



Queensland

# Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation (No. 1) 2009

## Subordinate Legislation 2009 No. 240

made under the

*Queensland Civil and Administrative Tribunal Act 2009*  
*Retail Shop Leases Act 1994*

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Commencement . . . . .	3
<b>Part 2</b>	<b>Amendment of Queensland Civil and Administrative Tribunal Regulation 2009</b>	
3	Regulation amended . . . . .	3
4	Insertion of new part headings . . . . .	3
5	Insertion of new pts 3–5 . . . . .	4
	Part 3 Prescribed fees	
4	Fee for an application for a minor civil dispute—Act, s 38(1) . . . . .	4
5	Fee for an application or referral made under an enabling Act—Act, s 38(1) . . . . .	4
6	Fee for an application for a proceeding to be reopened—Act, s 138(2)(c) . . . . .	5
7	Fee for an appeal to the appeal tribunal—Act, s 143(2)(c) . . . . .	5
8	Other fees . . . . .	7
9	Waiver of fees . . . . .	7

Contents

---

	Part 4	Allowances for witnesses and other persons	
	10	Non-professional witness attendance allowance—Act, s 97(3) . . . . .	7
	11	Professional or expert witness attendance allowance—Act, s 97(3) . . . . .	8
	12	Increase if GST payable . . . . .	8
	Part 5	Other provisions	
	13	Prescribed amount . . . . .	9
6		Insertion of new schs 1–3. . . . .	9
	Schedule 1	Enabling Acts and provisions	
	Schedule 2	Other fees	
	Schedule 3	Dictionary	
<b>Part 3</b>		<b>Amendment of Retail Shop Leases Regulation 2006</b>	
7		Regulation amended . . . . .	20
8		Amendment of s 11 (Fee for lodging dispute notice—Act, s 55(2)) . . . . .	20

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation (No. 1) 2009*.

### **2 Commencement**

This regulation commences on 1 December 2009.

## **Part 2 Amendment of Queensland Civil and Administrative Tribunal Regulation 2009**

### **3 Regulation amended**

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

### **4 Insertion of new part headings**

(1) Before section 1—

*insert—*

**‘Part 1 Preliminary’.**

(2) After section (2)—

*insert—*

**‘Part 2 Oath of office’.**

## **5 Insertion of new pts 3–5**

After section 3—

*insert—*

## **‘Part 3 Prescribed fees**

### **‘4 Fee for an application for a minor civil dispute—Act, s 38(1)**

‘The fee for an application to hear a minor civil dispute is as follows—

- (a) if the amount claimed is not more than \$500 or if no amount is claimed—\$20;
- (b) if the amount claimed is more than \$500 but not more than \$1000—\$50;
- (c) if the amount claimed is more than \$1000 but not more than \$10000—\$90;
- (d) if the amount claimed is more than \$10000—\$250.

### **‘5 Fee for an application or referral made under an enabling Act—Act, s 38(1)**

‘(1) The fee for an application or referral made under an enabling Act or provision of an enabling Act stated in schedule 1 is as follows—

- (a) for an application or referral made under an Act or provision stated in schedule 1, part 1—\$250;
- (b) for an application or referral made under an Act or provision stated in schedule 1, part 2—\$150;
- (c) for an application or referral made under an Act or provision stated in schedule 1, part 3—\$100;
- (d) for an application or referral made under an Act or provision stated in schedule 1, part 4—\$90;
- (e) for an application or referral made under an Act or provision stated in schedule 1, part 5—\$50;

- (f) for an application made under the *Prostitution Act 1999*, section 64A or 64B—\$2000.

*Note—*

If the fee for each application or referral under a particular enabling Act stated in a particular part of schedule 1 is the same, the part states only the enabling Act and not each of its provisions under which an application or referral may be made. Otherwise, the part states the particular provision under which the application or referral may be made.

- ‘(2) However, if an application mentioned in subsection (1) is an application to hear a minor civil dispute, the fee for the application is the fee payable under section 4.

**‘6 Fee for an application for a proceeding to be reopened—Act, s 138(2)(c)**

- ‘(1) The fee for an application for a proceeding to be reopened (*reopening application*) is—
- (a) the amount equalling the fee stated in section 4 or 5 for the application or referral that started the proceeding; or
  - (b) if no fee is stated in section 4 or 5 for the application or referral that started the proceeding—
    - (i) for a proceeding started under an enabling Act or provision of an enabling Act stated in schedule 1, part 6—nil; or
    - (ii) otherwise—\$250.
- ‘(2) If the reopening application is refused, the tribunal must refund to the applicant the balance of the fee paid for the reopening application after deducting, as an administration charge, an amount equalling half the fee payable for the reopening application.

