



Queensland

*Small Claims Tribunals Act 1973*

# Small Claims Tribunals Regulation 2005

Reprinted as in force on 1 September 2009

Reprint No. 2B

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 2009 Act No. 23 s 243

# Information about this reprint

This regulation is reprinted as at 1 September 2009. 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.

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.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Small Claims Tribunals Regulation 2005

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# Small Claims Tribunals Regulation 2005

[as amended by all amendments that commenced on or before 1 September 2009]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Small Claims Tribunals Regulation 2005*.

### 2 Definitions

In this regulation—

***examination*** means an examination conducted under an order for examination.

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

## Part 2 Fees and forms

### 3 Approval of forms

The chief executive may approve a form—

- (a) for a purpose for which a prescribed form is required or authorised to be used under the Act; or

[s 4]

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- (b) for use under this regulation, other than under section 8(1).

#### **4 Fees**

The fees payable under the Act are stated in the schedule.

#### **5 No filing fee for State-related claimant**

- (1) A State-related claimant may file a claim in a registry without paying the filing fee for filing the claim.
- (2) This section applies despite section 4.
- (3) 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 entirely payable out of the consolidated fund.

## **Part 3 Provisions for examinations**

#### **6 Service of order**

The registrar of the registry of small claims tribunals who issues an order for examination must ensure a copy of the order is served on the examinee at least 3 days before the day of the examination.

#### **7 Adjournment of examination**

- (1) A referee or registrar may adjourn an examination to a time and place that the referee or registrar considers appropriate.

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- (2) If the applicant for an order for examination or the examinee is not present when an examination is adjourned, the referee or registrar must give the absent party a notice in the form approved by the chief executive.
  - (3) The notice must state 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 or registrar may issue a warrant for the arrest of the examinee.
- (2) The warrant must—
  - (a) be in the form approved by the Attorney-General; and
  - (b) require that the examinee—
    - (i) be brought before a referee or registrar for examination; and
    - (ii) produce all relevant books, deeds, papers or writings.

## 9 Enforcement of warrant

- (1) Until an examinee mentioned in a warrant issued under section 8 is brought before a referee or registrar to be orally examined as ordered, the examinee may, without further warrant—
  - (a) be taken into custody by a police officer; and
  - (b) be received by a person in charge of a prison.
- (2) In this section—

***prison*** has the meaning given by the *Corrective Services Act 2000*.

*Editor's note—*

*Corrective Services Act 2000—now see the Corrective Services Act 2006, section 470.*

[s 10]

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## **10 Duties of bailiff**

- (1) A bailiff must—
  - (a) serve all copies of orders for examination and enforce all warrants as required by a referee or registrar; and
  - (b) comply with any orders of the referee, or directions of the registrar, about the service or enforcement of documents.
- (2) The registrar may give directions, about the service or enforcement of documents, that the registrar considers appropriate.
- (3) A bailiff may receive and hold for the bailiff's own use the fees stated in the *Uniform Civil Procedure (Fees) Regulation 2009*, schedule 2, part 2 in relation to the following matters—
  - (a) for serving, including attempting to serve, a copy of an order for examination within 12km of the registry;
  - (b) for enforcing, including attempting to enforce, a warrant within 12km of the registry;
  - (c) for each kilometre or part of a kilometre travelled, one way, more than 12km from the registry to the place of service or enforcement or attempted service or enforcement;
  - (d) for taking a person to prison or a place of detention.
- (4) A bailiff must provide for the performance of a duty mentioned in subsection (3) from the fee received for performing the duty.

## **Part 4 Repeal**

### **11 Repeal**

The Small Claims Tribunals Regulation 1993 SL No. 385 is repealed.

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## Schedule Fees

section 4

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1	Filing a small claim under section 24(1) of the Act—	
	(a) if the claim is for an amount of—	
	(i) less than \$500 .....	14.50
	(ii) \$500 or more but less than \$1500 .....	49.00
	(iii) \$1500 or more .....	80.00
	(b) if the claim is other than for the payment of money ..	14.50
2	Application to a small claims tribunal under the <i>Manufactured Homes (Residential Parks) Act 2003</i> , section 153(2) .....	71.00
3	Application to a small claims tribunal under a provision of the <i>Dividing Fences Act 1953</i> mentioned in section 18 of that Act .....	71.00

## 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 1 September 2009. Future amendments of the Small Claims Tribunals Regulation 2005 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
num	= numbered	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 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	Notes
1	none	19 August 2005	
1A	2005 SL No. 326	19 December 2005	
1B	2006 SL No. 60	7 April 2006	
1C	2006 SL No. 284	27 November 2006	
1D	2007 SL No. 275	26 November 2007	R1D withdrawn, see R2
2	—	26 November 2007	
2A	2008 SL No. 266	1 September 2008	
2B	2009 SL No. 181 2009 SL No. 183	1 September 2009	

## 5 List of legislation

### **Small Claims Tribunals Regulation 2005 SL No. 204**

made by the Governor in Council on 18 August 2005

notfd gaz on 19 August 2005 pp 1380–1

commenced on date of notification

exp 1 September 2015 (see SIA s 54)

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

amending legislation—

### **Justice and Other Legislation (Costs and Fees) Amendment Regulation (No. 1) 2005 SL No. 326**

notfd gaz on 16 December 2005 pp 1490–6

ss 1–2 commenced on date of notification

remaining provisions commenced 19 December 2005 (see s 2)

### **Small Claims Tribunals and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 60 pts 1, 3**

notfd gaz 7 April 2006 pp 1376–8

commenced on date of notification

### **Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2006 SL No. 284**

notfd gaz 24 November 2006 pp 1476–9

ss 1–2 commenced on date of notification

remaining provisions commenced 27 November 2006 (see s 2)

### **Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 275**

notfd gaz 9 November 2007 pp 1355–7

Endnotes

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ss 1–2 commenced on date of notification  
remaining provisions commenced 26 November 2007 (see s 2)

**Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266**

notfd gaz 22 August 2008 pp 2651–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2008 (see s 2)

**Justice Legislation (Fees) Amendment Regulation (No. 1) 2009 SL No. 181**

notfd gaz 28 August 2009 pp 1491–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2009 (see s 2)

**Uniform Civil Procedure (Fees) Regulation 2009 SL No. 183 ss 1–2, pt 6 div 5**

notfd gaz 28 August 2009 pp 1491–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2009 (see s 2)

## 6 List of annotations

**Service of order**

s 6 amd 2006 SL No. 60 s 5

**Adjournment of examination**

s 7 amd 2006 SL No. 60 s 6

**Warrant**

s 8 amd 2006 SL No. 60 s 7

**Enforcement of warrant**

s 9 amd 2006 SL No. 60 s 8

**Duties of bailiff**

s 10 amd 2009 SL No. 183 s 32

**SCHEDULE—FEES**

sub 2005 SL No. 326 s 3 sch; 2006 SL No. 284 s 3 sch; 2007 SL No. 275 s 3  
sch; 2008 SL No. 266 s 3 sch; 2009 SL No. 181 s 3 sch