

# Residential Tribunal Regulation 1999

[1999-114]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 July 2001 to 24 February 2002 (accessed 26 November 2024 at 3:38)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by the *Consumer, Trader and Tenancy Tribunal Act 2001 No 82*, sec 88 (d) with effect from 25.2.2002.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 25 February 2002

# Residential Tribunal Regulation 1999



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulation .....	4
2 Commencement .....	4
3 Definitions .....	4
4 Notes .....	5
<b>Part 2 Members of Tribunal</b> .....	5
5 Oath of office .....	5
6 Disclosure of members' interests .....	5
7 Code of conduct for members .....	5
<b>Part 4 Exercise of jurisdiction of Tribunal</b> .....	6
8 Divisions of Tribunal .....	6
9 Persons or bodies from which matters cannot be transferred to Tribunal .....	6
10 Transfer of proceedings to or from other courts or tribunals .....	7
<b>Part 5 Representation of parties</b> .....	7
11 Applications for representation .....	7
12 Representation of unincorporated body .....	8
13 When parties may be represented .....	8
14 Representative to be competent .....	10
15 Representation by managing agents .....	10
<b>Part 6 Rehearings</b> .....	10
16 Rehearings .....	10

<b>Part 7 Procedure in Tribunal</b> .....	11
17 Power of Chairperson to vary or dispense with requirements .....	11
18 Applications .....	11
19 Particulars of application .....	11
20 Summonses .....	12
21 Warrants .....	13
22 Notice of decisions and reasons .....	13
23 Joinder of parties .....	13
24 Ex parte proceedings.....	13
25 Allowances and expenses of witnesses .....	14
26 Costs of proceedings .....	14
<b>Part 8 Access to records of Tribunal</b> .....	14
27 Records.....	14
28 Right of access .....	15
29 Copies of documents .....	15
<b>Part 9 Miscellaneous</b> .....	16
30 Interest on judgment debt.....	16
31 Filing fees .....	16
32 Service of documents .....	16
33 Repeal of Residential Tenancies (Tribunal) Regulation 1995 .....	17
34 Amendment of Residential Tenancies (Residential Premises) Regulation 1995 .....	18
<b>Schedule 1 Oaths or affirmations of office</b> .....	18
<b>Schedule 2 Forms</b> .....	18
<b>Schedule 3 Amendment of Residential Tenancies (Residential Premises) Regulation 1995</b> .....	19

# Residential Tribunal Regulation 1999



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Residential Tribunal Regulation 1999*.

### 2 Commencement

This Regulation commences on 1 March 1999.

### 3 Definitions

In this Regulation:

***eligible pensioner*** means:

- (a) a person who receives a pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991* of the Commonwealth, or a service pension under Part III of the *Veterans' Entitlements Act 1986* of the Commonwealth, and who is the holder of a pensioner concession card issued by or on behalf of the Commonwealth Government, or
- (b) a person who receives a pension from the Commonwealth Department of Veterans' Affairs as:
  - (i) the widow or widower of a member of the Australian Defence or Peacekeeping Forces, or
  - (ii) the unmarried mother of a deceased unmarried member of either of those Forces, or
  - (iii) the widowed mother of a deceased unmarried member of either of those Forces,and who does not have income and assets that would prevent the person from being granted a pensioner concession card if the person were eligible for such a card, or
- (c) a person who receives a special rate of pension under section 24 of the *Veterans' Entitlements Act 1986* of the Commonwealth, or

(d) a person who holds a Senior's Card (being a card of that name issued by the New South Wales Government).

**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.

**Residents Committee** of a retirement village has the same meaning as it has in the [Retirement Villages Act 1999](#).

**the Act** means the [Residential Tribunal Act 1998](#).

#### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 Members of Tribunal

#### 5 Oath of office

An oath referred to in clause 14 of Schedule 1 to the Act may be taken in one of the forms set out in Part 1 or 2 of Schedule 1 to this Regulation, as may be appropriate.

#### 6 Disclosure of members' interests

(1) A member:

- (a) who has a direct or indirect interest in a matter the subject of present or proposed proceedings of the Tribunal, and
- (b) whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the Chairperson (and, if the matter has commenced to be heard, to the parties involved in the matter).

(2) If the member is the Chairperson, the nature of the interest must be disclosed to the Minister.

