

## Legislative Council

### Consumer, Trader and Tenancy Tribunal Bill

Schedule of the amendments agreed to in Committee of the Whole  
on 23 October 2001.

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#### **R Jones amendments:**

- No. 1 Page 3, clause 4, line 11. After “Tribunal”, insert “, and includes any alternative dispute resolution procedures under Part 5”.
- No. 2 Page 5, clause 8. Insert after line 12:
- (3) In determining any such qualifications or skills, the Minister is to have regard to the following:
    - (a) whether the person has the ability to exercise sound and fair judgment and to make objective and independent decisions based on the merits of the case,
    - (b) whether the person has the ability to command the respect of the parties in proceedings,
    - (c) whether the person has relevant expertise in one or more of the areas of the jurisdiction of the Tribunal,
    - (d) whether the person has an understanding of, and is committed to, the alternative dispute resolution procedures under Part 5.
- No. 3 Page 17, clause 30. Insert after line 22:
- (3) Before making any order under subsection (2) against a party, the Tribunal is to have regard to the following:
    - (a) the extent to which the party is familiar with the procedures of the Tribunal,
    - (b) the party’s capacity to understand, and act on, a direction of the Tribunal,
    - (c) whether the party suffers from a disability,
    - (d) whether the party is acting deliberately in failing to comply with the Tribunal’s directions.
- No. 4 Page 26, clause 49, line 24. After “proceedings.”, insert “The notice must indicate that any party may, within 14 days of receiving notice of the decision, request the Tribunal to provide a statement of reasons for its decision.”.
- No. 5 Page 26, clause 49, lines 25 and 26. Omit “the time and in the manner prescribed by the regulations, request the Tribunal”. Insert instead “14 days of receiving notice of the decision, request the Tribunal, in the manner prescribed

by the regulations,”.

No. 6 Page 37, clause 68, lines 1 to 3. Omit all words on those lines. Insert instead:

- (5) The Chairperson is not to grant the application unless:
  - (a) each other party in the completed proceedings has:
    - (i) been notified and given a copy of the application, and
    - (ii) been given an opportunity to respond in writing to the application within the time prescribed by the regulations, and
  - (b) the Chairperson has taken into consideration any such response.
- (6) Subsection (5) does not apply in relation to such classes of applications as may be prescribed by the regulations.

No. 7 Page 37, clause 68, lines 8 and 9. Omit “solely on the basis of the matters specified in the application and”.