heavy Vehicle National Law (Queensland)

Information Privacy Act 2009, section 133(1)

Integrated Resort Development Act 1987

Interactive Gambling (Player Protection) Act 1998, section 249, 250, 251, 252, or 253(1) or (2)

Interactive Gambling (Player Protection) Regulation 1998

Introduction Agents Act 2001

Keno Act 1996, section 228, 229, 230, 231, 232 or 233

Land Protection (Pest and Stock Route Management) Act 2002

Legal Profession Act 2007, section 26(4)(b), 51(9), 54(2)(b) or (4)(b), 61(3)(b), 62(3)(a), 69(3)(b), 70(3), 76(3)(b), 87(5), 183(4)(b), 185(7)(b), 188(3)(b), 189(3)(a), 194(3)(b), 195(3)(b), 208(4)(b), 278(6), 328(1), 375(1)(c), 392(1), 393(1) or 469(1) (in relation to section 469(1), for any application other than an application by the Legal Services Commissioner)

Liquid Fuel Supply Act 1984

Liquor Act 1992, section 30(1)

Liquor Regulation 2002

Local Government Regulation 2012, section 158

Lotteries Act 1997

Manufactured Homes (Residential Parks) Act 2003

Marine Parks Act 2004, section 120(1) or 121

Marine Parks Regulation 2006, section 150(1) or 151

Motor Accident Insurance Act 1994

Motor Dealers and Chattel Auctioneers Act 2014, section 196 or 198(1)

Nature Conservation (Administration) Regulation 2006, section 102(1) or 103

Neighbourhood Disputes (Dividing Fences and Trees) Act 2011, section 62(1)

Pest Management Act 2001, section 107(1) or 108

Petroleum and Gas (Production and Safety) Act

2004

Pharmacy Business Ownership Act 2001

Plant Protection Act 1989

Police Powers and Responsibilities Act 2000,
section 602P

Private Health Facilities Act 1999, section 130(1)
or 131

Professional Engineers Act 2002, section 122(2)

Property Occupations Act 2014, section 176 or
178(1)

Public Health Act 2005

*Public Health (Infection Control for Personal
Appearance Services) Act 2003*, section 123(1) or
124

*Queensland Building and Construction
Commission Act 1991*, section 77(1) or 87

Queensland Heritage Act 1992

Racing Act 2002, section 150(1) or (2), 152A or
242(2)

Radiation Safety Act 1999, section 187(1) or 188

Recreation Areas Management Act 2006, section
209(1) or 210

Residential Services (Accreditation) Act 2002,
section 157(4) or 159

Retail Shop Leases Act 1994, section 22E

Retirement Villages Act 1999, section 29(1) or
(3), 157 (an application to the principal registrar
to have a retirement village dispute referred to
mediation), 167, 169(2), 170(2) or 171(2)

Right to Information Act 2009, section 121

Sanctuary Cove Resort Act 1985

Second-hand Dealers and Pawnbrokers Act 2003

Security Providers Act 1993

South Bank Corporation Act 1989

Stock Act 1915

Surveyors Act 2003, section 163(1) or (2)

Tattoo Parlours Act 2013, section 56(1)

Taxation Administration Act 2001

Tourism Services Act 2003, section 85

Tow Truck Act 1973

Transport Infrastructure Act 1994

Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008

Transport Operations (Marine Pollution) Act 1995

Transport Operations (Marine Safety) Act 1994

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

Transport Planning and Coordination Act 1994, section 32(1)

Transport (Rail Safety) Act 2010

Valuers Registration Act 1992, section 61(1)

Vegetation Management Act 1999

Veterinary Surgeons Act 1936, section 22H

Victims of Crime Assistance Act 2009, section 116(7), 125(2) or 190(7)

Wagering Act 1998, section 291, 292, 293, 294, 295, 296 or 297

Water Act 2000, section 865(1)(a) or 877(1)(a) or

renumber as rule 7(1)(b) and (c).

10 Amendment of r 9 (Referring matter)

(1) Rule 9(1)(a)(ii), from ‘if’ to ‘matter’—

omit, insert—

otherwise

(2) Rule 9(1)(a)(ii)—

renumber as rule 9(1)(a)(iii).