(3) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or Chairperson otherwise determine, exercise, or continue to exercise, the jurisdiction of the Tribunal in the proceedings.

#### 7 Code of conduct for members

(1) The Chairperson may, by direction under section 10 of the Act, establish one or more codes of conduct for members of the Tribunal or assessors.

- (2) A code of conduct established under this clause is to be made available to the public in such manner and form as the Chairperson may direct.

## **Part 4 Exercise of jurisdiction of Tribunal**

### **8 Divisions of Tribunal**

- (1) The Tribunal comprises the following Divisions:
- (a) the Tenancies (General) Division, in which the Tribunal's jurisdiction is to be exercised in respect of matters arising under the following Acts:
    - (i) the *Landlord and Tenant Act 1899*,
    - (ii) the *Landlord and Tenant (Rental Bonds) Act 1977*,
    - (iii) except as provided by paragraph (b)—the *Residential Tenancies Act 1987*, and
  - (b) the Tenancies (Special) Division, in which the Tribunal's jurisdiction is to be exercised in respect of:
    - (i) matters arising under section 23 or 68 of the *Residential Tenancies Act 1987*, and
    - (ii) such matters arising under another provision of that Act, in respect of a residential tenancy agreement the landlord under which is a social housing provider, as the Chairperson may designate, and
  - (c) the Strata and Community Schemes Division, in which the Tribunal's jurisdiction is to be exercised in respect of matters arising under the following Acts:
    - (i) the *Community Land Management Act 1989*,
    - (ii) the *Strata Schemes Management Act 1996*,
  - (d) the Residential Parks Division, in which the Tribunal's jurisdiction is to be exercised in respect of matters arising under the *Residential Parks Act 1998*, and
  - (e) the Retirement Villages Division, in which the Tribunal's jurisdiction is to be exercised in respect of matters arising under the *Retirement Villages Act 1999*.

### **9 Persons or bodies from which matters cannot be transferred to Tribunal**

For the purposes of section 22 (2) (b) of the Act:

- (a) the Ombudsman, and
- (b) any person exercising the functions of an ombudsman under any law of the Commonwealth, and
- (c) any person authorised, under a law of the State or of the Commonwealth or of another

State or Territory, to make decisions or orders, or give directions, that are binding only on one party to a dispute,

are prescribed persons.

#### **10 Transfer of proceedings to or from other courts or tribunals**

- (1) Notice in writing of the transfer to the Tribunal, under section 23 of the Act, of proceedings instituted in a court is to be given to the Registrar by the court concerned, accompanied by all documents relating to the proceedings.
- (2) On receipt of such a notice of transfer and accompanying documents, the Registrar must serve on all of the parties a notice fixing a date and time for the holding of the hearing or a directions hearing in relation to the proceedings.

### **Part 5 Representation of parties**

#### **11 Applications for representation**

- (1) An application under section 33 (3) of the Act may be made:
  - (a) in writing addressed to the Registrar and filed before the date set down for hearing of the matter, or
  - (b) by oral submission at the commencement of the hearing, if the presiding member of the Tribunal, at his or her discretion, allows it.
- (2) An application that is made in writing must:
  - (a) identify the proceedings with respect to which it is made, and
  - (b) specify the reason why the applicant wishes to be represented, and
  - (c) specify whether representation by a legal practitioner is proposed, and
  - (d) if representation by a legal practitioner is not proposed, specify the name and occupation of the proposed representative, and
  - (e) specifically authorise the representative to make decisions in the absence of the applicant in the proceedings concerned that are binding on the applicant.
- (3) If the application is made in writing, the applicant may include submissions in relation to the competence of the proposed representative or any matter he or she desires to address in support of the application.
- (4) An application for representation cannot be determined unless the other party to the proceedings has been given an opportunity to make oral or written submissions in relation to the application.

## **12 Representation of unincorporated body**

- (1) If a claim is lodged under the Act on behalf of an unincorporated body by an officer of that body, each of the members of the body is taken to have agreed to be represented at the hearing of the claim by that officer or by such other person as may be permitted to represent the body at that hearing.
- (2) This clause does not apply to a claim lodged by the Residents Committee of a retirement village.

