



Queensland

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

Subordinate Legislation 2009 No. 278

made under the

Queensland Civil and Administrative Tribunal Act 2009

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1 Short title

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

2 Commencement

- (1) Sections 4 to 12 and 15 to 16 commence on 1 December 2009, immediately after the commencement of the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation (No. 1) 2009*.
- (2) Section 13 commences on 2 December 2009.
- (3) Section 14 commences on the commencement of the *State Penalties Enforcement and Other Legislation Amendment Act 2009*, section 120.

3 Regulation amended

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

4 Insertion of new s 2A

Part 1, after section 2—

insert—

‘2A Definitions

‘The dictionary in schedule 3 defines particular terms used in this regulation.’.

5 Amendment of s 5 (Fee for an application or referral made under an enabling Act—Act, s 38(1))

Section 5(2), ‘section 4’—

omit, insert—

‘section 5’.

[s 6]

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

Section 6(1), ‘section 4 or 5’—

omit, insert—

‘section 5 or 6’.

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

(1) Section 7(1)(a) to (d), after ‘application’—

insert—

‘or referral’.

(2) Section 7(1)(f), after ‘application’, first mention—

insert—

‘or referral’.

8 Amendment of s 10 (Non-professional witness attendance allowance—Act, s 97(3))

Section 10(1), after ‘16’—

insert—

‘years’.

9 Amendment of s 12 (Increase if GST payable)

Section 12, ‘section 11’—

omit, insert—

‘section 12’.

10 Replacement of pt 5 (Other provisions)

Part 5—

omit, insert—

‘13 Conduct money—Act, s 97(3)

- ‘(1) A person who is given a notice under section 97(1) of the Act is entitled to be paid an allowance, as conduct money, in an amount sufficient to meet the reasonable expenses of complying with the notice.
- ‘(2) If the reasonable expenses involve travel and accommodation expenses, those components of the expenses are to be calculated as stated in sections 15 and 16.
- ‘(3) The conduct money must be paid to the person—
 - (a) at the time the person is given the notice under section 97(1) of the Act; or
 - (b) within a reasonable time before the person is required to comply with the notice.
- ‘(4) Payment of conduct money is in addition to payment of any other amount to which the person is entitled under section 11 or 12.

‘14 Travel expenses

- ‘(1) For section 14(2), the amount of the travel expenses payable to a person who is given a notice under section 97(1) of the Act is—
 - (a) the amount payable for fares on public transport for return travel between the person’s place of employment, practice or residence (whichever is the furthest from the tribunal) and the tribunal; or
 - (b) if there is no public transport available—the amount calculated at the rate per kilometre payable under the *Public Service Act 2008* to a public service employee required to use the employee’s private motor vehicle for official purposes, taken to the nearest whole cent.
- ‘(2) If it is reasonable for the person to travel to and from the tribunal by air, the amount of the travel expenses to be paid is the amount payable for economy class air travel by the person to and from the tribunal.

[s 11]

‘(3) For calculating travel expenses, in deciding whether public transport is available, regard is to be had to whether a public transport system operates by which a person could conveniently—

(a) travel to the tribunal in reasonable time before the person is required to attend a hearing or produce a document or other thing; and

(b) return to the person’s place of employment, practice or residence (whichever is the furthest from the tribunal) after the person has attended the hearing or produced the document or other thing.

‘(4) In this section—

public transport means any form of passenger transport that is available for use by the public on payment of a fare.

‘15 Accommodation expenses

‘For section 14(2), the amount of the accommodation expenses payable to a person who is given a notice under section 97(1) of the Act is the amount calculated at the rate payable under the *Public Service Act 2008* to a public service officer.

‘Part 5 Other provisions

‘16 Prescribed amount

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

11 Renumbering of provisions

Sections 2A to 16—

renumber as sections 3 to 17.

12 Amendment of sch 1 (Enabling Acts and provisions)

- (1) Schedule 1, heading, ‘sections 5 and 6’—
omit, insert—
‘sections 6 and 7’.
- (2) Schedule 1, part 1, heading, ‘5(a)’—
omit, insert—
‘**6(1)(a)**’.
- (3) Schedule 1, part 1—
insert—
‘*Integrated Resort Development Act 1987*
Sanctuary Cove Resort Act 1985’.
- (4) Schedule 1, part 1, entry for the *Charitable and Non-Profit Gaming Act 1999*, after ‘1999’—
insert—
‘, section 174(2) or 174(5)’.
- (5) Schedule 1, part 1, entry for the *Interactive Gambling (Player Protection) Act 1998*, after ‘section’—
insert—
‘249, 250, 251, 252 or’.
- (6) Schedule 1, part 1, entry for the *Keno Act 1996*, after ‘section’—
insert—
‘228, 229, 230, 231, 232 or’.
- (7) Schedule 1, part 2, heading, ‘5(b)’—
omit, insert—
‘**6(1)(b)**’.
- (8) Schedule 1, part 3, heading, ‘5(c)’—
omit, insert—
‘**6(1)(c)**’.

[s 13]

- (9) Schedule 1, part 3—
insert—
‘Charitable and Non-Profit Gaming Act 1999, section 174(4)’.
- (10) Schedule 1, part 3, entry for the *Water Act 2000*, ‘and’—
omit, insert—
‘or’.
- (11) Schedule 1, part 4, heading, ‘5(d)’—
omit, insert—
‘6(1)(d)’.
- (12) Schedule 1, part 4—
insert—
‘Food Act 2006, section 240(1)
Pest Management Act 2001, section 107(1)
Private Health Facilities Act 1999, section 130(1)
Public Health (Infection Control for Personal Appearance Services) Act 2003, section 123(1)
Radiation Safety Act 1999, section 187(1)’.
- (13) Schedule 1, part 5, heading, ‘5(e)’—
omit, insert—
‘6(1)(e)’.
- (14) Schedule 1, part 6, heading, ‘6(1)(b)(i)’—
omit, insert—
‘7(1)(b)(i)’.

13 Amendment of sch 1, pt 1 (Acts and provisions for section 6(1)(a))

Schedule 1, part 1, entry for the *Gaming Machine Act 1991*, ‘or (10)’—

omit, insert—
, (10) or (11).

14 Amendment of sch 1, pt 6 (Acts and provisions for section 7(1)(b)(i))

Schedule 1, part 6, *Adoption of Children Act 1964*—
omit, insert—
Adoption Act 2009.

15 Amendment of sch 2 (Other fees)

Schedule 2, heading, 'section 8'—
omit, insert—
'section 9'.

16 Amendment of sch 3 (Dictionary)

Schedule 3, heading—
omit, insert—

'Schedule 3 Dictionary

section 3'.

ENDNOTES

- 1 Made by the Governor in Council on 26 November 2009.
- 2 Notified in the gazette on 27 November 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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