

Queensland



Queensland Building Tribunal Act 2000

QUEENSLAND BUILDING TRIBUNAL REGULATION 2000

**Reprinted as in force on 6 December 2002
(includes amendments up to SL No. 328 of 2002)**

Reprint No. 1B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2003 SL No. 144 s 12

Information about this reprint

This regulation is reprinted as at 6 December 2002. 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.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier 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



QUEENSLAND BUILDING TRIBUNAL REGULATION 2000

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QUEENSLAND BUILDING TRIBUNAL REGULATION 2000

[as amended by all amendments that commenced on or before 6 December 2002]

1 Short title

This regulation may be cited as the *Queensland Building Tribunal Regulation 2000*.

2 Commencement

This regulation commences on 1 July 2000.

3 Registrar to give copies of tribunal decision

(1) The registrar must, on the application of a party in whose favour a decision of the tribunal has been made, send to the party 2 copies of the decision certified as correct by the registrar.

(2) The applicant for the copies must pay the fee in schedule 2 for the copies.

4 Witness fees

For section 68(2)(a)¹ of the Act, the fee payable to a person required to appear as a witness is made up of the following amounts—

- (a) an attendance allowance of \$49 for each day;
- (b) if the person travels to and from the tribunal by air and it is reasonable in the circumstances to travel by air—a travelling allowance equal to the amount payable for economy class air travel by the person to and from the tribunal;
- (c) if paragraph (b) does not apply—a travelling allowance that is the lesser of the following amounts—

¹ Section 68 (Tribunal may summons witness) of the Act

- (i) the amount actually and properly paid for fares for public transport; or
- (ii) if there is no public transport available—40 cents per kilometre and \$10 for each day;
- (d) if the person is required to attend to give evidence for more than 1 day, and it is not reasonably practicable for the person to return to the person's place of residence on any day on which the person is required to attend at the tribunal—an accommodation allowance of \$90 for each overnight stay.

5 Interest

(1) For sections 93(2)(c) and 121(2)(d)² of the Act, interest is payable on the amount claimed at the rate agreed between the parties, or if there is no agreement as to the rate, 10%.

(2) The interest is payable from but excluding the day the amount claimed became due and payable to and including the day of the decision by default.

6 Fees

The fees payable under the Act are in schedule 2.

7 Applications or matters for Act, s 26C(9)

The applications or matters for section 26C(9)³ of the Act, definition "prescribed application or matter" are stated in schedule 1.

2 Sections 93 (Tribunal may decide building dispute) and 121 (Decision by default for debt) of the Act

3 Section 26C (Presiding case manager's power to deal with particular applications to central tribunals) of the Act

SCHEDULE 1**APPLICATIONS OR MATTERS FOR ACT,
SECTION 26C(9)**

section 7

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

- (a) whether it has jurisdiction, under section 28⁴ of the Act, to hear and decide the application or matter; or
- (b) whether to give a direction under section 29(5)⁵ of the Act; or
- (c) under section 40(2)⁶ of the Act, the time and place for proceedings; or
- (d) whether it is appropriate, under section 41(5)⁷ of the Act, to conduct a proceeding by means of telephone conferencing, video conferencing or another form of communication that allows reasonably contemporaneous and continuous communication between persons taking part in the proceeding; or
- (e) whether to make an order or give a direction under section 42(1)⁸ of the Act; or
- (f) whether to give leave under section 52(3) to (5), 53 or 54⁹ of the Act; or
- (g) whether to give a direction under section 65 or 66(2)(b)(iv)¹⁰ of the Act; or

4 Section 28 (General jurisdiction) of the Act

5 Section 29 (Start of proceedings) of the Act

6 Section 40 (Tribunal to fix time and place for proceedings) of the Act

7 Section 41 (Way tribunal is to conduct proceedings) of the Act

8 Section 42 (Directions and orders) of the Act

9 Section 52 (Withdrawal by applicant), 53 (Withdrawal by respondent) or 54 (Further application after withdrawal restricted) of the Act