## **13 When parties may be represented**

- (1) A party to a matter before the Tribunal is not entitled to be represented at the hearing of the matter unless:
  - (a) the party is a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth and the corporation is represented by one of the corporation's officers, or
  - (b) the party is an owners corporation constituted under the *Strata Schemes Management Act 1996* and the corporation is represented by the owner or, if there is more than one owner, by one of the owners constituting the corporation, or by the strata managing agent, or
  - (c) the party is a community association constituted under the *Community Land Development Act 1989* and the association is represented by the proprietor of each development lot in the relevant community plan or, if there is more than one proprietor, by one of the proprietors who is a member of the association, or by the managing agent, or
  - (d) the party is:
    - (i) a society, association or union registered under the *Co-operatives Act 1992*, or
    - (ii) an institution registered under the *Financial Institutions (New South Wales) Act 1992*,  
and the society, association, union or institution is represented by one of its officers, or
  - (e) the party is a firm and the firm is represented by one of its partners, or
  - (f) the party is an incorporated association registered under the *Associations Incorporation Act 1984* and the association is represented by one of its officers, or
  - (g) the party is an unincorporated body of persons and the body is represented by:
    - (i) a secretary or treasurer of the body, or



- (ii) a member of the executive or management committee of the body who was duly elected at a general meeting of members of the body, or
  - (h) the party has a trustee for the management of his or her estate and the person is represented by the trustee, or
  - (i) the party is a government agency represented by an officer of the agency, or
  - (j) the party is a landlord of property involved in the proceedings and is represented by the managing agent of the property, or
  - (k) the party is the owner of a residential park involved in the proceedings and is represented by the park manager, or
  - (l) the party is the operator of a retirement village involved in the proceedings and is represented by an employee or agent (other than a legal practitioner) of the operator, or
  - (l1) the party is a resident of a retirement village who is represented by:
    - (i) a nominated resident of the retirement village (in accordance with section 122 of the *Retirement Villages Act 1999*), or
    - (ii) the Residents Committee of the retirement village (in accordance with clause 25 of the *Retirement Villages Regulation 2000*), or
  - (m) any other party to the claim is, or is represented by a person who is, entitled by law to practise as a legal practitioner, either in New South Wales or elsewhere, or
  - (n) any other party to the claim is a government agency, or
  - (o) the Tribunal, of its own motion, decides that the party would be placed at a disadvantage if not represented at the hearing, or
  - (p) in any other case, the representation is, on determination of an application made by or on behalf of the party, approved by the Tribunal.
- (2) The Tribunal must not give an approval to an application referred to in subclause (1) (p) unless the Tribunal is satisfied that:
- (i) the representation should be permitted as a matter of necessity due to the likelihood that complex issues of law or fact will arise in the proceedings, or
  - (ii) the party by whom or on whose behalf the application was made would otherwise be placed at a disadvantage.
- (3) A decision of the Tribunal to allow representation in contravention of any provision of this clause does not of itself invalidate the Tribunal's determination of any matter or any order made by the Tribunal.

#### **14 Representative to be competent**

- (1) In dealing with an application for the representation of a party before it, the Tribunal must not approve the application unless it is satisfied that the representative concerned:
  - (a) has sufficient knowledge of the issues in dispute to enable the representative to represent the applicant effectively at the hearing by the Tribunal of the matter concerned, and
  - (b) (if the applicant is not present when the application is being considered) is vested with sufficient authority to bind the applicant.
- (2) In determining a written application for representation, the Tribunal is entitled to rely on information supplied by the applicant in support of the application.

#### **15 Representation by managing agents**

- (1) A managing agent who represents a landlord in proceedings before the Tribunal is entitled to demand and receive such fee or reward for so doing as may be agreed with the landlord concerned.
- (2) A strata managing agent who represents an owners corporation constituted under the [Strata Schemes Management Act 1996](#) in proceedings before the Tribunal is entitled to demand and receive such fee or reward for so doing as may be agreed with the owners corporation concerned.

### **Part 6 Rehearings**

#### **16 Rehearings**

- (1) An application for a rehearing must be made in writing addressed to the Chairperson and filed with the Tribunal within 14 days after receipt of written notice of the decision concerned, except as provided by subclause (2).
- (2) If a written statement of reasons for the Tribunal's decision is duly requested, the time prescribed by subclause (1) is extended to 14 days after receipt of the statement.
- (3) Only one rehearing may be granted at the request of any one party to the matter concerned, unless the Chairperson, being satisfied that in the special circumstances of the case this subclause should not apply, by order permits a further rehearing.
- (4) If the applicant for a rehearing alleges that a rehearing is justified because he or she did not receive notice of the hearing or notice of termination of a tenancy, the Registrar or other officer accepting lodgment of the application may require that allegation to be verified by oath of the applicant before accepting lodgment.

