

# Queensland Civil and Administrative Tribunal Amendment Rule (No. 2) 2013

Explanatory notes for SL 2013 No. 292

made under the

*Queensland Civil and Administrative Tribunal Act 2009*

## General Outline

### Short title

The *Queensland Civil and Administrative Tribunal Amendment Rule (No. 2) 2013*

### Authorising law

Section 224 (1) of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) provides that the Governor in Council may make rules under the QCAT Act for the practices and procedures of the tribunal or its registry. Section 224 (2) provides that a rule may only be made with the consent of the rules committee.

### Policy objectives and the reasons for them

The purpose of the Queensland Civil and Administrative Tribunal Amendment Rule (No 2) 2013 (Amendment Rule) is to procedurally support amendments to the QCAT Act inserted by the *Justice and Other Legislation Amendment Act 2013* (JOLA Act).

Part 31 of the JOLA Act makes a number of technical amendments to the QCAT Act including:

- to section 46 of the QCAT Act to allow an applicant to withdraw certain applications or referrals for a matter, before the matter is heard and decided by the tribunal, without obtaining the leave of the tribunal; and
- insertion of new section 50A in the QCAT Act to allow an applicant to apply to the tribunal for a decision by default conditional on the assessment by the tribunal of unliquidated damages.

Sections 46 and 50A respectively provide for the withdrawal of an application or referral (section 46) and an application for a decision by default (section 50A) to be made in a way stated in the rules.

## **Achievement of policy objectives**

The Amendment Rule amends the *Queensland Civil and Administrative Tribunal Rules 2009* to support sections 46 and 50A of the QCAT Act by:

- setting out the process for giving notice of withdrawal of an application or referral; and
- providing for how an applicant must make an application for a decision by default for recovery of unliquidated damages.

## **Consistency with policy objectives of authorising law**

The Amendment Rule is consistent with the policy objectives of the QCAT Act.

## **Inconsistency with policy objectives of other legislation**

The Amendment Rule is not inconsistent with the policy objectives of any other legislation.

## **Benefits and costs of implementation**

The Amendment Rule enables the operation of section 46 and section 50A by stating the procedures for applicants to follow. There are no significant costs for the Government in the implementation of the Amendment Rule.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with fundamental legislative principles.

## **Consultation**

The Department of Justice and Attorney-General has consulted the Queensland Civil and Administrative Tribunal (QCAT) rules committee about the rules. The rules committee has consented to the Amendment Rule.