



Australian Capital Territory

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2)

A2008-37

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Australian Capital Territory

ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2)

A2008-37

An Act to amend legislation in relation to tribunals and other bodies, the functions of which are to be conferred on the ACT Civil and Administrative Tribunal, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2)*.

2 Commencement

- (1) This Act, other than part 1.56 (Housing Assistance Act 2007), commences on the commencement of the *ACT Civil and Administrative Tribunal Act 2008*, section 6 (Objects of Act).

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Part 1.56 commences on the later of—
- (a) the commencement of the *ACT Civil and Administrative Tribunal Act 2008*, section 6; and
 - (b) the commencement of the *Housing Assistance Amendment Act 2008*, section 9 (New part 6A).

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 ACT Civil and Administrative Tribunal Act 2008

[1.1] New sections 22S and 22T

in division 4A.5, insert

22S People who make certain decisions

- (1) In this Act or an authorising law, a reference to a person (the *decision-maker*) who makes an internally reviewable decision or reviewable decision includes, if the decision-maker is an unincorporated body, the Territory or a territory authority, a reference to the body, Territory or authority.

- (2) In this section:

internally reviewable decision means a reviewable decision that, under an authorising law, may be internally reviewed or reconsidered before review by the tribunal.

reviewable decision means a decision that, under an authorising law, is reviewable by the tribunal.

22T Legal and financial assistance for certain people

- (1) This section applies to a person who, in relation to a matter arising under this part—
- (a) makes, or proposes to make, an application to the tribunal; or
 - (b) is a party to an application before the tribunal made by another person; or

- (c) proposes to begin a proceeding for review of a decision, or is a party to a proceeding, before a court.
- (2) The person may apply to the Minister for assistance in relation to the application or proceeding.
- (3) The Minister may authorise the provision by the Territory of legal or financial assistance determined by the Minister in relation to the application or proceeding if satisfied that—
 - (a) it would involve hardship to the person to refuse the application; and
 - (b) in all the circumstances, it is reasonable that the application be granted.
- (4) The Minister may impose conditions on the authorisation to provide assistance.

[1.2] Section 41 (1), note 1

substitute

Note 1 Documents may be produced electronically in certain circumstances (see *Electronic Transactions Act 2001*).

[1.3] Section 42 (3)

omit

tribunal

substitute

presidential member

[1.4] New section 67B

in division 6.3, insert

67B Internal review notice

- (1) A person who makes an internally reviewable decision must take reasonable steps to give written notice (an *internal review notice*) of the decision to any person whose interests are affected by the decision.
- (2) Subsection (1) does not apply to a decision not to impose a liability, penalty or limitation on a person if the decision does not adversely affect the interests of another person.
- (3) A regulation may prescribe—
 - (a) the time within which an internal review notice must be given; and
 - (b) what a notice must or may contain; and
 - (c) any document or thing that must accompany a notice; and
 - (d) anything else in relation to a notice.
- (4) A failure to comply with this section in relation to an internally reviewable decision does not affect the validity of the decision.
- (5) In this section:

internally reviewable decision means a reviewable decision that, under an authorising law, may be internally reviewed or reconsidered before review by the tribunal.

reviewable decision—see section 67A.

[1.5] New part 9A

insert

Part 9A ACAT trust account

115A Definitions—pt 9A

In this part:

ACAT trust account—see section 115B (2).

trust amount means an amount mentioned in section 115B (1).

115B ACAT trust account

- (1) The following amounts are held on trust by the Territory:
 - (a) amounts paid to the Territory under this Act;
 - (b) amounts that may or must be paid into the ACAT trust account under an authorising law;
 - (c) interest on the amounts.

Note The *Financial Management Act 1996*, pt 7 sets out how trust amounts are to be held and administered.

- (2) The chief executive must open and maintain a trust account (the *ACAT trust account*) for the trust amounts.
- (3) The chief executive must keep a record of the trust amounts paid into the ACAT trust account under this Act and each authorising law.
- (4) In this section:

interest—see the *Financial Management Act 1996*, dictionary.

115C Use of trust amounts

- (1) If a trust amount is paid into the ACAT trust account under an authorising law, the amount may be used only—
 - (a) if a purpose is stated in the authorising law in relation to the amount—the stated purpose; or
 - (b) if a purpose is prescribed by regulation for the amount—the prescribed purpose.
- (2) Any other trust amount may be used—
 - (a) to meet the recurrent costs of remuneration and administration of the ACAT; or
 - (b) to reimburse the Territory for the costs of administering this Act; or
 - (c) for a purpose prescribed by regulation.

[1.6] Section 119

substitute

119 Legislation repealed

- (1) The following Acts are repealed:
 - (a) *Administrative Appeals Tribunal Act 1989* (A1989-51);
 - (b) *Consumer and Trader Tribunal Act 2003* (A2003-16).
- (2) The following legislative instruments under the *Administrative Appeals Tribunal Act 1989* are repealed:
 - (a) *Administrative Appeals Tribunal (Code of Practice for Notification of Reviewable Decisions and Rights of Review) Determination 1994* (DI1994-148);
 - (b) *Administrative Appeals Tribunal Act 1989—Form 1—Summons* (AF2001-58).

- (3) Also, the following legislative instruments are repealed:
- (a) *Consumer Credit (Administration) Act 1996—Appointment* (DI1997-87);
 - (b) *Consumer Credit (Administration) Act 1996—Appointment* (DI1997-88);
 - (c) *Consumer Credit (Administration) Act 1996—Appointment* (DI1998-246);
 - (d) *Consumer Credit (Administration) Act 1996—Appointment* (DI1998-247);
 - (e) *Consumer Credit (Administration) Act 1996—Appointment* (DI1998-275);
 - (f) *Credit Act 1985—Appointment* (DI1996-174);
 - (g) *Credit Act 1985—Appointment* (DI1996-176);
 - (h) *Credit Act 1985—Appointment* (DI1996-177);
 - (i) *Credit Act 1985—Appointment* (DI1996-179);
 - (j) *Credit Act 1985—Appointment* (DI1996-245);
 - (k) *Discrimination Act 1991—Form 1—Subpoena* (AF2007-27);
 - (l) *Health Professionals (Tribunal) Appointment 2005 (No 1)* (NI2005-266);
 - (m) *Legal Profession (Disciplinary Tribunal) Appointment 2008 (No 2)* (DI2008-175);
 - (n) *Liquor Licensing Board Appointment 2003 (No 1)* (DI2003-296);
 - (o) *Liquor Licensing Board Appointment 2004* (DI2004-268);
 - (p) *Liquor Licensing Board Appointment 2006* (DI2006-75);
 - (q) *Liquor Licensing Board Appointment 2007* (DI2007-99);

- (r) *Liquor Licensing Board Appointment 2008* (DI2008-98);
- (s) *Remuneration Tribunal (Notification of Offices and Appointments) 2006 (No 1)* (NI2006-350);
- (t) *Remuneration Tribunal (Specification of offices and appointments) 2003 (No 5)* (NI2003-425);
- (u) *Residential Tenancies Act 1997—Form 1—Termination notice* (AF2002-87);
- (v) *Residential Tenancies (Criteria) Determination 1998* (DI1998-82);
- (w) *Residential Tenancies Tribunal Appointment 2007 (No 1)* (DI2007-229);
- (x) *Residential Tenancies Tribunal Appointment 2007 (No 2)* (DI2007-230);
- (y) *Residential Tenancies Tribunal Appointment 2008 (No 1)* (DI2008-176);
- (z) *Residential Tenancies Tribunal Appointment 2008 (No 2)* (DI2008-177);
- (za) *Residential Tenancies (Tribunal) Selection 2005 (No 2)* (DI2005-248);
- (zb) *Residential Tenancies Tribunal Selection 2008 (No 2)* (DI2008-178).

[1.7] New section 308

insert

308 Trust money

- (1) Trust money held immediately before the commencement day—
 - (a) is, for this Act, an amount received under the *Agents Act 2003*;
 - and

(b) must, as soon as practicable, be paid into the ACAT trust account.

Note The *Financial Management Act 1996*, s 51B deals with transfers of amounts between trust banking accounts.

(2) In this section:

trust money—see the pre-amendment Act, section 162.

[1.8] Dictionary, new definitions

insert

ACAT trust account, for part 9A (ACAT trust account)—see section 115B (2).

internal review notice—see section 67B (1).

trust amount, for part 9A (ACAT trust account)—see section 115B (1).

Part 1.2 Adoption Act 1993

[1.9] Section 17 (5)

substitute

(5) If, at the end of 14 days after the applicant has requested the chief executive to reconsider the decision, the applicant has not been notified of the decision on the reconsideration, the chief executive is taken to have reconsidered and confirmed the decision.

[1.10] New part 7A

insert

Part 7A Notification and review of decisions

102 Meaning of *reviewable decision*—pt 7A

In this part:

reviewable decision means a decision prescribed by regulation.

103 Reviewable decision notices

- (1) If a person makes a reviewable decision, the person must give a reviewable decision notice only to each entity prescribed by regulation in relation to the decision.
- (2) If a child is prescribed by regulation for subsection (1), the chief executive must give a reviewable decision notice to the child only if the chief executive considers it is appropriate to give the notice to the child having regard to the child's age.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

103A Applications for review

An entity prescribed by regulation in relation to a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.11] Sections 109 and 110

omit

[1.12] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.13] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.14] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 7A (Notification and review of decisions)—see section 102.

Part 1.3 Adoption Regulation 1993

[1.15] Sections 30 and 30A

substitute

30 Reviewable decisions—Act, s 102, def *reviewable decision*

A decision mentioned in schedule 2, column 3, under a provision mentioned in column 2 in relation to the decision is prescribed.

30A Right of review and notice—Act, s 103 and s 103A

An entity mentioned in schedule 2, column 4 is prescribed.

[1.16] New schedule 2

insert

Schedule 2 Reviewable decisions

(see s 30 and s 30A)

Note If a child is mentioned in col 4 in relation to a decision, the chief executive must give a notice to the child only if the chief executive considers it appropriate, having regard to the age of the child (see Act, s 103 (2)).

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 17 (4)	confirm or vary decision under section 16 (1) (a)	person who requested review of decision
2	Act, 32	deny access	person denied access or person who has custody of child or child
3	Act, 38	refuse to declare that child is under chief executive's guardianship	requesting authority in State or another Territory or person with whom child has been placed with view to adoption or child
4	Act, 62	refuse to give information, request authority to give information, or make enquires	applicant for information

Schedule 1
Part 1.3

Legislation amended
Adoption Regulation 1993

Amendment [1.16]

column 1 item	column 2 section	column 3 decision	column 4 entity
5	Act, 62 (3)	refuse to cause search to be made in register of births or refuse to issue copy of, or extract from, search or notification of result of search	applicant for search
6	Act, 68 (7)	withhold information	applicant for information
7	Act, 72 (1)	supply document or information when applicant has not attended interview with approved counsellor	applicant for document or information
8	Act, 72 (4)	refuse to approve person as counsellor	person refused approval
9	Act, 82	refuse to grant approval of private adoption agency	principal officer of organisation
10	Act, 85	revoke or suspend approval	principal officer of organisation that has approval revoked or suspended
11	Act, 92	deny approval of communication	person who seeks approval to communicate or child or adoptive parent

column 1 item	column 2 section	column 3 decision	column 4 entity
12	Act, 92 (b)	approve communication subject to conditions or restrictions	person who seeks approval to communicate or child or adoptive parent
13	Act, 94 (2) (b)	refuse to approve payment in respect of hospital and medical expenses	adoptive parent or birth mother of child or person who sought approval of payment
14	Act, 94 (2) (c)	refuse to authorise payment or reward	adoptive parent or birth mother of child or person who sought approval of payment or reward
15	Act, 96 (2)	refuse to approve advertising or other matter	person who seeks approval of advertisement or other matter or child
16	16 (a)	refuse to approve tertiary qualification in social work or in appropriate social science	person who seeks appointment as principal officer of private adoption agency
17	17 (a)	refuse to approve course in social work	person who seeks to act for or on behalf of private adoption agency

Part 1.4 Agents Act 2003

[1.17] Sections 162 and 163

substitute

162 Amounts received under Act

- (1) This section applies to all amounts paid to the Territory under this Act.
- (2) The chief executive must pay the amounts into the ACAT trust account.

163 Determination and payment of amounts for compensation fund

- (1) As soon as practicable after the beginning of a financial year, the Minister must determine an amount for the compensation fund, if the Minister considers it necessary to increase the amount in the compensation fund to meet the likely claims against the fund during the financial year.
- (2) A determination is a notifiable instrument.
Note A notifiable instrument must be notified under the Legislation Act.
- (3) If the amount paid into the ACAT trust account under this Act and available when the Minister makes the determination is at least the determined amount, the amount must be paid from the trust account into the compensation fund.
- (4) If the amount paid into the ACAT trust account under this Act and available when the Minister makes the determination is less than the determined amount, the whole amount must be paid into the compensation fund.

86A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.20] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.21] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 7 (Notification and review of decisions)—see section 85.

Part 1.7 Animal Diseases Regulation 2006

[1.22] Sections 38 and 39

substitute

38 Reviewable decisions—Act, s 85, def *reviewable decision*

A decision mentioned in schedule 1, column 3, under a provision mentioned in column 2 in relation to the decision is prescribed.

39 Right of review and notice—Act, s 86 and 86A (a)

An entity mentioned in schedule 1, column 4 is prescribed.

[1.23] New schedule 1

insert

Schedule 1 Reviewable decisions

(see s 38 and s 39)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 11 (2)	refuse to issue certificate that premises are free of disease	applicant for certificate
2	Act, 18 (1)	give direction to prevent or control spread of endemic disease	owner or person in charge of animal given direction
3	Act, 18 (3)	give direction to keep animal at stated premises for stated time	owner or person in charge of animal given direction
4	Act, 23 (4)	refuse to give consent to alteration etc of quarantine notice	entity that seeks consent
5	Act, 24 (2)	refuse to give approval for animal to enter or leave quarantine area	entity that seeks approval
6	Act, 32 (2)	refuse to give approval to thing that communicates disease or disease agent	entity that seeks approval

Schedule 1
Part 1.7

Legislation amended
Animal Diseases Regulation 2006

Amendment [1.23]

column 1 item	column 2 section	column 3 decision	column 4 entity
7	Act, 33 (2)	refuse to give approval to use— (a) virus, vaccine or other biological product containing living organisms for treatment or prevention of exotic or endemic disease; or (b) biological product containing something derived from living organism for diagnosis of exotic or endemic disease	entity that seeks approval
8	Act, 35 (3)	refuse to give approval to— (a) sell, move, abandon, hide or leave animal carcass, part of carcass near road, creek or waterhole; or (b) dispose of animal carcass or part of carcass	entity that seeks approval
9	Act, 36 (2)	refuse to give approval to damage, interfere with or remove fence or other structure securing animal	entity that seeks approval
10	Act, 42	refuse to issue tag number	applicant for tag number
11	Act, 50	cancel tag number	entity that has tag number cancelled
12	Act, 60 (5)	refuse to give approval to feed restricted feed material to ruminant for research purposes	applicant for approval

column 1 item	column 2 section	column 3 decision	column 4 entity
13	7	refuse to approve tag	applicant for approval
14	9	refuse to approve NLIS device	applicant for approval
15	29	refuse to approve special purpose tag	applicant for approval
16	36	refuse to approve property identifier code	applicant for approval

Part 1.8 Animal Welfare Act 1992

[1.24] Sections 34 (5), 46 (5), 59A (5), 71 (5) and 73D (3), note

omit

Section 108 (Notice of reviewable decisions)

substitute

Section 107A

[1.25] Section 73G (1) (b)

omit

section 108 (Notice of reviewable decisions)

substitute

section 107A (Reviewable decision notices)

[1.26] Part 8

substitute

Part 8 Notification and review of decisions

107 Meaning of *reviewable decision*—pt 8

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

107A Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

108 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.27] Schedule 1

substitute

Schedule 1 Reviewable decisions

(see pt 8)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	27 (1) (a) and 30	grant or renew licence for period less than 3 years	applicant for licence or renewal
2	27 (1) (b)	refuse to grant or renew licence	applicant for licence or renewal
3	28 (b)	put condition on licence	licensee
4	34 (1)	amend licence	licensee
5	34 (1)	amend licence in way other than the way applied for	applicant for amendment
6	34 (1)	refuse to amend licence	applicant for amendment
7	38 (1) (a) and 41	grant or renew authorisation for period less than 3 years	applicant for authorisation or renewal
8	38 (1) (b)	refuse to grant or renew authorisation	applicant for authorisation or renewal

Schedule 1
Part 1.8

Legislation amended
Animal Welfare Act 1992

Amendment [1.27]

column 1 item	column 2 section	column 3 decision	column 4 entity
9	39 (b)	put condition on authorisation	entity that holds authorisation
10	46 (1)	amend authorisation	entity that holds authorisation
11	46 (1)	amend authorisation in way other than way applied for	applicant for amendment
12	46 (1)	refuse to amend authorisation	applicant for amendment
13	49B (3)	end application of s 49B (1) to researcher	interstate researcher
14	55 (1) (b)	refuse to grant or renew circus or travelling zoo permit	applicant for permit or renewal
15	56 (b)	put condition on circus or travelling zoo permit	permit holder
16	59A (1)	amend circus or travelling zoo permit	permit holder
17	59A (1)	amend circus or travelling zoo permit in way other than way applied for	applicant for amendment
18	59A (1)	refuse to amend circus or travelling zoo permit	applicant for amendment
19	64 (1) (a) and 67	grant or renew trapping permit for period less than 3 years	applicant for permit or renewal

column 1 item	column 2 section	column 3 decision	column 4 entity
20	64 (1) (b)	refuse to grant or renew trapping permit	applicant for permit or renewal
21	65 (b)	put condition on trapping permit	permit holder
22	71 (1)	amend trapping permit	permit holder
23	71 (1)	amend trapping permit in way other than way applied for	applicant for amendment
24	71 (1)	refuse to amend trapping permit	applicant for amendment
25	73D	take regulatory action	approved person against whom action taken
26	73E	suspend approval immediately	approved person whose approval suspended
27	95 (2) (a)	approve claim for compensation for particular amount	claimant for compensation
28	95 (2) (b)	refuse to approve claim for compensation	claimant for compensation

[1.28] Dictionary, note 2, dot points

omit

- AAT

[1.29] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.30] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 8 (Notification and review of decisions)—see section 107.

Part 1.9 Annual Leave Act 1973

[1.31] Section 14G (4), new note

insert

Note The notice must be in the form of a reviewable decision notice (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

[1.32] Section 14H

substitute

14H Review by ACAT

- (1) This section applies to a decision (the *reviewable decision*) mentioned in table 14H, column 3, under a provision of this Act mentioned in column 2 in relation to the decision.
- (2) If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in table 14H, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (3) The following may apply to the ACAT for review of a reviewable decision:
- (a) an entity mentioned in table 14H, column 4 in relation to the decision;
 - (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Table 14H Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	7 (2)	further period within which annual leave must be taken	employee
2	14G	uphold, revoke or amend terms of requirement made of the employer	employer

[1.33] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.10 Associations Incorporation Act 1991

[1.34] Part 10 heading and sections 118 and 119

substitute

Part 10 Notification and review of decisions

118 Meaning of *reviewable decision*—pt 10

In this part:

reviewable decision means a decision mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

119 Reviewable decision notices

If the registrar-general makes a reviewable decision, the registrar-general must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

Note 1 The registrar-general must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

119A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 11 Miscellaneous

[1.35] New schedule 3

insert

Schedule 3 Reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	13 (1)	refuse to receive or register document submitted for lodgment	association lodging document
2	19	refuse application for incorporation of association or proposed association	applicant for incorporation
3	27	refuse application for incorporation of amalgamating associations	applicant for incorporation
4	39 (1)	direct association to change name	association given direction
5	83 (8)	cancel incorporation of association	association that has incorporation cancelled

column 1 item	column 2 section	column 3 decision	column 4 entity
6	93 (3)	cancel incorporation of association	association that has incorporation cancelled
7	114	withhold approval to invitation for investment in incorporated association	association that seeks approval
8	120 (1)	refuse application for extension of time	applicant for extension of time
9	120 (2)	vary or revoke grant of extension of time	association that has extension of time varied or revoked

[1.36] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.37] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 10 (Notification and review of decisions)—see section 118.

Part 1.11 Births, Deaths and Marriages Registration Act 1997

[1.38] Part 8

substitute

Part 8 Notification and review of decisions

53 Meaning of *reviewable decision*—pt 8

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

54 Reviewable decision notices

If the registrar-general makes a reviewable decision, the registrar-general must give a reviewable decision notice to each person mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The registrar-general must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

55 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) a person mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.39] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 8)

column 1 item	column 2 section	column 3 decision	column 4 person
1	12 (a)	assign name to child	parent
2	20 (2)	refuse to register change of name	applicant
3	20 (5)	refuse to register change of name	applicant
4	26 (b)	refuse to alter register to record change of sex	applicant
5	68	refuse to refund or remit payment of fee or part of fee	applicant

[1.40] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.41] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 8 (Notification and review of decisions)—see section 53.

Part 1.12 Board of Senior Secondary Studies Act 1997

[1.42] Sections 27E and 27F

substitute

Part 4A Notification and review of decisions

27E Meaning of *reviewable decision*—pt 4A

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

27F Reviewable decision notices

If the board makes a reviewable decision, the board must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The board must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

27G Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.43] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	27A	refuse to approve application for approval as specialist education provider	applicant
2	27C	suspend approval of specialist education provider	specialist education provider
3	27D	cancel approval of specialist education provider	specialist education provider

[1.44] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.45] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 4A (Notification and review of decisions—see section 27E.

Part 1.13 Boxing Control Act 1993

[1.46] Part 4

substitute

Part 4 Notification and review of decisions

18 Meaning of *reviewable decision*—pt 4

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

18A Reviewable decision notices

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice only to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

19 Applications for review

An entity mentioned in schedule 1, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.47] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	8 (1) (b)	approve application subject to condition	applicant
2	8 (1) (c)	refuse to approve application	applicant
3	9	cancel approval to conduct boxing contest	person to whom approval given
4	13	refuse to approve body	body
5	14 (4) (b)	approve application subject to condition	applicant
6	14 (4) (c)	refuse to approve application	applicant

[1.48] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.49] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.50] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 4 (Notification and review of decisions)—see section 18.

Part 1.14 Building Act 2004

[1.51] Section 146

omit

**Part 1.15 Canberra Institute of Technology
Act 1987**

[1.52] Part 9

substitute

**Part 9 Notification and review of
decisions**

61 Meaning of *reviewable decision*—pt 9

In this part:

reviewable decision means a decision mentioned in table 61, column 3, under a provision of this Act mentioned in column 2 in relation to the decision.

Table 61	Reviewable decisions		
column 1 item	column 2 section	column 3 decision	column 4 entity
1	19 (c)	refuse to admit person to course of study or instruction of institute or examination the institute	person refused admission
2	19 (d)	refuse to confer award (other than honorary award) on person	person refused award

62 Reviewable decision notices

If the director makes a reviewable decision, the director must give a reviewable decision notice to each entity mentioned in table 61, column 4 in relation to the decision.

Note 1 The director must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

63 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in table 61, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.53] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.54] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 9 (Notification and review of decisions)—see section 61.

Part 1.16 Casino Control Act 2006

[1.55] Part 9

substitute

Part 9 Notification and review of decisions

137 Meaning of *reviewable decision*—Act

In this Act:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

138 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

139 Applications for review

The following people may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.56] Section 140 (1)

omit everything before paragraph (a), substitute

- (1) If the commission makes a reviewable decision in relation to the security of the casino or an authorised game, the commission must—

[1.57] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 9)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	13 (1)	refuse to approve sale or other disposal of owner's interest in lease of casino, or part of interest	applicant for approval
2	16 (1)	refuse to approve owner of casino entering into proposed lease with proposed lessee	applicant for approval
3	18 (1)	refuse to approve amendment of casino lease	applicant for amendment
4	21 (2)	refuse to grant casino licence to person on ground that person not eligible person	applicant for licence
5	22	put condition on casino licence (other than when granting licence)	licensee
6	30 (1)	refuse to transfer casino licence	applicant for transfer
7	37 (3)	take disciplinary action against casino licensee	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
8	38 (1)	suspend or cancel casino licence	person whose licence is suspended or cancelled
9	44 (1)	refuse to approve application for casino employee licence	applicant for licence
10	44 (7)	put condition on casino employee licence	licensee
11	46 (3)	refuse to replace casino employee licence	applicant for replacement
12	47 (3)	refuse to renew casino employee licence	applicant for renewal
13	51 (1)	amend condition of casino employee licence on own initiative	licensee
14	51 (2)	refuse to amend condition of casino employee licence	applicant for amendment
15	52 (3)	refuse to amend casino employee licence	applicant for amendment
16	59 (3)	take disciplinary action against casino employee	employee
17	63 (1)	give direction to casino licensee	licensee
18	67 (1) (a)	reject plans showing changed or new layout	licensee
19	72	terminate supply contract	each party to contract

Schedule 1
Part 1.16

Legislation amended
Casino Control Act 2006

Amendment [1.57]

column 1 item	column 2 section	column 3 decision	column 4 entity
20	76 (4) (a)	reject proposed change to control procedures	licensee
21	76 (4) (b), (c) or (d) or (7)	give casino licensee direction in relation to control procedures	licensee
22	83 (2)	confirm, change or revoke exclusion notice	person given exclusion notice or licensee
23	84 (1)	exclude person from entering or remaining in casino	person given exclusion notice or licensee
24	87 (2)	refuse to revoke exclusion notice	person given exclusion notice
25	91 (1)	refuse to approve gaming equipment or chips	applicant for approval
26	93	suspend or cancel approval of gaming equipment or chips	licensee
27	94 (1)	refuse to authorise person to possess or use gaming equipment outside casino	applicant for authorisation
28	94 (6)	refuse to authorise casino official to possess chips outside casino	casino official or applicant for authorisation
29	95 (2)	refuse to declare game to be authorised game	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
30	95 (4)	include condition in relation to playing of authorised game	licensee
31	96	refuse to approve rules for authorised game	licensee
32	97	refuse to approve amendment of approved rules for authorised game	licensee
33	131 (2)	refuse to approve use of banking account	licensee

[1.58] Dictionary, note 2, dot points

omit

- AAT

[1.59] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.60] Dictionary, definition of *reviewable decision*

substitute

reviewable decision—see section 137.