**‘7 Fee for an appeal to the appeal tribunal—Act, s 143(2)(c)**

- ‘(1) The fee for an appeal to the appeal tribunal against a decision of the tribunal is as follows—

- (a) for an appeal relating to an application made under an Act or provision of an Act stated in schedule 1, part 2—\$300;
  - (b) for an appeal relating to an application made under an Act or provision of an Act stated in schedule 1, part 3—\$200;
  - (c) for an appeal relating to an application made under an Act or provision of an Act stated in schedule 1, part 4—\$180;
  - (d) for an appeal relating to an application made under an Act or provision of an Act stated in schedule 1, part 5—\$100;
  - (e) for an appeal relating to an application made under the *Prostitution Act 1999*, section 64A or 64B—\$2000;
  - (f) for an appeal relating to any other application other than an application to hear a minor civil dispute—\$500.
- ‘(2) However, if the appeal is against a decision of the tribunal in a proceeding for a minor civil dispute, the fee for the appeal is—
- (a) if the amount claimed is not more than \$10000 or no amount is claimed—\$250; or
  - (b) otherwise—\$500.
- ‘(3) The fee for an appeal to the appeal tribunal against a decision of another entity under an enabling Act is \$250.
- ‘(4) If leave to appeal against a decision of the tribunal or of another entity under an enabling Act is required under section 142 of the Act or under an enabling Act, the fee mentioned in subsection (1), (2) or (3) for the appeal must accompany the application for leave.
- ‘(5) If the application for leave to appeal is refused, the tribunal must refund to the applicant the balance of the fee mentioned in subsection (1), (2) or (3) for the appeal after deducting, as an administration charge, an amount equalling half the fee payable for the appeal.

**‘8 Other fees**

‘Other fees payable under the Act are stated in schedule 2.

**‘9 Waiver of fees**

- ‘(1) A person may apply, in the approved form, to the principal registrar for a fee payable under the Act to be waived.
- ‘(2) The principal registrar may waive the payment of a fee if the principal registrar is satisfied payment of the fee would cause, or would be likely to cause, the person undue financial hardship.

**‘Part 4 Allowances for witnesses and other persons**

**‘10 Non-professional witness attendance allowance—Act, s 97(3)**

- ‘(1) The allowance payable to a non-professional witness who is given a notice under section 97(1)(a) of the Act is—
  - (a) if the witness is under 16—\$33; or
  - (b) if the witness is 16 or older—\$66;for each day or part of a day of necessary absence from the witness’s place of employment, practice or residence to attend a hearing.
- ‘(2) The allowance must be paid to the witness within a reasonable time after the witness attends the hearing as required by the notice mentioned in subsection (1).

**‘11 Professional or expert witness attendance allowance—Act, s 97(3)**

- ‘(1) The allowance payable to a professional or expert witness who is given a notice under section 97(1)(a) of the Act is \$205 for each day of necessary absence from the witness’s place of employment, practice or residence to attend a hearing.
- ‘(2) However, if the period for which a professional or expert witness is necessarily absent is 7 hours or less, the amount of the allowance payable is as follows—
  - (a) for an absence of 3 hours or less—\$78;
  - (b) for an absence of more than 3 hours but not more than 4 hours—\$105;
  - (c) for an absence of more than 4 hours but not more than 5 hours—\$130;
  - (d) for an absence of more than 5 hours but not more than 6 hours—\$155;
  - (e) for an absence of more than 6 hours but not more than 7 hours—\$185.
- ‘(3) Also, if the witness is a doctor who is employed under the *Health Services Act 1991* as a health service employee at a public sector hospital in a health service area, the allowance payable for each day or part of a day of necessary absence from the hospital at which the person is employed is \$68.
- ‘(4) The allowance must be paid to the witness within a reasonable time after the witness attends the hearing as required by the notice mentioned in subsection (1).
- ‘(5) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

**‘12 Increase if GST payable**

‘If an amount payable under section 11 is for a supply on which GST is payable, the amount payable under the section is to be increased to take account of the GST.



## **‘Part 5                      Other provisions**

### **‘13      Prescribed amount**

‘For the definition *prescribed amount* in schedule 3 of the Act, the amount prescribed is \$25000.’.

