

Queensland



*Children's Commissioner and Children's Services Appeals Tribunals  
Act 1996*

# **CHILDREN'S COMMISSIONER AND CHILDREN'S SERVICES APPEALS TRIBUNALS RULE 1998**

**Reprinted as in force on 29 April 1998  
(Rule not amended up to this date)**

**Reprint No. 1**

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# **Information about this reprint**

This rule is reprinted as at 29 April 1998.

**See endnotes for information about when provisions commenced.**

Queensland



**CHILDREN'S COMMISSIONER AND  
CHILDREN'S SERVICES APPEALS  
TRIBUNALS RULE 1998**

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## **CHILDREN'S COMMISSIONER AND CHILDREN'S SERVICES APPEALS TRIBUNALS RULE 1998**

[reprinted as in force on 29 April 1998]

### **Short title**

1. This rule may be cited as the *Children's Commissioner and Children's Services Appeals Tribunals Rule 1998*.

### **Notice of appeal to be given to respondent**

2. The commissioner must serve<sup>1</sup> a copy of a notice of appeal made to the commissioner on the person who made the reviewable decision appealed against as soon as practicable after the establishment of a tribunal.

### **Chairperson to convene tribunal to hear application for stay**

3.(1) This section applies if a party to an appeal applies for a stay of the decision appealed against.

(2) The chairperson of the tribunal established to hear the appeal must, as soon as practicable, convene the tribunal to hear the application.

### **Recording and service of decision about stay application**

4.(1) A decision by a tribunal about an application for the stay of a decision must be—

- (a) recorded in the approved form; and
- (b) filed by the chairperson of the tribunal with the commissioner.

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<sup>1</sup> See the *Acts Interpretation Act 1954*, part 10 and the *Statutory Instruments Act 1992*, section 14 which provide for how documents required to be served on a person under subordinate legislation may be served.

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(2) The commissioner must, as soon as practicable after the decision is filed, serve a copy of it on all the parties to the appeal.

### **Recording of decisions made at preliminary conference**

5.(1) This section applies if a tribunal member makes a decision about a proceeding at a preliminary conference between the parties to the proceeding.

(2) The tribunal member must—

- (a) record the decision in the approved form; and
- (b) file a copy of the decision with the commissioner.

(3) The commissioner must, as soon as practicable after the decision is filed, serve<sup>2</sup> a copy of it on the parties to the appeal.

### **Application by party for representation by lawyer or agent**

6.(1) This section applies if the tribunal is making a decision about granting leave for a party to a proceeding to be represented at the hearing by a lawyer or agent.

(2) Without limiting the tribunal's discretion, the tribunal may consider the following in making its decision—

- (a) the nature and complexity of the legal and factual issues to be considered in the proceeding;
- (b) the party's ability to articulate the substance of the appeal.

### **Attendance notice to be in approved form**

7. An attendance notice given by the tribunal to a person must be in the approved form.

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<sup>2</sup> See the *Acts Interpretation Act 1954*, part 10 and the *Statutory Instruments Act 1992*, section 14 which provide for how documents required to be served on a person under subordinate legislation may be served.

### **Allowances for witness**

**8.** A witness who appears at a tribunal hearing under an attendance notice is entitled to be paid an allowance equal to the amount the person would be entitled to be paid under the Magistrates Courts Rules, schedule 4<sup>3</sup> if the hearing were a hearing in the Magistrates Court.

### **Failure to comply with orders, requirements or directions**

**9.** If a party to a proceeding contravenes an order, requirement or direction of a tribunal, the tribunal may—

- (a) stay the proceeding until the party complies with the order, requirement or direction; or
- (b) give the party the further directions it considers appropriate to ensure compliance with the order, requirement or direction.

### **Reasons for tribunal's decision to be published**

**10.(1)** A tribunal must, as soon as practicable after making a decision about an appeal, publish the decision, and the reasons for the decision, in writing.

**(2)** The chairperson of the tribunal must file a document setting out the decision and the reasons for the decision, signed by all of the tribunal members, with the commissioner.

**(3)** The commissioner must, as soon as practicable after the document is filed, serve<sup>4</sup> a copy of the document on all parties to the appeal.

### **Filing documents with the commission or tribunal**

**11.** If the Act, or a direction of a tribunal, requires a document to be filed

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<sup>3</sup> Schedule 4 (Fees and expenses allowable to witnesses)

<sup>4</sup> See the *Acts Interpretation Act 1954*, part 10 and the *Statutory Instruments Act 1992*, section 14 which provide for how documents required to be served on a person under subordinate legislation may be served.

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with the commission or tribunal, the party required to file the document must file an original and 3 copies of the document.

## 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). However, no amendments have commenced operation on or before that day. Future amendments of the Children's Commissioner and Children's Services Appeals Tribunals Rule 1998 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

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## **4 List of legislation**

### **Children's Commissioner and Children's Services Appeals Tribunals Rule 1998 SL No. 67**

made by the Children's Commissioner on 12 January 1998  
notfd gaz 3 April 1998 pp 1425–6  
commenced on date of notification  
exp 12 January 2008 (see SIA s 54)