Part 1.17 Cemeteries and Crematoria Act 2003

[1.61] Part 4 heading and sections 45 and 46

substitute

Part 4 Notification and review of decisions

45 Meaning of *reviewable decision*—pt 4

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

46 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

46A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 5 Miscellaneous

[1.62] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	11 (1) (a)	determination of perpetual care trust percentage	operator of cemetery or crematorium
2	11 (1) (b)	determination of perpetual care trust reserve percentage	operator of cemetery or crematorium
3	17	issue improvement notice requiring operator to remedy consequences of contravention of Act	operator of cemetery or crematorium
4	19	refuse to allow additional time to remedy consequences of contravention of Act	operator of cemetery or crematorium
5	23	refuse to give permission to exhume human remains buried in cemetery	applicant for permission

column 1 item	column 2 section	column 3 decision	column 4 entity
6	24	refuse to give permission to bury human remains other than at cemetery	applicant for permission

[1.63] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.64] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 4 (Notification and review of decisions)—see section 45.

Part 1.18 Charitable Collections Act 2003

[1.65] Section 36, except note

substitute

36 Notice and operation of decision to amend etc licence

- (1) If the chief executive suspends or cancels a licence under section 35 (5), the reviewable decision notice given to the licensee must include a statement about the effect of section 38 (Action to be taken by former licensee when licence suspended or cancelled).

Note The decision to suspend or cancel a licence is a reviewable decision (see s 57), and the chief executive must give a reviewable decision notice to the licensee (see s 58).

- (2) The amendment, suspension or cancellation of a licence takes effect on—

- (a) the 14th day after the day the reviewable decision notice about the amendment, suspension or cancellation is given to the licensee; or
 - (b) if the notice states a later date of effect—the stated date.
- (3) If the chief executive amends a licence under section 35, the chief executive must give the licensee an amended licence for the remainder of the term of the licence amended.

[1.66] Part 7

substitute

Part 7 Notification and review of decisions

57 Meaning of *reviewable decision*—pt 7

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

58 Reviewable decision notices

If the chief executive makes a reviewable decision, the chief executive must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The chief executive must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

59 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.67] Schedule 1

substitute

Schedule 1 Reviewable decisions

(see pt 7)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	23 (1)	refuse to issue licence	applicant for licence
2	23 (1) and 24	issue licence subject to condition	applicant for licence
3	23 (1) and 25	issue licence for less than period applied for	applicant for licence
4	23 (1) and 27 (1)	issue licence for collections other than collections applied for	applicant for licence

column 1 item	column 2 section	column 3 decision	column 4 entity
5	34 (4)	refuse to amend licence in way applied for	licensee
6	35 (5)	amend, suspend or cancel licence	<ul style="list-style-type: none"> • person whose licence amended, suspended or cancelled • if person whose licence amended, suspended or cancelled is nominated person for unincorporated body—body's executive officer
7	37 (2)	give direction	licensee or, if person ceases to hold licence, the person
8	49 (4) (b)	refuse to approve auditor	applicant for approval

[1.68] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.19 Civil Partnerships Act 2008

[1.69] Sections 16 and 17

substitute

16 Reviewable decision notices

If the registrar-general makes a decision under section 8 (1) (b), the registrar-general must give a reviewable decision notice to each person affected by the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

17 Application for review

A person whose interests are affected by a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.70] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.20 **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995**

[1.71] Division 6.3

omit

[1.72] Sections 58 and 59

substitute

Part 7A **Notification and review of decisions**

58 **Meaning of *reviewable decision*—pt 7A**

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

59 **Reviewable decision notices**

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

60 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.73] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 7A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	54E (1) (b)	refuse to grant licence	applicant for licence
2	54E (2)	grant licence subject to conditions	applicant for licence
3	54K (1)	vary condition of licence	licensee
4	54N (1)	cancel licence	entity that has licence cancelled
5	54YB (1)	refuse to approve extension of defined period in relation to seized film	applicant for extension

column 1 item	column 2 section	column 3 decision	column 4 entity
6	54YB (1)	approve extension of defined period in relation to seized film for period less than that applied for	applicant for extension
7	54ZB (1)	destroy seized film	entity that had film seized
8	55	refuse to exempt film, publication, computer game or advertisement	applicant for exemption
9	55	state provisions of Act from which film, publication, computer game or advertisement is exempt	applicant for exemption
10	55	state conditions subject to which exemption is given	applicant for exemption
11	56	refuse to exempt organisation	applicant for exemption
12	56	state provisions of Act from which organisation is exempt	applicant for exemption
13	56	state conditions subject to which exemption is given	applicant for exemption
14	57 (1)	refuse to approve organisation	applicant for approval

Amendment [1.74]

column 1 item	column 2 section	column 3 decision	column 4 entity
15	57 (2)	refuse to approve organisation	applicant for approval
16	57 (7)	revoke approval	entity that has approval revoked

[1.74] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.75] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 7A (Notification and review of decisions)—see section 58.

Part 1.21 Clinical Waste Act 1990

[1.76] Section 27

substitute

Part 4A Notification and review of decisions

27 Meaning of *reviewable decision*—pt 4A

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

27A Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

27B Application for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.77] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	20 (1) (a)	grant licence subject to conditions	applicant for licence
2	20 (1) (b)	refuse to grant licence	applicant for licence

column 1 item	column 2 section	column 3 decision	column 4 entity
3	22 (1)	vary licence	licensee
4	23 (2) (a)	suspend licence	entity that has licence suspended
5	23 (2) (b)	cancel licence	entity that has licence cancelled
6	25 (2)	suspend licence	entity that has licence suspended

[1.78] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.79] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.80] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 4A (Notification and review of decisions)—see section 27.

Part 1.22 Common Boundaries Act 1981

[1.81] Section 2, new definitions

insert

new fence determination means a determination of the ACAT under section 10.

repair cost determination means a determination of the ACAT under section 12.

repair determination means a determination of the ACAT under section 11.

unleased land determination means a determination of the ACAT under section 13.

[1.82] Sections 4 to 15

substitute

4 Application to ACAT—new fence determination

- (1) This section applies if—
- (a) adjoining parcels of land are not separated by a fence; and
 - (b) the occupier of 1 of the parcels has asked the occupier of the adjoining parcel to join in erecting a fence between the parcels; and
 - (c) either—
 - (i) the occupier of the adjoining parcel has refused to join in erecting the fence; or
 - (ii) the occupiers of the parcels are unable to agree about a matter relating to the construction of the fence.
- (2) Either occupier may apply to the ACAT for a new fence determination.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (3) However, an occupier must not apply to the ACAT unless—
- (a) the occupier has given the occupier of the adjoining parcel (the *other occupier*) a notice asking the other occupier to discuss erecting, and paying for, the fencing of the boundary between the parcels; and
 - (b) 1 month has passed since the day the occupier gave the notice to the other occupier.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the notice, the form must be used.

- (4) For subsection (1), an occupier who does not join in erecting a fence within 14 days after the day the occupier is asked to join is taken to have refused to join in erecting the fence.

5 Application to ACAT—repair determination

- (1) This section applies if—
- (a) adjoining parcels of land are separated by a fence; and
 - (b) the occupier of 1 of the parcels of land has asked the occupier of the adjoining parcel to join in repairing or replacing the fence; and
 - (c) either—
 - (i) the occupier of the adjoining parcel has refused to join in repairing or replacing the fence; or
 - (ii) the occupiers of the parcels of land are unable to agree about a matter relating to the repair or replacement of the fence.

- (2) Either occupier may apply to the ACAT for a repair determination.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (3) However, the occupier of a parcel must not apply to the ACAT unless—
- (a) the occupier has given the occupier of the adjoining parcel (the *other occupier*) a notice asking the other occupier to discuss the repair or replacement of the fence between the parcels; and
 - (b) 1 month has passed since the day the occupier gave the notice to the other occupier.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the notice, the form must be used.

- (4) For subsection (1), an occupier who does not join in repairing or replacing a fence within 14 days after the day the occupier is asked to join is taken to have refused to join in repairing or replacing the fence.

6 Application to ACAT—repair cost determination

- (1) This section applies if—
- (a) a fence between adjoining parcels of land has been damaged or destroyed; and
 - (b) the fence needs to be repaired or replaced without delay to protect people living in premises on 1 of the parcels or to prevent the escape of animals
- (2) The occupier of either parcel may, without giving notice to the occupier of the adjoining parcel, repair or replace the fence.
- (3) The occupier who repairs or replaces a fence under subsection (2) may apply to the ACAT for a repair cost determination.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (4) However, the occupier must not apply to the ACAT unless—
- (a) the occupier has given the occupier of the adjoining parcel (the *other occupier*) a notice asking the other occupier to discuss contributing to the cost of repairing or replacing the fence; and
 - (b) 14 days has passed since the day the occupier gave the notice to the other occupier.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the notice, the form must be used.

7 Application to ACAT—unleased land determination

- (1) This section applies if—
- (a) the occupier of a parcel of land has begun erecting a fence between the parcel and adjoining land that is not a parcel of land for this division; and
 - (b) after the erecting began, the adjoining land becomes a parcel of land for this division.
- (3) The occupier may apply to the ACAT for an unleased land determination.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008*, s 117 for this provision, the form must be used.

8 Parties to applications

The parties to an application are—

- (a) for a new fence determination—the applicant and the person to whom the applicant gives a notice under section 4 (3) (a); and
- (b) for a repair determination—the applicant and the occupier to whom the applicant gives notice under section 5 (3) (a); and

- (c) for a repair cost determination—the applicant and the person to whom the applicant gives the notice under section 6 (4) (a); and
- (d) for an unleased land determination—the applicant and the owner or occupier of the adjoining parcel of land.

9 Dealing with applications

- (1) This section applies if the ACAT is considering an application for a determination under this division.
- (2) On receiving the application, the ACAT must—
 - (a) decide that a conference may be held between the parties; or
 - (b) if satisfied that there is no reasonable possibility of the parties settling the issues in dispute at a conference—decide to hold a hearing on the application.
- (3) If the ACAT decides that a conference may be held, the ACAT must—
 - (a) fix a day for the conference; and
 - (b) not later than 10 days before the day fixed for the conference—
 - (i) serve a copy of the application on the respondent; and
 - (ii) serve notice of the conference on the parties.

Note For how documents may be served, see s 18.
- (4) If the ACAT decides to hold a hearing, the ACAT must—
 - (a) fix a day for the hearing; and
 - (b) not later than 10 days before the day fixed for the hearing—
 - (i) serve a copy of the application on the respondent; and
 - (ii) serve notice of the hearing on the parties.

10 ACAT powers—new fence determination

- (1) This section applies if the ACAT holds a hearing on an application for a new fence determination.
- (2) The ACAT may determine—
 - (a) the nature of the fence that should be erected between the parcels of land occupied by the parties; and
 - (b) the line where the fence should be erected; and
 - (c) the party who should be responsible for erecting the fence; and
 - (d) the amount that should be contributed by the other party to the cost of erecting the fence; and
 - (e) how, and by when, the amount should be paid to the party responsible for erecting the fence.
- (3) If a party asks the ACAT to determine that a basic fence is to be erected between the parcels of land to which the application relates, the ACAT must not require the party to contribute more than $\frac{1}{2}$ the cost of erecting a basic fence between the parcels.
- (4) Subsection (3) does not apply in relation to parcels of land if the ACAT is satisfied that—
 - (a) it is not practicable for a basic fence to be erected between the parcels of land; or
 - (b) there are special circumstances that require a fence, other than a basic fence, to be erected.

11 ACAT powers—repair determination

- (1) This section applies if the ACAT holds a hearing on an application for a repair determination.
- (2) The ACAT must determine if the fence to which the application relates is in need of repair or replacement.

- (3) If the ACAT determines that the fence is in need of repair or replacement, the ACAT may determine—
 - (a) whether the party other than the applicant should be required to contribute to the cost of the repair or replacement of the fence; and
 - (b) the nature of the repair that is required or the nature of the replacement fence that should be erected; and
 - (c) the party who should be responsible for the repair or replacement; and
 - (d) the amount that should be contributed by the other party to the cost of the repair or replacement; and
 - (e) how, and by when, the amount should be paid to the party responsible for the repair or replacement.
- (4) For the purpose of determining the amount that should be contributed under subsection (3) (d), the ACAT must apply the principle that the cost should be borne by the parties in equal proportions unless there are circumstances that make it just that 1 party bears a greater proportion of the cost than the other party.

12 ACAT powers—repair cost determination

- (1) This section applies if the ACAT holds a hearing on an application for a repair cost determination.
- (2) The ACAT must determine whether it is reasonable for the party other than the applicant to be required to contribute to the cost of the repair or replacement by the applicant.
- (3) If the ACAT determines that it is reasonable for the party to be required to contribute to the cost of the repair or replacement, the ACAT must also determine—
 - (a) the amount that should be contributed; and

(b) how, and by when, the amount should be paid to the applicant.

- (4) For the purpose of determining the amount that should be contributed under subsection (3) (a), the ACAT must apply the principle that the cost should be borne by the parties in equal proportions unless there are circumstances that make it just that 1 party bears a greater proportion of the cost than the other party.

13 ACAT powers—unleased land determination

- (1) This section applies if the ACAT holds a hearing on an application for an unleased land determination.
- (2) The ACAT must determine whether it is reasonable for the party other than the applicant to be required to contribute to the cost of the applicant erecting the fence.
- (3) If the ACAT determines that it is reasonable for the party to contribute to the cost, the ACAT must also determine—
- (a) the amount that should be contributed; and
 - (b) how, and by when, the amount should be paid to the applicant.
- (4) For subsection (3) (a), the amount must be—
- (a) if the adjoining land became a parcel of land for this division less than 6 months after the applicant began erecting the fence—the lesser of the following:
 - (i) $\frac{1}{2}$ the cost of erecting the fence;
 - (ii) $\frac{1}{2}$ of what it would have cost to erect a basic fence; and
 - (b) if the adjoining land became a parcel of land for this division 6 months or more after the applicant began erecting the fence—a reasonable amount that is not more than the lesser of the following:
 - (i) $\frac{1}{2}$ the cost of erecting the fence;

- (ii) $\frac{1}{2}$ of what it would have cost to erect a basic fence.

14 Applications for variation of certain determinations

- (1) A person who was a party to an application for a determination under this division (other than under section 13) may apply to the ACAT for a variation of the determination.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (2) The parties to the application are the applicant and the other party to the application on which the determination was made.

15 Dealing with variations

- (1) This section applies if the ACAT is considering an application for the variation of a determination under section 14.

- (2) On receiving the application, the ACAT must—

- (a) decide that a conference may be held between the parties; or
(b) if satisfied that there is no reasonable possibility of the parties settling the issues in dispute at a conference—decide to hold a hearing on the application.

- (3) If the ACAT decides that a conference may be held, the ACAT must—

- (a) fix a day for the conference; and
(b) not later than 10 days before the day fixed for the conference—
(i) serve a copy of the application on the respondent; and
(ii) serve notice of the conference on the parties.

Note For how documents may be served, see s 18.

- (4) If the ACAT decides to hold a hearing, the ACAT must—

- (a) fix a day for the hearing; and

- (b) not later than 10 days before the day fixed for the hearing—
 - (i) serve a copy of the application on the respondent; and
 - (ii) serve notice of the hearing on the parties.
- (5) The ACAT must not vary the determination so that the determination as varied could not have been made on the original application.

[1.83] Section 19 (1) (a)

substitute

- (a) a determination of the ACAT under this division; or

[1.84] Section 22

substitute

22 Directions about entry by people on land

- (1) This section applies if the ACAT makes a determination under this division in relation to erecting, repairing or replacing a fence.
- (2) The ACAT may give the directions that it considers necessary in relation to the entry of people on land to erect, repair or replace the fence.
- (3) However, the ACAT must not give directions under this section in relation to the entry of people on land, other than land occupied by—
 - (a) a party to the application; or
 - (b) a sublessee, tenant, licensee or other person in possession from a party to the application.

- (4) If a person is given a direction under this section, the person may enter on land to undertake work necessary to erect, repair or replace the fence stated in the direction—
- (a) at any reasonable time; and
 - (b) in accordance with the direction.

[1.85] Section 26A

substitute

26A Damage by fire to dividing fence

- (1) This section applies if—
- (a) the occupier of land (the *clearing occupier*) clears the land of flammable materials for the space of 6m from a fence (a *dividing fence*) dividing the land from the land of another owner or occupier; and
 - (b) the other owner or occupier (the *non-clearer*) neglects or omits to clear the owner or occupier's land; and
 - (c) damage from fire happens to the dividing fence because of the neglect or omission.
- (2) The non-clearer must, at the non-clearer's expense, arrange for the dividing fence to be repaired or replaced within—
- (a) 1 month after the day it is damaged; or
 - (b) if the ACAT extends the time to repair or replace the fence—the extended time.
- (3) If the non-clearer applies for an extension of time to repair or replace the dividing fence, the non-clearer must give the clearing occupier reasonable notice of the application.

- (4) If the non-clearer refuses or omits to repair or replace the dividing fence within the time required under subsection (2), the clearing occupier may repair or replace the fence.
- (5) An amount incurred by the clearing occupier repairing or replacing the dividing fence is taken to be an amount owing to the clearing occupier by the non-clearer.

[1.86] Dictionary, note 2, new dot point

insert

- ACAT

[1.87] Dictionary, note 2, dot points

omit

- Small Claims Court

[1.88] Dictionary, new definitions

insert

new fence determination, for division 2.1 (Fences requested by occupiers)—see section 2.

repair cost determination, for division 2.1 (Fences requested by occupiers)—see section 2.

repair determination, for division 2.1 (Fences requested by occupiers)—see section 2.

unleased land determination, for division 2.1 (Fences requested by occupiers)—see section 2.

Part 1.23 Community Title Act 2001

[1.89] Division 13.1

substitute

Division 13.1 Notification and review of decisions

93 Meaning of *reviewable decision*—div 13.1

In this division:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

94 Reviewable decision notices

If the planning and land authority makes a reviewable decision, the authority must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The planning and land authority must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

94A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.90] New schedule 1

insert

Schedule 1 Reviewable decisions

(see div 13.1)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	9	require changes to proposed community title scheme	applicant for approval
2	10	refuse to approve community title scheme	applicant for approval
3	11	amend management statement	applicant for approval
4	12 (b)	state provisions under which leases of common property to be held	applicant for approval
5	13 (2)	require developer to give bond	developer
6	13 (2)	fix amount of bond	developer

column 1 item	column 2 section	column 3 decision	column 4 entity
7	23 (2)	authorise amendment of community title scheme subject to conditions	applicant for authorisation
8	23 (2)	refuse to authorise amendment of community title scheme	applicant for authorisation
9	81 (1) (a)	refuse to consent to amalgamation of community title schemes	body corporate of scheme or owner of lot in scheme

[1.91] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.92] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.93] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for division 13.1 (Notification and review of decisions)—see section 93.

Part 1.24 Consumer Credit (Administration) Act 1996

[1.94] New section 125A

insert

125A Payment into ACAT trust account

Despite section 125, the chief executive may arrange for—

- (a) the payment of an amount mentioned in section 125 to the ACAT trust account; or
- (b) the transfer of amounts from the financial counselling fund to the ACAT trust account.

Note The *ACT Civil and Administrative Tribunal Act 2008*, s 115C sets out how amounts paid into the ACAT trust account may be used.

[1.95] Dictionary, new definition of *ACAT trust account*

insert

ACAT trust account—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.

Part 1.25 Cooperatives Act 2002

[1.96] Part 18

substitute

Part 18 Notification and review of decisions

456 Meaning of *reviewable decision*—pt 18

In this part:

reviewable decision means a decision mentioned in schedule 5, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

457 Reviewable decision notices

If the registrar makes a reviewable decision, the registrar must give a reviewable decision notice to each entity mentioned in schedule 5, column 4 in relation to the decision.

Note 1 The registrar must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

458 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 5, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.97] New schedule 5

insert

Schedule 5 Reviewable decisions

(see pt 18)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	20 (5) (b)	amend draft disclosure statement or require stated amendment of draft disclosure statement	proposed cooperative that submits statement
2	20 (5) (c)	approve draft disclosure statement different from draft disclosure statement submitted to registrar	proposed cooperative that submits statement
3	20 (5) (d)	refuse to approve draft disclosure statement	proposed cooperative that submits statement
4	21 (3) (b)	approve different draft rules for proposed cooperative to those submitted to registrar	proposed cooperative that submits draft rules
5	21 (3) (c)	refuse to approve draft rules for proposed cooperative	proposed cooperative that submits draft rules

column 1 item	column 2 section	column 3 decision	column 4 entity
6	23 (3) (a)	refuse to register proposed cooperative and its rules	proposed cooperative that applies for registration
7	28 (3)	refuse to register existing corporation and its rules	existing cooperative that applies for registration
8	109 (3) (b)	approve different alteration to proposed alteration of rules of cooperative submitted to registrar	cooperative that submits proposed alteration
9	109 (3) (c)	refuse to approve proposed alteration of rules of cooperative	cooperative that submits proposed alteration
10	112 (3)	refuse to register alteration or proposed alteration of rules of cooperative	cooperative that applies for registration of alteration
11	256 (6)	refuse to approve change of name of cooperative	cooperative that changes its name
12	256 (7)	order cooperative to change its name	cooperative given order

[1.98] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.99] Dictionary, definition of *alteration*

omit

[1.100] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 18 (Notification and review of decisions)—see section 456.

Part 1.26 Crimes (Child Sex Offenders) Act 2005

[1.101] Section 112 (4)

substitute

- (4) After deciding the application, the chief police officer must give an internal review notice to the registrable offender.

Note 1 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

Note 2 ***Internal review notice***—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

[1.102] Sections 113 and 114

substitute

113 Chief police officer must tell offender about ACAT review

- (1) If the chief police officer confirms an unprotected registrable offender declaration under section 112 (2), the chief police officer must give the offender a reviewable decision notice in relation to the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (2) To remove any doubt, for the *ACT Civil and Administrative Tribunal Act 2008*, section 67A (Reviewable decision notice), the offender is taken to be the only person whose interests are affected by the decision.

114 ACAT review of chief police officer's decision

A registrable offender may apply to the ACAT for review of a decision under section 112 (2) by the chief police officer to confirm an unprotected registrable offender declaration.

[1.103] Section 115 (2) (c)

substitute

- (c) if the offender applies to the ACAT under section 114 for review of the confirmation of an unprotected registrable offender declaration—on the day the ACAT decides the appeal.

[1.104] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.27 Dangerous Substances Act 2004

[1.105] Chapter 9

substitute

Chapter 9 Notification and review of decisions

186 Definitions—ch 9

In this chapter:

decision-maker means the Minister, chief executive or an inspector.

internally reviewable decision means a decision (other than a decision made personally by the Minister or chief executive) prescribed by regulation.

internal reviewer—see section 188.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means—

- (a) an internal reviewer's decision in relation to an internally reviewable decision; or
- (b) a decision-maker's decision (other than an internally reviewable decision) prescribed by regulation.

186A Internal review notices

If a decision-maker makes an internally reviewable decision, the decision-maker must give an internal review notice to each entity prescribed by regulation in relation to the decision.

Note 1 The decision-maker must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

Note 2 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

187 Applications for internal review

(1) The following may apply to the chief executive for review of an internally reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

(2) The application must—

- (a) be in writing; and
- (b) state the applicant's name and address; and
- (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 222 for the application, the form must be used.

(3) The application must be given to the chief executive within—

- (a) 28 days after the day the applicant is given the internal review notice for the decision; or
- (b) any longer period allowed by the chief executive before or after the end of the 28-day period.

Note Section 191 provides for ACAT review of reviewable decisions that are not internally reviewable decisions.

187A Applications not stay internally reviewable decisions

The making of an application for review of an internally reviewable decision does not affect the operation of the decision.

188 Internal reviewer

The chief executive must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

189 Review by internal reviewer

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 5 business days (the *5-day period*) after the day the chief executive receives the application for review of the internally reviewable decision.

Note **Business day**—see the Legislation Act, dictionary, pt 1.

- (3) The internal reviewer must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute the reviewer’s own decision.
- (4) If the decision is not varied or set aside within the 5-day period, the decision is taken to have been confirmed by the internal reviewer.

190 Reviewable decision notices

If an internal reviewer or decision-maker makes a reviewable decision, the reviewer or decision-maker must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

Note 1 The internal reviewer or decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

191 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) for an internal reviewer's decision in relation to an internally reviewable decision—an entity to whom an internal review notice is required to be given in relation to the decision;
- (b) an entity prescribed by regulation in relation to the decision;
- (c) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.106] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.107] Dictionary, definition of *decision-maker*

substitute

decision-maker, for chapter 9 (Notification and review of decisions)—see section 186.

[1.108] Dictionary, definitions of *internally reviewable decision* and *internal reviewer*

substitute

internally reviewable decision—see section 186.

internal reviewer, for chapter 9 (Notification and review of decisions)—see section 188.

[1.109] Dictionary, new definitions

insert

internal review notice, for chapter 9 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision—see section 186.

Part 1.28 Dangerous Substances (Explosives) Regulation 2004

[1.110] Section 33 and note

substitute

33 Decision to refuse to authorise—ACAT review

- (1) A decision of the chief executive to refuse a request for authorisation is a reviewable decision for the Act, section 186, definition of *reviewable decision*, paragraph (b).

Note The effect of this subsection is to make the decision reviewable by the ACAT. See the Act, ch 9 for the relevant procedures.

- (2) The person requesting authorisation is prescribed for the Act, section 190 (Reviewable decision notices) and section 191 (b) (Applications for review).

[1.111] Section 35 (3) and (4) and note

substitute

- (3) A decision of the chief executive to revoke the authorisation of an explosive is a reviewable decision for the Act, section 186, definition of *reviewable decision*, paragraph (b).

Note The effect of this subsection is to make the decision reviewable by the ACAT. See the Act, ch 9 for the relevant procedures.

- (4) The person at whose request the explosive was authorised is prescribed for the Act, section 190 (Reviewable decision notices) and section 191 (b) (Applications for review).

[1.112] Section 39 (3) and (4) and note

substitute

- (3) A decision of the chief executive to refuse a request to register a consumer firework for Queen's birthday supply is a reviewable decision for the Act, section 186, definition of **reviewable decision**, paragraph (b).