(3) Rule 9(1)(a)—

insert—

(ii) if the referral is filed electronically under rule 24 and a practice direction prescribes the form to be used—in that form; or

11 Amendment of r 19 (Period within which notice must be given)

(1) Rule 19(2), definition *prescribed period*, before paragraph (a)—

insert—

(aa) if the copy is of an application for a minor debt claim—90 days; or

(2) Rule 19(2), definition *prescribed period*, paragraph (a), after ‘if’—

insert—

the copy is not of an application for a minor debt claim and

(3) Rule 19(2), definition *prescribed period*, paragraphs (aa) to (b)—

renumber as paragraphs (a) to (c).

12 Amendment of r 20 (Notice given by principal registrar for particular proceedings)

Rule 20(1)(a), ‘*Adoption of Children Act 1964*’—

omit, insert—

Adoption Act 2009

13 Amendment of r 21 (Alternative notice requirements for proceedings about persons with impaired capacity etc.)

(1) Rule 21(3)(b)(v) and (vi)—

omit.

(2) Rule 21(3)(b)(vii) and (viii)—

renumber as rule 21(3)(b)(v) and (vi).

14 Replacement of r 24 (Filing documents other than for minor civil dispute)

Rule 24—

omit, insert—

24 Filing documents generally

(1) An application, referral or other document in a proceeding may be filed—

(a) in person; or

(b) by post; or

(c) electronically, in the way prescribed by a practice direction; or

(d) if the document is an application or a referral for a proceeding other than a proceeding for a minor civil dispute and there is no fee payable for the document—by fax.

(2) In this section—

electronically includes by email.

15 Omission of r 25 (Filing documents for minor civil dispute other than minor debt claim)

Rule 25—

omit.

16 Amendment of r 26 (Filing documents for minor debt claim)

(1) Rule 26(1)—

omit.

(2) Rule 26(2), ‘However, the document may’—

omit, insert—

An application or other document in a proceeding
for a minor debt claim may also

(3) Rule 26(2)(a)(ii), ‘subrule (3)’—

omit, insert—

subrule (2)

(4) Rule 26(3), ‘subrule (2)(a)(ii)’—

omit, insert—

subrule (1)(a)(ii)

(5) Rule 26(4), ‘Subrule (3)(c)’—

omit, insert—

Subrule (2)(c)

(6) Rule 26(2) to (4)—

renumber as rule 26(1) to (3).

17 Amendment of r 27 (Responsibility for document electronically filed)

(1) Rule 27, heading, after ‘filed’—

insert—

under r 26

- (2) Rule 27(1), ‘rule 26(2)’—
omit, insert—
rule 26(1)

18 Insertion of new r 27A

Part 4, division 2—

insert—

27A Signing a document to be electronically filed

- (1) This rule applies to a document filed electronically under rule 24(1)(c) or 26(1).
- (2) The document is taken to be signed by a person if the person’s name is written at a place on the document indicated to be a place where the document may or must be signed.

19 Amendment of r 28 (Only original document required to be filed for particular proceedings)

Rule 28(1)(a), ‘*Adoption of Children Act 1964*’—

omit, insert—

Adoption Act 2009

20 Amendment of r 29 (Number of copies to be filed in other proceedings)

- (1) Rule 29(1)—

omit, insert—

- (1) This rule does not apply to filing a document—
- (a) electronically under rule 24(1)(c) or 26(1) or by fax; or
- (b) in a proceeding to which rule 28 applies.

- (2) Rule 29(2), ‘the proceeding’—
omit, insert—
a proceeding

21 Amendment of r 31 (When document is filed)

- (1) Rule 31—
insert—
- (2A) If a document is filed electronically under rule 24(1)(c), by fax or in a proceeding other than for a proceeding to which rule 28 applies, the principal registrar must send a stamped copy of the document to—
- (a) if the entity who filed the document has an electronic service address that is working—the electronic service address for the entity; or
 - (b) otherwise—the service address for the entity.
- (2B) A paper copy of an electronic document sent to an entity under subrule (3) is taken for all purposes, including service, to be—
- (a) a copy of the document in the record for the proceeding; and
 - (b) issued by the tribunal; and
 - (c) stamped with the tribunal’s seal.
- (2) Rule 31(2A) to (5)—
renumber as rule 31(3) to (7).

22 Amendment of r 32 (Refusal to file document)

- Rule 32(3)—
omit, insert—

- (3) If the principal registrar refuses to file a document filed electronically under rule 24(1)(c) or 26(1), the principal registrar must advise the entity who filed the document that the principal registrar has refused to file the document.