### **6              Insertion of new schs 1–3**

After section 13, as inserted by section 5 of this regulation—  
*insert—*

## **‘Schedule 1              Enabling Acts and provisions**

sections 5 and 6

## **Part 1                      Acts and provisions for section 5(a)**

*Architects Act 2002*, section 121(2)

*Associations Incorporation Act 1981*, section 113

*Births, Deaths and Marriages Registration Act 2003*

*Body Corporate and Community Management Act 1997*,  
section 48(1)(b), 133(2)(b), 149A(b), 149B(2)(b), 178(2)(b)  
or 304

*Building Act 1975*, section 189(2) or 205(2)

*Building and Construction Industry Payments Act 2004*,  
section 97

*Casino Control Act 1982*, section 91A(1)

*Charitable and Non-Profit Gaming Act 1999*

*Chiropractors Registration Act 2001*

*Classification of Computer Games and Images Act 1995*

*Classification of Films Act 1991*

*Classification of Publications Act 1991*

*Cooperatives Act 1997*

*Crime and Misconduct Act 2001*, section 219G(1) (for any application other than an application by the Crime and Misconduct Commission)

*Debits Tax Repeal Act 2005*

*Dental Practitioners Registration Act 2001*

*Dental Technicians and Dental Prosthetists Registration Act 2001*

*Domestic Building Contracts Act 2000*, section 18(6)(b), 55(4), 60(3) or 84(2)(b) or (3)(b)

*Drugs Misuse Act 1986*

*Education (Queensland College of Teachers) Act 2005*, section 215

*Exotic Diseases in Animals Act 1981*, section 33(1)(c) (for any application other than an application by the Minister) or section 34(1)(b)

*Funeral Benefit Business Act 1982*, section 61(6) or 65(9)

*Gaming Machine Act 1991*, section 29(1), (2), (6), (7), (8), (9) or (10)

*Gas Supply Act 2003*

*Health Practitioners (Professional Standards) Act 1999*, section 326(a) or 338(1)

*Higher Education (General Provisions) Act 2008*

*Information Privacy Act 2009*, section 133(1)

*Interactive Gambling (Player Protection) Act 1998*, section 253(1)

*Interactive Gambling (Player Protection) Regulation 1998*

*Keno Act 1996*, section 233(1)

*Legal Profession Act 2007*, section 26(4)(b), 51(9), 54(2)(b), 54(4)(b), 61(3)(b), 69(3)(b), 70(3), 76(3)(b), 87(5), 183(4)(b), 185(7)(b), 188(3)(b), 194(3)(b), 195(3)(b), 208(4)(b), 278(6), 328(1), 375(1)(c), 392(1), 393(1), or 469(1) (in relation to section 469(1), for any application other than an application by the Legal Services Commissioner)

*Liquor Act 1992*, section 30(1) (for any application other than an application by a person who made an objection in the proceeding in which the decision was made)

*Liquor Regulation 2002*

*Lotteries Act 1997*

*Medical Practitioners Registration Act 2001*

*Medical Radiation Technologists Registration Act 2001*

*Medical Radiation Technologists Registration Regulation 2002*

*Motor Accident Insurance Act 1994*

*Nursing Act 1992*, section 137(2)

*Occupational Therapists Registration Act 2001*

*Optometrists Registration Act 2001*

*Osteopaths Registration Act 2001*

*Pest Management Act 2001*, section 108

*Petroleum and Gas (Production and Safety) Act 2004*

*Pharmacists Registration Act 2001*

*Physiotherapists Registration Act 2001*

*Plumbing and Drainage Act 2002*, section 129(2)

*Podiatrists Registration Act 2001*

*Private Health Facilities Act 1999*, section 131

*Professional Engineers Act 2002*, section 122(2)

*Psychologists Registration Act 2001*

*Psychologists Registration Regulation 2002*

*Queensland Building Services Authority Act 1991*, section 77(1) or 87

*Racing Act 2002*, section 150(1) or (2) or 242(2)

*Radiation Safety Act 1999*, section 188

*Residential Services (Accreditation) Act 2002*, section 159

*Retirement Villages Act 1999*, section 29(1) or (3)

*Right to Information Act 2009*, section 121

*Speech Pathologists Registration Act 2001*

*Surveyors Act 2003*, section 163(1) or (2)

*Taxation Administration Act 2001*

*Tourism Services Act 2003*, section 85

*Travel Agents Act 1988*

*Valuers Registration Act 1992*, section 61(1)

*Veterinary Surgeons Act 1936*, section 22H

*Victims of Crime Assistance Act 2009*, section 116(7), 125(2) or 190(7)

