



Australian Capital Territory

# **ACT Civil and Administrative Tribunal Regulation 2009**

**SL2009-1**

made under the

**ACT Civil and Administrative Tribunal Act 2008**

**Republication No 3**

**Effective: 4 March 2013 – 25 April 2018**

Republication date: 4 March 2013

Last amendment made by [A2013-7](#)

## About this republication

### The republished law

This is a republication of the *ACT Civil and Administrative Tribunal Regulation 2009*, made under the *ACT Civil and Administrative Tribunal Act 2008* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 4 March 2013. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 4 March 2013.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# ACT Civil and Administrative Tribunal Regulation 2009

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**ACT Civil and Administrative Tribunal Act 2008**

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Australian Capital Territory

# ACT Civil and Administrative Tribunal Regulation 2009

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made under the

**ACT Civil and Administrative Tribunal Act 2008**

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**1 Name of regulation**

This regulation is the *ACT Civil and Administrative Tribunal Regulation 2009*.

**3 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**4 Maximum amount payable under occupational discipline order—Act, s 66 (2) (h)**

The following amounts are prescribed:

- (a) for an individual—\$1 000;
- (b) for a corporation—\$5 000.

**5 Maximum amount payable for failure to comply with occupational discipline order—Act, s 74 (2) (a)**

The following amounts are prescribed:

- (a) for an individual—\$4 000;
- (b) for a corporation—\$20 000.

**6 Appointment of senior and ordinary members of the tribunal—Act, s 96**

- (1) When considering whether to appoint a person to the tribunal as a senior member or ordinary member, the Attorney-General must take reasonable steps to ensure that the tribunal has sufficient members with relevant interests, qualifications or experience to allow the tribunal to exercise its functions.

- (2) As part of taking reasonable steps, the Attorney-General must consider the desirability of the tribunal including—
- (a) not less than the number of members mentioned in an item in table 6.1, column 2, each of whom the Attorney-General is satisfied has the interest, qualification or experience mentioned in column 3 for the item; and
  - (b) not less than the number of members mentioned in an item in table 6.2, column 2 each of whom—
    - (i) is nominated by the health minister under subsection (3) for the item; or
    - (ii) was previously appointed to the ACAT in the person's capacity as a member mentioned in table 6.2, column 3.
- (3) The health minister may nominate a person for an item of table 6.2 if satisfied that the person has the interest, qualification or experience mentioned in column 3 of the item.
- (4) The health minister may nominate a health profession for table 6.2, item 1.
- (5) In this section:

**health minister** means the Minister responsible for appointing the chief health officer.

*Note* The chief health officer is appointed under the *Public Health Act 1997*, s 7.

**Table 6.1 Senior and ordinary members generally**

<b>column 1 item</b>	<b>column 2 minimum number of members</b>	<b>column 3 interest, qualification or experience</b>
1	1	understands the interests of credit providers and financial brokers

Section 6

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column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
2	1	understands the interests of people who obtain customer credit from credit providers or through finance brokers
3	1	qualifications or experience in consumer affairs
4	1	qualifications or experience assisting or working with people suffering financial hardship
5	1	qualifications or experience in business
6	1	qualifications or experience in law, other than qualifications in item 7 or 8
7	3	suitably qualified legal practitioners nominated by the bar council under the <i>Legal Profession Act 2006</i>
8	3	suitably qualified legal practitioners nominated by the law society council under the <i>Legal Profession Act 2006</i>
9	1	community members suitable to deal with the needs of mentally dysfunctional people
10	1	appropriate expertise, training or experience in relation to, and otherwise suitable to deal with, the needs of people who, because of a physical, mental, psychological or intellectual condition, need assistance or protection from abuse, exploitation or neglect

**Table 6.2 Senior and ordinary members nominated by health minister**

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
1	10	qualifications in each health profession nominated under s 6 (4)
2	1	psychiatrists
3	1	psychologists
4	1	suitable skills and experience to provide mental health clinical services, other than qualifications in item 2 or 3

**Examples—table 6.2, item 4, column 3**

mental health nurse, occupational therapist or social worker

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## **7 Requirements for reviewable decision notices—Act, s 67A (3)**

A reviewable decision notice given to a person in relation to a decision under an authorising law must—

- (a) state the decision; and
- (b) if the decision puts, or amends, a condition on a licence or registration—include a copy of the condition; and
- (c) state that the person may apply for a reasons statement in relation to the decision under the [Act](#), section 22B; and
- (d) state that the person may apply to the ACAT for review of the decision; and
- (e) state how to make the application; and

- (f) state the other options available under ACT laws to have the decision reviewed.