## **Part 7 Procedure in Tribunal**

### **17 Power of Chairperson to vary or dispense with requirements**

- (1) The Chairperson may, of his or her own motion or on application (whether made before or after the expiry of the time limit concerned) by any person, abridge or extend the period of time within which anything would otherwise be required under this Regulation to be done.
- (2) The Chairperson may dispense with compliance with any requirement of this Regulation, either before or after the occasion for compliance arises.

### **18 Applications**

- (1) This clause applies to any application to have the Tribunal deal with a matter, but so applies subject to any other Act or law.
- (2) The Tribunal may establish one or more registries.
- (3) An application may be lodged:
  - (a) at any registry of the Tribunal, or
  - (b) at a Fair Trading Centre of the Department of Fair Trading, or
  - (c) at any Department of Fair Trading Renting Services Office, or
  - (d) at any Local Court registry.
- (4) The Tribunal may accept lodgment of applications by electronic means approved by the Registrar.
- (5) Except where the Registrar otherwise determines, an application is taken to have been lodged when it has been duly lodged in accordance with this clause, whether or not payment of any fee occasioned by the lodgment has been made. The Tribunal is, however, entitled to decline to hear proceedings on the application until the fee has been paid.

### **19 Particulars of application**

- (1) An application made to the Tribunal must contain the following particulars:
  - (a) the name and address of the applicant,
  - (b) the name and last known address of the other party,
  - (c) a description of the order or orders sought by the applicant,
  - (d) a concise statement containing particulars sufficient to enable the other party to know the nature of the claim,

- (e) if an amount of money is claimed or in dispute, the amount claimed or disputed.
- (2) An application must be signed and dated by the applicant, unless this clause authorises another person to sign the application.
- (3) An application made under the *Residential Tenancies Act 1987* by a landlord may be completed, signed, dated and lodged by the landlord's agent.
- (4) An application made under the *Residential Tenancies Act 1987* by a tenant may be completed, signed, dated and lodged by:
  - (a) the tenant's agent under section 31 of that Act, or
  - (b) a person authorised in writing by the tenant to do so.
- (5) An application made under the *Retirement Villages Act 1999* by an operator of a retirement village may be completed, signed, dated and lodged by any person authorised in writing by the operator to do so.
- (6) An application made under the *Retirement Villages Act 1999* by a resident of a retirement village may be completed, signed, dated and lodged by any of the following:
  - (a) if the resident is a protected person within the meaning of the *Protected Estates Act 1983*, the Protective Commissioner,
  - (b) if the resident has a guardian, the resident's guardian,
  - (c) any other person authorised in writing by the resident to do so.
- (7) The Registrar may, if the applicant requests, delete an applicant's address from the application before forwarding it to other parties to the proceedings.
- (8) An application that is lodged by electronic means is taken to be duly signed so long as:
  - (a) it identifies a person who, under this Regulation, is authorised to sign the application, and
  - (b) it indicates that person's approval to the making of the application and (where appropriate) that person's belief in the truth of the information contained in the application,by electronic or other means approved by the Registrar.

## 20 Summonses

- (1) A summons issued under section 37 of the Act must be served not later than 5 working days before the day the person is required to attend in accordance with the

summons, except as the Tribunal by order otherwise directs.

- (2) A summons may be signed by any member of the Tribunal, or by the Registrar, a Deputy Registrar or a person authorised in writing by the Registrar to do so.
- (3) It is sufficient compliance with a summons for the production only of a document or other thing if the document or thing is produced to the Registrar at an address specified for the purpose in the summons at any time before the proceedings at which the document or thing is required to be produced.
- (4) A summons is to be issued in Form 1 in Schedule 2.

## **21 Warrants**

A warrant under section 38 of the Act is to be issued in Form 2 in Schedule 2.

