



Queensland

Queensland Civil and Administrative Tribunal (Fees Reforms) Amendment Regulation 2016

Subordinate Legislation 2016 No. 233

made under the

Queensland Civil and Administrative Tribunal Act 2009

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1 Short title

This regulation may be cited as the *Queensland Civil and Administrative Tribunal (Fees Reforms) Amendment Regulation 2016*.

2 Commencement

- (1) This regulation, other than section 13(2), commences on 12 December 2016.
- (2) Section 13(2) commences when the *Education and Other Legislation Amendment Act 2016*, section 73 commences.

3 Regulation amended

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

4 Insertion of new s 4A

Part 3—

insert—

4A Fee for a counter-application

An applicant for a counter-application must pay the prescribed fee, if any, for the counter-application.

5 Amendment of s 5 (Fee for an application for a minor civil dispute—Act, s 38(1))

- (1) Section 5, heading, from ‘for a’—
omit, insert—

or counter-application for a minor civil dispute

- (2) Section 5(1), after ‘application’—
insert—

under section 38(1) of the Act, or

[s 6]

counter-application under section 4A,

- (3) Section 5(2), ‘applicant’—

omit, insert—

person

- (4) Section 5(3)—

omit.

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

- (1) Section 6, heading, from ‘or’—

omit, insert—

, referral or counter-application

- (2) Section 6(1)—

omit, insert—

- (1) The fee for an application or referral under section 38(1) of the Act, or counter-application under section 4A, is—

- (a) if the proceeding is started under an enabling Act or provision of an enabling Act stated in schedule 1—nil; or
- (b) if the application, referral or counter application is made by a State-related person—nil; or
- (c) otherwise—\$315.70.

- (3) Section 6(3), after ‘application’—

insert—

or counter-application

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

Section 7—

omit, insert—

7 Fee for an application for a proceeding to be reopened

- (1) This section prescribes, for section 138(2)(c) of the Act, the fee payable by a party to a proceeding for an application to reopen the proceeding.
- (2) The fee is the amount the party would be required to pay under section 5 or 6 to make the application or referral that started the proceeding.
- (3) However, if the fee that would be payable by the party under section 6 is nil because the proceeding was started under an enabling Act or provision of an enabling Act stated in schedule 1, part 1, the fee is \$315.70.

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

- (1) Section 8, heading, from ‘tribunal’—

omit, insert—

tribunal

- (2) Section 8(1)—

omit, insert—

- (1) The fee for an appeal to the appeal tribunal against a decision of the tribunal is—
 - (a) for an appeal against a decision of the tribunal on an application or referral made under an enabling Act or provision of an enabling Act—\$631.40; or
 - (b) for an appeal against a decision of the tribunal on an application made under the *Prostitution Act 1999*, section 64A or 64B—\$2507; or
 - (c) for an appeal against a decision of the tribunal on any other application or referral,

[s 9]

other than an application to hear a minor civil dispute—\$631.40.

(3) Section 8(4)—

renumber as section 8(6).

(4) Section 8(5)—

omit, insert—

(4) A person may apply, in the approved form, to the principal registrar to pay a reduced fee for a fee payable under subsection (1), (2) or (3).

(5) If the principal registrar is satisfied that payment of the fee for an appeal would cause, or would be likely to cause, the applicant for a reduced fee undue financial hardship, the reduced fee is \$100.

(5) Section 8(6) as renumbered, ‘or (3)’—

omit, insert—

, (3) or (5)

9 Insertion of new s 8A

Part 3—

insert—

8A Copying fees for parties

(1) A party to a proceeding may, on payment of the prescribed fee, obtain a copy of—

(a) a part of the register relating to the proceeding; or

(b) a part of a record kept for the proceeding, filed in the registry.

(2) If a party obtains a photocopy of a document or other thing under rule 80(3) of the rules, the party must pay a fee for the photocopy.

(3) However, a party to a proceeding started under an enabling Act mentioned in schedule 1, part 2 may

obtain the copy under subsections (1) or (2) without charge.

- (4) Despite subsection (3), the fee is payable if the adult who is the subject of the proceeding is dead and the proceedings are started under—
- (a) the *Disability Services Act 2006*, section 178(9); or
 - (b) the *Guardianship and Administration Act 2000*; or
 - (c) the *Powers of Attorney Act 1998*.