Note The effect of this subsection is to make the decision reviewable by the ACAT. See the Act, ch 9 for the relevant procedures.

- (4) The person requesting registration is prescribed for the Act, section 190 (Reviewable decision notices) and section 191 (b) (Applications for review).

[1.113] Section 154 (3) and (4) and note

substitute

- (3) A decision of the chief executive to refuse a request for approval is a reviewable decision for the Act, section 186, definition of **reviewable decision**, paragraph (b).

Note The effect of this subsection is to make the decision reviewable by the ACAT. See the Act, ch 9 for the relevant procedures.

- (4) The person requesting approval is prescribed for the Act, section 190 (Reviewable decision notices) and section 191 (b) (Applications for review).

[1.114] Section 175 (2) and (3) and note

substitute

- (2) A decision of the chief executive to refuse a request for approval is a reviewable decision for the Act, section 186, definition of **reviewable decision**, paragraph (b).

Note The effect of this subsection is to make the decision reviewable by the ACAT. See the Act, ch 9 for the relevant procedures.

- (3) The person requesting approval is prescribed for the Act, section 190 (Reviewable decision notices) and section 191 (b) (Applications for review).

[1.115] Section 194 (2) and (3) and note

substitute

- (2) A decision of the chief executive to refuse to issue a special purchase authority is a reviewable decision for the Act, section 186, definition of *reviewable decision*, paragraph (b).

Note The effect of this subsection is to make the decision reviewable by the ACAT. See the Act, ch 9 for the relevant procedures.

- (3) The applicant for the special authority is prescribed for the Act, section 190 (Reviewable decision notices) and section 191 (b) (Applications for review).

Part 1.29 Dangerous Substances (General) Regulation 2004

[1.116] Chapter 5

substitute

Chapter 5 Notification and review of decisions

500 Internally reviewable decisions—Act, s 186, def *internally reviewable decision*

A decision mentioned in schedule 5, part 5.2, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

501 Reviewable decisions—Act, s 186, def *reviewable decision*

A decision mentioned in schedule 5, part 5.1 or part 5.3, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

502 Internally reviewable decisions—right of review and notice—Act, s 186A and s 187 (1) (a)

A person mentioned in schedule 5, part 5.2, column 4 is prescribed.

503 Reviewable decisions—right of review and notice—Act, s 190 and s 191 (1) (a)

A person mentioned in schedule 5, part 5.1 or part 5.3, column 4 is prescribed.

[1.117] Schedule 5 heading

omit

(see s 500)

substitute

(see ch 5)

[1.118] Schedule 5, column 4 heading

omit

person to be notified of decision

substitute

person

[1.119] Dictionary, note 2, dot points

omit

- AAT

substitute

- ACAT

[1.120] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.121] Dictionary, note 3, dot points

omit

- internally reviewable decision (see s 188 (1))

substitute

- internally reviewable decision (see s 186)

Part 1.30 Domestic Animals Act 2000

[1.122] Section 67 (3) (d)

omit

section 119

substitute

section 120

[1.123] Part 8

substitute

Part 8 Notification and review of decisions

118 Meaning of *reviewable decision*—pt 8

In this part:

reviewable decision means a decision prescribed by regulation.

119 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

120 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.124] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.125] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 8 (Notification and review of decisions)—see section 118.

Part 1.31 Domestic Animals Regulation 2001

[1.126] Section 23

substitute

23 Reviewable decisions—Act, s 118, def *reviewable decision*

A decision mentioned in schedule 1, column 3, under a provision mentioned in column 2 in relation to the decision is prescribed.

23A Right of review and notice—Act, s 119 and 120 (a)

An entity mentioned in schedule 1, column 4 is prescribed.

[1.127] New schedule 1

insert

Schedule 1 Reviewable decisions

(see s 23 and s 23A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 7 (b)	refuse to register dog	applicant for registration
2	Act, 20 (1) (b)	refuse to issue multiple dog licence	applicant for licence
3	Act, 21 (1)	issue multiple dog licence on conditions	applicant for licence
4	Act, 22 (1) or (2)	declare dog to be dangerous dog	keeper of dog
5	Act, 25 (1) (b)	refuse to issue dangerous dog licence	applicant for licence
6	Act, 25 (2)	issue dangerous dog licence on conditions	applicant for licence
7	Act, 33	vary or refuse to vary multiple dog licence or dangerous dog licence	licensee whose licence varied or applicant for variation

column 1 item	column 2 section	column 3 decision	column 4 entity
8	Act, 36 (1)	cancel special licence	entity whose licence cancelled
9	Act, 43	refuse to issue permit to take dog into prohibited area	applicant for permit
10	Act, 43	issue permit to take dog into prohibited area on conditions	applicant for permit
11	Act, 62 (2) (c)	refuse to release dog because premises where dog will be kept are not secure enough to prevent dog escaping	person claiming release of dog
12	Act, 63 (2) (c)	refuse to release dog because premises where dog will be kept are secure not enough to prevent dog escaping	person claiming release of dog
13	Act, 70 (4)	impose conditions on return of dog	keeper of dog
14	Act, 76 (1)	refuse to issue permit to keep cat or dog that is not desexed	applicant for permit
15	Act, 84C (1) (b)	refuse to issue multiple cat licence	applicant for licence

Schedule 1
Part 1.31

Legislation amended
Domestic Animals Regulation 2001

Amendment [1.127]

column 1 item	column 2 section	column 3 decision	column 4 entity
16	Act, 84D (1)	issue multiple cat licence on conditions	applicant for licence
17	Act, 92 (4)	impose conditions on return of seized cat	keeper of cat
18	Act, 112	issue nuisance notice	keeper or animal or occupier of place
19	Act, 113	refuse to revoke nuisance notice	person given notice
20	Act, 114 (1)	seize animal	keeper of animal
21	Act, 114 (4) or (5)	refuse to return animal	keeper of animal
22	13	refuse to authorise person as identifier of domestic animals	applicant for authorisation
23	14	withdraw authorisation as identifier of domestic animals	entity that has authorisation revoked
24	19	prohibit entity operating domestic animals registry service	licensed operator

Part 1.32 Duties Act 1999

[1.128] Section 252 heading

substitute

252 Objections

[1.129] Section 252 (2) and (3)

substitute

252AA Review of decisions by ACAT

- (1) This section applies to a determination by the commissioner of an objection to a decision mentioned in section 252.
- (2) The determination is prescribed for the Taxation Administration Act, section 107A (Meaning of *reviewable decision* etc—div 10.2).

Note Applications for review by the ACAT may be made in relation to a determination by the commissioner of a decision on an objection to an assessment.

[1.130] Dictionary, note 2, new dot point

insert

- ACAT

Part 1.33 Education Act 2004

[1.131] Part 6.1

substitute

Part 6.1 Notification and review of decisions

140 Definitions—pt 6.1

In this part:

decision-maker means—

- (a) for an internally reviewable decision—a person mentioned in schedule 1, column 5 in relation to the decision; or
- (b) for a reviewable decision—
 - (i) the internal reviewer in relation to the decision; or
 - (ii) if the decision is made personally by the Minister or chief executive—a person mentioned in schedule 1, column 5 in relation to the decision.

internally reviewable decision means a decision (other than a decision made personally by the Minister or chief executive) mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

internal reviewer—see section 144 (1).

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means—

- (a) a decision of an internal reviewer in relation to an internally reviewable decision; or

- (b) if a decision is made personally by the Minister or chief executive—a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

141 Internal review notices

If a decision-maker makes an internally reviewable decision, the decision-maker must give an internal review notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The decision-maker must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

Note 2 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

142 Applications for internal review

- (1) The following may apply to the decision-maker for review of an internally reviewable decision:
- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
 - (b) any other person whose interests are affected by the decision.
- (2) The application must—
- (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 154 for the application, the form must be used.

- (3) The application must be given to the decision-maker within—
 - (a) 28 days after the day the applicant is given the internal review statement; or
 - (b) a longer period allowed by the internal reviewer before or after the end of the 28-day period.

143 Applications not stay reviewable decisions

Making an application for internal review of an internally reviewable decision does not affect the operation of the decision.

144 Internal review

- (1) If application is made for internal review of an internally reviewable decision, the decision-maker must arrange for someone else (the *internal reviewer*) to review the decision.
- (2) The internal reviewer must, within 28 days after the decision-maker receives the application for internal review—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute its own decision.
- (3) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

145 Reviewable decision notices

If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice to—

- (a) for a decision in relation to an internally reviewable decision—each entity that is given an internal review notice; or

- (b) for a decision made personally by the Minister or chief executive—each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The decision-maker must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

145A Applications to ACAT

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.132] Schedule 1

substitute

Schedule 1 Reviewable decisions

(see pt 6.1)

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
1	14	refuse to issue exemption certificate	parents of child	chief executive
2	16	revoke exemption certificate	parents of child	chief executive

Schedule 1
Part 1.33

Legislation amended
Education Act 2004

Amendment [1.132]

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
3	36	suspend, transfer or exclude student	parents of student	chief executive
4	84 (5)	refuse to give in- principle approval	applicant for in-principle approval	Minister
5	86 (5)	direct registrar to refuse to provisionally register non-government school	applicant for provisional registration of school	Minister
6	88 (3)	direct registrar to register non-government school for shorter period than applied for	applicant for registration of school	Minister
7	88 (5)	direct registrar to refuse to register non-government school	applicant for registration of school	Minister
8	88B (6)	direct registrar to refuse to register non-government school at additional campus	applicant for registration of additional campus	Minister

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
9	90 (6)	direct registrar to refuse to register non-government school at additional educational level	applicant of registration at additional educational level	Minister
10	95 (1)	direct registrar to cancel provisional registration or registration of non-government school	entity that has registration cancelled	Minister
11	97 (3)	direct registrar to renew registration of non-government school for shorter period than period applied for	applicant for renewal of registration	Minister
12	97 (5)	direct registrar to refuse to renew registration of non-government school	applicant for renewal of registration	Minister
13	131 (3)	refuse to register child for home education	parents of child	chief executive

Schedule 1 Legislation amended
Part 1.33 Education Act 2004

Amendment [1.132]

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
14	131 (3)	register child for home education for less than 2 years	parents of child	chief executive
15	135 (1)	cancel registration of child for home education	parents of child	chief executive
16	137 (3)	refuse to renew registration of child for home education	parents of child	chief executive
17	137 (3)	renew registration of child for home education for shorter period than period applied for	parents of child	chief executive

[1.133] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.134] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.135] Dictionary, new definition of *internally reviewable decision*

insert

internally reviewable decision, for part 6.1 (Notification and review of decisions)—see section 140.

[1.136] Dictionary, definition of *internal-reviewer*

substitute

internal reviewer for part 6.1 (Notification and review of decisions)—see section 140.

[1.137] Dictionary, new definition of *internal review notice*

insert

internal review notice, for part 6.1 (Notification and review of decisions)—see section 140.

[1.138] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 6.1 (Notification and review of decisions)—see section 140.

Part 1.34 Electoral Act 1992

[1.139] Section 79 (2) and (3)

substitute

- (2) The commissioner must suppress the particulars of the elector's address from an extract from a roll from the defined date until—
 - (a) if no application for review of the decision is made to the electoral commission within 28 days after the day the elector is given an internal review notice in relation to the decision—the end of the 28-day period; or
 - (b) if on review the electoral commission affirms the decision, and no application for review of the commission's decision is made to the ACAT—the end of 28 days after the day the elector is given an internal review notice; or
 - (c) if on review the ACAT affirms the decision of the electoral commission, and no appeal from the ACAT's decision is made to the Supreme Court is made—the end of 28 days after the day the elector is given notice of the ACAT's decision; or
 - (d) if an appeal from the ACAT's decision is made to the Supreme Court—a proceeding on the appeal is completed.
- (3) Subsection (2) has effect subject to—
 - (a) an order of the electoral commission under section 248 (Stay of reviewable decision); and
 - (b) an order of the ACAT; and
 - (c) an order of the Supreme Court.

[1.140] Section 237A (7)

substitute

- (7) The person is taken not to have failed to comply with the notice if the person makes application under section 247 (Applications for internal review) for review of the decision and the application has not been decided.

[1.141] Part 15

substitute

Part 15 Notification and review of decisions

244 Definition for Act—pt 15

In this Act:

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

245 Definitions—pt 15

In this part:

internally reviewable decision means a decision mentioned in schedule 5, column 3 under a provision of this Act mentioned in column 2 in relation to the decision; or

person includes a political party.

reviewable decision means a decision of the electoral commission in relation to an internally reviewable decision.

246 Internal review notices

If the commissioner makes an internally reviewable decision, the commissioner must give an internal review notice to each entity mentioned in schedule 5, column 4 in relation to the decision.

Note 1 The commissioner must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

Note 2 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

247 Applications for internal review

(1) The following may apply to the electoral commission for review of an internally reviewable decision:

- (a) an entity mentioned in schedule 5, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

(2) The application must—

- (a) be in writing; and
- (b) state the applicant's name and address; and
- (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 340A for the application, the form must be used.

(3) The application must be given to the electoral commission at the commission's office—

- (a) within 28 days after—
 - (i) for a decision to register a political party—the day of notification under the Legislation Act of the notice under section 92 (3) (Registration of political parties) of the decision; or

- (ii) in any other case—the day the applicant is given the internal review notice; or
- (b) within any longer period allowed by the commission before or after the end of the 28-day period.

248 Stay of reviewable decisions

- (1) Before considering an application for review of an internally reviewable decision, the electoral commission may, on application by an entity affected by the decision or on its own initiative, make a written order (the *stay order*) staying or otherwise affecting the operation or implementation of the decision or a part of the decision
- (2) In considering an application for a stay order, the electoral commission must consider—
 - (a) the interests of any other person affected by the decision; and
 - (b) the need to ensure, as far as practicable, that the review process and the commission’s decision on the review are effective.

249 Review by electoral commission

- (1) This section applies if the electoral commission is considering an application for review of an internally reviewable decision.
- (2) The electoral commission must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute its own decision.
- (3) The commissioner must not—
 - (a) be present during any deliberation of the electoral commission in relation to the review of the internally reviewable decision; or

- (b) take part in any decision of the electoral commission in relation to the review of the internally reviewable decision.
- (4) Subsection (3) does not apply to an internally reviewable decision made by a delegate of the commissioner.

249A Reviewable decision notices

If the electoral commission makes a reviewable decision, the commission must give a reviewable decision notice to each entity that is given an internal review notice.

Note 1 The electoral commission must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

249B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity that is given a reviewable decision notice;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.142] New schedule 5

insert

Schedule 5 Internally reviewable decisions

(see pt 15)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	76 (5) (a)	enrol person	claimant
2	76 (5) (b)	reject claim for enrolment	claimant
3	77 (2) (b)	refuse request to suppress particulars of elector's address from extract from roll	elector
4	78 (2)	include particulars of elector's address suppressed on extract from roll	elector
5	81 (5) (b)	reject objection to enrolment of person	person who objects to enrolment
6	81 (8) (b)	remove person's name from roll	person whose name removed
7	90 (2)	refuse to register political party	applicant for registration
8	92 (1)	register political party	person who objects to registration

column 1 item	column 2 section	column 3 decision	column 4 entity
9	93 (1) or (2)	refuse to change registered particulars applied for under section 95 (2)	applicant for change of registered particulars
10	98 (5)	refuse to cancel registration of political party	registered party
11	237A	give investigations notice	person to whom notice given
12	242 (4)	refuse request to make stated amendment of return	person who gave return

[1.143] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.144] Dictionary, new definitions

insert

internally reviewable decision, for part 15 (Notification and review of decisions)—see section 245.

internal review notice—see section 244.

[1.145] Dictionary, definitions of *person* and *reviewable decision*

substitute

person, for part 15 (Notification and review of decisions)—see section 245.

reviewable decision, for part 15 (Notification and review of decisions)—see section 245.

[1.146] Dictionary, definition of *review statement*

omit

[1.147] Further amendments, mentions of *review statement*

omit

review statement

substitute

internal review notice

in

- section 76 (6) (b)
- section 77 (5) (b)
- section 78 (3)
- section 81 (6) (b)
- section 81 (9) (b) (i)
- section 90 (3)
- section 92 (5)
- section 93 (3) (a)
- section 98 (12)
- section 237A (6)
- section 242 (5)

Part 1.35 Electricity (Greenhouse Gas Emissions) Act 2004

[1.148] Section 35 (12) (a)

omit

administrative appeals tribunal

substitute

ACAT

[1.149] Part 9

substitute

Part 9 Notification and review of decisions

58 Definitions—pt 9

In this part:

internally reviewable decision means a decision of the regulator that is—

- (a) prescribed by regulation; and
- (b) made by the ICRC constituted by 1 commissioner.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means—

- (a) a decision prescribed by regulation made by—
 - (i) the regulator (other than a decision made by the ICRC constituted by 1 commissioner); or

- (ii) the scheme administrator; or
- (b) a decision of the ICRC in relation to an internally reviewable decision.

59 Internal review notices

If the regulator makes an internally reviewable decision, the regulator must give an internal review notice to each entity prescribed by regulation in relation to the decision.

Note 1 The regulator must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

Note 2 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

60 Application for reconsideration

- (1) The following may apply to the ICRC for the reconsideration of an internally reviewable decision:
 - (a) an entity prescribed by regulation in relation to the decision;
 - (b) any other person whose interests are affected by the decision.
- (2) The application must be made within 28 days after the day the applicant is told about the decision.
- (3) The application must be in writing and set out the grounds on which reconsideration of the decision is sought.

Note If a form is approved under s 65 for the application, the form must be used.

- (4) The making of the application does not affect the operation of the decision.

60A Reconsideration of decisions

- (1) This section applies if the ICRC is considering an application for reconsideration of an internally reviewable decision.
- (2) The ICRC must be constituted by 1 or more commissioners other than the original decision-maker.
- (3) Within 28 days after the day the application is made, the ICRC must review the decision and—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute its own decision.
- (4) If the decision is not varied or set aside within 28 days, the decision is taken to have been confirmed by the ICRC.

60B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

60C Application for ACAT

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.150] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.151] Dictionary, new definitions

insert

internally reviewable decision, for part 9 (Notification and review of decisions)—see section 58.

internal review notice, for part 9 (Notification and review of decisions)—see section 58.

reviewable decision, for part 9 (Notification and review of decisions)—see section 58.

Part 1.36 Electricity (Greenhouse Gas Emissions) Regulation 2004

[1.152] Section 50

substitute

50 Decisions—Act, s 58, def *internally reviewable decision* and *reviewable decision*

A decision mentioned in schedule 1, column 3, under a provision mentioned in column 2 in relation to the decision is prescribed.

51 Right of review and notice—Act, s 59, s 60B and s 60C (a)

An entity mentioned in schedule 1, column 4 is prescribed.

[1.153] New schedule 1

insert

Schedule 1 Reviewable decisions

(see div 3.8)

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
1	Act, 13	determination of greenhouse gas benchmark for participant or former participant for year	benchmark participant or former benchmark participant	regulator
2	Act, 18 (2)	refuse to accept surrender of abatement certificate because surrender not required for compliance with participant's or former participant's greenhouse gas benchmark or to abate greenhouse shortfall	benchmark participant or former benchmark participant	regulator
3	Act, 24 (2) (b)	refuse accreditation of person as abatement certificate provider	accredited person or applicant for accreditation	scheme administrator

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
4	Act, 25 (2)	suspend person's accreditation as abatement certificate provider	accredited person or applicant for accreditation	scheme administrator
5	Act, 25 (2)	cancel person's accreditation as abatement certificate provider	accredited person or applicant for accreditation	scheme administrator
6	Act, 26	impose or vary condition of accreditation of accredited abatement certificate provider	accredited abatement certificate provider	scheme administrator
7	Act, 33 (3) (b)	refuse registration of creation of abatement certificate	accredited person or applicant for accreditation	scheme administrator
8	Act, 35 (2)	impose order requiring person to surrender abatement certificates to scheme administrator	person subject to order	scheme administrator
9	Act, 40 (3) (b)	refuse registration of transfer of abatement certificate	applicant for registration	scheme administrator

Schedule 1
Part 1.36

Legislation amended
Electricity (Greenhouse Gas Emissions) Regulation 2004

Amendment [1.153]

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
10	14	refuse to count renewable energy certificate for compliance with participant's or former participant's greenhouse benchmark or to abate greenhouse shortfall	benchmark participant or former benchmark participant	regulator
11	16 or 17	assessment of amount of greenhouse penalty payable by the participant for year	benchmark participant or former benchmark participant	regulator
12	38 (4)	make claim on or realise financial assurance provided by accredited abatement certificate provider	accredited abatement certificate provider	scheme administrator
13		any decision of regulator prescribed by regulation	benchmark participant or former benchmark participant	regulator

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
14		any decision of scheme administrator prescribed by regulation	accredited abatement certificate provider or applicant for accreditation	scheme administrator

Part 1.37 **Electricity Safety Act 1971**

[1.154] Part 8

substitute

Part 8 **Notification and review of decisions**

61 **Meaning of *reviewable decision*—pt 8**

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

62 **Reviewable decision notices**

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

62A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.155] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 8)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	11A (1)	declare article of electrical equipment is prescribed article of electrical equipment	entity that has interests affected by declaration
2	11A (3)	state safety standard that article of electrical equipment must comply with	entity that has interests affected by safety standard

column 1 item	column 2 section	column 3 decision	column 4 entity
3	14 (3)	refuse to register person as approved first seller	applicant for approval
4	14 (4)	cancel registration of approved first seller	entity that has approval cancelled
5	16 (1)	refuse to register declaration of compliance	entity that lodged declaration
6	16 (3)	determine period of registration of declaration of compliance	entity that lodged declaration
7	17 (1)	cancel or suspend registration of declaration of compliance	entity that has registration cancelled or suspended
8	17 (3)	refuse to reduce period of suspension or cancel remainder of suspension	entity that has registration suspended or cancelled
9	20 (1)	refuse to approve premises as testing laboratory	applicant for approval
10	20 (2)	cancel approval of premises as testing laboratory	entity that has approval cancelled
11	22 (2)	impose requirement on approved first seller	entity on which requirement imposed

column 1 item	column 2 section	column 3 decision	column 4 entity
12	28	prohibit sale or installation of articles of electrical equipment of stated class	entity that has interests affected by prohibition

[1.156] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.157] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 8 (Notification and review of decisions)—see section 61.

Part 1.38 Emergencies Act 2004

[1.158] Chapter 9

substitute

Chapter 9 Notification and review of decisions

185 Meaning of *reviewable decision*—ch 9

In this chapter:

reviewable decision means a decision mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

186 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

187 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 2, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.159] Schedule 2

substitute

Schedule 2 Reviewable decisions

(see ch 9)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	62 (1)	refuse to approve person as provider of services	applicant for approval

Schedule 1
Part 1.38

Legislation amended
Emergencies Act 2004

Amendment [1.159]

column 1 item	column 2 section	column 3 decision	column 4 entity
2	62 (4)	approve person as provider of services subject to condition	applicant for approval
3	78 (3)	refuse to approve draft bushfire operational plan for area of land	owner or manager of land
4	78 (3)	approve draft bushfire operational plan for area of land with amendments	owner or manager of land
5	82 (1)	direct owner of land to comply with bushfire management requirement or bushfire operational plan	person who is given direction
6	86 (2)	issue improvement notice for premises	occupier of premises to which notice relates
7	86 (2)	issue occupancy notice for premises	occupier of premises to which notice relates
8	86 (2)	issue closure notice for premises	occupier of premises to which notice relates
9	87 (2)	decide not to extend period stated in improvement notice	occupier of premises to which notice relates
10	91 (4)	decide not to revoke notice for premises	occupier of premises to which notice relates

column 1 item	column 2 section	column 3 decision	column 4 entity
11	92	give direction for provision or installation of fire appliance	occupier of premises to which direction relates
12	106 (1)	give direction to take action	owner of premises to which direction relates
13	109	give direction to comply with section 120, bushfire management requirement or bushfire operational plan	entity that is given direction
14	118 (1)	refuse to issue permit	applicant for permit
15	118 (5)	issue permit subject to condition	applicant for permit
16	124	refuse to issue permit	applicant for permit
17	124	issue permit subject to a condition	applicant for permit

[1.160] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.161] Dictionary, definition of *eligible person*

omit

[1.162] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for chapter 9 (Notification and review of decisions)—see section 185.

Part 1.39 Environment Protection Act 1997

[1.163] Section 21 (5) (b)

substitute

- (b) if an entity has applied to the ACAT for review of the decision—until the application has been decided by the ACAT.