23 Amendment of r 33 (Approved entity must be sent a copy of document electronically filed)

- (1) Rule 33, heading, after ‘filed’—

insert—

under r 26

- (2) Rule 33(3), ‘court’—

omit, insert—

tribunal

24 Amendment of r 54 (Corporation)

Rule 54—

insert—

- (5) In this rule—

officer, of a corporation, means—

- (a) an officer within the meaning given by the Corporations Act, section 9 for a corporation; or
(b) an employee of the corporation.

25 Replacement of r 60 (Form of application for debt or liquidated demand of money)

Rule 60—

omit, insert—

60 Form of application for debt or liquidated demand of money

- (1) An application for a decision by default for a debt or liquidated demand of money must be made—
 - (a) in the approved form; or
 - (b) if the application is filed electronically under rule 24(1)(c) and a practice direction prescribes the form to be used—in that form.
- (2) The application must have the following attached—
 - (a) an affidavit about how a copy of the original application for the recovery of the debt or liquidated demand of money was given to the respondent;
 - (b) an affidavit about the debt or liquidated demand of money stating—
 - (i) that the whole of the debt or liquidated demand of money is still owing; or
 - (ii) if part of the debt or liquidated demand of money has been paid—when the payment was made, the amount paid and how much is still owing.
- (3) The application must be filed.

26 Replacement of r 60A (Form of application for unliquidated damages)

Rule 60A—

omit, insert—

60A Form of application for unliquidated damages

- (1) An application for a decision by default claiming recovery of an amount consisting of, or including, unliquidated damages from a person must be

made—

- (a) in the approved form; or
 - (b) if the application is filed electronically under rule 24(1)(c) and a practice direction prescribes the form to be used—in that form.
- (2) The application must have the following attached—
- (a) an affidavit about how a copy of the original application for the recovery of the unliquidated damages was given to the respondent;
 - (b) an affidavit about the unliquidated damages—
 - (i) stating the basis on which recovery of the amount of unliquidated damages is claimed; and
 - (ii) including all information necessary to show how the claim has been calculated, including by annexing all supporting material to the affidavit; and
 - (iii) if costs or interest is claimed in the application—stating the basis on which the costs or interest is claimed, including all information necessary to show how the claim has been calculated.
- (3) The application must be filed.

27 Amendment of r 62 (Application for electronic decision by default)

- (1) Rule 62, heading, after ‘default’—

insert—

for minor debt claim

(2) Rule 62(1)(a), after ‘electronically filed’—

insert—

under rule 26(1)

28 Amendment of r 63 (Electronic decision by default)

Rule 63, heading, after ‘default’—

insert—

for minor debt claim

29 Amendment of r 87 (Assessing costs)

Rule 87—

insert—

- (3) The assessor is to decide the procedure to be followed on the assessment of the costs.
- (4) However, the procedure must be consistent with the objects of the Act, an enabling Act or these rules.
- (5) Without limiting subrule (3) or (4), the assessor may decide to do all or any of the following—
 - (a) hear the assessment in private;
 - (b) carry out the assessment on the papers without an oral hearing;
 - (c) not be bound by laws of evidence or procedure applying to a proceeding in the tribunal;
 - (d) be informed of the facts in any way the assessor considers appropriate;
 - (e) not make a record of the evidence given.

30 Amendment of r 100 (Form and content of register of proceedings)

(1) Rule 100(1)(b)(iii)—

omit.

(2) Rule 100(1)(b)(iv) to (vii)—

renumber as rule 100(1)(b)(iii) to (vi).

31 Insertion of new r 100A

Part 11—

insert—

100A Approving entity for electronic filing

The principal registrar may approve an entity to prepare documents for electronic filing under rule 26(1).

32 Amendment of r 117 (Copy of application to be given to all concerned)

Rule 117(1)(b)—

omit, insert—

(b) the Queensland Building and Construction Commission applies to the tribunal to conduct a public examination under the *Queensland Building and Construction Commission Act 1991*.

33 Amendment of schedule (Dictionary)

Schedule, definition *approved entity*, paragraph (a)(ii), from ‘a’ to ‘filed’—

omit, insert—

the principal registrar under rule 100A

ENDNOTES

- 1 Made by the Governor in Council on 24 March 2016.
- 2 Notified on the Queensland legislation website on 24 March 2016.
- 3 The administering agency is the Department of Justice and Attorney-General.

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