*Wagering Act 1998*, section 291, 292, 293, 294, 295 or 296

## **Part 2                      Acts and provisions for section 5(b)**

*Fisheries Act 1994*

*Property Agents and Motor Dealers Act 2000*, section 501

*Retail Shop Leases Act 1994*, section 22E

---

## **Part 3**                      **Acts and provisions for section 5(c)**

*Adult Proof of Age Card Act 2008*

*Agricultural Chemicals Distribution Control Act 1966*

*Agricultural Chemicals Distribution Control Regulation 1998*

*Agricultural Standards Act 1994*, section 51

*Animal Care and Protection Act 2001*, section 198A

*Animal Management (Cats and Dogs) Act 2008*, section 188

*Apiaries Regulation 1998*

*Biodiscovery Act 2004*

*Casino Control Act 1982*, section 91A(2)

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

*Clean Energy Act 2008*

*Community Ambulance Cover Act 2003*

*Dangerous Goods Safety Management Act 2001*

*Dangerous Goods Safety Management Regulation 2001*,  
section 116

*Disaster Management Act 2003*

*Duties Act 2001*

*Education (General Provisions) Act 2006*, section 139, 394,  
397, or 402(1)

*Education (Overseas Students) Act 1996*

*Education (Queensland Studies Authority) Regulation 2002*

*Electricity Act 1994*, section 219(1)

*Electricity Regulation 2006*, section 212(a) or (b)

*Explosives Act 1999*, section 111

*Financial Intermediaries Act 1996*

*First Home Owner Grant Act 2000*

*Food Act 2006*, section 241

*Food Production (Safety) Act 2000*

*Fuel Subsidy Act 1997*

*Note—*

The *Fuel Subsidy Act 1997* has been repealed by the *Fuel Subsidy Repeal Act 2009*. However, the *Fuel Subsidy Repeal Act 2009*, section 6, provides that the repealed Act continues to apply for rights, privileges and liabilities that would have been acquired, accrued or incurred on or after the repeal of the repealed Act in relation to a pre-repeal matter if the Act had not been repealed.

*Gaming Machine Act 1991*, section 29(3), (4) or (5)

*Health (Drugs and Poisons) Regulation 1996*

*Interactive Gambling (Player Protection) Act 1998*, section 253(2)

*Introduction Agents Act 2001*

*Keno Act 1996*, section 233(2)

*Land Protection (Pest and Stock Route Management) Act 2002*

*Liquid Fuel Supply Act 1984*

*Local Government Act 1993*, section 942 or 999

*Marine Parks Act 2004*, section 121

*Marine Parks Regulation 2006*, section 151

*Nature Conservation (Administration) Regulation 2006*, section 103

*Plant Protection Act 1989*

*Property Agents and Motor Dealers Act 2000*, section 483

*Public Health Act 2005*

*Public Health (Infection Control for Personal Appearance Services) Act 2003*, section 124

*Queensland Heritage Act 1992*

*Recreation Areas Management Act 2006*, section 210

*Second-hand Dealers and Pawnbrokers Act 2003*

*Security Providers Act 1993*

*South Bank Corporation Act 1989*

*Stock Act 1915*

*Tow Truck Act 1973*

*Trade Measurement Act 1990*

*Transport Infrastructure Act 1994*

*Transport Infrastructure (Dangerous Goods by Rail)  
Regulation 2008*

*Transport Operations (Marine Pollution) Act 1995*

*Transport Operations (Marine Safety) Act 1994*

*Transport Operations (Passenger Transport) Act 1994*

*Transport Operations (Road Use Management) Act 1995*

*Transport Operations (Road Use Management—Fatigue  
Management) Regulation 2008*

*Vegetation Management Act 1999*

*Vocational Education, Training and Employment Act 2000*

*Wagering Act 1998*, section 297

*Water Act 2000*, section 877(1)(a) and (c)

*Water Supply (Safety and Reliability) Act 2008*, section  
517(1)(b)

*Weapons Act 1990*

## **Part 4                                      Acts and provisions for section 5(d)**

- Agricultural Standards Act 1994*, section 50(1)
- Animal Care and Protection Act 2001*, section 196(2)
- Animal Management (Cats and Dogs) Act 2008*, section 184(2)
- Associations Incorporation Act 1981*, section 111(1)
- Building and Construction Industry Payments Act 2004*, section 96(1)
- Community Services Act 2007*, section 95(3) or 97(2)
- Dangerous Goods Safety Management Regulation 2001*, section 115(1)
- Disability Services Act 2006*, section 108(1), 113(2)(a), 210(4) or 212(2)
- Electricity Act 1994*, section 216(1)
- Electricity Regulation 2006*, section 210(1)
- Explosives Act 1999*, section 110(1)
- Guide, Hearing and Assistance Dogs Act 2009*
- Legal Profession Act 2007*, section 62(3)(a) or 189(3)(a)
- Liquor Act 1992*, section 30(1) (for an application by a person who made an objection in the proceeding in which the decision was made)
- Marine Parks Act 2004*, section 120(1)
- Marine Parks Regulation 2006*, section 150(1)
- Nature Conservation (Administration) Regulation 2006*, section 102(1)
- Property Agents and Motor Dealers Act 2000*, section 511(1)
- Recreation Areas Management Act 2006*, section 209(1)
- Residential Services (Accreditation) Act 2002*, section 157(4)