[1.164] Part 14

substitute

Part 14 Notification and review of decisions

135 Meaning of *reviewable decision*—pt 14

In this part:

reviewable decision means a decision mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

136 Reviewable decision notices

If the authority makes a reviewable decision, the authority must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

Note 1 The authority must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

136B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.165] New schedule 3

insert

Schedule 3 Reviewable decisions

(see pt 14)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	21 (1)	refuse to exclude document or part of document from public inspection	applicant
2	21A (5)	refuse to remove entry from the register	entity that entry relates to

Schedule 1
Part 1.39

Legislation amended
Environment Protection Act 1997

Amendment [1.165]

column 1 item	column 2 section	column 3 decision	column 4 entity
3	43 (1)	notify entity not to conduct, or continue to conduct, stated activity unless person holds environmental authorisation	entity conducting or proposing to conduct stated activity
4	43 (4)	refuse to revoke notice under section 43 (1)	person conducting or proposing to conduct stated activity
5	49 (1) (a), (2) (a), (3) (a) or (4) (a)	grant environmental authorisation (other than authorisation in relation to activity of kind mentioned in schedule 1, table 1.2, item 30)	applicant for authorisation
6	49 (1) (a), (2) (a), (3) (a) or (4) (a)	grant environmental authorisation (other than authorisation in relation to activity of kind mentioned in schedule 1, table 1.2, item 30) for stated period	applicant for authorisation

column 1 item	column 2 section	column 3 decision	column 4 entity
7	49 (1) (a), (2) (a), (3) (a) or (4) (a)	grant environmental authorisation (other than authorisation in relation to activity of kind mentioned in schedule 1, table 1.2, item 30) subject to stated condition	applicant for authorisation
8	49 (1) (b), (2) (b), (3) (b) or (4) (b)	refuse to grant environmental authorisation	applicant for authorisation
9	57 (2)	decide not to take any action under this Act	holder of authorisation
10	58	cancel accredited environmental authorisation	holder of authorisation
11	60 (1)	vary environmental authorisation	holder of authorisation
12	60 (1)	refuse to vary environmental authorisation on application	holder of authorisation
13	63 (1)	suspend environmental authorisation	entity that has authorisation suspended

Schedule 1
Part 1.39

Legislation amended
Environment Protection Act 1997

Amendment [1.165]

column 1 item	column 2 section	column 3 decision	column 4 entity
14	63 (1)	cancel environmental authorisation	entity that has authorisation cancelled
15	63 (2)	suspend environmental authorisation until stated condition fulfilled	entity that has authorisation suspended
16	63 (2)	refuse to lift suspension of environmental authorisation on ground that stated condition not fulfilled	entity that has authorisation suspended
17	69 (1)	require entity to prepare and submit for approval draft environmental improvement plan	entity conducting or proposing to conduct activity
18	71 (1) (d)	reject draft environmental improvement plan and require plan to be amended and resubmitted	entity that submitted plan
19	71 (2) (b)	reject draft environmental improvement plan	entity that submitted plan

column 1 item	column 2 section	column 3 decision	column 4 entity
20	72 (3)	refuse to accredit environmental improvement plan	applicant for accreditation
21	75 (1)	refuse to approve person to conduct particular environmental audit	person refused approval or entity that commissions environmental audit
22	75 (4)	remove name of auditor from list maintained by authority	auditor whose name is removed from list
23	76 (1)	require entity to commission environmental audit and submit report on audit	entity conducting or proposing to conduct stated activity
24	76 (2)	require entity to commission environmental audit of contaminated land	entity conducting or proposing to conduct stated activity
25	78 (3)	refuse to grant protection in relation to environmental audit report	applicant for protection
26	78 (3)	grant protection in relation to environmental audit report subject to stated conditions	applicant for protection

Schedule 1 Legislation amended
Part 1.39 Environment Protection Act 1997

Amendment [1.165]

column 1 item	column 2 section	column 3 decision	column 4 entity
27	82 (1)	require entity to prepare and submit for approval draft emergency plan	entity conducting or proposing to conduct stated activity
28	84 (1) (d)	reject draft emergency plan and require plan to be amended and resubmitted	entity required to submit plan
29	84 (2) (b)	reject draft emergency plan	entity required to submit plan
30	91C (1)	make order to conduct assessment	appropriate person
31	91D (1)	make order to remediate	appropriate person
32	91D (8)	refuse to consent to transfer or sublet	applicant for consent
33	91G (1)	refuse to extend period for compliance	applicant for extension
34	91G (1)	extend for period less than that applied for	applicant for extension
35	91K	require stated person to pay reasonable costs and expenses	appropriate person against whom order made

column 1 item	column 2 section	column 3 decision	column 4 entity
36	110 (4)	decide to dispose of seized thing	owner or entity that had possession/custody/control of thing immediately before it was seized or entity that has legal/equitable interest in thing
37	125 (1)	serve environment protection order	entity served with order
38	125 (1)	serve environment protection order that impose stated requirements mentioned in s 125 (5)	entity served with order
39	125 (2) or (3)	serve environment protection order	entity served with order

[1.166] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.167] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.168] Dictionary, definition of *reviewable decision*

insert

reviewable decision, for part 14 (Notification and review of decisions)—see section 135.

**Part 1.40 Fair Trading (Consumer Affairs)
 Act 1973**

[1.169] New section 29 (8A)

insert

- (8A) Written notice of the order must also be published in a newspaper circulating in the ACT.

[1.170] Sections 35 and 36

substitute

Division 4.3 Notification and review of decisions

35 Meaning of *reviewable decision*—div 4.3

In this division:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

36 Reviewable decision notices

- (1) If a person makes a reviewable decision, the person must publish a reviewable decision notice in relation to the decision in a newspaper circulating in the ACT.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (2) If schedule 1, column 4 states that a reviewable decision is notifiable, a reviewable decision notice in relation to the decision is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

36A Applications for review

A person whose interests are affected by a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.171] New schedule 1

insert

Schedule 1 Reviewable decisions

(see div 4.3)

column 1 item	column 2 section	column 3 decision	column 4 Is decision notifiable?
1	26 (3)	make, amend or repeal interim safety order	
2	26 (3)	refuse to make interim safety order	yes
3	26 (7)	extend period of effect of interim safety order	
4	27 (1)	make, amend or repeal consumer product safety order	
5	27 (1)	refuse to make consumer product safety order	yes

column 1 item	column 2 section	column 3 decision	column 4 Is decision notifiable?
6	29	make, amend or repeal consumer product safety order	
7	29	refuse to make consumer product safety order	yes

[1.172] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.173] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.174] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for division 4.3 (Notification and review of decisions)—see section 35.

Part 1.41 Financial Management Act 1996

[1.175] Sections 53B and 53C

substitute

53B Reviewable decision notices

If the Treasurer refuses an application under section 53A (8), completely or partly, the Treasurer must give a reviewable decision notice to the applicant.

Note 1 The Treasurer must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

53C Applications for review

The following may apply to the ACAT for review of a decision under section 53A (8):

- (a) an applicant for payment under section 53A (8);
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.176] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.42 First Home Owner Grant Act 2000

[1.177] Section 25 (2) (b)

substitute

- (b) the objector applies to the ACAT for review of the commissioner's decision on the objection and—
- (i) the ACAT or a court hearing the review or appeal on the matter upholds the objection in whole or in part; and
 - (ii) the period when any further appeal can be made has ended; and
 - (iii) neither the objector nor the commissioner has appealed against the decision in relation to a part of the objection that was upheld.

[1.178] Sections 30 to 32

substitute

30 Reviewable decision notices

The commissioner must give a reviewable decision notice to the objector of the commissioner's decision on an objection.

Note 1 The commissioner must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

31 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) the objector in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

32 Giving effect to decision on review

- (1) Within 60 days after a decision of the ACAT becomes final, the commissioner must take any action that is necessary to give effect to the decision.
- (2) For this section, a decision of the ACAT becomes final when a period of 30 days has passed after 1 of the following decisions and no appeal against the decision is made within the 30-day period:
 - (a) a decision of the ACAT on application for review;
 - (b) a decision by a court hearing an appeal from—
 - (i) the decision of the ACAT; or
 - (ii) a decision of a lower court in relation to the decision of the ACAT.

[1.179] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.43 Fisheries Act 2000

[1.180] Part 10

substitute

Part 10 Notification and review of decisions

107 Meaning of *reviewable decision*—pt 10

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

108 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

108A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.181] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	25	refuse to issue licence	applicant for licence
2	30	issue licence with conditions	applicant for licence
3	31	change licence	licensee
4	34	cancel licence	entity that has licence cancelled
5	39	refuse to register fish dealer	applicant for registration
6	41	suspend fish dealer's registration	entity that has registration suspended
7	42	cancel fish dealer's registration	entity that has registration cancelled
8	68 (6)	retain seized thing	entity from whom thing seized

[1.182] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.183] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.184] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 10 (Notification and review of decisions)—see section 107.

Part 1.44 Food Act 2001

[1.185] Part 11 heading

substitute

Part 11 Notification and review of decisions

141A Meaning of *reviewable decision*—pt 11

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

141B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

141C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 12 Miscellaneous

[1.186] Sections 147 and 148

omit

[1.187] Schedule 1 heading

substitute

Schedule 1 Reviewable decisions

(see pt 11)

[1.188] Schedule 1, column 4, heading

omit

person to be notified of decision

substitute

entity

[1.189] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.190] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 11 (Notification and review of decisions)—see section 141A.

Part 1.45 Freedom of Information Act 1989

[1.191] Section 26 (2) (b) (i) to (iii)

substitute

- (i) the time for the Commonwealth or State to apply to the ACAT under section 68 (Review of certain decisions in respect of documents relating to the Commonwealth or a State) ends and no application is made; or

- (ii) an application is made, but the ACAT—
 - (A) dismisses the application; or
 - (B) makes a decision in relation to the application in accordance with terms agreed by the parties; or
- (iii) an application is made and the ACAT confirms the decision to which the application relates.

Note The ACAT may dismiss an application under the *ACT Civil and Administrative Tribunal Act 2008*, s 32 (2) (a) or (b), and may make a decision in accordance with terms agreed by the parties under s 55.

[1.192] Section 27 (2) (b) (i) to (iii)

substitute

- (i) the time for the person to apply to the ACAT under section 69 (Review of certain decisions in respect of documents relating to business affairs etc) ends and no application is made; or
- (ii) an application is made, but the ACAT—
 - (A) dismisses the application; or
 - (B) makes a decision in relation to the application in accordance with terms agreed by the parties; or
- (iii) an application is made and the ACAT confirms the decision to which the application relates.

Note The ACAT may dismiss an application under the *ACT Civil and Administrative Tribunal Act 2008*, s 32 (2) (a) or (b), and may make a decision in accordance with terms agreed by the parties under that Act, s 55.

[1.193] Section 27A (4) (b) (i) to (iii)

substitute

- (i) the time for the person to apply to the ACAT under section 69A (Review of certain decisions about documents relating to personal information) ends and no application is made; or
- (ii) an application is made, but the ACAT—
 - (A) dismisses the application; or
 - (B) makes a decision in relation to the application in accordance with terms agreed by the parties; or
- (iii) an application is made and the ACAT confirms the decision in relation to the application.

Note The ACAT may dismiss an application under the *ACT Civil and Administrative Tribunal Act 2008*, s 32 (2) (a) or (b), and may make a decision in accordance with terms agreed by the parties under that Act, s 55.

[1.194] Section 60 (4)

substitute

- (4) Despite the *ACT Civil and Administrative Tribunal Act 2008*, section 10 (d), and subject to any extension of time granted by the ACAT, an applicant may make an application under subsection (1) in relation to a decision under section 54 (3) within 28 days after the day the ombudsman informs the applicant under section 54 (3).

[1.195] Section 64

substitute

64 Constitution of ACAT for certain proceedings

- (1) If a request is made to the ACAT under section 62 (4), (5) or (6) (Powers of ACAT), the ACAT must, for a proceeding on the request, be constituted by—
 - (a) a presidential member; or
 - (b) a presidential member and 1 or more tribunal members allocated by the general president.
- (2) In this section:

general president—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.

presidential member—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.

tribunal member—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary.

[1.196] Section 65 (1)

omit

Administrative Appeals Tribunal Act 1989

substitute

ACT Civil and Administrative Tribunal Act 2008

[1.197] Section 66

substitute

66 Decisions by presidential member

- (1) A question of law (including a question about whether a particular question is one of law) arising in a proceeding before the ACAT constituted in accordance with section 64 (Constitution of ACAT for certain proceedings) must be decided in accordance with the opinion of a presidential member of the ACAT for the proceeding.
- (2) The *ACT Civil and Administrative Tribunal Act 2008*, section 52 does not apply to this section to the extent of any inconsistency.
- (3) In this section:

presidential member—see section 64.

[1.198] Section 70

omit

Administrative Appeals Tribunal Act 1989

substitute

ACT Civil and Administrative Tribunal Act 2008

[1.199] Section 72

omit everything before subsection (2), substitute

72 Notice of reasons etc—application of ACT Civil and Administrative Tribunal Act, div 4A.2 etc

- (1) If an applicant has been given a written notice under section 25 (Reasons and other particulars of decisions to be given) in relation to a decision, the *ACT Civil and Administrative Tribunal Act 2008*, division 4A.2 (Reasons statements) does not apply to the decision.

[1.200] Section 73 (1)

omit everything before paragraph (a), substitute

- (1) In a proceeding under this part, the ACAT must make any order under the *ACT Civil and Administrative Tribunal Act 2008*, section 39 that it considers necessary having regard to the nature of the proceeding and, in particular, to the necessity of avoiding the disclosure to the applicant of—

[1.201] Section 73 (2)

omit everything before paragraph (a), substitute

- (2) Despite the *ACT Civil and Administrative Tribunal Act 2008*—

[1.202] Section 74 (1)

omit

[1.203] Section 74 (8)

substitute

- (8) Nothing in subsection (2), (3) or (4) prevents the ACAT from causing a document (a ***subject document***) produced under 1 or more of the subsections to be sent to the Supreme Court under the *ACT Civil and Administrative Tribunal Act 2008*, section 87 (Sending documents and things to Supreme Court).
- (9) However, if a subject document is sent to the Supreme Court, the court must ensure that the contents of the document are not disclosed, other than in accordance with this Act, to any person other than—
- (a) a member of the court constituted for the proceeding before the court; or
 - (b) a member of the staff of the court in the course of the performance of the staff member's functions.

[1.204] Dictionary, note 2, new dot point

insert

- ACAT

[1.205] Dictionary, definition of *tribunal*

omit

[1.206] Further amendments, mentions of *tribunal*

omit

tribunal

substitute

ACAT

in

- section 31 (2) (c)
- section 51 (2)
- section 54 (2) and (3)
- section 57
- section 60 heading
- section 60 (1) and (3)
- section 61
- section 62
- section 63 (1)
- section 65 heading
- section 65 (2) to (5)
- section 67
- section 68
- section 69
- section 69A
- section 70 (c)
- section 71

- section 72 (2)
- section 73 heading
- section 73 (2) (a) and (b)
- section 74 (2) to (6)
- section 75
- section 76
- section 79 (5) (d)

Part 1.46 **Gambling and Racing Control (Code of Practice) Regulation 2002**

[1.207] Section 16 (4)

substitute

- (4) The notice under subsection (3) must be in the form of a reviewable decision notice.

Note 1 The commission must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.208] Section 17

substitute

17 Review by ACAT of commission's decision under s 16

A person whose interests are affected by a decision by the commission to confirm, revoke or amend the licensee's decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.209] Schedule 1, section 1.16, note

omit

administrative appeals tribunal

substitute

ACAT

[1.210] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.211] Dictionary, note 2, new dot point

insert

- reviewable decision notice

Part 1.47 Gaming Machine Act 2004

[1.212] Part 13 heading and section 173

substitute

Part 13 Notification and review of decisions

173 Meaning of *reviewable decision*—pt 13

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

173A Reviewable decision notices

If the commission makes a reviewable decision, the commission must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The commission must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

173B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 14 Miscellaneous

[1.213] Schedule 1

substitute

Schedule 1 Reviewable decisions

(see pt 13)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	12	refuse application for licence	applicant for licence
2	12	issue licence of number or kind of gaming machines different from that applied for	applicant for licence
3	24, 25 or 26	refuse to amend licence	applicant for amendment
4	29	revoke uncommenced licence amendment	entity that has amendment revoked
5	32	refuse to approve transfer of licence	applicant for transfer
6	38	refuse to give replacement licence	applicant for replacement
7	40	give licensee direction	licensee given direction
8	62	take disciplinary action	licensee
9	72	refuse to approve supplier	applicant for approval

column 1 item	column 2 section	column 3 decision	column 4 entity
10	73A	cancel or suspend supplier's approval	supplier that has approval cancelled or suspended
11	73A	reprimand supplier	supplier
12	75	refuse to approve technician	applicant for approval
13	78	refuse to approve transfer of technician's approval	applicant for transfer
14	79	cancel or suspend technician's approval	technician that has approval cancelled or suspended
15	79	reprimand technician	technician
16	84	refuse to renew approved technician's approval	applicant for renewal
17	86	refuse to approve attendant	applicant for approval
18	89	refuse to approve transfer of attendant's approval	applicant for transfer
19	91	cancel or suspend attendant's approval	attendant that has approval cancelled or suspended
20	91	reprimand attendant	attendant

Schedule 1
Part 1.47

Legislation amended
Gaming Machine Act 2004

Amendment [1.213]

column 1 item	column 2 section	column 3 decision	column 4 entity
21	96	refuse to renew approved attendant's approval	applicant for renewal
22	100	refuse to approve acquisition of gaming machine	applicant for approval
23	102	refuse to approve financial arrangement or amendment of arrangement	applicant for approval
24	108	refuse to approve repossession of gaming machine	applicant for approval
25	109 (2)	approve repossession of gaming machine subject to condition	applicant for approval
26	113	refuse to approve disposal of gaming machine	applicant for approval
27	134	refuse to authorise linked-jackpot arrangement	applicant for authorisation
28	135	refuse to issue multi-user permit	applicant for permit
29	135	issue multi-user permit subject to condition, other than condition imposed by Act	applicant for permit

column 1 item	column 2 section	column 3 decision	column 4 entity
30	138	amend multi-user permit	entity that has permit amended
31	139	refuse to amend multi-user permit	applicant for amendment
32	140	refuse to approve amendment of financial and operational aspects of linked-jackpot arrangement	applicant for amendment
33	141	refuse to transfer multi-user permit	applicant for transfer
34	147	refuse to approve entity	applicant for approval
35	153 (2)	give direction about separate parts of licensed premises	licensee given direction
36	164	refuse to approve contributions as community contributions	applicant for approval

[1.214] Dictionary, note 2, dot points

omit

- AAT

[1.215] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.216] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 13 (Notification and review of decisions)—see section 173.

Part 1.48 Gas Safety Act 2000

[1.217] New part 6A

insert

Part 6A Notification and review of decisions

64A Meaning of *reviewable decision*—pt 6A

In this part:

reviewable decision means a decision prescribed by regulation.

64B Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

64C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.218] Section 66

omit

[1.219] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.220] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.221] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 6A (Notification and review of decisions)—see section 64A.

Part 1.49 Gas Safety Regulation 2001

[1.222] Sections 20A and 20B

substitute

20A Reviewable decisions—Act, s 64A, def *reviewable decision*

The following decisions are prescribed:

- (a) a decision mentioned in schedule 1, part 1.1 under a provision of the Act or this regulation mentioned in column 2 in relation to the decision;
- (b) a decision mentioned in schedule 1, part 1.2 under a code approved under section 17A (1).

20B Right of review and notice—Act, s 64B and s 64C (a)

The following entities are prescribed:

- (a) in relation to a decision mentioned in schedule 1, part 1.1—an entity mentioned in schedule 1, column 4;
- (b) in relation to a decision mentioned in schedule 1, part 1.2—an entity mentioned in column 3.

[1.223] New schedule 1

insert

Schedule 1 Reviewable decisions

(see s 20A and s 20B)

Part 1.1 Reviewable decisions—Act and regulation

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 21 (1)	refuse to approve appliances of particular kind	applicant for approval
2	Act, 23	cancel approval in relation to appliances	entity that has approval cancelled
3	Act, 27	prohibit sale or installation of appliances of particular kind	entity that has interests affected by prohibition
4	Act, 29	give direction	trader who is given direction
5	Act, 50	give direction	occupier of premises, owner of consumer piping system or gasfitter given direction
6	Act, 51	give direction	person or accredited person given direction

Schedule 1
Part 1.49

Legislation amended
Gas Safety Regulation 2001

Amendment [1.223]

column 1 item	column 2 section	column 3 decision	column 4 entity
7	7 (2)	refuse to exempt person	applicant for exemption
8	7 (4)	exempt person subject to condition	applicant for exemption
9	9 (2)	refuse to exempt person	applicant for exemption
10	9 (4)	exempt person subject to condition	applicant for exemption
11	18E	refuse to approve appliance for commissioning	applicant for approval
12	18F	refuse to approve connection or use of appliance for product testing, product development or experimental purposes	applicant for approval
13	18H	refuse to approve connection or use of appliance for product testing, product development or experimental purposes	applicant for approval

Part 1.2 Reviewable decisions—code approved under s 17A

column 1 item	column 2 decision	column 3 entity
1	refuse to accredit person to do appliance work	applicant for accreditation
2	impose condition on accreditation to do appliance work	applicant for accreditation
3	refuse to renew accreditation	applicant for renewal
4	suspend accreditation	entity that has accreditation suspended
5	cancel accreditation	entity that has accreditation cancelled

Part 1.50 Guardianship and Management of Property Regulation 1991

[1.224] Sections 4 and 8

omit

Part 1.51 Gungahlin Drive Extension Authorisation Act 2004

[1.225] Section 10 (6) (a) to (c)

substitute

- (a) the *Environment Protection Act 1997*, part 14 (Notification and review of decisions);
- (b) the *Nature Conservation Act 1980*, part 12 (Notification and review of decisions);
- (c) the *Planning and Development Act 2007*, chapter 13 (Review of decisions);

[1.226] Dictionary, note 2, new dot point

insert

- ACAT

[1.227] Dictionary, definition of *court*

substitute

court includes the ACAT.

Part 1.52 Hawkers Act 2003

[1.228] Part 5

substitute

Part 5 Notification and review of decisions

33 Definitions—pt 5

In this part:

decision-maker, for a reviewable decision, means an entity mentioned in schedule 1, column 5 for the decision.

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

33A Reviewable decision notices

If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

34 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.229] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 5)

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
1	18	refuse to issue licence	applicant for licence	chief executive
2	18	issue licence for term different to term applied for	applicant for licence	chief executive
3	18	issue licence subject to condition	applicant for licence	chief executive

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
4	22	refuse to amend licence in way applied for	licensee	chief executive
5	25	amend, suspend or cancel licence	person whose licence amended, suspended or cancelled	chief executive
6	28	refuse to give exemption	applicant for exemption	Minister
7	28	give exemption subject to condition	applicant for exemption	Minister
8	30	refuse to amend exemption in way applied for	exempt person	Minister
9	31	amend or revoke exemption	person whose exemption amended or revoked	Minister

[1.230] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.231] Dictionary, new definitions

insert

decision-maker, for part 5 (Notification and review of decisions)—see section 33.

reviewable decision, for part 5 (Notification and review of decisions)—see section 33.

Part 1.53 Health Act 1993

[1.232] Section 70 (4)

substitute

- (4) The clinical privileges review notice must be in accordance with the requirements for a reviewable decision notice.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.233] Section 130

omit

AAT

substitute

ACAT

[1.234] Dictionary, note 2, dot points

omit

- AAT

[1.235] Dictionary, note 2, new dot point

insert

- ACAT

Part 1.54 Health Regulation 2004

[1.236] Sections 9 and 10

substitute

9 Reviewable decision notices

If the chief executive makes a decision under section 8 (Approval of nurse practitioner positions), the chief executive must give a reviewable decision notice to the applicant.

Note 1 The chief executive must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

10 Applications for review

(1) The following may apply to the ACAT for review of a decision of the chief executive under section 8:

- (a) the applicant;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

(2) Without limiting subsection (1), the occupant of a nurse practitioner position may apply to the ACAT for review of a decision of the chief executive to amend or repeal the approval for the position, if the amendment or repeal was otherwise than on application.

Part 1.55 Hemp Fibre Industry Facilitation Act 2004

[1.237] Part 4

substitute

Part 4 Notification and review of decisions

57 Meaning of *reviewable decision*—pt 4

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

57A Reviewable decision notices

If the chief executive makes a reviewable decision, the chief executive must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The chief executive must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

58 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.238] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	21 (1)	refuse to issue licence	applicant
2	25 (1)	refuse to renew licence	applicant
3	28 (1) (a)	amend or refuse to amend licence	applicant
4	35 (1)	suspend or cancel licence	person whose licence suspended or cancelled
5	36 (2)	immediately suspend licence	person whose licence suspended
6	37	immediately cancel licence	person whose licence cancelled

[1.239] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.240] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 4 (Notification and review of decisions)—see section 57.

Part 1.56 Housing Assistance Act 2007

[1.241] Section 25 (3) and (4) and note

substitute

- (3) The housing commissioner may suspend or cancel all or part of the entity's housing assistance if—
- (a) the requirement is made in writing; and
 - (b) the requirement states a reasonable time (of at least 7 days after the day the requirement is given to the entity) for giving the information; and
 - (c) the entity does not give the information in accordance with the requirement.

Note The decision to suspend or cancel all or part of an entity's housing assistance is a reviewable decision (see s 31A), and the housing commissioner must give a reviewable decision notice to the entity (see s 31B).

- (4) The reviewable decision notice given to the entity must include—
- (a) a statement that the housing assistance is suspended or cancelled; and

- (b) when the suspension or cancellation begins; and
- (c) if housing assistance is suspended—when the suspension ends.

[1.242] Part 6A

substitute

Part 6A Notification and review of decisions

31A Meaning of *reviewable decision*—pt 6A

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

31B Reviewable decision notices

If the housing commissioner makes a reviewable decision, the commissioner must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The housing commissioner must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

31C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.243] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 6A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	24	refuse application for housing assistance	applicant
2	25	suspend or cancel all or part of housing assistance provided to entity	entity
3	25B	refuse to register entity as housing provider	entity
4	25O (2) or (3)	refuse to approve change to constitution or rules of housing provider	applicant
5	25S	decide to intervene in business of housing provider	housing provider

[1.244] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.245] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 6A (Notification and review of decisions—see section 31A.

