

Queensland Civil and Administrative Tribunal Legislation Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 19

Made under the

Queensland Civil and Administrative Tribunal Act 2009

General Outline

Short title

Queensland Civil and Administrative Tribunal Legislation
Amendment Regulation (No. 1) 2016

Authorising law

Sections 224 and 242 of the *Queensland Civil and Administrative Tribunal Act 2009*

Policy objectives and the reasons for them

The Queensland Civil and Administrative Tribunal (QCAT) has identified potential amendments to the *Queensland Civil and Administrative Tribunal Regulation 2009* (QCAT Regulation) and *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules) to streamline QCAT's operations and increase its efficiency.

Part 2 of this amendment regulation amends the QCAT Regulation to consolidate existing provisions in Schedule 1 about prescribed fees to remove unnecessary duplication. The amendments also update legislative references and remove references to repealed legislation, and allow for fees in relation to applications under section 152A of the *Racing Act 2002* for reviews of Racing Disciplinary Board decisions.

Part 3 of this amendment regulation amends the QCAT Rules to facilitate the expansion of electronic filing, as well as addressing some operational issues.

Implementing electronic filing in the QCAT registry is a high priority for QCAT. The amendments will facilitate an expansion of electronic filing and provide greater flexibility

for QCAT to respond to future enhancements and developments in technology, while retaining the ability to use traditional filing methods where necessary.

Other amendments address operational issues concerning: cost assessor procedures; removal of the requirement for QCAT to notify the Public Guardian and Public Trustee of certain applications; clarifying who is authorised to act for corporations in QCAT proceedings; and providing a longer period of time for applicants in minor debt claims to serve documents.

Achievement of policy objectives

The policy objectives are achieved by amending the QCAT Regulation and the QCAT Rules.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

Section 224 of the QCAT Act provides that, with the consent of the QCAT rules committee, the Governor in Council may make rules under the QCAT Act. The QCAT rules committee has consented to the amendments to the QCAT Rules.

Section 242 of the QCAT Act provides that the Governor in Council may make regulations under the Act.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with policy objectives of any other legislation.

Benefits and costs of implementation

The benefit of these amendments is that relevant legislative references in the QCAT Regulation are being consolidated and updated.

The amendments to the QCAT Rules regarding electronic filing will increase QCAT's efficiency and improve access to justice for the general public.

QCAT is meeting any costs associated with implementation from within existing resources.

Consistency with fundamental legislative principles

The amendment regulation does not conflict with fundamental legislative principles.

Consultation

QCAT has been consulted and supports the proposed amendments.

The QCAT rules committee has consented to the amendments to the QCAT Rules.

The Acting Public Guardian and the Acting Public Trustee have been consulted on the removal of the requirement for QCAT to notify the Public Guardian and the Public Trustee of certain applications.

The Queensland Productivity Commission has been consulted on the requirements under the Regulatory Impact Statement (RIS) process and has advised that the amendments to the QCAT Regulation and QCAT Rules are excluded from the RIS requirements.