## **22 Notice of decisions and reasons**

- (1) A notice under section 45 (1) of the Act is to be given within 7 days after the relevant decision was made.
- (2) A party to proceedings who wishes to request the Tribunal under section 45 (2) to prepare a statement of reasons for its decision must make the request in writing addressed to the Registrar within 7 days after receipt of notice of the decision.
- (3) A statement referred to in subclause (2) must be provided within 14 days after a request for it is duly made and filed with the Tribunal.

## **23 Joinder of parties**

- (1) If the Tribunal is of the opinion that a person has a sufficient interest in resolving the dispute to which an application to the Tribunal relates but the person has not been served with notice of the application, the Tribunal may make an order directing that the person be joined either as an applicant or as a respondent, as appears to the Tribunal to be appropriate, and notice of the proceedings is to be served accordingly.
- (2) The powers of the Tribunal under this clause may, in accordance with any relevant directions of the Chairperson, be exercised by the Registrar.

## **24 Ex parte proceedings**

The Tribunal may proceed to hear a matter ex parte:

- (a) if it is satisfied that notice of the hearing was duly served on the party failing to appear, or
- (b) if:
  - (i) being satisfied that service of notice of the hearing has been duly attempted, or

(ii) having given directions under clause 32 (6),

the Tribunal considers that justice requires that the matter be dealt with in the absence of the party concerned.

## **25 Allowances and expenses of witnesses**

- (1) A person summoned by the Tribunal to appear and give evidence before the Tribunal is entitled to allowances and expenses on the same scale as a witness attending and giving evidence in criminal proceedings before the District Court.
- (2) A summons issued at the request of a party has no effect unless, not later than a reasonable time before the day on which the attendance of the witness is required by the summons, tender is made of an amount in respect of the reasonable expenses of complying with the requirements of the summons.

## **26 Costs of proceedings**

- (1) Under section 48 (3) (b) of the Act, the Tribunal may order:
  - (a) that the costs of proceedings on an application for rehearing of a matter be borne wholly or in part by the applicant, if the applicant fails to attend the rehearing, or
  - (b) the costs of proceedings adjudged by the Tribunal to be frivolous, vexatious, misconceived or lacking in substance, or as otherwise not to be entertained, be borne wholly or in part by the person who instituted them.
- (2) The amount of the relevant costs is to be substantiated in accordance with directions in that behalf given by the Chairperson or, in default of such directions, in such manner as the Tribunal thinks fit.

## **Part 8 Access to records of Tribunal**

### **27 Records**

The Registrar is to have the care, custody and control of the following records of the Tribunal:

- (a) applications made to the Tribunal,
- (b) minutes of orders of the Tribunal,
- (c) written records of reasons given by the Tribunal for its decisions,
- (d) reports or copies of reports furnished to the Tribunal,
- (e) documents or copies of documents produced to the Tribunal in any proceedings, while retained by the Tribunal,
- (f) exhibits, while retained by the Tribunal,

- (g) correspondence received by the Tribunal,
- (h) diaries and other records relating to the listing and hearing of proceedings before the Tribunal,
- (i) any transcript of evidence or sound recording taken before the Tribunal,
- (j) such other records as may be determined by the Chairperson.

## **28 Right of access**

- (1) Any person may apply in writing to the Registrar for access to records of proceedings before the Tribunal.
- (2) The Registrar must grant access to records of proceedings to any person who is a party to the proceedings, free of charge.
- (3) On payment of a fee approved by the Minister, the Registrar may grant access to a record of proceedings to any other person who, in the opinion of the Registrar, has a sufficient reason for being given access to the record.
- (4) Nothing in this clause permits access to or the provision of a copy of:
  - (a) any note or other record made by or on behalf of a member of the Tribunal for the member's own use and which the member did not cause to be filed as part of the record of proceedings, or
  - (b) any document kept by the Registrar, if:
    - (i) the Tribunal has ordered that the document not be disclosed without the consent of the Tribunal, or
    - (ii) the disclosure of the document to the party is otherwise prohibited by or under the Act or another law.

## **29 Copies of documents**

- (1) The fee payable by a person for a copy of a record of proceedings or any part or parts of that record, is:
  - (a) \$2 per page or \$21 (whichever is greater), in the case of a documentary record, or
  - (b) \$21 per tape, in the case of a sound recording.
- (2) A person who is or was a party to any proceedings is, however, entitled to a single free copy of any order made by the Tribunal in respect of the proceedings and of any written reasons given by the Tribunal in relation to that order.
- (3) Payment of any fee payable under this clause may be waived (either in whole or in part) by the Registrar if the Registrar is satisfied:

- (a) that the person required to pay it would suffer hardship if required to pay the fee, or
- (b) that, for any other reason, it would be unfair or unreasonable for the person to have to pay the fee.