Part 1.57 Interactive Gambling Act 1998

[1.246] Section 31 (2)

omit

[1.247] Section 102 (5)

omit

[1.248] Part 8

substitute

Part 8 Notification and review of decisions

140 Definitions—pt 8

In this part:

primary decision means a decision by the Minister mentioned in schedule 1, part 1.1, column 3, under a provision of this Act mentioned in column 2 in relation to the decision.

reviewable decision means—

- (a) a primary decision in relation to which the Minister has not signed a certificate under section 46 (Security related decisions); or

- (b) a decision by the commission mentioned in schedule 1, part 1.2, column 3, under a provision of this Act mentioned in column 2 in relation to the decision

141 Reviewable decision notices

If an entity makes a reviewable decision, the entity must give a reviewable decision notice to each entity mentioned in schedule 1, part 1.2, column 4 in relation to the decision

Note 1 The entity must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

142 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) for a primary decision in relation to which the Minister has not signed a certificate under section 46—an entity mentioned in schedule 1, part 1.1, column 4 in relation to the decision;
- (b) for any other reviewable decision—an entity mentioned in schedule 1, part 1.2, column 4 in relation to the decision;
- (c) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.249] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 8)

Part 1.1 Primary decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	27 (1)	refuse to grant application for interactive gambling licence	applicant for licence
2	32	impose condition on interactive gambling licence	applicant for licence
3	33 (1)	change condition on interactive gambling licence	licensed provider
4	33 (1)	add condition to interactive gambling licence	licensed provider
5	37 (1)	refuse to approve mortgage, charge or other encumbrance over interactive gambling licence	applicant for approval

Schedule 1
Part 1.57

Legislation amended
Interactive Gambling Act 1998

Amendment [1.249]

column 1 item	column 2 section	column 3 decision	column 4 entity
6	37 (2)	refuse to approve sale or transfer of interactive gambling licence	applicant for approval
7	40 (2)	direct the notification of a stated matter	licensed provider
8	41 (1)	suspend interactive gambling licence	entity that has licence suspended
9	42 (1)	suspend interactive gambling licence	entity that has licence suspended
10	43 (1)	cancel interactive gambling licence	entity that has licence cancelled
11	44 (1)	appoint administrator	licensed provider
12	45 (a)	refuse to cancel suspension of interactive gambling licence	entity that has licence suspended
13	45 (b)	refuse to reduce remaining period of suspension of interactive gambling licence	entity that has licence suspended

Part 1.2 Reviewable decisions— commission

column 1 item	column 2 section	column 3 decision	column 4 entity
1	54 (1)	impose condition on key person licence	applicant for key person licence
2	55 (1) (c)	alter condition of key person licence	key person licensee
3	55 (1) (d)	omit condition from key person licence	key person licensee
4	55 (1) (e)	add condition to key person licence	key person licensee
5	58 (1)	refuse to issue replacement key person licence	key person licensee
6	62 (1)	suspend key person licence	entity that has licence suspended
7	65 (1)	cancel key person licence	entity that has licence cancelled
8	72 (1)	direct agency agreement be amended	licensed provider
9	102 (4) (a)	prohibit person from participating in authorised games	person prohibited
10	102 (4) (b)	refuse to make order	applicant for order

[1.250] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

[1.251] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.252] Dictionary, definitions of *primary decision* and *reviewable decision*

substitute

primary decision, for part 8 (Notification and review of decisions)—see section 140.

reviewable decision, for part 8 (Notification and review of decisions)—see section 140.

Part 1.58 Intoxicated People (Care and Protection) Act 1994

[1.253] Section 22

substitute

22 Emergency suspension and cancellation

- (1) If the Minister believes on reasonable grounds that there is an immediate risk of danger to the health or safety of people being cared for, or people providing care, at a licensed place, the Minister may suspend the licence in relation to the place.

- (2) A suspension under subsection (1) takes effect when the Minister gives the reviewable decision notice about the suspension to the licensee.

Note The decision to suspend a licence is a reviewable decision (see s 34), and the Minister must give a reviewable decision notice to the licensee (see s 34A).

- (3) The reviewable decision notice must include—
- (a) the facts and circumstances on which the Minister's belief is based; and
 - (b) the licensed places (the *stated places*) in relation to which the licence is suspended; and
 - (c) a statement that the licensee may not provide caring services at the stated places while the licence is suspended; and
 - (d) a statement that the licensee may, within 28 days after the date of the notice, make submissions to the Minister why the licence should not be cancelled in relation to the stated places.
- (4) The Minister may cancel the licence in relation to any stated place on the ground mentioned in subsection (1).
- (5) However, the Minister may cancel a licence only after the end of 28 days after the date of the reviewable decision notice.
- (6) The cancellation of a licence under this section takes effect on—
- (a) the day the reviewable decision notice about the cancellation is given to the licensee; or
 - (b) if the notice states a later date of effect—the stated date.

Note The decision to cancel a licence is a reviewable decision (see s 34), and the Minister must give a reviewable decision notice to the licensee (see s 34A).

[1.254] Section 23 (4)

substitute

- (4) The cancellation of a licence under this section takes effect on—
- (a) the day the reviewable decision notice about the cancellation is given to the licensee; or
 - (b) if the notice states a later date of effect—the stated date.

Note The decision to cancel a licence is a reviewable decision (see s 34), and the Minister must give a reviewable decision notice to the licensee (see s 34A).

[1.255] Part 6

substitute

Part 6 Notification and review of decisions

34 Meaning of *reviewable decision*—pt 6

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

34A Reviewable decision notices

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

35 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.256] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	16 (1)	not satisfied in relation to s 16 (1) (a) or (b) in relation to applicant	applicant
2	21 (1)	impose further condition on licence	licensee
3	22 (1)	suspend licence	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
4	22 (4) or 23 (1)	cancel licence	licensee
5	37	refuse to approve entity as provider of first-aid courses	entity

[1.257] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.258] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.259] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 6 (Notification and review of decisions)—see section 34.

Part 1.59 Lakes Act 1976

[1.260] Part 6 heading and section 51

substitute

Part 6 Notification and review of decisions

51 Meaning of *reviewable decision*—pt 6

In this part:

reviewable decision means a decision of the Minister mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

51AA Reviewable decision notices

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

51AB Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 2, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 7 Miscellaneous

[1.261] New schedule 2

insert

Schedule 2 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	14 (2)	make determination of compensation	owner of land
2	19 (1)	refuse to approve anchoring of buoy or erecting of wharf or jetty	applicant for approval
3	19 (1)	impose conditions on approval to anchor buoy or erect wharf or jetty	applicant for approval
4	25	refuse to grant permit to moor boat	applicant for permit
5	26 (1)	refuse to authorise use of power boat	applicant for authorisation
6	26 (1)	impose conditions on power boat authorisation	applicant for authorisation

column 1 item	column 2 section	column 3 decision	column 4 entity
7	26 (2)	impose further conditions on power boat authorisation	entity that holds authorisation
8	26 (2)	vary or revoke condition imposed on power boat authorisation	entity that holds authorisation
9	26 (2)	refuse to vary or revoke condition imposed on power boat authorisation	applicant for variation or revocation
10	26 (3)	revoke power boat authorisation	entity that has authorisation revoked
11	29 (1)	refuse to grant permit to use hovercraft	applicant for permit
12	29 (1)	impose conditions on permit to use hovercraft	applicant for permit

[1.262] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.263] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 6 (Notification and review of decisions)—see section 51.

Part 1.60 Land Rent Act 2008

[1.264] Section 34

substitute

34 Review of decisions by ACAT

- (1) This section applies to a determination by the commissioner of an objection to a decision mentioned in section 33.
- (2) The determination is prescribed for the Taxation Administration Act, section 107A (Meaning of *reviewable decision* etc—div 10.2).

Note Applications for review by the ACAT may be made in relation to a determination by the commissioner of a decision on an objection to an assessment.

[1.265] Dictionary, note 2, new dot point

insert

- ACAT

Part 1.61 Lands Acquisition Act 1994

[1.266] New section 37 (2A)

insert

- (2A) A notice under subsection (2) must set out the reasons for the Executive's decision.

[1.267] Section 37 (4) to (6)

substitute

- (4) The terms (including any amount payable in relation to occupation on and after the date of acquisition) on which the person remains in occupation of the land are the terms agreed by the Executive and the person or, if they cannot agree, the terms decided by the Executive.

Note The Executive's decision is a reviewable decision (see s 104AA), and the Executive must give a reviewable decision notice to the person (see s 104AC).

[1.268] New section 56 (6) and (7)

insert

- (6) The Executive must decide a claim within 42 days after the day the claim is made.
- (7) The claimant may agree in writing to an extension of the 42-day period before the end of the period.

[1.269] Sections 59 to 64

substitute

59 Compensation for compulsory acquisition—Executive must accept or reject claim

- (1) If the Executive is satisfied that the interest in land stated in a claim was acquired by compulsory process from the claimant, the Executive must make an offer of compensation to the claimant that the Executive considers the claimant is entitled to in accordance with division 6.2 or division 6.3.

Note An offer is an internally reviewable decision (see s 104AA), and the Executive must give an internal review notice to the claimant (see s 104AB).

- (2) The internal review notice about the offer of compensation must include a statement—
 - (a) that the claim is accepted; and
 - (b) about how the compensation offered is worked out.
- (3) If the Executive does not consider that the interest in land stated in the claim was acquired by compulsory process from the claimant, the Executive must reject the claim.

Note The decision to reject a claim is a reviewable decision (see s 104AA), and the Executive must give a reviewable decision notice to the claimant (see s 104AC).

- (4) If the Executive has not given an internal review notice or reviewable decision notice to the claimant within the 42-day period mentioned in section 56 (6), the Executive is taken to have rejected the claim.

60 Effect of ACAT decision

- (1) If the ACAT confirms the Executive's decision to reject a claim for compensation, the interest stated in the claim is taken, for this Act, not to have been acquired from the claimant by compulsory process.
- (2) If the ACAT sets aside the Executive's decision to reject a claim for compensation, and accepts the claim, the interest stated in the claim is taken, for this Act, to have been acquired from the claimant by compulsory process.

61 Consequences of not seeking ACAT review of decision to reject claim

- (1) This section applies if the Executive rejects a claim for compensation and—
 - (a) the claimant does not make an application to the ACAT in relation to the rejection within the period required under the *ACT Civil and Administrative Tribunal Act 2008*; or

Note Requirements for applications to the ACAT, including when an application must be made, are prescribed under the *ACT Civil and Administrative Tribunal Act 2008* (see s 10).

- (b) each of the following applies:
- (i) the claimant makes an application to the ACAT in relation to the rejection within the period required under the *ACT Civil and Administrative Tribunal Act 2008*;
 - (ii) the ACAT confirms the decision;
 - (iii) it is at least 30 days since the ACAT made its decision, and no appeal in relation to the decision has been made to the Supreme Court.
- (2) The Executive may pay compensation under this part on the basis that the claimant was not, at the time of the acquisition to which the claim relates, entitled to the interest the subject of the claim.
- (3) If compensation is paid in relation to an interest that is inconsistent with the interest (the *subject interest*) the subject of the claim, no compensation is payable in relation to the subject interest.

62 Compensation for compulsory acquisition—claimant may accept or reject Executive’s offer

- (1) This section applies if the Executive makes an offer of compensation to a claimant under section 59 (1).
- (2) The claimant may, by written notice given to the Executive—
- (a) accept the offer of compensation; or
 - (b) reject the offer of compensation, tell the Executive the amount of compensation that the claimant considers the claimant is entitled to, and state how the amount is worked out.

63 Compensation for compulsory acquisition—Executive to reconsider offer and make final offer

- (1) If the Executive receives a notice under section 62 (2) (b), the Executive must—
 - (a) reconsider the amount of compensation within 2 months (the *2-month period*) after the day the Executive receives the notice; and
 - (b) consider the information included in the notice; and
 - (c) make a final offer of compensation to the claimant that the Executive considers the claimant is entitled to in accordance with division 6.2 or 6.3.

Note A final offer is a reviewable decision (see s 104AA), and the Executive must give a reviewable decision notice to the claimant (see s 104AC).

- (2) The reviewable decision notice about the final offer of compensation must include a statement about how the compensation offered is worked out.
- (3) If the Executive has not given a reviewable decision notice to the claimant within the 2-month period—
 - (a) the internal review notice given to the claimant in relation to the claim is taken to be a reviewable decision notice given to the claimant on the last day of the 2-month period; and
 - (b) the offer of compensation made in the internal review notice is taken to be a final offer of compensation.

64 Compensation for compulsory acquisition—claimant may accept or reject Executive’s final offer

- (1) This section applies if a person has received, or is taken to have received, a final offer of compensation.
- (2) The person may accept or reject the final offer by notice in writing given to the Executive.

[1.270] Section 67

omit

[1.271] Section 68

omit

under section 67

substitute

to the ACAT

[1.272] Section 72 (2) (b)

substitute

- (b) because of a decision of the ACAT, the interest is taken, for this Act, to have been acquired from the person by compulsory process.

Note See s 60 (2) (Effect of ACAT decision).

[1.273] New section 82 (6) and (7)

insert

- (6) The Executive must decide a claim within 42 days after the day the claim is made.
- (7) The claimant may agree in writing to an extension of the 42-day period before the end of the period.

[1.274] Sections 83 to 87

substitute

83 Executive must accept or reject claim

- (1) If the Executive is satisfied that compensation in accordance with this part is payable to a claimant for compensation in relation to the loss to which the claim relates, the Executive must make an offer of compensation to the claimant that the Executive considers the claimant is entitled to in accordance with division 7.1.

Note An offer is an internally reviewable decision (see s 104AA), and the Executive must give an internal review notice to the claimant (see s 104AB).

- (2) The internal review notice about the offer of compensation must include a statement—
 - (a) that the claim is accepted; and
 - (b) about how the compensation offered is worked out.
- (3) If the Executive does not consider that compensation in accordance with this part is payable to a claimant for compensation in relation to the loss suffered, particulars of which were included in the claim, the Executive must reject the claim.

Note The decision to reject a claim is a reviewable decision (see s 104AA), and the Executive must give a reviewable decision notice to the claimant (see s 104AC).

- (4) If the Executive has not given an internal review notice or reviewable decision notice to the claimant within the 42-day period mentioned in section 82 (6), the Executive is taken to have rejected the claim.

84 Claimant may accept or reject Executive's offer

- (1) This section applies if the Executive makes an offer of compensation to a claimant under section 83 (1).

- (2) The claimant may, by written notice given to the Executive—
- (a) accept the offer of compensation; or
 - (b) reject the offer of compensation, tell the Executive the amount of compensation that the claimant considers the claimant is entitled to, and state how the amount is worked out.

85 Executive to reconsider offer and make final offer

- (1) If the Executive receives a notice under section 84 (2) (b), the Executive must—
- (a) reconsider the amount of compensation within 2 months (the *2-month period*) after the day the Executive receives the notice; and
 - (b) consider the information included in the notice; and
 - (c) make a final offer of compensation to the claimant that the Executive considers the claimant is entitled to in accordance with division 7.1.
- Note* A final offer is a reviewable decision (see s 104AA), and the Executive must give a reviewable decision notice to the claimant (see s 104AC).
- (2) The reviewable decision notice about the final offer of compensation must include a statement about how the compensation offered is worked out.
- (3) If the Executive has not given a reviewable decision notice to the claimant within the 2-month period—
- (a) the internal review notice given to the claimant in relation to the claim is taken to be a reviewable decision notice given to the claimant on the last day of the 2-month period; and
 - (b) the offer of compensation made in the internal review notice is taken to be a final offer of compensation.

86 Claimant may accept or reject Executive's final offer

- (1) This section applies if a person has received, or is taken to have received, a final offer of compensation.
- (2) The person may accept or reject the final offer by notice in writing given to the Executive.

[1.275] Section 89

omit

[1.276] Section 90

omit

under section 89

substitute

to the ACAT

[1.277] Section 96A (i)

substitute

- (i) a reference in section 109 (Award of costs in ACAT proceeding) to the Executive were a reference to a utility;
and

[1.278] Section 102 (5) and (6)

omit

[1.279] Section 102 (7)

substitute

- (7) If the former owner makes an application to the ACAT, the acquiring authority must not dispose of the interest to a person other than the former owner—

- (a) until the end of 14 days after the day the ACAT's decision on the application takes effect; or
- (b) if, within the 14-day period, the owner gives the Executive written notice of the owner's wish to buy the interest from the Commonwealth at the market value decided by the ACAT—until the end of 2 months after the day the ACAT's decision on the application takes effect.

[1.280] New part 9A

insert

Part 9A Notification and review of decisions

104AA Definitions—pt 9A

In this part:

internally reviewable decision means a decision mentioned in section 59 (1) or section 83 (1).

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

104AB Internal review notices

If the Executive makes an internally reviewable decision, the Executive must give an internal review notice only to the claimant.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

104AC Reviewable decision notices

If the Executive makes a reviewable decision, the Executive must give a reviewable decision notice only to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

104AD Applications for review

An entity mentioned in schedule 1, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.281] Section 109

substitute

109 Award of costs in ACAT proceeding

- (1) This section applies in relation to an ACAT proceeding on application under this Act.
- (2) The ACAT may recommend to the Attorney-General that the Executive should pay all or part of the costs of the applicant or anyone else made a party to the proceeding.
- (3) The Attorney-General may, in accordance with a recommendation of the ACAT under subsection (2), authorise the payment to a person of all or part of the person's costs in relation to an ACAT proceeding.

[1.282] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 9A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	37 (4)	terms on which person remains in occupation of land	person to remain in occupation of land
2	59 (3)	reject claim	claimant
3	63 (1) (c) or (3)	make final offer	claimant
4	83 (3)	reject claim	claimant
5	85 (1) (c) or (3)	make final offer	claimant
6	102 (2)	amount stated as market value	former owner

[1.283] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.284] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.285] Dictionary, new definitions

insert

internally reviewable decision, for part 9A (Notification and review of decisions)—see section 104AA.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision, for part 9A (Notification and review of decisions)—see section 104AA.

Part 1.62 Land Tax Act 2004

[1.286] Section 39

substitute

39 Review of decisions by ACAT

- (1) This section applies to a determination by the commissioner of an objection to a decision mentioned in section 38.
- (2) The determination is prescribed for the Taxation Administration Act, section 107A (Meaning of *reviewable decision* etc—div 10.2).

Note Applications for review by the ACAT may be made in relation to a determination by the commissioner of a decision on an objection to an assessment.

[1.287] Dictionary, note 2, dot points

omit

- AAT

substitute

- ACAT

Part 1.63 Legal Aid Act 1977

[1.288] Section 60 (3) and (4)

omit

[1.289] Section 60A

substitute

60A Review of decision to remove from office

- (1) This section applies to a decision (the *reviewable decision*) of the commission to remove a statutory officer from office under section 60.
- (2) The commission must give a reviewable decision notice to the statutory officer.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (3) The following people may apply to the ACAT for review of the reviewable decision:
 - (a) the statutory officer;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.290] Section 92AA (c)

substitute

(c) in response to a subpoena under the *ACT Civil and Administrative Tribunal Act 2008*, section 41 (Powers in relation to witnesses etc) in relation to an application to the ACAT under the *Legal Profession Act 2006*.

[1.291] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.64 Legal Profession Act 2006

[1.292] Section 253 (5)

substitute

(5) Subject to any regulation made under subsection (2) (c) or (d), the law society must, in accordance with the Attorney-General's written request, pay an amount from the account to the ACAT trust account.

[1.293] Dictionary, new definition of *ACAT trust account*

insert

ACAT trust account—see the *ACT Civil and Administrative Tribunal Act 2008*, section 115B (2).

[1.294] Dictionary, definition of *disciplinary tribunal trust account*

omit

Part 1.65 Legal Profession Regulation 2007

[1.295] Section 14 (1) (e) and (f)

substitute

- (e) the holder fails to comply with an order of the ACAT under the Act, section 425 (5) (b), (c), (d), (e) or (h) (ACAT orders—Australian legal practitioners);
- (f) the holder fails to comply with an order of the ACAT under the Act, section 429 (a) or (b) (ACAT orders—employees of solicitors).

Part 1.66 Legislation Act 2001

[1.296] Section 177

substitute

177 Recovery of amounts owing under laws

If an amount is owing under a law to a person (the *creditor*) by another person (the *debtor*), the creditor may recover the amount as a debt owing by the debtor to the creditor in a court of competent jurisdiction or the ACAT.

[1.297] Dictionary, part 1, definitions of *AAT* and *administrative appeals tribunal*

omit

Part 1.67 Legislative Assembly (Members' Superannuation) Act 1991

[1.298] Part 4

substitute

Part 4 Notification and review of decisions

19 Definitions—pt 4

In this part:

internally reviewable decision means a decision of the board under this Act.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means a decision of the board—

- (a) in relation to an internally reviewable decision; or
- (b) to refuse to extend the period for applying for reconsideration of a decision under section 21 (3).

20 Internal review notices

If the board makes an internally reviewable decision, the board must give an internal review notice to each entity that has interests affected by the decision.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

21 Applications for reconsideration

- (1) An entity that has interests affected by a reviewable decision may apply to the board for reconsideration of the decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.
- (3) The application must be given to the secretary of the board within—
 - (a) 30 days after the day the applicant is given the internal review statement; or
 - (b) a longer period allowed by the board before or after the end of the 30-day period.

21A Reconsideration

The board must, within 30 days after the board receives the application for reconsideration—

- (a) confirm the decision; or
- (b) vary the decision; or
- (c) set aside the decision and substitute its own decision.

21B Reviewable decision notices

If the board makes a reviewable decision, the board must give a reviewable decision notice to each entity that must be given an internal review notice.

Note 1 The board must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

21C Applications to ACAT

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity that is given a reviewable decision notice;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.299] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.300] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.301] Dictionary, new definitions

insert

internally reviewable decision, for part 4 (Notification and review of decisions)—see section 19.

internal review notice, for part 4 (Notification and review of decisions)—see section 19.

reviewable decision, for part 4 (Notification and review of decisions)—see section 19.

Part 1.68 Liquor Act 1975

[1.302] Sections 25 (11), definition of *approved analyst*, 28 (5) and 31 (8)

omit

registrar

substitute

commissioner

Part 1.69 Liquor Regulation 1979

[1.303] Section 3A

omit

registrar

substitute

commissioner

Part 1.70 Litter Act 2004

[1.304] Section 21 (5)

substitute

- (5) Also, the notice must state—
- (a) that the person may apply under the *ACT Civil and Administrative Tribunal Act 2008*, section 22B for a reasons statement for the decision to give the notice; and
 - (b) that the person may apply to the ACAT for review of the decision; and
 - (c) how to make the application; and

- (d) the options available under ACT laws to have the decision reviewed by a court or the ombudsman.
- (5A) However, the notice need not comply with any other requirements for reviewable decision notices under the *ACT Civil and Administrative Tribunal Act 2008*, section 67A.

[1.305] Section 22 (3)

omit

administrative appeals tribunal

substitute

ACAT

[1.306] Section 24

substitute

24 ACAT review of notice under s 21

A person to whom a notice is given under section 21 (Notice to remove litter) may apply to the ACAT for review of the decision of the authorised person or police officer to give the notice.

[1.307] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.71 Long Service Leave Act 1976

[1.308] Sections 13F and 13G

substitute

13F Internal review by registrar

- (1) An employer may apply to the registrar for review of a requirement made of the employer under section 13E.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 17 for the application, the form must be used.

- (3) The registrar must—
 - (a) confirm the requirement; or
 - (b) vary the requirement; or
 - (c) set aside the requirement.
- (4) If the registrar makes a decision under subsection (3), the registrar must give an internal review notice only to the applicant.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (5) In this section:

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

13G Review by ACAT

- (1) This section applies if the registrar makes a decision under section 13F (3) in relation to an employer.
- (2) The registrar must give a reviewable decision notice only to the employer.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (3) The employer may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.309] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.72 Long Service Leave (Building and Construction Industry) Act 1981

[1.310] Section 58 (2), note

substitute

Note The governing board's decision to fix another amount under s 57 (5) (b) is a reviewable decision (see s 79C, def *reviewable decision*), and the board must give a reviewable decision notice to the worker and, if the worker is an employee, the worker's employer (see s 79D).

[1.311] New part 8B

insert

Part 8B Notification and review of decisions

79C Definitions—pt 8B

In this part:

decision-maker, for a reviewable decision, means an entity mentioned in schedule 1, column 5 for the decision.

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

79D Reviewable decision notices

If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice only to—

- (a) each entity mentioned in schedule 1, column 4 in relation to the decision; and
- (b) any other person prescribed by regulation.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

79E Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person prescribed by regulation.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.312] Sections 80 and 81

omit

[1.313] Schedule 1

substitute

Schedule 1 Reviewable decisions

(see pt 8B)

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
1	31 (1) (b)	refuse to allow additional time for application for registration by employer	employer	registrar
2	32 (2) (b)	refuse to register person as an employer	applicant for registration	registrar
3	41 (4) (a)	confirm registrar's decision to refuse to register person as worker	applicant	governing board

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
4	43 (2)	refuse to credit employee with prior service	employee	governing board
5	43 (2)	amount of prior service credited	employee	governing board
6	44 (b)	refuse to credit contractor with prior service	contractor	governing board
7	44 (b)	amount of prior service credited	contractor	governing board
8	45 (1) (b)	refuse to allow employer additional time for giving return to authority	employer	registrar
9	48 (3)	refuse to remit all or part of amount to employer	employer	registrar
10	49 (2)	refuse to exempt employer from levy	employer	governing board
11	51 (1) (b)	refuse to allow registered contractor additional time for giving return to authority	registered contractor	registrar

Schedule 1
Part 1.72

Legislation amended
Long Service Leave (Building and Construction Industry) Act 1981

Amendment [1.313]

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
12	57 (5) (b)	fix another amount as the total ordinary remuneration of worker for quarter	<ul style="list-style-type: none"> worker if the worker is an employee—the worker's employer 	governing board
13	61 (4)	refuse to credit period of service	employee	registrar
14	62 (6) (b)	refuse to direct registrar to re-register person	person	governing board
15	65 (2)	allow, or refuse to allow, objection to matter in certificate given to worker under s 63	<ul style="list-style-type: none"> worker if the worker is an employee—the worker's employer 	governing board
16	65 (2)	allow, or refuse to allow, objection to matter in certificate given to employer under s 64	<ul style="list-style-type: none"> employer employee to whom objection relates 	governing board
17	69	refuse to allow additional period	applicant	governing board

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision- maker
18	70 (3)	not satisfied that section applies to applicant	applicant	governing board
19	71 (2)	not satisfied that applicant entitled to long service leave	applicant	governing board
20	72 (6)	not satisfied that applicant entitled to payment instead of long service leave	applicant	governing board
21	87A (3) (b)	not satisfied that amount paid by employer properly paid	employer	governing board

[1.314] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.315] Dictionary, new definitions

insert

decision-maker, for a reviewable decision, for part 8B (Notification and review of decisions)—see section 79C.

reviewable decision, for part 8B (Notification and review of decisions)—see section 79C.

Part 1.73 Long Service Leave (Contract Cleaning Industry) Act 1999

[1.316] Section 62 (2), note

substitute

Note The governing board's decision to fix another amount under s 61 (5) (b) is a reviewable decision (see s 83C, def *reviewable decision*), and the board must give a reviewable decision notice to the worker and, if the worker is an employee, the worker's employer (see s 83D).

[1.317] New part 8B

insert

Part 8B Notification and review of decisions

83C Definitions—pt 8B

In this part:

decision-maker, for a reviewable decision, means an entity mentioned in schedule 1, column 5 for the decision.

