



New South Wales

Consumer Claims Regulation 2007

under the

Consumer Claims Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Consumer Claims Act 1998*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to replace, with only minor changes in style and the omission of two clauses, the *Consumer Claims Regulation 1999*, which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

One of the omitted clauses has been superseded and the other is not essential.

This Regulation:

- (a) specifies the way in which applications for the determination of a *consumer claim* (within the meaning of the *Consumer Claims Act 1998*) are to be made to the Consumer, Trader and Tenancy Tribunal, and
- (b) increases the current limitation on that Tribunal's jurisdiction to make orders in respect of such claims from \$25,000 to \$30,000 in relation to claims made on or after the commencement of the Regulation.

This Regulation is made under the *Consumer Claims Act 1998*, including sections 6, 14 and 17 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Consumer Claims Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note. This Regulation replaces the *Consumer Claims Regulation 1999* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Consumer Claims Act 1998*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Applications

Applications under section 6 of the Act are to be made in the same way as applications under the *Consumer, Trader and Tenancy Tribunal Act 2001* are made (as provided by the regulations made under that Act).

5 Limitation on Tribunal's jurisdiction to make orders

In relation to claims arising under the Act (other than claims relating to commission fees charged by agents licensed under the *Property, Stock and Business Agents Act 2002*), the prescribed amount for the purposes of section 14 (1) and (2) of the Act is:

- (a) \$25,000 in respect of an application for determination of a claim made, but not finally determined, before the commencement of this Regulation, and
- (b) \$30,000 in any other case.

Note. The jurisdictional limit set out in this clause does not apply in relation to a consumer claim arising from the supply of a new motor vehicle that is used substantially for private purposes (see section 14 (3) of the Act).