10 Amendment of s 10 (Waiver of fees)

Section 10—

insert—

- (3) This section does not apply to a fee payable under section 8.

11 Replacement of sch 1 (Enabling Acts and provisions)

Schedule 1—

omit, insert—

Schedule 1 Enabling Acts and provisions for sections 6 and 8A

sections 6 and 8A

Part 1 Acts and provisions for section 6(1)

[s 12]

Associations Incorporation Act 1981,
section 106K(2)(b)

*Child Protection (International Measures)
Act 2003*

Information Privacy Act 2009, section
173(1)

Retail Shop Leases Act 1994, sections 63
and 64

Part 2 Acts and provisions for sections 6(1) and 8A(3)

Adoption Act 2009

Anti-Discrimination Act 1991

Child Protection Act 1999

Disability Services Act 2006, section 178(9)

Guardianship and Administration Act 2000

Powers of Attorney Act 1998

*Working with Children (Risk Management
and Screening) Act 2000*

12 Amendment of sch 2 (Other fees)

Schedule 2, items 3 to 5—

omit, insert—

- 3 Fee for a black and white copy of part of the register (under section 229(4)(b) of the Act or section 8A(1)(a)), part of a record for a proceeding (under section 230(3)(b) of the Act or section 8A(1)(b)) or a document or other thing (under section 8A(2)), other than a plan or drawing, for each page—

(a) for less than 20 pages

1.90

-
- | | |
|---|------|
| (b) for 20 to 50 pages | 1.60 |
| (c) for more than 50 pages | 1.15 |
| 4 Fee for a colour copy of part of the register (under section 229(4)(b) of the Act or section 8A(1)(a)), part of a record for a proceeding (under section 230(3)(b) of the Act or section 8A(1)(b)) or a document or other thing (under section 8A(2)), other than a plan or drawing, for each page— | |
| (a) for an A4 page | 5.80 |
| (b) for an A3 page | 6.20 |
| 5 Fee for a copy of part of the register (under section 229(4)(b) of the Act or section 8A(1)(a)), part of a record for a proceeding (under section 230(3)(b) of the Act or section 8A(1)(b)) or a document or other thing (under section 8A(2)), that is a plan or drawing, for each page— | |
| (a) for an A3 page | 4.90 |
| (b) for an A2 page | 6.30 |
| (c) for an A1 page | 8.00 |

13 Amendment of sch 3 (Dictionary)

- (1) Schedule 3—

insert—

counter-application see the *Queensland Civil and Administrative Tribunal Rules 2009*, rule 48(1).

prescribed entity means any of the following entities—

- (a) the Board of Architects of Queensland under the *Architects Act 2002*;
- (b) the Board of Professional Engineers of Queensland under the *Professional Engineers Act 2002*;
- (c) the Crime and Corruption Commission;

[s 13]

- (d) the Health Ombudsman under the *Health Ombudsman Act 2013*;
- (e) the Legal Services Commissioner under the *Legal Profession Act 2007*;
- (f) a National Health Practitioner Board under the Health Practitioner Regulation National Law (Queensland);
- (g) the Professional Practice and Conduct Committee under the *Education (Queensland College of Teachers) Act 2005*;
- (h) the Queensland Building and Construction Commission under the *Queensland Building and Construction Commission Act 1991*;
- (i) the Queensland College of Teachers under the *Education (Queensland College of Teachers) Act 2005*;
- (j) the Surveyors Board of Queensland under the *Surveyors Act 2003*;
- (k) the Valuers Registration Board of Queensland under the *Valuers Registration Act 1992*;
- (l) the Veterinary Surgeons Board of Queensland under the *Veterinary Surgeons Act 1936*.

State-related person means—

- (a) the Sovereign; or
- (b) the State or a person acting for the State; or
- (c) an entity whose expenditure is payable, in whole or in part, out of the consolidated fund or person acting for the entity; or
- (d) a prescribed entity.

- (2) Schedule 3, definition *prescribed entity*, paragraph (g), ‘Practice and’—

omit, insert—

Capacity and Teacher

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2016.
- 2 Notified on the Queensland legislation website on 9 December 2016.
- 3 The administering agency is the Department of Justice and Attorney-General.

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