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

83D Reviewable decision notices

If a decision-maker makes a reviewable decision, the decision-maker must give a reviewable decision notice only to—

- (a) each entity mentioned in schedule 1, column 4 in relation to the decision; and

(b) any other person prescribed by regulation.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

83E Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person prescribed by regulation.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.318] Sections 84 and 85

omit

[1.319] Schedule 1

substitute

Schedule 1 Reviewable decisions

(see pt 8B)

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
1	33 (1) (b)	refuse to allow additional time for application for registration by employer	employer	registrar

Schedule 1
Part 1.73

Legislation amended
Long Service Leave (Contract Cleaning Industry) Act 1999

Amendment [1.319]

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
2	35 (2) (b)	refuse to register person as an employer	applicant for registration	registrar
3	42 (3) (b)	direct registrar to refuse to register applicant as worker	applicant	governing board
4	44 (3) (a)	confirm registrar's decision to refuse to register applicant as worker	applicant	governing board
5	45 (2)	direct registrar to register person as worker	person	governing board
6	47 (2)	refuse to credit employee with prior service	employee	governing board
7	47 (2)	amount of prior service credited	employee	governing board
8	48 (b)	refuse to credit contractor with prior service	contractor	governing board
9	48 (b)	amount of prior service credited	contractor	governing board

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
10	49 (1) (b)	refuse to allow employer additional time for giving return to authority	employer	registrar
11	52 (3)	refuse to remit all or part of amount to employer	employer	registrar
12	53 (2)	refuse to exempt employer from levy	employer	governing board
13	55 (1) (b)	refuse to allow registered contractor additional time for giving return to authority	registered contractor	registrar
14	61 (5) (b)	fix another amount as the total ordinary remuneration of worker for quarter	<ul style="list-style-type: none"> • worker • if the worker is an employee—the worker's employer 	governing board
15	66 (5) (b)	refuse to direct registrar to re-register person	person	governing board

Schedule 1
Part 1.73

Legislation amended
Long Service Leave (Contract Cleaning Industry) Act 1999

Amendment [1.319]

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
16	69 (2)	allow, or refuse to allow, objection to matter in certificate given to worker under s 67	<ul style="list-style-type: none"> worker if the worker is an employee—the worker's employer 	governing board
17	69 (2)	allow, or refuse to allow, objection to matter in certificate given to employer under s 68	<ul style="list-style-type: none"> employer employee to whom objection relates 	governing board
18	73	refuse to allow additional period	applicant	governing board
19	74 (3)	not satisfied that section applies to applicant	applicant	governing board
20	75 (2)	not satisfied that applicant entitled to long service leave	applicant	governing board

column 1 item	column 2 section	column 3 decision	column 4 entity	column 5 decision-maker
21	76 (6)	not satisfied that applicant entitled to payment instead of long service leave	applicant	governing board
22	91 (6)	not satisfied that amount paid by employer was properly paid	employer	governing board

[1.320] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.321] Dictionary, new definitions

insert

decision-maker, for a reviewable decision, for part 8B (Notification and review of decisions)—see section 83C.

reviewable decision, for part 8B (Notification and review of decisions)—see section 83C.

Part 1.74 Magistrates Court Act 1930

[1.322] New section 266A

in part 4.2, insert

266A Civil disputes under ACT Civil and Administrative Tribunal Act

- (1) A proceeding may not be started in the Magistrates Court in relation to—
 - (a) a common boundaries determination; or
 - (b) another civil dispute if an amount of not more than \$10 000 is claimed, or sought to be declared as a debt, whether or not any other relief is also sought.
- (2) To remove any doubt, this section does not apply in relation to the enforcement of an order made by the ACAT.

Note The *ACT Civil and Administrative Tribunal Act 2008*, s 71 provides that a money order or non-money order made by the ACAT is taken to have been filed in the Magistrates Court for enforcement under the *Court Procedures Rules 2006*, pt 2.18 (Enforcement).

- (3) In this section:

civil dispute—see the *ACT Civil and Administrative Tribunal Act 2008*, section 16.

common boundaries determination—see the *ACT Civil and Administrative Tribunal Act 2008*, section 15.

Note An application may be made to the ACAT for civil disputes (see the *ACT Civil and Administrative Act 2008*, pt 4). The ACAT has, in relation to civil disputes, the same jurisdiction and powers as the Magistrates Court (see the *ACT Civil and Administrative Tribunal Act 2008*, s 22).

Part 1.75 **Motor Sport (Public Safety) Act** **2006**

[1.323] Part 4

substitute

Part 4 **Notification and review of** **decisions**

32 **Meaning of *reviewable decision*—pt 4**

In this part:

reviewable decision means a decision of the Minister mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

33 **Reviewable decision notices**

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

33A **Applications for review**

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.324] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	9	refuse to issue licence	applicant for licence
2	10	impose conditions on licence	applicant for licence
3	11	refuse to renew licence	applicant for renewal
4	16	take disciplinary action	licensee
5	17	suspend licence	entity that has licence suspended

[1.325] Dictionary, note 2, dot points

omit

- AAT

[1.326] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.327] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 4 (Notification and review of decisions)—see section 32.

Part 1.76 Nature Conservation Act 1980

[1.328] Part 12

substitute

Part 12 Notification and review of decisions

114 Meaning of reviewable decision—pt 12

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

115 Reviewable decision notices

If the conservator makes a reviewable decision, the conservator must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The conservator must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

116 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.329] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 12)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	60	give directions	occupier of land given directions
2	61	give directions	owner of animal or plant given directions
3	63	restrict access to reserved area or part of reserved area	entity (including entity within class) restricted from accessing area
4	63	prohibit access to reserved area or part of reserved area	entity that has interests affected by prohibition
5	67 (1), (2) or (3)	refuse to grant consent	entity that seeks consent

column 1 item	column 2 section	column 3 decision	column 4 entity
6	68 (1)	refuse to grant consent	entity that seeks consent
7	104 (1) (a)	grant licence	entity that has interests affected by licence
8	104 (1) (b)	refuse to grant licence	applicant for licence
9	104 (2) (a)	grant licence subject to conditions	applicant for licence
10	104 (2) (b)	grant licence for stated duration	applicant for licence
11	105 (5)	vary licence condition	entity that has licence varied
12	110	cancel licence	entity that has licence cancelled

[1.330] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.331] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 12 (Notification and review of decisions)—see section 114.

Part 1.77 Occupational Health and Safety Act 1989

[1.332] Section 9

substitute

9 Exemptions

- (1) The Minister may on application exempt any of the following from complying with any or all provisions of this Act:
 - (a) an employer;
 - (b) a class of employers;
 - (c) an employee;
 - (d) a class of employees;
 - (e) a workplace;
 - (f) a class of workplace.

- (2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (3) If the Minister refuses to grant an exemption under subsection (1) (a), (c) or (e), the Minister must give the applicant a reviewable decision notice.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (4) The following people may apply to the ACAT for review of a decision by the Minister to refuse an application for an exemption:
- (a) a person who is given a reviewable decision notice under subsection (3);
 - (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.333] Section 186 (5)

substitute

- (5) The notice must be in accordance with the requirements for a reviewable decision notice.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.334] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.78 Occupational Health and Safety (Certification of Plant Users and Operators) Regulation 2000

[1.335] Part 5

substitute

Part 5 Notification and review of decisions

29 Meaning of *reviewable decision*—pt 5

In this part:

reviewable decision means a decision mentioned in schedule 3, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

29A Reviewable decision notices

If a person makes a reviewable decision, the chief executive must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

30 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.336] Schedule 3

substitute

Schedule 3 Reviewable decisions

(see pt 5)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	7	assessor who is public employee refuses to issue satisfactory assessment	applicant for assessment
2	12 (1) (c)	refuse to issue certificate of competency	applicant for certificate
3	12 (1) (c)	refuse to vary certificate of competency to include endorsement	applicant for endorsement

Schedule 1
Part 1.78

Legislation amended
Occupational Health and Safety (Certification of Plant Users and
Operators) Regulation 2000

Amendment [1.336]

column 1 item	column 2 section	column 3 decision	column 4 entity
4	13	include condition in certificate of competency	applicant for certificate or certificate holder
5	21 (1) (c)	refuse to accredit person as assessor	applicant for accreditation
6	21 (1) (c)	refuse to vary certificate of accreditation to include endorsement	applicant for endorsement
7	22	include condition in certificate of accreditation	applicant for certificate or certificate holder
8	27 (1)	suspend or cancel certificate of competency or endorsement	entity that has certificate suspended or cancelled
9	27 (2)	suspend or cancel certificate of accreditation or endorsement	entity that has certificate suspended or cancelled
10	28 (1)	immediately suspending certificate of accreditation or endorsement	entity that has certificate suspended

column 1 item	column 2 section	column 3 decision	column 4 entity
11	28 (1)	immediately suspend certificate of competency or endorsement	entity that has certificate suspended
12	32 (2) (b)	refuse to give exemption	applicant for exemption

[1.337] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.338] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.339] Dictionary, definition of *reviewable decision*

omit

part 5 (Review of decisions)

substitute

part 5 (Notification and review of decisions)

Part 1.79 Ombudsman Act 1989

[1.340] Section 5 (2) (o)

omit

[1.341] Section 6B (1) (c)

omit

[1.342] Section 12 (6)

substitute

(6) In this section:

prescribed tribunal means—

- (a) the ACAT; or
- (b) any other tribunal prescribed by regulation.

[1.343] Section 13

substitute

13 Referring questions to ACAT

- (1) This section applies if the ombudsman investigates the taking of action under a power under an enactment.
- (2) The ombudsman may recommend to the relevant principal officer that a stated question in relation to the taking of action or exercise of power be referred to the ACAT for an advisory opinion.
- (3) The ombudsman may make the recommendation—
 - (a) by giving the recommendation to the principal officer at any time before the completion of the investigation by the ombudsman; or

- (b) by including the recommendation in a report made by the ombudsman to the relevant agency under section 18 after the completion of the investigation.
- (4) If the ombudsman makes a recommendation to the principal officer, the principal officer must refer the question stated in the recommendation to the ACAT.
- (5) The ACAT may give the principal officer an advisory opinion on the stated question.

[1.344] Dictionary, note 2, new dot point

insert

- ACAT

Part 1.80 Payroll Tax Act 1987

[1.345] Part 4 heading and sections 19 and 20

substitute

Part 4 Notification and review of decisions

19 Meaning of *reviewable decision*—pt 4

In this part:

reviewable decision means a decision mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

20 Reviewable decision notices

If the commissioner makes a reviewable decision, the commissioner must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

Note 1 The commissioner must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

20A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 5 Miscellaneous

[1.346] New schedule 3

insert

Schedule 3 Reviewable decisions

(see pt 4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	3Q (1)	refuse to determine that person is not member of group	person who seeks determination
2	3Q (5)	revoke determination that person is not member of group	person who has determination revoked
3	4 (3) or (6)	determine that service contract was entered into with intention either directly or indirectly of avoiding or evading payment of tax	party to contract
4	4 (4) (d)	determine part of amount not attributable to performance of work	party to contract
5	5	disregard agreement, transaction or arrangement	party to agreement, transaction or arrangement
6	9AB	refuse to approve entity as group training organisation	applicant for approval
7	17	refuse to give, or revoke, notice about time within which return to be lodged	applicant for variation

column 1 item	column 2 section	column 3 decision	column 4 entity
8	18	refuse to grant, or cancel, exemption certificate	applicant for exemption certificate
9	18	impose or vary conditions in relation to exemption certificate	employer that has conditions imposed or varied in relation to exemption certificate

[1.347] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.348] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 4 (Notification and review of decisions)—see section 19.

Part 1.81 **Pest Plants and Animals Act 2005**

[1.349] Part 6

substitute

Part 6 **Notification and review of decisions**

49 **Meaning of *reviewable decision*—pt 6**

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

50 **Reviewable decision notices**

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

50A **Applications for review**

The following people may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.350] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	14	refuse to issue permit	applicant for permit
2	14	issue permit subject to condition	applicant for permit
3	23	refuse to issue permit	applicant for permit
4	23	issue permit subject to condition	applicant for permit
5	25	give pest management direction	person to whom direction given

[1.351] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.352] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 6 (Notification and review of decisions)—see section 49.

Part 1.82 Planning and Development Regulation 2008

[1.353] Sections 350 and 351

substitute

**350 Merit track decisions exempt from third-party ACAT
review—Act, sch 1, item 4, col 2, par (b)**

A development application in relation to a matter mentioned in schedule 3 (Matters exempt from third-party ACAT review), part 3.2 (Merit track matters exempt from third-party ACAT review) is exempt.

**351 Impact track decisions exempt from third-party ACAT
review—Act, sch 1, item 6, col 2**

A development application in relation to a matter mentioned in schedule 3 (Matters exempt from third-party ACAT review), part 3.3 (Impact track matters exempt from third-party ACAT review) is exempt.

[1.354] Dictionary, note 2, new dot point

insert

- ACAT

[1.355] Further amendments, mentions of AAT

omit

AAT

substitute

ACAT

in

- schedule 3 heading
- schedule 3, part 3.2 and part 3.3 heading
- dictionary, definitions of *Belconnen town centre*, *city centre*, *corrections facility*, *Gungahlin town centre*, *town centre*, *Tuggeranong town centre* and *Woden town centre*.

Part 1.83 Public Advocate Act 2005

[1.356] Section 9

omit

guardianship tribunal

substitute

ACAT

[1.357] Section 10 (b) and (c)

substitute

- (b) representing people with a disability at hearings before the ACAT in relation to guardianship applications;
- (c) representing forensic patients before the ACAT or a court;

[1.358] Section 10 (h)

substitute

(h) acting as a guardian or manager when appointed by the ACAT;

[1.359] Section 10 (i) (iii)

substitute

(iii) the functions of the ACAT under the *Guardianship and Management of Property Act 1991*;

[1.360] Section 11 (3)

substitute

(3) The public advocate must report to the ACAT about a matter before the ACAT if asked by the ACAT.

[1.361] Section 12 (b)

substitute

(b) if a suitable person is found—apply to the ACAT for the appointment of the person as guardian or manager.

[1.362] Dictionary, note 2, new dot point

insert

- ACAT

[1.363] Dictionary, note 2, dot points

omit

- guardianship tribunal
- mental health tribunal

[1.364] Dictionary, definition of *forensic patient*, paragraph (b)

substitute

(b) found by a court or the ACAT to be unfit to plead; or

Part 1.84 Public Health Regulation 2000

[1.365] Section 48

substitute

48 Refusal of approval of access to registered information

- (1) If the Minister refuses to approve a person under section 47 (2) (the *decision*), the Minister must give a reviewable decision notice to—
- (a) the chief health officer; and
 - (b) the person refused approval.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (2) The following people may apply to the ACAT for review of the decision:
- (a) the person refused approval;
 - (b) any other person whose interests are affected by the decision.

[1.366] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

[1.367] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.85 **Race and Sports Bookmaking Act 2001**

[1.368] Section 7 (5), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.369] Section 8 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.370] Section 10, note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.371] Section 13 (5), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.372] Section 14 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.373] Section 16, note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.374] Section 18 (4)

omit

AAT

substitute

ACAT

[1.375] Section 26 (7), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.376] Section 27 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.377] Section 30, note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.378] Section 35 (5), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.379] Section 36 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence subject to a condition, or change a licence condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.380] Section 38, note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue a licence for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.381] Section 40 (4)

omit

AAT

substitute

ACAT

[1.382] Section 41 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision not to consider an application for a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.383] Section 42 (1), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision about costs may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.384] Section 43 (3), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse to issue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.385] Section 44 (1), note 2

substitute

Note 2 Under pt 10 (Notification and review of decisions), a decision not to issue a replacement licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.386] Section 45 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision not to reissue a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.387] Section 46 (4)

omit

AAT

substitute

ACAT

[1.388] Section 49 (6), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse an approval may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.389] Section 49 (7), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to refuse an authorisation may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.390] Section 50 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue an approval subject to a condition, or change an approval condition, may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.391] Section 51, note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to issue an approval for a shorter period than applied for may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.392] Section 57 (3), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision not to accept a referral out of time may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.393] Section 58 (3), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to reject a referral may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.394] Section 60 (1), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to give a direction may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.395] Section 61 (2) to (4)

substitute

- (2) If the bookmaker applies to the commission under section 82B (Applications to commission) for reconsideration of the decision to issue the direction, and the amount is confirmed or varied, the bookmaker must pay the confirmed or varied amount within 28 days after the day the bookmaker receives notice under section 83B (Reviewable decision notices).
- (3) If the bookmaker applies to the ACAT under section 84 (Applications to ACAT), the ACAT may, on application by the bookmaker, direct that the bookmaker need not pay the amount, or a stated part of the amount, until—
 - (a) a stated date; or
 - (b) further direction by the ACAT.
- (4) If the ACAT confirms or varies the amount, the bookmaker must pay any unpaid part of the confirmed or varied amount within 28 days after the day the bookmaker receives notice of the ACAT's decision, or any other period directed by the ACAT.

[1.396] Section 62 (1), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to give a direction may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.397] Section 68 (1), note 2

substitute

Note 2 Under pt 10 (Notification and review of decisions), a decision to cancel a licence may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.398] Section 68 (7), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to take disciplinary action may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.399] Section 69 (1), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to take disciplinary action may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.400] Section 72 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision not to end a licence suspension may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.401] Part 10

substitute

Part 10 Notification and review of decisions

82 Definitions—pt 10

In this part:

internally reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

internal reviewer—see section 83.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means a decision of the internal reviewer in relation to an internally reviewable decision.

82A Internal review notices

If the commission makes an internally reviewable decision, the commission must give an internal review notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The commission must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

Note 2 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

82B Applications to commission

- (1) The following may apply to the commission for reconsideration of an internally reviewable decision:
 - (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
 - (b) any other person whose interests are affected by the decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D for the application, the form must be used.
- (3) The application must be given to the commission—
 - (a) within 28 days after the day the applicant is given the internal review notice; or
 - (b) within any longer period allowed by the commission before or after the end of the 28-day period.

83 Internal reviewer

The commission must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to reconsider the decision.

83A Reconsideration by internal reviewer

- (1) The internal reviewer for an internally reviewable decision must reconsider the decision.

- (2) The reconsideration must happen within 28 days (the *28-day period*) after the day the commission receives the application for reconsideration of the internally reviewable decision.
- (3) The internal reviewer must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute the reviewer’s own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

83B Reviewable decision notices

If the internal reviewer makes a reviewable decision, the internal reviewer must give a reviewable decision notice to each entity required to be given an internal review notice in relation to the decision.

Note 1 The internal reviewer must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed by regulation under the *ACT Civil and Administrative Tribunal Act 2008*.

84 Applications to ACAT

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity that is given a reviewable decision notice;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.402] Section 85 (2)

omit

AAT

substitute

ACAT

[1.403] Section 91 (2), note

substitute

Note Under pt 10 (Notification and review of decisions), a decision to amend, or not to amend, the nature or amount of a security guarantee may, on application, be reconsidered by the commission and reviewed by the ACAT.

[1.404] Schedule 1

substitute

Schedule 1 Internally reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	7 (5), 13 (5), 26 (7), 35 (5) or 43	refuse to issue licence	applicant for licence
2	8 (1), 14 (1), 27 (1) or 36 (1)	issue licence subject to condition	applicant for licence

Schedule 1
Part 1.85

Legislation amended
Race and Sports Bookmaking Act 2001

Amendment [1.404]

column 1 item	column 2 section	column 3 decision	column 4 entity
3	8 (2), 14 (2), 27 (2) or 36 (2)	change licence condition	licensee
4	10, 16, 30 or 38	issue licence for shorter period than applied for	applicant for licence
5	41 (2)	not to consider application for licence	applicant for licence
6	42	about costs of application	applicant for licence
7	44	not to issue replacement licence	licensee
8	45 (2)	not to reissue licence	licensee
9	49 (6)	refuse to issue approval	applicant for approval
10	49 (7)	refuse authorisation	approval holder
11	50 (1)	issue approval subject to condition	applicant for approval
12	50 (2)	change approval condition	approval holder
13	51	issue approval for shorter period than applied for	applicant for approval
14	57 (3)	not to accept referral out of time	backer making referral

column 1 item	column 2 section	column 3 decision	column 4 entity
15	58 (3)	reject referral	backer making referral
16	60 (1) or 62 (1)	give direction	entity to whom direction given
17	68 (1)	cancel licence	entity whose licence cancelled
18	68 (7) or 69 (1)	take disciplinary action	licensee
19	72 (1) or (2)	not to end licence suspension	licensee
20	91 (2)	amend, or not amend, nature or amount of security guarantee	bookmaker whose security guarantee affected

[1.405] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.406] Dictionary, new definitions

insert

internally reviewable decision, for part 10 (Notification and review of decisions)—see section 82.

internal reviewer, for part 10 (Notification and review of decisions)—see section 83.

internal review notice, for part 10 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

[1.407] Dictionary, definition of *primary decision*

omit

[1.408] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 10 (Notification and review of decisions)—see section 82.

Part 1.86 Racing Act 1999

[1.409] New section 20 (4)

insert

- (4) The Legislation Act, section 254A (Delegation by Minister) does not apply to a function under this section.

[1.410] New section 26 (4)

insert

- (4) The Legislation Act, section 254A (Delegation by Minister) does not apply to a function under this section.

[1.411] New section 32 (4)

insert

- (4) The Legislation Act, section 254A (Delegation by Minister) does not apply to a function under this section.

[1.412] Part 6 heading and sections 62 and 63

substitute

Part 6 Notification and review of decisions

62 Meaning of *reviewable decision*—pt 6

In this part:

reviewable decision means a decision of the commission mentioned in schedule 3, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

63 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 3, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

64 Applications for review

The following people may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 3, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 7 Miscellaneous

[1.413] **New schedule 3**

insert

Schedule 3 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	6 (1)	refuse to approve race meeting for purpose of betting	applicant for approval
2	7 (2)	impose requirement about time and form of publication of schedules	controlling body or ARO
3	9	refuse to approve conduct of phantom race meeting	applicant for approval
4	12	refuse to approve rules other than approved rules	applicant for approval

[1.414] **Dictionary, note 2, new dot points**

insert

- ACAT
- reviewable decision notice

[1.415] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 6 (Notification and review of decisions)—see section 62.

Part 1.87 Radiation Protection Act 2006

[1.416] Part 7

substitute

Part 7 Notification and review of decisions

111 Meaning of *reviewable decision*—pt 7

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

112 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

113 **Applications for review**

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.417] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 7)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	17 (1) (b)	refuse to issue licence	applicant for licence
2	19 (b)	impose condition on licence	licensee
3	22 (1)	amend licence	licensee
4	23 (5) (b)	refuse to amend licence	applicant for amendment

column 1 item	column 2 section	column 3 decision	column 4 entity
5	26 (1) (b)	refuse to register regulated radiation source	applicant for registration
6	28 (b)	impose condition on registration of regulated radiation source	holder of registration
7	31 (1)	amend registration of regulated radiation source	holder of registration
8	32 (5) (b)	refuse to amend registration of regulated radiation source	applicant for amendment
9	36	take disciplinary action	licensee

[1.418] Dictionary, note 2, dot points

omit

- AAT

[1.419] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.420] Dictionary, definition of *reviewable decisions*

substitute

reviewable decision, for part 7 (Notification and review of decisions)—see section 111.

Part 1.88 Rates Act 2004

[1.421] Section 54 (2) (b) (ii)

substitute

(ii) either—

- (A) the period for applying under the *ACT Civil and Administrative Tribunal Act 2008* for review of the decision has ended and no application has been made; or
- (B) an application has been made and the ACAT has completed the review.

[1.422] Section 73

substitute

73 Review by ACAT

- (1) This section applies to a determination by the commissioner of an objection to a decision mentioned in section 70.

- (2) The determination is prescribed for the Taxation Administration Act, section 107A (Meaning of *reviewable decision* etc—div 10.2).

Note Applications for review by the ACAT may be made in relation to a determination by the commissioner of a decision on an objection to an assessment.

[1.423] Dictionary, note 2, dot points

omit

- AAT

substitute

- ACAT

Part 1.89 Residential Tenancies Act 1997

[1.424] Section 28

substitute

28 Interest on amounts in trust account

- (1) This section applies to interest from the investment of any amount paid to the credit of the trust account under this part.
- (2) The chief executive must pay the interest into the interest trust account or the ACAT trust account.

Note The *ACT Civil and Administrative Tribunal Act 2008*, s 115C sets out how amounts paid into the ACAT trust account may be used.

- (3) The chief executive may transfer amounts from the interest trust account to the ACAT trust account.
- (4) Interest paid into the interest trust account may be applied for the following purposes:
- (a) providing lessor and tenant information programs;

- (b) providing dispute resolution services for residential tenancy disputes;
 - (c) facilitating assistance in the provision of residential accommodation, whether or not the accommodation is provided under this Act;
 - (d) researching issues of concern to lessors and tenants;
 - (e) reimbursing the costs incurred by the commissioner in instituting, defending or taking over proceedings in relation to tenancy disputes;
 - (f) reimbursing the Territory the cost of administering this Act.
- (5) In this section:

interest—see the *Financial Management Act 1996*, dictionary.

interest trust account means the trust bank account maintained by the chief executive of the administrative unit responsible for administering this Act in accordance with the *Financial Management Act 1996*, section 51.

[1.425] Section 71GA (5), definition of *applied provisions*, 2nd dot point

substitute

- section 28 (Interest on amounts in trust account)

[1.426] Dictionary, new definition of *ACAT trust account*

insert

ACAT trust account—see the *ACT Civil and Administrative Tribunal Act 2008*, section 115B (2).

Part 1.90 Roads and Public Places Act 1937

[1.427] Section 15G

substitute

15G Review by ACAT

- (1) If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

- (2) The following may apply to the ACAT for review of a reviewable decision:
- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
 - (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

- (3) In this section:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

[1.428] New schedule 1

insert

Schedule 1 Reviewable decisions

(see s 15G)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	15C (1) (b)	refuse to grant permit	applicant for permit
2	15D	grant a permit subject to conditions	applicant for permit
3	15F	cancel permit	entity that has permit cancelled

[1.429] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

Part 1.91 Road Transport (General) Act 1999

[1.430] Part 7

substitute

Part 7 Notification and review of decisions

90 Definitions—pt 7

In this part:

CTP arbitrator means an arbitrator under the *Road Transport (Third-Party Insurance) Act 2008*, section 45.

decision-maker means—

- (a) the Minister; or
- (b) the road transport authority; or
- (c) the chief police officer; or
- (d) the CTP regulator; or
- (e) a CTP arbitrator.

