

1991—No. 58

CONSUMER CLAIMS TRIBUNALS ACT 1987—REGULATION

(Relating to payment and refund of fees)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Consumer Claims Tribunals Act 1987, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE

Minister for Business and Consumer Affairs.

Commencement

1. This Regulation commences on 25 February 1991.

Amendments

2. The Consumer Claims Tribunals Regulation 1988 is amended:
 - (a) by omitting clause 7 (1) and by inserting instead the following subclause:
 - (1) Subject to clause 8, the prescribed fee in respect of a consumer claim under section 13 (1) of the Act is:
 - (a) in respect of a building claim—\$100; or
 - (b) in respect of any other consumer claim—
 - (i) if the claimant satisfies the registrar of consumer claims tribunals or, if the claim is made at a Local Court, the Registrar of that Court, that the claimant is an eligible pensioner or an eligible student—\$2; or
 - (ii) in any other case—\$10.

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- (b) by inserting after clause 8 the following clause:

Refund of fees

8A. If a tribunal determines that a consumer claim, lodged as a building claim, does not constitute a building claim but may be dealt with by the tribunal as another kind of consumer claim, the tribunal may direct the refund to the claimant of the difference between the prescribed fee paid by the claimant and the prescribed fee that would have been payable by the claimant in respect of a consumer claim other than a building claim.

EXPLANATORY NOTE

The object of this Regulation is to amend the Consumer Claims Tribunals Regulation 1988 so as:

- (a) to fix the prescribed fee for lodging a consumer claim in respect of a building claim while retaining the current fees for other consumer claims; and
 - (b) in appropriate cases, to permit a tribunal to direct that a portion of the lodgment fees paid by a claimant be refunded if a claim is found not to constitute a building claim but does constitute some other consumer claim with which the tribunal may deal.
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