## **Part 9 Miscellaneous**

### **30 Interest on judgment debt**

- (1) Interest is payable on the outstanding balance for the time being of money adjudged by the Tribunal to be payable and which, being due, remains unpaid.
- (2) Such interest is payable at a rate equal to the rate for the time being prescribed for the purposes of section 39 of the *Local Courts (Civil Claims) Act 1970*.

### **31 Filing fees**

- (1) The fee chargeable in respect of an application made or process lodged in the Tribunal is \$26, except as otherwise provided by this clause.
- (1A) A person who is an eligible pensioner or an eligible student is exempt from the requirement to pay the fee referred to in subclause (1).
- (2) If the Tribunal or the Registrar considers that there are special reasons for so doing, the Tribunal or Registrar:
  - (a) may direct that a fee required to be paid by this Regulation be waived wholly or in part, and that any part of the fee waived that has been paid be refunded, and
  - (b) may postpone the time for payment of the whole or a part of a fee required by this clause, and make any such postponement subject to any conditions the Tribunal or Registrar may think fit to impose.
- (3) The provisions of this clause apply, with any necessary modifications, to and in respect of an application under section 63 of the Act for a rehearing.

### **32 Service of documents**

- (1) An application for the purposes of any proceedings must be served on each of the other parties within a reasonable time before the return date endorsed on the application by the Registrar or in accordance with directions under subclause (6).
- (2) Service of an application or summons is to be effected:
  - (a) personally, or
  - (b) in the case of a company:
    - (i) by certified post addressed to the company's registered office, or



- (ii) by leaving a copy with a person who is apparently of or above the age of 16 years at the company's registered office.
- (3) Service of any other document may be effected in any manner provided by section 71 of the Act or in any of the following ways:
  - (a) if the person has an address for service on record with the Registry:
    - (i) by pre-paid ordinary post addressed to the person's address for service, or
    - (ii) if the person's address for service is a box in a document exchange, in New South Wales, of Australian Document Exchange Pty Limited, by leaving a copy in that exchange box or in another exchange box for transmission to that exchange box,
  - (b) in such other manner as may be directed by the Chairperson, Deputy Chairperson or Registrar in a particular case.
- (4) Service by post is prima facie taken to have been effected on a person at the end of the fourth working day after the date on which the document was posted to the person.
- (5) Service by document exchange is prima facie taken to have been effected on a person at the end of the second working day after the date on which the document was left in the person's exchange box or, if the document is left at some other exchange box for transmission to the person's exchange box, in that other exchange box.
- (6) The Chairperson, Deputy Chairperson or Registrar may, without hearing from the other parties, do any one or more of the following:
  - (a) direct a party to serve an application or any other document on a person who is not a party,
  - (b) direct substituted service to be effected in such manner as the Chairperson, Deputy Chairperson or Registrar considers appropriate,
  - (c) reduce (subject to any relevant Act or law) the time within which service must be effected.
- (7) This clause has effect subject to the provisions of any Act or law or of any directions of the Chairperson under section 25 of the Act.

### **33 Repeal of Residential Tenancies (Tribunal) Regulation 1995**

The *Residential Tenancies (Tribunal) Regulation 1995* is repealed.

### 34 Amendment of **Residential Tenancies (Residential Premises) Regulation 1995**

The *Residential Tenancies (Residential Premises) Regulation 1995* is amended as set out in Schedule 3.

## Schedule 1 Oaths or affirmations of office

(Clause 5)

### Part 1 Chairperson

#### Oath

I, ....., swear that I will faithfully and impartially discharge the duties of the office of Chairperson of the Residential Tribunal of New South Wales.

#### Affirmation

I, ....., solemnly, sincerely and truly affirm and declare that I will faithfully and impartially discharge the duties of the office of Chairperson of the Residential Tribunal of New South Wales.

### Part 2 Other members

#### Oath

I, ....., swear that I will faithfully and impartially discharge the duties of the office of a member of the Residential Tribunal of New South Wales.