Note **CTP regulator**—see the *Road Transport (Third-Party Insurance) Act 2008*, s 273 (see this Act, s 8).

internally reviewable decision means a decision prescribed by regulation, other than a decision made personally by—

- (a) the Minister; or
- (b) the chief police officer; or
- (c) the CTP regulator; or

(d) a CTP arbitrator.

internal reviewer—see section 92A.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision—see section 90A.

90A Meaning of *reviewable decision* etc—pt 7

- (1) For this part, a *reviewable decision* is—
 - (a) an internal reviewer’s decision in relation to an internally reviewable decision; or
 - (b) a decision-maker’s decision (other than an internally reviewable decision) prescribed by regulation.
- (2) For the *ACT Civil and Administrative Tribunal Act 2008*, section 9 (Applications under authorising laws), the road transport legislation is taken to be a single authorising law.

91 Internal review notices

If a decision-maker makes an internally reviewable decision, the decision-maker must give an internal review notice to each person affected by the decision.

Note 1 The decision-maker must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

Note 2 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

91A Applications for internal review

- (1) A person whose interests are affected by an internally reviewable decision may apply to the decision-maker for review of the decision.

- (2) The application must—
- (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 225 for the application, the form must be used.

- (3) The application must be given to the decision-maker within—
- (a) 28 days after the day the applicant is given the internal review notice for the decision; or
 - (b) any longer period allowed by the decision-maker before or after the end of the 28-day period.

Note Section 95 provides for ACAT review of reviewable decisions that are not internally reviewable decisions.

92 Applications not stay internally reviewable decisions

The making of an application for review of an internally reviewable decision does not affect the operation of the decision.

92A Internal reviewer

The decision-maker must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

93 Review by internal reviewer

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the decision-maker receives the application for review of the internally reviewable decision.

- (3) The internal reviewer must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute the reviewer’s own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

94 Reviewable decision notices

If an internal reviewer or decision-maker makes a reviewable decision, the reviewer or decision-maker must give a reviewable decision notice to each person affected by the decision.

Note 1 The internal reviewer or decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

95 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) for an internal reviewer’s decision in relation to an internally reviewable decision—a person to whom an internal review notice is required to be given in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.431] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.432] Dictionary, new definition of *CTP arbitrator*

insert

CTP arbitrator, for part 7 (Notification and review of decisions)—see section 90.

[1.433] Dictionary, definition of *decision-maker*

substitute

decision-maker, for part 7 (Notification and review of decisions)—see section 90.

[1.434] Dictionary, new definition of *internally reviewable decision*

insert

internally reviewable decision, for part 7 (Notification and review of decisions)—see section 90.

[1.435] Dictionary, definition of *internal reviewer*

substitute

internal reviewer, for part 7 (Notification and review of decisions)—see section 92A.

[1.436] Dictionary, new definition of *internal review notice*

insert

internal review notice for part 7 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

[1.437] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 7 (Notification and review of decisions)—see section 90A (1).

**Part 1.92 Road Transport (General)
Regulation 2000**

[1.438] Part 4

substitute

Part 4 Review of decisions

11 Internally reviewable decisions—Act, s 90, def *internally reviewable decision*

A decision mentioned in schedule 1, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

12 Reviewable decisions—Act, s 90A (1), def *reviewable decision*, par (b)

A decision mentioned in schedule 2, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

[1.439] Schedule 1 heading

substitute

Schedule 1 Internally reviewable decisions

(see s 11)

[1.440] Schedule 2 heading

substitute

Schedule 2 Reviewable decisions

(see s 12)

Part 1.93 Road Transport (Public Passenger Services) Regulation 2002

[1.441] Section 323 (5) to (7)

substitute

- (5) If the road transport authority decides to cancel or suspend the service authority, disqualify the person from applying for a service authority or impose or amend a condition on the service authority, the internal review notice about the decision must include a statement about when the cancellation, suspension, disqualification, condition or condition as amended takes effect.

Note A decision to take action under this section is an internally reviewable decision (see *Road Transport (General) Act 1999*, s 90, def **internally reviewable decision** and *Road Transport (General) Regulation 2000*, sch 1), and the road transport authority must give an internal review notice to the person (see *Road Transport (General) Act 1999*, s 91).

- (6) A cancellation, suspension, condition or condition as amended takes effect on—
- (a) the 7th day after the day the internal review notice about the cancellation, suspension or condition is given to the person; or

- (b) if the notice states a later date of effect—the stated date.

Part 1.94 Road Transport (Vehicle Registration) Regulation 2000

[1.442] Section 125 (4) to (6)

substitute

- (4) If the road transport authority decides to cancel or suspend the authorisation (completely or for a class of vehicles), or disqualify the person from applying for authorisation (completely or for a class of vehicles), the internal review notice about the decision must include a statement about when the cancellation, suspension or disqualification takes effect.

Note A decision to take action under this section is an internally reviewable decision (see *Road Transport (General) Act 1999*, s 90, def **internally reviewable decision** and *Road Transport (General) Regulation 2000*, sch 1), and the road transport authority must give an internal review notice to the person (see *Road Transport (General) Act 1999*, s 91).

- (5) A cancellation or suspension takes effect on—
- (a) the 7th day after the day the internal review notice about the cancellation or suspension is given to the person; or
- (b) if the notice states a later date of effect—the stated date.

[1.443] Section 136 (4) to (6)

substitute

- (4) If the road transport authority decides to cancel or suspend the approval (completely or for a class of vehicles), or disqualify the proprietor from applying for approval of premises (completely or for a class of vehicles), the internal review notice must include a statement about when the cancellation, suspension or disqualification takes effect.

Note A decision to take action under this section is an internally reviewable decision (see *Road Transport (General) Act 1999*, s 90, def **internally reviewable decision** and *Road Transport (General) Regulation 2000*, sch 1), and the road transport authority must give an internal review notice to the proprietor (see *Road Transport (General) Act 1999*, s 91).

- (5) A cancellation or suspension takes effect on—
- (a) the 7th day after the day the internal review notice about the cancellation or suspension is given to the proprietor; or
 - (b) if the notice states a later date of effect—the stated date.

Part 1.95 Stock Act 2005

[1.444] Part 7

substitute

Part 7 Notification and review of decisions

65 Meaning of *reviewable decision*—pt 7

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

66 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

66A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.445] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 7)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	7	determine stock carrying capacity of land	lessee of land to which determination relates
2	16	refuse to register mark	applicant for registration
3	19	cancel registered mark	person who held registration
4	24	refuse to give approval to earmark large stock	applicant for approval

[1.446] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.447] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 7 (Notification and review of decisions)—see section 65.

Part 1.96 Supreme Court Act 1933

[1.448] Section 37U (4) (h)

substitute

(h) a reference to the administrative appeals tribunal of the Commonwealth were a reference to the ACAT; and

[1.449] Dictionary, note 2, new dot point

insert

- ACAT

Part 1.97 Taxation Administration Act 1999

[1.450] Section 8 (1), new note

insert

Note The commissioner's decision in relation to a tax avoidance scheme used by a person is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

[1.451] Section 14 (1), note

substitute

Note An assessment is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the notice of assessment must be an internal review notice (see s 107B).

[1.452] Section 29 (1), new note

insert

Note The commissioner's decision refusing to remit interest in accordance with a taxpayer's application is a commissioner-reviewable decision (see s 107, def ***commissioner-reviewable decision***), and the commissioner must give an internal review notice to the taxpayer (see s 107B).

[1.453] Section 31, new note

insert

Note The commissioner's decision to impose penalty tax is an internally reviewable decision (see s 107, def ***internally reviewable decision***), and the commissioner must give an internal review notice to the taxpayer (see s 107B).

[1.454] Section 34, note 2

substitute

Note 2 The commissioner's decision to impose increased penalty tax is an internally reviewable decision (see s 107, def ***internally reviewable decision***), and the commissioner must give an internal review notice to the taxpayer (see s 107B).

Note 3 Table 34 contains a summary of the effect of s 31 to s 34.

[1.455] Section 37, new note

insert

Note The commissioner's decision to refuse to remit penalty tax payable by a person is an internally reviewable decision (see s 107, def ***internally reviewable decision***), and the commissioner must give an internal review notice to the person (see s 107B).

[1.456] Section 40 (3), new note

insert

Note The commissioner's decision refusing to vary a period or time in accordance with a taxpayer's application is a commissioner-reviewable decision (see s 107, def *commissioner-reviewable decision*), and the commissioner must give an internal review notice to the taxpayer (see s 107B).

[1.457] Section 40 (5), new note

insert

Note The commissioner's decision to revoke a notice given to a person is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

[1.458] Section 43 (5), new note

insert

Note The commissioner's decision to refuse a person approval is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

[1.459] Section 44 (1), new note

insert

Note The commissioner's decision to impose a condition on a person's approval is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

[1.460] Section 45, new note

insert

Note The commissioner's decision to vary or cancel a person's approval is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

[1.461] Section 52 (4), new note

insert

Note The following decisions of the commissioner in relation to a person are each commissioner-reviewable decisions (see s 107, def *commissioner-reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B):

- refuse to extend time for payment;
- refuse to accept payment by instalments;
- impose a condition on an extension or acceptance.

[1.462] Part 10 heading

substitute

Part 10 Objections and reviews

[1.463] Section 100 (3) (b)

substitute

- (b) the taxpayer applies to the ACAT and—
- (i) the ACAT, or a court hearing an appeal on the matter, upholds the objection in whole or in part; or
 - (ii) the period when any further appeal can be made has ended; and
 - (iii) neither the taxpayer nor the commissioner has applied to the ACAT in relation to a part of the objection that was upheld.

[1.464] Section 103 (3), new notes

insert

Note 1 The commissioner's decision to refuse a person permission is an internally reviewable decision (see s 107, def *internally reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

Note 2 The commissioner's decision to grant a person permission subject to a condition is a commissioner-reviewable decision (see s 107, def *commissioner-reviewable decision*), and the commissioner must give an internal review notice to the person (see s 107B).

[1.465] Section 103 (4) and (5)

omit

[1.466] Section 104, new note

insert

Note The commissioner's decision in relation to an objection is a reviewable decision (see s 107A), and the commissioner must give a reviewable decision notice to the taxpayer (see s 108).

[1.467] Sections 105 and 106

substitute

105 Recovery of tax pending objection or review

The fact that an objection or review is pending does not affect the assessment or decision to which the objection or review relates, and tax may be recovered as if no objection or review were pending.

[1.468] Division 10.2

substitute

Division 10.2 Notification and review of decisions

107 Definitions—div 10.2

In this division:

commissioner-reviewable decision means a decision mentioned in schedule 2.

internally reviewable decision means—

- (a) an assessment, other than a compromise assessment, that is shown in a notice of assessment served on a taxpayer; or
- (b) a decision mentioned in schedule 1, section 1.2; or
- (c) a decision under a tax law that is prescribed under the law for this section.

107A Meaning of *reviewable decision* etc—div 10.2

- (1) For this division, a *reviewable decision* is a determination by the commissioner of an objection by the taxpayer to—
 - (a) an assessment; or
 - (b) a decision mentioned in schedule 1, section 1.2; or
 - (c) a decision under a tax law that is prescribed under the law for this section.
- (2) For the *ACT Civil and Administrative Tribunal Act 2008*, section 9 (Applications under authorising laws), the tax laws are taken to be a single authorising law.

107B Internal review notices

If the commissioner makes a commissioner-reviewable decision or internally reviewable decision in relation to a person, the commissioner must give an internal review notice only to the person.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

108 Reviewable decision notices

If the commissioner makes a reviewable decision in relation to an objection by a taxpayer, the commissioner must give a reviewable decision notice only to the taxpayer.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

108A Applications for review

The taxpayer in relation to whom a reviewable decision is made may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

108B Grounds of review

- (1) The appellant's and respondent's cases on a review mentioned in section 108A are not limited to the grounds of the objection.
- (2) However, if the objection was to a reassessment, the grounds of the review are limited to the extent of the reassessment.

109 Giving effect to ACAT decision

- (1) Within 60 days after the day an ACAT decision becomes final, the commissioner must take any action, including amending any relevant assessment, that is necessary to give effect to the decision.

- (2) For this section, an ACAT decision becomes final when a period of 30 days has passed after the day a relevant decision is made, and no appeal against the relevant decision has been begun within the 30-day period.
- (3) In this section:
relevant decision means—
- (a) the decision of the ACAT; or
 - (b) a decision by a court hearing an appeal from—
 - (i) the decision of the ACAT; or
 - (ii) a decision of a lower court in relation to the decision of the ACAT.

[1.469] Section 111 (1)

omit

tribunal

substitute

ACAT

[1.470] Section 126

omit

[1.471] Schedule 1 heading

substitute

Schedule 1 Decisions reviewable by commissioner and ACAT

(see s 100, s 107 and s 107A)

[1.472] Schedule 1, section 1.1

substitute

1.1 Objections and reviews

A person dissatisfied with a decision mentioned in section 1.2 may—

- (a) lodge an objection under section 100; and
- (b) if dissatisfied with the determination of the objection—apply to the ACAT under section 108A (Applications for review).

[1.473] Schedule 1, section 1.2 heading

substitute

1.2 Decisions subject to objection or review

[1.474] Schedule 1, section 1.2 (b) and (c)

substitute

- (b) under section 31 to impose penalty tax; or

[1.475] Schedule 2 heading

omit

(see s 100)

substitute

(see s 100 and s 107)

[1.476] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.477] Dictionary, definition of *assessment*, paragraph (b)

substitute

- (b) an assessment substituted by the ACAT on review under part 10.

[1.478] Dictionary, new definitions

insert

commissioner-reviewable decision, for division 10.2 (Notification and review of decisions)—see section 107.

internally reviewable decision, for division 10.2 (Notification and review of decisions)—see section 107.

reviewable decision, for division 10.2 (Notification and review of decisions)—see section 107A.

[1.479] Dictionary, definition of *tribunal*

omit

Part 1.98 Tobacco Act 1927

[1.480] Section 58 (2) (a) (i) and (ii)

substitute

- (i) to impose more stringent requirements than otherwise apply under this Act in relation to point of sale, a point of sale display, product information notice, price ticket or smoking advertising on or adjacent to all or any of the premises stated in the licence; or
- (ii) to impose a condition prohibiting point of sale display or smoking advertising on or adjacent to all or any of the premises stated in the licence; or

Part 1.99 Trade Measurement Act 1991

[1.481] Section 58 (2) (b)

omit

administrative appeals tribunal

substitute

ACAT

[1.482] Division 6.4

substitute

Division 6.4 Notification and review of decisions

59 Meaning of *reviewable decision*—div 6.4

In this division:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

59A Reviewable decision notices

If the licensing authority makes a reviewable decision, the authority must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The licensing authority must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

59B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.483] New schedule 1

insert

Schedule 1 Reviewable decisions

(see div 6.4)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	44 (1)	refuse to issue licence	applicant for licence
2	48 (1)	impose or vary condition on licence	applicant for licence or licensee
3	55 (1)	make order preventing employment of person	person about whom order made
4	58 (1) (a)	reprimand licensee	licensee
5	58 (1) (b)	impose condition on licence	licensee

column 1 item	column 2 section	column 3 decision	column 4 entity
6	58 (1) (c)	suspend licence	entity that has licence suspended
7	58 (1) (e)	cancel licence and disqualify former licensee from holding licence permanently or for stated period	entity that has licence cancelled or that is disqualified from holding licence

[1.484] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.485] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.486] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for division 6.4 (Notification and review of decisions)—see section 59.

Part 1.100 Training and Tertiary Education Act 2003

[1.487] Section 55 (2)

substitute

- (2) The applicant may, within 14 days after the day the applicant is given a reviewable decision notice under section 105 (Reviewable decision notices) in relation to the decision, ask the council to refer the disagreement to a committee for resolution.

[1.488] Section 80 (2)

substitute

- (2) The applicant may, within 14 days after the day the applicant is given a reviewable decision notice under section 105 (Reviewable decision notices) in relation to the decision, ask the council to refer the disagreement to a committee for resolution.

[1.489] Part 6.2

substitute

Part 6.2 Notification and review of decisions

104 Meaning of *reviewable decision*—pt 6.2

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

105 Reviewable decision notices

If the council or Minister makes a reviewable decision, the council or Minister must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The council or Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

106 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

107 Time for lodging ACAT review applications for s 55 and s 80 decisions—ACAT Act, s 11

- (1) This section applies in relation to a reviewable decision to which section 55 (Disagreement with decision of council under s 33 or s 48) or section 80 (Disagreement with decision of council under s 60 or s 73) applies.
- (2) An entity is not entitled to apply under section 106 for review of a decision—
 - (a) until after the end of the period when a request under section 55 (2) or 80 (2) may be made; or

- (b) if a request under section 55 (2) or 80 (2) has been made, until the earlier of—
- (i) the day the person who made the request is notified of the outcome of the attempt to resolve the disagreement; or
 - (ii) the day after the end of the period mentioned in section 55 (4) or 80 (4).
- (3) If a request has been made under section 55 (2) or 80 (2) in relation to a decision, the time for lodging an application for review with the ACAT is the period beginning on the day when the person who made the request becomes entitled under subsection (2) (b) to make the application and ending 28 days after that day.

[1.490] Schedule 1 heading

omit

(see s 104)

substitute

(see pt 6.2)

[1.491] Schedule 1, column 4 heading

omit

person to be notified

substitute

entity

[1.492] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.493] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 6.2 (Notification and review of decisions)—see section 104.

Part 1.101 Tree Protection Act 2005

[1.494] Section 27 (1)

substitute

- (1) Subject to section 106 (Applications for reconsideration), an approval takes effect on the date stated in the notice of decision.

[1.495] Section 28 (7)

substitute

- (7) Subject to section 106 (Applications for reconsideration), the cancellation takes effect on the date stated in the notice of cancellation.

[1.496] Section 37 (1)

substitute

- (1) Subject to section 106 (Applications for reconsideration), a tree management plan takes effect on the date stated in the notice of decision.

[1.497] Sections 52 (2) and 58 (2), note

substitute

Note A decision under this section is a reviewable decision (see s 104, def *reviewable decision*).

[1.498] Part 13

substitute

Part 13 Notification and review of decisions

104 Definitions—pt 13

In this part:

internally reviewable decision means a decision mentioned in schedule 1, part 1.1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means a decision mentioned in schedule 1, part 1.2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

105 Internal review notices

If the conservator makes an internally reviewable decision, the conservator must give an internal review notice only to each entity mentioned in schedule 1, part 1.1, column 4 in relation to the decision.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

106 Applications for reconsideration

- (1) An entity mentioned in schedule 1, part 1.1, column 4 in relation to an internally reviewable decision may apply to the conservator for reconsideration of the decision.
- (2) The application must be made within 14 days after the day the notice of decision is given to the entity.

- (3) The application must be in writing and must set out the grounds on which reconsideration of the decision is sought.

Note If a form is approved under s 110 for the application, the form must be used.

- (4) If the application is made in accordance with this section, the making of the application automatically stays the operation of the decision until the application is finally dealt with.

107 Reconsideration of decisions

- (1) As soon as practicable after receiving an application for reconsideration of a decision (the *first decision*), the conservator must, in writing, ask the advisory panel for advice on the application.
- (2) Within 30 days after the day the advisory panel receives the conservator's request, the advisory panel must give the conservator its advice.
- (3) Within 30 days after the day the conservator receives the advisory panel's advice, the conservator must—
- (a) reconsider the first decision having regard to the advisory panel's advice; and
 - (b) confirm, vary or set aside the first decision.

107A Reviewable decision notice

If a person makes a reviewable decision, the person must give a reviewable decision notice only to each entity mentioned in schedule 1, part 1.2, column 4 in relation to the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

107B Applications for review

An entity mentioned in schedule 1, part 1.2, column 4 in relation to a reviewable decision may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.499] Section 111 (2) (c)

substitute

(c) reconsidering a decision under section 107 (Reconsideration of decisions).

[1.500] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 13)

Part 1.1 Internally reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	25	approve, or refuse to approve, activity	applicant for approval
2	28	cancel approval of activity	person who held approval
3	35	approve, or refuse to approve, tree management plan	applicant for approval

Part 1.2 Reviewable decisions

column 1 item	column 2 section	column 3 decision	column 4 entity
1	52	approve, or refuse to approve, registration of tree	applicant for registration
2	58	cancel, or refuse to cancel, registration of tree	person who holds or held registration
3	61	make declaration	lessee of land to which declaration relates
4	66	approve, or refuse to approve, publication of restricted information	applicant for approval
5	76	give tree protection direction	owner or occupier of land to which direction relates
6	107	confirm, vary or set aside reconsidered decision	person who is given internal review notice for decision under table 104.1 in relation to decision to be reviewed.

[1.501] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.502] Dictionary, definition of *appeal*

substitute

appeal, in relation to a reviewable decision, means an application to the ACAT to review the decision.

[1.503] Dictionary, new definitions

insert

internally reviewable decision, for part 13 (Notification and review of decisions)—see section 104.

internal review notice, for part 13 (Notification and review of decisions)—see section 104.

reviewable decision, for part 13 (Notification and review of decisions)—see section 104.

Part 1.102 Unit Titles Act 2001

[1.504] Section 21 (3)

omit

part 14 (Administrative review)

substitute

part 14 (Notification and review of decisions)

[1.505] Part 14

substitute

Part 14 Notification and review of decisions

173 Definitions—pt 14

In this part:

internally reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

internal reviewer—see section 174A.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means an internal reviewer's decision in relation to an internally reviewable decision.

173A Internal review notices

- (1) If the planning and land authority makes an internally reviewable decision, the authority must give an internal review notice only to each person mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

Note 2 Section 174 gives a person who is given an internal review notice the right to object to the internally reviewable decision (unless the person was the applicant for the decision, and the decision was made in the applicant's favour).

- (2) However, the planning and land authority is not required to give an internal review notice to a person with an interest in a parcel, or an interested non-voter, in relation to a decision if the authority is not, and could not reasonably be, aware of the person's interest because of the process of reaching the decision.
- (3) An internal review notice given to a person in relation to a decision must include a statement to the effect that the person may not object to the decision if—
 - (a) the person applied for the decision; and
 - (b) the decision was made in accordance with the application.

174 Objections

- (1) A person mentioned in schedule 1, column 4 in relation to an internally reviewable decision may object to the decision.
- (2) However, a person may not object to a decision if—
 - (a) the person applied for the decision; and
 - (b) the decision was made in accordance with the application.
- (3) The objection must—
 - (a) be in writing; and
 - (b) state the person's name and address; and
 - (c) set out the person's reasons for making the application; and
 - (d) be given to the planning and land authority.

Note If a form is approved under s 180 for the objection, the form must be used.

- (4) The objection must be given to the planning and land authority within—
 - (a) 28 days after the day the person is given the internal review notice for the decision; or
 - (b) any longer period allowed by the planning and land authority before or after the end of the 28-day period.

174A Internal reviewer

The planning and land authority must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

175 Review by internal reviewer

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the planning and land authority receives the objection to the internally reviewable decision.
- (3) The internal reviewer must—
 - (a) allow the objection and substitute the reviewer’s own decision;
or
 - (b) disallow the objection.
- (4) If the objection is not decided within the 28-day period, the objection is taken to have been disallowed by the internal reviewer.

176 Reviewable decision notices

If an internal reviewer makes a reviewable decision, the reviewer must give a reviewable decision notice only to each person to whom an internal review notice is required to be given in relation to the decision.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

177 Effect of decision to allow objection

If a decision is made to allow an objection and to substitute a new decision for the decision objected to—

- (a) the decision objected to no longer has effect from the date of the reviewable decision notice; and
- (b) this Act applies as if the substituted decision had been made on the date of the notice, subject to paragraph (c); and
- (c) this part does not apply to the substituted decision.

177A Applications for review

The person in relation to whom a reviewable decision is made may apply to the ACAT for review of the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.506] Schedule 1 heading

substitute

Schedule 1 Reviewable decisions

(see pt 14)

[1.507] Schedule 1, column 4 heading

omit

to be notified

[1.508] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.509] Dictionary, new definitions

insert

internally reviewable decision, for part 14 (Notification and review of decisions)—see section 173.

internal reviewer, for part 14 (Notification and review of decisions)—see section 174A.

internal review notice, for part 14 (Notification and review of decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

[1.510] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 14 (Notification and review of decisions)—see section 173.

Part 1.103 Utilities Act 2000

[1.511] Section 3 (g)

substitute

- (g) to ensure that advice given to ICRC by the ACAT, or the chief executive under part 5 (Technical regulation), is properly considered;

[1.512] Section 37 (1), new note 2

insert

Note 2 If ICRC refuses to grant a licence, or grants a licence subject to a condition imposed by it, it must give a reviewable decision notice to the applicant for the licence (see s 43A).

[1.513] Section 37 (4), except note

omit

[1.514] Section 38 (1), new note 2

insert

Note 2 If ICRC refuses to vary a licence, it must give a reviewable decision notice to the licensee (see s 43A).

[1.515] Section 38 (5)

omit

[1.516] Section 40 (1), new note 2

insert

Note 2 If ICRC refuses to agree to the transfer of a licence, it must give a reviewable decision notice to the licensee (see s 43A).

[1.517] Section 40 (4), except note

omit

[1.518] Section 42 (3) (a)

substitute

(a) on the day ICRC gives a reviewable decision notice about the revocation to the licensee; or

[1.519] Section 43

substitute

**Division 3.3A Notification and review of ICRC
decisions**

43 Meaning of *reviewable decision*—div 3.3A

In this division:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

43A Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

43B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.520] Section 45 (2) (b)

omit

[1.521] Section 109 (3) (e) (ii)

substitute

- (ii) the ACAT's power to direct payment by the utility for loss or damage resulting from the operations.

[1.522] Parts 11 and 12

substitute

Part 11 **Certain causes of action against customer**

167 Proceedings in Magistrates Court—amounts over \$10 000

- (1) This section applies to a proceeding in relation to—
 - (a) the recovery of a customer debt that is more than \$10 000; or
 - (b) any other cause of action against a customer for more than \$10 000 in relation to which an application to ACAT may be made under part 12 (Complaints to ACAT about utilities).
- (2) A utility may not begin a proceeding to which this section applies against the customer in the Magistrates Court unless the utility has given the customer written notice of its intention to do so.
- (3) The notice—
 - (a) must be given at least 7 days before the day the proceeding is begun; and
 - (b) must include a statement about—
 - (i) the customer's rights to make an application in relation to a complaint to the ACAT under part 12; and

(ii) the effect of the *Magistrates Court Act 1930*, section 266 (Complaints under Utilities Act, pt 12).

