



Queensland

Uniform Civil Procedure (Fees) and Other Legislation (Vexatious Litigants) Amendment Regulation 2018

Subordinate Legislation 2018 No. 214

made under the

Queensland Civil and Administrative Tribunal Act 2009
Supreme Court of Queensland Act 1991

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Uniform Civil Procedure (Fees) and Other Legislation (Vexatious Litigants) Amendment Regulation 2018*.

Part 2 Amendment of Queensland Civil and Administrative Tribunal Regulation 2009

2 Regulation amended

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

3 Amendment of s 10 (Waiver of fees)

(1) Section 10—

insert—

(1A) However, a person can not make an application under this section in relation to a proceeding to which the *Vexatious Proceedings Act 2005*, section 10(2) applies.

(2) Section 10(1A) to (3)—

renumber as section 10(2) to (4).

4 Insertion of new s 10AA

After section 10—

insert—

the date by which the reduced fee must be paid,
the reduced fee is payable on or before that date.

- (3) Section 9(1A) to (4)—

renumber as section 9(2) to (5).

7 Amendment of s 10 (Application for payment of reduced fee—when registrar must approve application)

- (1) Section 10(2)—

insert—

Note—

See, however, section 9(2).

- (2) Section 10—

insert—

- (6) Subsection (5) does not apply if the relevant fee has been paid.

Note—

For refunds of excess amounts paid, see section 10D.

8 Amendment of s 10A (Application for payment of reduced fee—hardship)

- (1) Section 10A(2)—

insert—

Note—

See, however, section 9(2).

- (2) Section 10A—

insert—

- (7) Subsection (6) does not apply if the relevant fee has been paid.

Note—

For refunds of excess amounts paid, see section 10D.

9 Amendment of s 10B (Application for payment of reduced fee—corporation)

(1) Section 10B(1)—

insert—

Note—

See, however, section 9(2).

(2) Section 10B—

insert—

(5) Subsection (4) does not apply if the relevant fee has been paid.

Note—

For refunds of excess amounts paid, see section 10D.

10 Insertion of new s 10D

Part 2, division 3—

insert—

10D Refund of excess amounts paid

(1) This section applies if—

(a) under section 10, 10A or 10B, the registrar approves payment by a party to a proceeding of the reduced fee instead of the relevant fee for the proceeding; and

(b) the party has paid the relevant fee, or another fee mentioned in section 9(1) that is no longer payable for the proceeding.

(2) The registrar must refund to the party any amount paid by the party for a fee mentioned in subsection (1)(b) in excess of the amount payable by the party for the fee after the registrar's approval.

ENDNOTES

- 1 Made by the Governor in Council on 13 December 2018.
- 2 Notified on the Queensland legislation website on 14 December 2018.
- 3 The administering agency is the Department of Justice and Attorney-General.

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