*Transport Planning and Coordination Act 1994*, section 32(1)

*Water Act 2000*, section 865(1)(a)

*Water Supply (Safety and Reliability) Act 2008*, section 516(2)(b)

## **Part 5**                      **Acts and provisions for section 5(e)**

*Casino Control Act 1982*, section 91A(3)

*Child Care Act 2002*

*Fire and Rescue Service Act 1990*

*Manufactured Homes (Residential Parks) Act 2003*

*Retirement Villages Act 1999*, section 157 (an application to the principal registrar to have a retirement village dispute referred to mediation), 167, 169(2), 170(2) or 171(2)

## **Part 6**                      **Acts and provisions for section 6(1)(b)(i)**

*Adoption of Children Act 1964*

*Anti-Discrimination Act 1991*

*Child Protection Act 1999*

*Commission for Children and Young People and Child Guardian Act 2000*

*Disability Services Act 2006*, section 123ZK(8) or 123ZN(5)

*Guardianship and Administration Act 2000*

*Powers of Attorney Act 1998*

## 'Schedule 2 Other fees

section 8

\$

### Inspection of register or record for a proceeding

- |   |  |       |
|---|--|-------|
| 1 | Fee for inspecting the register (under section 229(4)(a) of the Act) or the record for a proceeding (under section 230(3)(a) of the Act), other than an inspection made by a party to a proceeding of the part of the register relating to the proceeding or the record kept for the proceeding—   |       |
|   | (a) for each hour or part of an hour . . . . .   | 13.00 |
|   | (b) maximum fee for a day . . . . .  | 52.00 |
| 2 | Additional fee for inspecting the register or the record for a proceeding (other than an inspection made by a party to a proceeding of the part of the register relating to the proceeding or the record kept for the proceeding) if the register or record, or part of the register or record, must be retrieved from off-site storage, for each box retrieved— |       |
|   | (a) 1 box . . . . .  | 28.50 |
|   | (b) 2 boxes . . . . .  | 31.50 |
|   | (c) 3 or more boxes . . . . .  | 35.00 |

### Copying of register or record for a proceeding

- |   |   |      |
|---|---|------|
| 3 | Fee for a black and white copy of part of the register (under section 229(4)(b) of the Act) or part of a record for a proceeding (under section 230(3)(b) of the Act), other than a plan or drawing, for each page— |      |
|   | (a) for less than 20 pages . . . . .  | 1.60 |
|   | (b) for 20 to 50 pages . . . . .  | 1.40 |
|   | (c) for more than 50 pages . . . . .  | 1.00 |

		\$
4	Fee for a colour copy of part of the register or part of a record for a proceeding, other than a plan or drawing, for each page—	
	(a) for an A4 page . . . . .	4.60
	(b) for an A3 page . . . . .	4.90
5	Fee for a copy of part of the register or part of a record for a proceeding that is a plan or drawing, for each page—	
	(a) for an A3 page . . . . .	4.00
	(b) for an A2 page . . . . .	5.00
	(c) for an A1 page . . . . .	6.40
	<b>Other</b>	
6	Fee for giving a notice under section 97(1) of the Act . .	15.50
7	Fee for an officer of the tribunal to accompany a record or document at a place out of a registry of the tribunal, for each day or part of a day the officer is necessarily absent from the registry . . . . .	145.00
	plus the officer's reasonable travel and other expenses	
8	Fee for supplying a certificate as to the correctness of a matter in the register . . . . .	48.50
	in addition to any other fee under items 3–5	

## **‘Schedule 3      Dictionary**

*expert witness* means a witness who attends a hearing to give evidence of an expert nature.

*non-professional witness* means a witness who attends a hearing to give evidence of a non-professional nature.

*professional witness* means a witness who attends a hearing to give evidence of a professional nature.’

## **Part 3                      Amendment of Retail Shop Leases Regulation 2006**

### **7              Regulation amended**

This part amends the *Retail Shop Leases Regulation 2006*.

### **8              Amendment of s 11 (Fee for lodging dispute notice—Act, s 55(2))**

Section 11, ‘\$105’—

*omit, insert—*

‘\$150’.

---

#### ENDNOTES

- 1 Made by the Governor in Council on 29 October 2009.
- 2 Notified in the gazette on 30 October 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

© State of Queensland 2009