(4) In this section:

customer debt—see section 169.

168 Civil dispute applications to ACAT

(1) This section applies in relation to—

- (a) the recovery of a customer debt; or
- (b) any other cause of action against a customer in relation to which an application to ACAT may be made under part 12 (Complaints to ACAT about utilities).

(2) A utility may not make an application to the ACAT under the *ACT Civil and Administrative Tribunal Act 2008*, part 4 (Civil disputes) in relation to the debt or cause of action unless the utility has given the customer written notice of its intention to do so.

(3) The notice—

- (a) must be given at least 7 days before the day the application is made; and
- (b) must include a statement about the customer's rights to make an application in relation to a complaint to the ACAT under part 12.

(4) In this section:

customer debt—see section 169.

Part 12 **Complaints to ACAT about utilities**

Division 12.1 **Preliminary**

169 **Definitions—pt 12**

In this part:

complainant—see section 172.

complaint—see section 172.

customer debt means an amount payable by a customer to a utility in relation to the provision of a utility service to premises for the customer.

registrar means the registrar of the ACAT.

respondent, in relation to a complaint, means the utility the subject of the complaint.

utility, in relation to an act or omission, includes a person who was licensed at the time of the act or omission.

withdrawal, of a utility service, includes the reduction or termination of the service, whether by disconnection from a network or otherwise.

170 **Application—pt 12**

This part does not apply to a complaint by a utility.

171 **Principles—pt 12**

In exercising its functions under this part, the ACAT must consider the following principles:

- (a) that utility services should continue to be provided to complainants suffering financial hardship;

(b) that the rights of complainants under the Act should be protected.

Division 12.2 Applications to ACAT

172 ACAT applications

A person (the *complainant*) mentioned in table 172, column 2 may apply to the ACAT in relation to a matter (the *complaint*) mentioned in column 3 in relation to the complainant.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Table 172 ACAT applications

column 1 item	column 2 complainant	column 3 complaint
1	consumer affected by contravention	contravention of a customer contract by a utility
2	consumer	a utility fails to provide a utility service to consumer or withdraws a utility service from consumer, and failure or withdrawal causes substantial hardship, or is likely to cause substantial hardship, to consumer
3	person affected by contravention	contravention of s 51 (Protection of personal information) by a utility
4	person affected by contravention	contravention by a utility of an obligation under this Act in relation to its network operations
5	person affected by act or omission	act or omission of an authorised person for a utility in relation to network operations
6	person on whom charge imposed	capital contribution charge imposed under s 101

173 Help with applications about failure to provide, or withdrawal of, utility services

- (1) This section applies if—
 - (a) the registrar considers that a person making an application, or considering making an application, needs help with the application; and
 - (b) the application is in relation to the failure to provide a utility service to the person or the withdrawal of a utility service from the person.
- (2) The registrar must ask the person whether the person wants the registrar to put the application in writing for the person.
- (3) If the person wants the registrar to put the application in writing, the registrar must do so.
- (4) This section is in addition to the *ACT Civil and Administrative Tribunal Act 2008*, section 13 (Help with applications etc).

174 Advising Minister etc about systemic problems

- (1) This section applies if it appears to the ACAT that applications under this part to the ACAT indicate a systemic problem in relation to—
 - (a) the operation of this part; or
 - (b) other matters that come to the ACAT's attention in the course of exercising its functions under this part.
- (2) The ACAT must tell the following about the problem:
 - (a) each Minister responsible for administering the Act;
 - (b) the ICRC.

- (3) This section is in addition to the *ACT Civil and Administrative Tribunal Act 2008*, section 14 (Advising Attorney-General about systemic problems).

Division 12.3 Preliminary inquiries

175 Preliminary inquiries—registrar

If a person makes a complaint, the registrar may make inquiries of the person, respondent or anyone else to decide—

- (a) whether this part applies to the matter complained of; and
- (b) if so, whether the ACAT should consider the matter.

Division 12.4 Dismissal of complaints

176 Dismissal of complaints about utilities

- (1) The ACAT may dismiss a complaint about a utility if satisfied that—

- (a) this part does not apply to the matter complained of; or
- (b) the complaint has been withdrawn or abandoned (for example, because the complainant fails to proceed with the complaint within a reasonable time); or

Note An example is part of the Act, 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).

- (c) the complaint relates to a matter, or the last of a series of matters, that happened more than 1 year before the day the complaint was made; or
- (d) if the registrar makes an inquiry under section 175 of the person making the complaint—the person has not responded to the inquiry; or

- (e) the complainant has not made reasonable efforts to resolve the matter complained of with the utility, particularly in accordance with the utility's complaint handling procedures; or
- (f) the matter complained of has already been dealt with adequately by the ACAT or otherwise; or
- (g) a remedy more appropriate than action under this part is readily available to the complainant; or
- (h) it is otherwise appropriate to do so.

Note The ACAT may dismiss an application if it is frivolous or vexatious (see *ACT Civil and Administrative Tribunal Act 2008*, s 32).

- (2) If the ACAT dismisses a complaint, it must give each party written notice of the dismissal, setting out its reasons for the dismissal.

Division 12.5 Powers and decisions of ACAT

177 Complainant's records

- (1) This section applies if a complainant makes a complaint about a utility.
- (2) The utility must give the ACAT the utility's records, or access to the records, in relation to the complainant.
- (3) The complainant is taken to consent to the disclosure of the records to the ACAT.

Note See s 51 (Protection of personal information).

178 ACAT decisions

- (1) This section applies if the ACAT is satisfied, in relation to a complainant, that—
 - (a) the respondent has—
 - (i) contravened a customer contract; or

- (ii) contravened section 51 (Protection of personal information); or
 - (iii) contravened an obligation under this Act in relation to its network operations; or
 - (b) the respondent has caused, or would cause, substantial hardship by failing to provide, or withdrawing, a utility service; or
 - (c) an authorised person for the respondent has acted improperly in relation to network operations; or
 - (d) a capital contribution charge, of an amount of not more than \$10 000, imposed by the respondent is excessive.
- (2) Without limiting the orders the ACAT may make, the ACAT may—
- (a) for a complaint that a capital contribution charge is excessive—give a direction under section 182 (Reviewable capital contribution charges); or
 - (b) in any other case—
 - (i) give the written directions to the respondent that it considers necessary requiring the respondent to remedy the matter mentioned in subsection (1); or
 - (ii) give another direction under this division; or
 - (iii) make a declaration under this division.
- (3) A respondent must comply with a direction given to it under this division.

179 Continuity of utility services—nonpayment of customer debt

- (1) This section applies to a complaint about the actual or potential withdrawal of a utility service because of a failure to pay a customer debt in relation to residential premises.

- (2) If the ACAT is satisfied that the withdrawal of the utility services causes, or would cause, substantial hardship for a consumer, the ACAT may give the respondent a written direction—
- (a) not to withdraw the service; or
 - (b) if the service has been withdrawn—to restore the service as soon as practicable and, in any event, within 24 hours after the direction is given to the respondent.
- (3) A direction may contain ancillary directions, for example, that the service not be withdrawn—
- (a) during a stated period; or
 - (b) unless the consumer fails to comply with a stated condition.

Note An example is part of the Act, 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).

180 Discharge of customer debt

- (1) If the ACAT is satisfied that payment of a customer debt in relation to residential premises would cause substantial hardship for the customer, the ACAT may, in writing, declare that the debt is discharged in whole or to a stated extent.
- (2) The declaration may provide that the discharge is conditional on payment by the customer of a stated amount or amounts in accordance with the declaration.
- (3) A declaration has effect for all purposes according to its terms.
- (4) The amount of the debt discharged by a declaration may not be more than—
- (a) \$10 000; or
 - (b) if another amount is prescribed by regulation—the prescribed amount.

181 Payment for loss or damage

- (1) If the ACAT is satisfied that a complainant suffered loss or damage because of an act by the respondent, or an authorised person for the respondent, of a kind mentioned in section 178 (ACAT decisions), the ACAT may give the respondent a written direction to pay a stated amount to the complainant for the loss or damage.
- (2) The direction may not be given in relation to a punitive amount.
- (3) The amount payable under the direction is a debt due to the complainant in whose favour the direction is given.
- (4) In giving the direction, the ACAT must take account of the extent (if any) to which the complainant—
 - (a) caused, or contributed to, the loss or damage; or
 - (b) obstructed, or interfered with, the exercise of the respondent's functions under this Act.
- (5) The amount stated in a direction may not be more than—
 - (a) \$10 000; or
 - (b) if another amount is prescribed by regulation—the prescribed amount.
- (6) The registrar must, if asked by the complainant in whose favour a direction is made, give the complainant a copy of the direction certified by the registrar.

182 Reviewable capital contribution charges

- (1) This section applies if the ACAT is satisfied that a capital contribution charge imposed by the respondent is excessive.
- (2) The ACAT may give the respondent a written direction to reduce the charge to the amount stated in the direction.

- (3) For subsection (2), the ACAT must state an amount that it considers reasonable having regard to—
 - (a) the cost of the work to which the charge relates; and
 - (b) the relevant industry code.
- (4) The ACAT may only give a direction under subsection (2) in relation to a capital contribution charge of not more than \$10 000.
- (5) To remove any doubt, this section is additional to, and does not limit—
 - (a) section 179 (Continuity of utility services—nonpayment of customer debt); and
 - (b) section 180 (Discharge of customer debt).

183 Reimbursement of utilities for customer debts discharged

If a customer debt owed to a utility is discharged under section 180 (Discharge of customer debt), the amount discharged is a debt due to the utility by the Territory.

Division 12.6 Confidential information

184 Protection of confidential information

- (1) The ACAT must preserve the confidentiality of information disclosed to, or obtained by, the ACAT in the exercise of its functions under this part, including—
 - (a) personal information; and
 - (b) information that—
 - (i) could affect the competitive position of a utility or someone else; or
 - (ii) is commercially sensitive for another reason.

- (2) The ICRC Act, sections 44 to 48 apply, so far as applicable, in relation to the functions of the ACAT under this part as if—
- (a) a reference to the ICRC were a reference to any of the following:
- (i) the ACAT;
 - (ii) a person who is or has been an ACAT member;
 - (iii) a person who is or has been a member of the staff of the ACAT;
 - (iv) a person who is or has been acting under the direction or authority of the ACAT; and
- (b) any other necessary changes were made.
- (3) In this section:
- ACAT member*—see the *ACT Civil and Administrative Tribunal Act 2008*, dictionary, definition of *tribunal member*.

[1.523] Section 254 (2)

substitute

- (2) The ICRC may, in writing, determine fees for this Act (other than part 12 (Complaints to ACAT about utilities) and part 14 (Streetlighting and stormwater)).

[1.524] New schedule 1

insert

Schedule 1 Reviewable decisions

(see div 3.3A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	37	refuse to grant licence	applicant for licence
2	37	grant licence subject to condition	applicant for licence
3	38	refuse to vary licence	licensee
4	38	vary licence on ICRC's own initiative	licensee
5	40	refuse to agree to transfer of licence	licensee
6	42	revoke a licence	person whose licence revoked

[1.525] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.526] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.527] Dictionary, note 2, dot points

omit

- Supreme Court

[1.528] Dictionary, definition of *complaint*

substitute

complaint, for part 12 (Complaints to ACAT about utilities)—see section 172.

complainant, for part 12 (Complaints to ACAT about utilities)—see section 172.

[1.529] Dictionary, definition of *council*

omit

[1.530] Dictionary, definition of *customer debt*

substitute

customer debt, for part 12 (Complaints to ACAT about utilities)—see section 169.

[1.531] Dictionary, definition of *party*

omit

[1.532] Dictionary, definition of *registrar*

substitute

registrar, for part 12 (Complaints to ACAT about utilities)—see section 169.

[1.533] Dictionary, definition of *respondent*

substitute

respondent, for an application in relation to a complaint, for part 12 (Complaints to ACAT about utilities)—see section 169.

[1.534] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for division 3.3A (Notification and review of ICRC decisions)—see section 43.

[1.535] Dictionary, definition of *utility*

substitute

utility—

- (a) for this Act generally—means a person licensed to provide a utility service; or
- (b) for part 9 (Controller’s power to take over operations)—see section 134; or
- (c) in relation to an act or omission, for part 12 (Complaints to ACAT about utilities)—see section 169.

[1.536] Dictionary, definition of *withdrawal*

substitute

withdrawal, of a utility service, for part 12 (Complaints to ACAT about utilities)—see section 169.

Part 1.104 Victims of Crime Regulation 2000

[1.537] Division 3.2

substitute

Division 3.2 Notification and review of eligibility decisions

25 Definitions—div 3.2

In this division:

affected person means a person the responsible service agency decides is not eligible for the victims services scheme.

internally reviewable decision means a decision of the responsible service agency that a person is not eligible for the victims services scheme.

internal reviewer—see section 26A.

internal reviewer's decision means a decision of an internal reviewer in relation to an internally reviewable decision.

internal review notice—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

reviewable decision means a decision of the committee in relation to an internal reviewer's decision.

25A Internal review notices—responsible service agency

If the responsible service agency makes an internally reviewable decision, the agency must give an internal review notice only to the affected person.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

26 Applications to responsible service agency for internal review

- (1) The affected person may apply to the responsible service agency for review of the internally reviewable decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 51 for the application, the form must be used.

- (3) The application must be given to the responsible service agency within—
 - (a) 28 days after the day the applicant is given the internal review notice by the responsible service agency; or
 - (b) any longer period allowed by the responsible service agency before or after the end of the 28-day period.

26A Internal reviewer

The responsible service agency must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

27 Review by internal reviewer

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the responsible service agency receives the application for review of the internally reviewable decision.

- (3) The internal reviewer must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute the reviewer’s own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

27A Internal review notices—internal reviewer

If an internal reviewer makes an internal reviewer’s decision, the internal reviewer must give an internal review notice only to the affected person.

Note The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

28 Eligibility Review Committee

- (1) The Eligibility Review Committee is continued in existence.
- (2) The committee consists of the DPP member, the courts member and the legal profession member.

29 Applications to committee for internal review

- (1) The affected person may apply to the committee for review of the internal reviewer’s decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the applicant’s name and address; and
 - (c) set out the applicant’s reasons for making the application.

Note If a form is approved under s 51 for the application, the form must be used.

- (3) The application must be given to the committee within—
- (a) 28 days after the day the applicant is given the internal review notice by the internal reviewer; or
 - (b) any longer period allowed by the committee before or after the end of the 28-day period.

30 Review by committee

- (1) The committee for an internal reviewer's decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the committee receives the application for review of the internal reviewer's decision.
- (3) The committee must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute the committee's own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the committee.

31 Reviewable decision notices

If the committee makes a reviewable decision, the committee must give a reviewable decision notice only to the affected person.

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

32 Applications to ACAT

The affected person may apply to the ACAT for review of a reviewable decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.538] Sections 46 and 47

substitute

Division 3.6 Notification and review of decisions about service providers

46 Meaning of *reviewable decision*—div 3.6

In this division:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

46A Reviewable decision notices

If the board makes a reviewable decision, the board must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The board must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

47 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.539] Section 49A

omit

schedule 1

substitute

schedule 2

[1.540] New schedule 1

insert

Schedule 1 Reviewable decisions about service providers

(see div 3.6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	40	refuse to approve service provider	applicant

Schedule 1 Legislation amended
Part 1.104 Victims of Crime Regulation 2000

Amendment [1.541]

column 1 item	column 2 section	column 3 decision	column 4 entity
2	42	suspend service provider's approval	service provider
3	43	cancel approval of service provider	person who was approved service provider

[1.541] Schedule 1 heading

substitute

**Schedule 2 Victims services levy—
excluded offences**

(s 49A)

[1.542] Schedule 1, part 1.1 heading

substitute

Part 2.1 Australian Road Rules

[1.543] Schedule 1, part 1.2 heading

substitute

**Part 2.2 Road Transport (Safety and
Traffic Management) Regulation
2000**

[1.544] Schedule 1, part 1.3 heading

substitute

**Part 2.3 Australian National University
Act 1991 (Cwlth)—Parking and
Traffic Statute (No 2) 2007**

[1.545] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.546] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.547] Dictionary, definition of *affected person*

substitute

affected person, for division 3.2 (Notification and review of eligibility decisions)—see section 25.

[1.548] Dictionary, new definition of *internally reviewable decision*

insert

internally reviewable decision, for division 3.2 (Notification and review of eligibility decisions)—see section 25.

[1.549] Dictionary, definition of *internal reviewer*

substitute

internal reviewer, for division 3.2 (Notification and review of eligibility decisions)—see section 26A.

[1.550] Dictionary, new definitions

insert

internal reviewer's decision, for division 3.2 (Notification and review of eligibility decisions)—see section 25.

internal review notice, for division 3.2 (Notification and review of eligibility decisions)—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

[1.551] Dictionary, definition of *reviewable decision*

substitute

reviewable decision—

- (a) for division 3.2 (Notification and review of eligibility decisions)—see section 25; and
- (b) for division 3.6 (Notification and review of decisions)—see section 46.

Part 1.105 Waste Minimisation Act 2001

[1.552] Section 18 (3)

substitute

- (3) The notice under subsection (1) must require the member to remedy the contravention within a stated period of at least 1 month after the date the notice is given to the member.

Note A decision requiring a person to remedy a contravention of an IWRP is a reviewable decision (see s 44), and the chief executive must give a reviewable decision notice to the person (see s 44A).

[1.553] Part 5 heading and section 44

substitute

Part 5 Notification and review of decisions

44 Meaning of *reviewable decision*—pt 5

In this part:

reviewable decision means a decision under section 18 to require a person to remedy a contravention of an IWRP.

44A Reviewable decision notices

If the chief executive makes a reviewable decision, the chief executive must give a reviewable decision notice to the person of whom the requirement under section 18 is made.

Note 1 The chief executive must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

44B Applications for review

The following people may apply to the ACAT for review of a reviewable decision:

- (a) a person of whom a requirement under section 18 is made;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 6 Miscellaneous

[1.554] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.555] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 5 (Notification and review of decisions)—see section 44.

Part 1.106 Water and Sewerage Act 2000

[1.556] Part 5 heading and section 44

substitute

Part 5 Notification and review of decisions

44 Meaning of *reviewable decision*—pt 5

In this part:

reviewable decision means a decision prescribed by regulation.

44A Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

44B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 5A Miscellaneous

[1.557] Dictionary, note 2, dot points

omit

- administrative appeals tribunal

substitute

- ACAT

[1.558] Dictionary, note 2, new dot point

insert

- reviewable decision notice

[1.559] Dictionary, new definition of *reviewable decision*

insert

reviewable decision, for part 5 (Notification and review of decisions)—see section 44.

Part 1.107 Water and Sewerage Regulation 2001

[1.560] Sections 26 and 27

substitute

26 **Reviewable decisions—Act, s 44, def *reviewable decision***

A decision mentioned in schedule 1, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

27 **Right of review and notice—Act, s 44A and s 44B (a)**

An entity mentioned in schedule 1, column 4 is prescribed.

[1.561] New schedule 1

insert

Schedule 1 Reviewable decisions

(see s 26 and s 27)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 22 (2)	give direction to do work	owner given direction
2	Act, 32 (4)	give direction to take stated action	entity given direction
3	15 (4)	refuse to give exemption	applicant for exemption
4	25	refuse to issue certificate of compliance	applicant for certificate of compliance

Part 1.108 Water Resources Act 2007

[1.562] Part 11

substitute

Part 11 Notification and review of decisions

94 Meaning of *reviewable decision*—pt 11

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

95 Reviewable decision notices

If the authority makes a reviewable decision, the authority must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The authority must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

96 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.563] New schedule 1

insert

Schedule 1 Reviewable decisions

(see pt 11)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	24	amend water access entitlement	holder of water access entitlement
2	26	refuse to approve transfer of whole or part of water access entitlement	holder of water access entitlement
3	30	refuse to issue licence to take water	applicant for licence
4	31	impose condition on licence to take water	applicant for licence
5	35	refuse to issue driller's licence	applicant for licence
6	36	impose condition on driller's licence	applicant for licence
7	39	refuse to issue bore work licence	applicant for licence

Schedule 1
Part 1.108

Legislation amended
Water Resources Act 2007

Amendment [1.563]

column 1 item	column 2 section	column 3 decision	column 4 entity
8	40	impose condition on bore work licence	applicant for licence
9	44	refuse to issue waterway work licence	applicant for licence
10	45	impose condition on waterway work licence	applicant for licence
11	49	refuse to issue recharge licence	applicant for licence
12	50	impose condition on recharge licence	applicant for licence
13	53	refuse to renew licence	applicant for renewal
14	55	impose condition on, or amend existing condition of, licence	licence holder
15	62	take disciplinary action mentioned in s 61 (c), (d), (e) or (f)	holder of water access entitlement, water allocation or licence
16	72	give direction to modify or remove water structure	person to whom direction given
17	73	give direction to take stated action to rectify effect of unauthorised activity	person to whom direction given

column 1 item	column 2 section	column 3 decision	column 4 entity
18	74	give direction to take stated action to prevent or rectify damage to bed or banks of waterway	person to whom direction given
19	75	give direction in relation to unlicensed taking of surface water	person to whom direction given
20	76	give direction in relation to bore	person to whom direction given

[1.564] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.565] Dictionary, definition of *reviewable decision*

substitute

reviewable decision, for part 11 (Notification and review of decisions)—see section 94.

Part 1.109 Workers Compensation Act 1951

[1.566] Chapter 12

substitute

Chapter 12 Notification and review of decisions

198 Meaning of *reviewable decision*—ch 12

In this chapter:

reviewable decision means a decision made by the Minister that is prescribed by regulation.

199 Reviewable decision notices

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity prescribed by regulation in relation to the decision.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

199A Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity prescribed by regulation in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

[1.567] Dictionary, note 2, new dot points

insert

- ACAT
- reviewable decision notice

[1.568] Dictionary, definition of *reviewable decision*

omit

(Review of decisions by administrative appeals tribunal)

substitute

(Notification and review of decisions)

Part 1.110 Workers Compensation Regulation 2002

[1.569] Section 33 (3) (a)

substitute

- (a) if the decision is to take action other than suspension—by giving the provider a reviewable decision notice; or

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.570] Section 34 (3) (a)

substitute

- (a) if the decision is to take action other than suspension or revocation—by giving the provider a reviewable decision notice; or

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.571] Section 35 (1), note

omit

s 198 (Notice of reviewable decisions to be given to affected people)

substitute

s 199

[1.572] Section 81 (3) (a)

substitute

- (a) if the decision is to take action other than suspension—by giving the insurer a reviewable decision notice; or

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.573] Section 82 (4) (a)

substitute

- (a) if the decision is to take action other than suspension or revocation—by giving the insurer a reviewable decision notice; or

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.574] Section 83 (1), note

omit

s 198 (Notice of reviewable decisions to be given to affected people)

substitute

s 199

[1.575] Section 93 (3) (a)

substitute

- (a) if the decision is to take action other than suspension—by giving the self-insurer a reviewable decision notice; or

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.576] Section 94 (3) (a)

substitute

- (a) if the decision is to take action other than suspension or revocation—by giving the self-insurer a reviewable decision notice; or

Note The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

[1.577] Section 95 (1), note

omit

s 198 (Notice of reviewable decisions to be given to affected people)

substitute

s 199

[1.578] Section 98

substitute

98 Reviewable decisions—Act, ch 12, def *reviewable decision*

A decision mentioned in schedule 3, column 3 under a provision mentioned in column 2 in relation to the decision is prescribed.

98A Right of review and notice—Act, s 199 and s 199A (a)

An entity mentioned in schedule 2, column 4 is prescribed.

[1.579] Schedule 3

substitute

Schedule 3 Reviewable decisions

(see s 98 and s 98A)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	Act, 18 (3)	refuse to exempt principal from s 18 (2) (which makes commercial volunteers workers)	applicant for exemption
2	Act, 145 (1)	refuse to approve insurer	applicant for approval
3	17 (1)	refuse to approve person as rehabilitation provider	applicant for approval
4	17 (2)	approve rehabilitation provider for less than 3 years	applicant for approval
5	28	impose condition on rehabilitation provider's approval	rehabilitation provider

column 1 item	column 2 section	column 3 decision	column 4 entity
6	33	suspend rehabilitation provider's approval, amend conditions of rehabilitation provider's approval or censure the approved rehabilitation provider	rehabilitation provider that has approval suspended or that has conditions amended or that is censured
7	34	revoke or suspend rehabilitation provider's approval, amend conditions of rehabilitation provider's approval or censure the approved rehabilitation provider	rehabilitation provider that has approval revoked or suspended or that has conditions amended or that is censured
8	70	approve insurer for less than 3 years	applicant for approval
9	79	impose condition on insurer's approval	insurer
10	81	suspend insurer's approval, amend conditions of insurer's approval or censure the approved insurer	insurer that has approval suspended or conditions amended or that is censured
11	82	suspend or revoke insurer's approval, amend conditions of insurer's approval or censure the approved insurer	insurer that has approval revoked or suspended or conditions amended or that is censured

Schedule 1
Part 1.110

Legislation amended
Workers Compensation Regulation 2002

Amendment [1.579]

column 1 item	column 2 section	column 3 decision	column 4 entity
12	87	refuse to exempt an employer from requirement to maintain compulsory insurance policy	applicant for exemption
13	91	impose condition on employer's exemption	employer
14	93	suspend self-insurer's exemption, amend conditions of self-insurer's exemption or censure the self-insurer	self-insurer that has approval suspended or conditions amended or that is censured
15	94	suspend or revoke self-insurer's exemption, amend conditions of self-insurer's exemption or censure the self-insurer	self-insurer that has approval revoked or suspended or conditions amended or that is censured

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 7 August 2008.

2 Notification

Notified under the Legislation Act on 4 September 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the ACT Civil and Administrative Tribunal Legislation Amendment Bill 2008 (No 2), which was passed by the Legislative Assembly on 20 August 2008.

Clerk of the Legislative Assembly

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