



Queensland

Small Claims Tribunals Act 1973

Small Claims Tribunals Regulation 1993

Reprinted as in force on 20 September 2004
(includes commenced amendments up to 2004 SL No. 178)

Reprint No. 2F

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2005 SL No. 204 s 11

Information about this reprint

This regulation is reprinted as at 20 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

Small Claims Tribunals Regulation 1993

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Small Claims Tribunals Regulation 1993

[as amended by all amendments that commenced on or before 20 September 2004]

1 Short title

This regulation may be cited as the *Small Claims Tribunals Regulation 1993*.

3 Definitions

In this regulation—

examinee means a person required to attend an examination and be examined under section 23A¹ 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.

4 Approval of forms

The chief executive may approve a form for a purpose—

- (a) for which a prescribed form is required or authorised to be used under the Act or this regulation; or
- (b) in connection with the administration of the Act or this regulation.

5 Fees

The fees payable for the purposes of the Act are set out in the schedule.

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

5A Filing fee if State-related claimant

- (1) Despite section 5, a State-related claimant may file a claim in a registry without payment of a filing fee.
- (2) 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 wholly payable out of the consolidated fund.

6 Service of order

The registrar must cause a copy of an order for examination to be served on the examinee not less than 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 at the time that an examination is adjourned, the referee must give the absent party a notice in the approved form that states 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, in the form approved by the Attorney-General, for the arrest of the examinee.
- (2) The warrant must require that the examinee—
 - (a) be brought before the referee for examination; and
 - (b) produce all relevant books, deeds, papers or writings.

9 Execution of warrant

(1) Until the examinee mentioned in the 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 any police officer; and
- (b) be received by a person in charge of any 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 execute all warrants as required by a referee or registrar; and
- (b) conform to the orders and directions of the referee or registrar.

(2) The registrar may give directions about the service or execution of documents as the registrar considers necessary.

(3) A bailiff is entitled to receive and retain for the bailiff's own use the fees set out in the *Uniform Civil Procedure (Fees) Regulation 1999*, schedule 2, part 2² in relation to the following matters—

- (a) for serving (including an attempt to serve) a copy of an order for examination within a distance of 12 km from the Registry;
- (b) for executing (including an attempt at executing) any warrant within a distance of 12 km from the Registry;
- (c) for each kilometre travelled (one way) in excess of 12 km from the Registry to the place of service or execution or attempted service or execution;
- (d) for conveying a person to prison or a place of detention.

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

- (4) A bailiff must provide for the performance of a duty mentioned in subsection (3) from the fee received.

Schedule Fees

section 5

	\$
1 Small claim if the amount claimed is—	
(a) under \$500	12.80
(b) \$500 or more but under \$1 500	43.00
(c) \$1 500 or more	71.00
2 Application under the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 153(2)	62.00
3 Application under the <i>Dividing Fences Act 1953</i>	62.00
4 Tenancy application (other than an application under the <i>Residential Tenancies Act 1994</i> , section 150(2) or 188(b) ^a)—	
(a) claim under \$500	12.80
(b) claim of \$500 or more but under \$1 500	43.00
(c) claim of \$1 500 or more	71.00
(d) if no money is claimed	13.00

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- a There is no fee for applying under section 150(2) or 188(b) for recognition of a spouse as tenant or 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 20 September 2004. Future amendments of the Small Claims Tribunals Regulation 1993 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	Reprint date
1	none	1 November 1993	12 November 1993
1A	to 1995 SL No. 142	13 June 1995	28 June 1996
1B	to 1996 SL No. 289	1 November 1996	25 November 1996
1C	to 1997 SL No. 270	1 September 1997	21 November 1997
1D	to 1998 SL No. 337	1 January 1999	14 January 1999
2	to 2000 SL No. 66	1 May 2000	5 May 2000
2A	to 2000 SL No. 105	9 June 2000	25 August 2000
2B	to 2001 SL No. 111	30 July 2001	25 January 2002 (Column discontinued) Notes
2C	to 2002 SL No. 223	1 September 2002	
2D	to 2003 SL No. 237	6 October 2003	
2E	to 2003 SL No. 298	1 December 2003	
2F	to 2004 SL No. 178	20 September 2004	

5 List of legislation

Small Claims Tribunals Regulation 1993 SL No. 385

made by the Governor in Council on 21 October 1993

notfd gaz 22 October 1993 pp 695–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 November 1993 (see s 2)

exp 31 August 2005 (see SIA s 56A(1)(b) and SIR s 5 sch 3)

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

amending legislation—

Small Claims Tribunals Amendment Regulation (No. 1) 1995 SL No. 142

notfd gaz 26 May 1995 pp 912–14

ss 1–2 commenced on date of notification

remaining provisions commenced 13 June 1995 (see s 2)

Department of Justice (Variation of Fees) Regulation 1996 SL No. 289 pts 1, 7

notfd gaz 25 October 1996 pp 764–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 November 1996 (see s 2)

Department of Justice (Variation of Fees) Regulation 1997 SL No. 270 pts 1, 5

notfd gaz 29 August 1997 pp 1987–9
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 1997 (see s 2)

Justice Legislation (Variation of Fees) Regulation 1998 SL No. 337 pts 1, 6

notfd gaz 18 December 1998 pp 1551–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 January 1999 (see s 2)

Justice Legislation (Variation of Fees and Costs) Regulation 2000 SL No. 66 pts 1, 8

notfd gaz 20 April 2000 pp 1533–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 May 2000 (see s 2)

Small Claims Tribunals Amendment Regulation (No. 1) 2000 SL No. 105

notfd gaz 9 June 2000 pp 456–9
 commenced on date of notification

Justice Legislation (Variation of Fees and Costs) Regulation 2001 SL No. 111 pts 1, 7

notfd gaz 20 July 2001 pp 1138–40
 ss 1–2 commenced on date of notification
 remaining provisions commenced 30 July 2001 (see s 2)

Justice Legislation (Variation of Fees and Costs) Regulation (No. 1) 2002 SL No. 223 pts 1, 10

notfd gaz 30 August 2002 pp 1557–61
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 2002 (see s 2)

Justice Legislation (Variation of Costs and Fees) Regulation (No. 1) 2003 SL No. 237 ss 1–3, sch

notfd gaz 3 October 2003 pp 382–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 6 October 2003 (see s 2)

Justice Legislation Amendment Regulation (No. 1) 2003 SL No. 298 pts 1, 4

notfd gaz 28 November 2003 pp 1032–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 December 2003 (see s 2)

Justice Legislation (Costs and Fees) Amendment Regulation (No. 1) 2004 SL No. 178

notfd gaz 10 September 2004 pp 173–7
 ss 1–2 commenced on date of notification
 remaining provisions commenced 20 September 2004 (see s 2)

6 List of annotations

Commencement

s 2 om 1996 SL No. 289 s 19

Filing fee if State-related claimant

s 5A ins 2003 SL No. 237 s 3 sch

Execution of warrant

s 9 amd 2002 SL No. 223 s 20

Duties of bailiff

s 10 amd 2002 SL No. 223 s 21

Repeal

s 11 om R1 (see RA s 40)

SCHEDULE—FEES

amd 1995 SL No. 142 s 4

sub 1996 SL No. 289 s 20; 1997 SL No. 270 s 10; 1998 SL No. 337 s 12; 2000

SL No. 66 s 16

amd 2000 SL No. 105 s 3

sub 2001 SL No. 111 s 15; 2002 SL No. 223 s 22

amd 2003 SL No. 237 s 3 sch

sub 2003 SL No. 298 s 9

amd 2004 SL No. 178 s 3 sch