#### Affirmation

I, ....., solemnly, sincerely and truly affirm and declare that I will faithfully and impartially discharge the duties of the office of a member of the Residential Tribunal of New South Wales.

## Schedule 2 Forms

(Clauses 20, 21)

### Form 1 Summons

#### Residential Tribunal Act 1998

IN THE RESIDENTIAL TRIBUNAL AT: .....

IN THE MATTER OF: .....

#### SUMMONS

To: ..... of .....

YOU ARE REQUIRED TO ATTEND at the time, date and place specified below for the purpose of:

- giving evidence before the Tribunal<sup>1</sup>
- producing the following<sup>2</sup>: .....

IF YOU FAIL TO ATTEND a warrant may be issued for your apprehension.

Time, date and place of attendance:

.....  
.....

.....Chairperson/Deputy Chairperson/Member/Registrar/Deputy Registrar of the Tribunal.

**NOTES:**

1. Delete if inapplicable.
  2. Delete if inapplicable. If applicable, specify the documents or things to be produced.
- It is sufficient compliance with a summons for the production only of a document or other thing if the document or thing is produced to the Registrar at the address specified above before the time specified.

**Form 2 Warrant for apprehension of summons defaulter**

**Residential Tribunal Act 1998**

To: .....

On ..... a summons directed to ..... was issued out of the Residential Tribunal sitting at ..... The summons was duly served on him/her by ..... on ..... but he/she failed to comply with it.

You are therefore by this warrant authorised and directed to apprehend the said ..... and to bring him/her before the Residential Tribunal at ..... For that purpose you may detain him/her in custody until such time as the Chairperson or Deputy Chairperson of the Tribunal, or the Supreme Court, order his/her release.

This warrant must be executed within 28 days of its issue.

.....

Chairperson/Deputy Chairperson of the Tribunal.

Date

**Schedule 3 Amendment of Residential Tenancies (Residential Premises) Regulation 1995**

(Clause 32)

**[1] Clauses 25A and 25B**

Insert before clause 25:

**25A Jurisdiction of Tribunal**

For the purposes of section 85 (3) (a) and (b) of the Act, the amount prescribed in relation to an order of the Tribunal is:

- (a) \$20,000, with respect to a rental bond, or
- (b) \$10,000, with respect to any other matter.

**25B Order for possession**

For the purposes of section 73 of the Act, the prescribed form of warrant authorising a sheriff's officer to enter residential premises to enforce an order for possession is

that set out in Schedule 3.

**[2] Schedule 3**

Insert after Schedule 2:

**Schedule 3 Order for possession of premises**

(Clause 25B)

**Residential Tenancies Act 1987** To all sheriff's officers:

**Why is this warrant being issued?**

On ....., the Residential Tribunal sitting at made the following orders\*:

- (a) an order terminating the residential tenancy agreement between ..... and .....
- (b) an order for possession of the residential premises at ..... in New South Wales
- (c) an order that the operation of the order for possession be suspended for a period of ..... days from the date of the order
- (d) an order that the operation of the order for possession be terminated 14 days after the date of issue of this warrant.

An application was made by the person in whose favour the order was made for the enforcement of the order for possession of the premises.

I am satisfied that the order has not been complied with, or that a condition of suspension of the order has not been complied with.

**What does this warrant authorise?**

This warrant authorises any sheriff's officer to enter the residential premises and take all steps that are reasonably necessary to give possession to the landlord.

**Police assistance**

A sheriff's officer may request that any member of the police force assist the sheriff's officer to enforce the order for possession.

**Use of force**

The sheriff's officer or member of the police force enforcing the order for possession is authorised to use such force as is reasonably necessary to enforce the order for possession.

**Production of this warrant**

The sheriff's officer or member of the police force enforcing the order for possession must produce this warrant if asked.

**Issue details**

Date of issue of warrant: .....

This warrant must be executed within 28 days of its issue.

**Signature**

Signed by me: .....

Chairperson/Deputy Chairperson/Member/Registrar/Deputy Registrar (delete whichever is not applicable) of the Residential Tribunal.

.....

(Print name)

.....

(Signature)

\* Delete whichever paragraphs are not applicable

**Case information**

Residential Tribunal Registry .....

Phone No: .....

Name and address of landlord/agent: .....

.....

Phone No. of landlord/agent: .....

Tenant's Phone No: .....

File No: .....