**8 Requirements for internal review notices—Act, s 67B (3)**

An internal review notice given to a person in relation to a decision under an authorising law must—

- (a) state the decision; and
- (b) if the decision puts, or amends, a condition on a licence or registration—include a copy of the condition; and
- (c) state how the person may get information about the decision; and
- (d) state that the person may apply for reconsideration or other internal review of the decision; and
- (e) state that the person may apply to the ACAT for review of the decision on the reconsideration or internal review; and
- (f) state how to make the application for reconsideration or other internal review; and
- (g) state the other options available under ACT laws to have a decision reviewed.

**9 Use of trust amounts—Act, s 115C (1) (b)**

- (1) The following purposes are prescribed for amounts paid under the *Agents Act 2003*:
  - (a) promoting education and understanding of the *Agents Act 2003* (the *Agents Act*) for licensed agents, registered salespeople and the public;
  - (b) providing dispute resolution services for disputes involving licensed agents or registered salespeople;
  - (c) paying additional amounts to the compensation fund;

- (d) researching issues of concern to licensed agents and people using the services of licensed agents, whether or not the issues arise under the [Agents Act](#);
  - (e) paying or reimbursing costs incurred by the commissioner for fair trading on behalf of the Territory for applications to the ACAT in relation to a licensed agent or registered salesperson;
  - (f) paying reasonable costs and expenses incurred by an administrator under the [Agents Act](#), section 143 (Remuneration of administrators);
  - (g) reimbursing the Territory for the cost of administering the [Agents Act](#) and the [ACT Civil and Administrative Tribunal Act 2008](#).
- (2) In this section:
- compensation fund*—see the [Agents Act](#), dictionary.
- licensed agent*—see the [Agents Act](#), dictionary.
- registered salesperson*—see the [Agents Act](#), dictionary.

**10 Use of trust amounts for retirement villages—Act, s 115C (2) (c)**

- (1) The following purposes are prescribed:
- (a) providing advisory and advocacy services to residents and prospective residents of retirement villages;
  - (b) reimbursing the Territory for the cost of administering the [Retirement Villages Act 2012](#).
- (2) In this section:
- resident*, of a retirement village—see the [Retirement Villages Act 2012](#), dictionary.
- retirement village*—see the [Retirement Villages Act 2012](#), section 10.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**ACT Civil and Administrative Tribunal Regulation 2009 SL2009-1**

notified LR 29 January 2009

s 1, s 2 commenced 29 January 2009 (LA s 75 (1))

remainder commenced 2 February 2009 (s 2 and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

as amended by

**[Justice and Community Safety Legislation Amendment Act 2013](#) A2013-7 sch 1 pt 1.1**

notified LR 1 March 2013

s 1, s 2 commenced 1 March 2013 (LA s 75 (1))

sch 1 pt 1.1 commenced 4 March 2013 (s 2 and see [Retirement Villages Act 2012](#) A2012-38, s 2 and LA s 79)

### 4 Amendment history

**Commencement**

s 2 om LA s 89 (4)

**Appointment of senior and ordinary members of the tribunal—Act, s 96**

s 6 (6)-(8) exp 2 August 2009 (s 6 (8) (LA s 88 declaration applies))

**Requirements for reviewable decision notices—Act, s 67A (3)**

s 7 (2)-(5) exp 2 August 2009 (s 7 (5) (LA s 88 declaration applies))

**Requirements for internal review notices—Act, s 67B (3)**

s 8 (2)-(5) exp 2 August 2009 (s 8 (5) (LA s 88 declaration applies))

**Use of trust amounts for retirement villages—Act, s 115C (2) (c)**

s 10 ins [A2013-7](#) amdt 1.1

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 2 Feb 2009	2 Feb 2009– 2 Aug 2009	not amended	new regulation
R2 3 Aug 2009	3 Aug 2009– 3 Mar 2013	not amended	commenced expiry

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