10 Section 65 (Who represents party at pre-hearing conference) or 66 (Who represents party at other proceedings) of the Act

SCHEDULE 1 (continued)

- (h) whether to appoint a mediator or mediators under section 123(1)¹¹ of the Act; or
 - (i) whether to allow, under section 124¹² of the Act, a mediator to conduct a mediation by means of telephone conferencing, video conferencing or another form of communication that allows reasonably contemporaneous and continuous communication between persons taking part in the mediation.
2. An application under any of the following provisions of the Act—
- section 42(4)
 - section 44(1) or (2)
 - section 68(1).¹³

11 Section 123 (Tribunal may appoint mediator) of the Act

12 Section 124 (Method of mediation) of the Act

13 Section 44 (Extension of time and waiver of compliance) or 68 (Tribunal may summons witness) of the Act

SCHEDULE 2

FEES

section 6

\$

Starting proceedings

1. Fee payable under section 29(1) of the Act to start a proceeding 205.00

Copies

2. Copy of a record of the tribunal or an exhibit or other document filed in the Registry, for each page—
- (a) in black and white on an A4 page, other than plans or drawings—
- (i) for less than 20 pages 1.20
- (ii) for 20 to 50 pages 1.00
- (iii) for more than 50 pages80
- (b) colour photocopies, other than plans or drawings—
- (i) on an A4 page 3.60
- (ii) on an A3 page 4.10
- (c) for copying plans or drawings in black and white—
- (i) on an A3 page 3.10
- (ii) on an A2 page 4.10
- (iii) on an A1 page 5.10

Telephone calls

3. Use of a telephone—
- (a) local call50
- (b) STD call—for each minute50
- (c) mobile call—for each minute 1.00

Search or inspection

4. Search or inspection of register or file—
- (a) for each hour or part of an hour 10.20
- (b) maximum fee for a day 41.40

SCHEDULE 2 (continued)

	\$
Summons	
5. For issuing a summons under section 68 of the Act	12.30
Officer's attendance	
6. For an officer of the tribunal to attend, with or without a summons, with a record or document at a place out of the tribunal building, for each day or part of a day the officer is necessarily absent from the building.	116.00
	plus the officer's reasonable travelling and other expenses
Certificate	
7. Fee for supplying a certificate as to the correctness of a copy of a record of the tribunal or an order, exhibit or other document filed in the registry, including a copy of a decision certified under section 3 (in addition to the photocopying fee payable)	38.40

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 6 December 2002. Future amendments of the Queensland Building Tribunal Regulation 2000 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	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 July 2000	4 August 2000
1A	to SL No. 167 of 2002	1 July 2002	

5 List of legislation

Queensland Building Tribunal Regulation 2000 SL No. 158

made by the Governor in Council on 29 June 2000
notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)
exp 1 September 2010 (see SIA s 54)

amending legislation—

Tourism, Racing and Fair Trading (Fees) Amendment Regulation (No. 1) 2002

SL No. 167 ss 1, 2(1), 3 sch 1

notfd gaz 28 June 2002 pp 876–83
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2002 (see s 2(1))

Queensland Building Tribunal Amendment Regulation (No. 1) 2002 SL No. 328

notfd gaz 6 December 2002 pp 1162–6
ss 1–2 commenced on date of notification
remaining provisions commenced 6 December 2002 (see s 2)

6 List of annotations

Registrar to give copies of tribunal decision

s 3 amd 2002 SL No. 328 s 4

Interest

prov hdg sub 2002 SL No. 328 s 5(1)
s 5 amd 2002 SL No. 328 s 5(2)

Fees

s 6 amd 2002 SL No. 328 s 6

Applications or matters for Act, s 26C(9)

s 7 ins 2002 SL No. 328 s 7

SCHEDULE 1—APPLICATIONS OR MATTERS FOR ACT, SECTION 26C(9)

ins 2002 SL No. 328 s 9

SCHEDULE 2—FEES

(prev sch) sub 2002 SL No. 167 s 3 sch 1

renum 2002 SL No. 328 s 8