

## Question on Notice

No. 1648

Asked on Tuesday, 11 November 2008

**Mr WELLINGTON** asked the Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland (Mr Shine) -

### QUESTION:

With reference to the Small Claims Tribunal –

Will he investigate a more appropriate way of reviewing a Registrar's decision in a Small Claims Tribunal hearing, as an appeal to the Supreme Court is beyond the reach of most people who have matters dealt with in the tribunal?

### ANSWER:

Appointed Magistrates as referees or Judicial Registrars are the only judicial officers who may preside over Small Claims Tribunal hearings. Registrars do not have this jurisdiction.

Although there currently is a fee to file an appeal, clients suffering financial hardship can apply under the Uniform Civil Procedure Rules (UCPR) for the fee to be waived. Also, the Self-Representation Civil Law Service (SRCLS) provides free, confidential and impartial legal advice to self-represented litigants who are conducting proceedings (including applications) in the civil trial jurisdiction of the Brisbane Supreme Court.

I further refer the Honourable Member to Question on Notice No. 1400 asked by him on Wednesday, 8 October 2008, in which he asked if I would undertake a review of recent tribunal decisions similar to my recent review of some other court decisions in Queensland.

To summarise part of my response to Question on Notice No. 1400, which is relevant to the current Question on Notice, this issue will be addressed by the establishment in 2009 of the amalgamated Queensland Civil and Administrative Tribunal (QCAT), which will combine a number of tribunals, including the Small Claims Tribunal.

On 12 March 2008 the Queensland Government announced its intention to create a new civil and administrative tribunal. The government appointed an independent expert panel to oversee the creation of the new tribunal.

Appeal rights will be expanded under QCAT. A party will have an appeal as of right on questions of law, except where the matter involves a claim having a monetary value of \$7500 or less, in which case leave of the president would be required. It is anticipated that the introduction of enhanced appeal rights will lead to a body of precedent that is binding on tribunal members, promoting consistency of decision making.