

FIRST PRINT

**CONSUMER CLAIMS TRIBUNALS (FEES) AMENDMENT
BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

At present, the prescribed fee for lodging a consumer claim to be heard and determined by a consumer claims tribunal is a flat fee of \$40 (or a concessional fee of \$5 if the claimant is a pensioner, a person receiving unemployment benefits or a full-time student receiving a student allowance). If the consumer claim is a building claim (that is, a claim involving the supply of building goods or services), the fee for lodging the claim is currently \$100.

The object of this Bill is to amend the Consumer Claims Tribunals Act 1987:

- to set a new scale of fees for lodging consumer claims (including building claims) under the Act
- to provide that the amount of the fee will depend on the amount (including the value of the work, goods or services) involved in the consumer claim.

The new scale set under the Act will be as follows:

- \$10 for claims of less than \$2,000
- \$20 for claims of \$2,000 or more but less than \$4,000
- \$30 for claims of \$4,000 or more but less than \$6,000
- \$40 for claims of \$6,000 or more but not more than \$10,000 (\$10,000 being the current jurisdictional limit for orders made by consumer claims tribunals).

The concessional fee will be \$2 for claims of less than \$6,000 and \$5 for claims of \$6,000 or more but not more than \$10,000. This will apply to pensioners, persons receiving unemployment benefits, full-time students receiving student allowances, holders of NSW Seniors Cards and to persons declared by the regulations to be eligible for the concessional fee.

The amendments will not apply to or in respect of consumer claims lodged before the commencement of the proposed Act.

Consumer Claims Tribunals (Fees) Amendment 1993

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence 3 months after the date of assent, unless commenced sooner by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Consumer Claims Tribunals Act 1987.

Schedule 1 amends the Consumer Claims Tribunals Act 1987 in the manner described above.

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**CONSUMER CLAIMS TRIBUNALS (FEES) AMENDMENT
BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Consumer Claims Tribunals Act 1987 to set a new scale of fees for lodging consumer claims; and for related purposes.

Consumer Claims Tribunals (Fees) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Consumer Claims Tribunals (Fees) Amendment Act 1993.

5 Commencement

2. This Act commences 3 months after the date of assent, unless commenced sooner by proclamation.

Amendment of Consumer Claims Tribunals Act 1987 No. 206

3. The Consumer Claims Tribunals Act 1987 is amended as set out in
10 Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 13 (**Making a consumer claim**):

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From section 13 (1), omit "prescribed fee", insert instead "fee determined in accordance with section 13A".

(2) Section 13A:

After section 13, insert:

Fees for lodging consumer claims

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13A. (1) The fee to be lodged with a consumer claim is:

(a) \$10—if the amount claimed is less than \$2,000; or

(b) \$20—if the amount claimed is \$2,000 or more but less than \$4,000; or

(c) \$30—if the amount claimed is \$4,000 or more but less than \$6,000; or

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(d) \$40—if the amount claimed is \$6,000 or more but is not more than \$10,000.

(2) Despite subsection (1), the fee to be lodged with a consumer claim by a consumer who satisfies the registrar or

Consumer Claims Tribunals (Fees) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

the Clerk of the Local Court that the consumer is an eligible pensioner or an eligible student, or is of a class of persons prescribed for the purposes of this subsection, is:

- (a) \$2—if the amount claimed is less than \$6,000; or 5
- (b) \$5—if the amount claimed is \$6,000 or more but is not more than \$10,000.

(3) In this section:

“amount claimed” means either one or both of the following: 10

- (a) the amount of money sought to be paid, or sought to be declared not to be due or owing, under the relevant order;
- (b) the value of the work, goods or services sought to be performed, supplied, delivered or replaced under the relevant order; 15

“eligible pensioner” means a person:

- (a) who is receiving a service pension, a social security benefit or a social security pension within the meaning of section 23 of the Social Security Act 1991 of the Commonwealth; or 20
- (b) who is receiving an allowance under the Tuberculosis Act 1948 of the Commonwealth; or
- (c) who is the holder of a Seniors Card issued by the Government of New South Wales; 25

“eligible student” means a person who is receiving full-time education at a school, college or university and is a recipient of a student assistance allowance from a Commonwealth government authority in respect of that education. 30

(3) Section 48 (**Regulations**):

- (a) After “Act” in section 48 (1) (i), insert “(other than fees determined in accordance with section 13A)”. 35
- (b) Omit section 48 (1) (j), insert instead:
 - (j) the waiver of fees to be paid under the Act (including those determined in accordance with section 13A) or, in the case of any such fees that have already been paid, the refund of all or part of such fees;

Consumer Claims Tribunals (Fees) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(4) Schedule 3 (**Savings and transitional provisions**):

After Part 3, insert:

**PART 4—CONSUMER CLAIMS TRIBUNALS (FEES)
AMENDMENT ACT 1993**

Reduction of fees to be lodged with consumer claims

14. The amendments made by the Consumer Claims Tribunals (Fees) Amendment Act 1993 do not apply to or in respect of consumer claims lodged before the commencement of the amendments.

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