



New South Wales

Consumer, Trader and Tenancy Tribunal Amendment Regulation 2008

under the

Consumer, Trader and Tenancy Tribunal Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Consumer, Trader and Tenancy Tribunal Act 2001*.

DIANNE JUDGE, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the functions of a member of the Consumer, Trader and Tenancy Tribunal, or the Tribunal, that the Chairperson may authorise the Registrar of the Tribunal to exercise, and
- (b) to make minor amendments relating to the establishment of the Social Housing Division of the Consumer, Trader and Tenancy Tribunal by the *Consumer, Trader and Tenancy Tribunal Amendment Act 2008*, and
- (c) to prescribe the maximum amount claimed or disputed in proceedings that have been heard by the Tribunal in respect of which a person may apply for a rehearing, and to provide that such an application must be lodged within 28 days after the applicant is notified that the previous application had not been granted, and
- (d) to prescribe the period for which sound recordings of proceedings that have been heard by the Tribunal must be retained.

This Regulation is made under the *Consumer, Trader and Tenancy Tribunal Act 2001*, including sections 20, 26, 68, 80A and section 86 (the general regulation-making power).

2008 No 425

Clause 1 Consumer, Trader and Tenancy Tribunal Amendment Regulation 2008

Consumer, Trader and Tenancy Tribunal Amendment Regulation 2008

under the

Consumer, Trader and Tenancy Tribunal Act 2001

1 Name of Regulation

This Regulation is the *Consumer, Trader and Tenancy Tribunal Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 October 2008.

3 Amendment of Consumer, Trader and Tenancy Tribunal Regulation 2002

The *Consumer, Trader and Tenancy Tribunal Regulation 2002* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Part 2, heading

Omit the heading. Insert instead:

Part 2 Registrar, members and assessors

[2] Clause 7A

Insert after clause 7:

7A Functions of Registrar

For the purposes of section 20 (1) (a1) of the Act, the functions of a member or the Tribunal conferred by the following provisions are prescribed:

- (a) section 28 (5) (f)–(h),
- (b) section 32,
- (c) section 34 (1),
- (d) section 38 (1),
- (e) section 48 (1),
- (f) section 50,
- (g) section 54 (2),
- (h) section 61 (1),
- (i) section 81.

[3] Clause 10 Application fees

Omit “or Tenancy Division” from clause 10 (1) (a).

Insert instead “, Tenancy Division or Social Housing Division”.

[4] Clause 23A

Insert after clause 23:

23A Applications for further rehearing

For the purposes of section 68 (9A) of the Act, a further application may be made under section 68 of the Act if the application is lodged within 28 days after the date on which the applicant was notified that the previous application had not been granted.

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Schedule 1 Amendments

[5] Clause 24 Excluded applications for rehearings

Omit clause 24 (1) and (2). Insert instead:

- (1) For the purposes of section 68 (13) (a) of the Act, a person cannot make an application under that section for a rehearing of completed proceedings if the amount claimed or disputed under the completed proceedings is more than \$30,000.

[6] Clause 24 (3)

Omit “or Tenancy Division”.

Insert instead “, Tenancy Division or Social Housing Division”.

[7] Clause 25 Proceedings against 2 or more persons having joint liability

Omit “or Tenancy Division” from clause 25.

Insert instead “, Tenancy Division or Social Housing Division”.

[8] Clause 46A

Insert after clause 46:

46A Sound recording of hearings

For the purposes of section 80A of the Act, sound recordings of all proceedings of the Tribunal must be kept for 7 years after the end of the relevant proceedings.

BY AUTHORITY
