



AUSTRALIAN CAPITAL TERRITORY

Administrative Appeals Tribunal Act 1989 *Consumer Credit (Administration) Act 1996* *Residential Tenancies Act 1997* *Tenancy Tribunal Act 1994*

DETERMINATION OF FEES AND CHARGES APPLICABLE IN ACT TRIBUNALS

INSTRUMENT No. 149 OF 1999

1. This determination comes into operation on 1 July 1999.
2. Under subsection 59A(1) of the *Administrative Appeals Tribunal Act 1989* and under subsection 78(1) of the *Tenancy Tribunal Act 1994*, I **REVOKE** Determination No. 97 of 1998.
3. Under subsection 59A(1) of the *Administrative Appeals Tribunal Act 1989*, I **DETERMINE**:
 - (a) the fees set out in item 1 of Schedule 1 and in Schedule 2 to this Determination to be the fees payable under section 59B of that Act; and
 - (b) that a single application fee is payable in respect of 2 or more applications which relate to the same applicant and which, in the opinion of the Registrar, may be conveniently heard together by the Administrative Appeals Tribunal and where an application fee in respect of each or some of those applications has been paid, the Registrar may refund all but one of those application fees.
4. Under subsection 78(1) of the *Tenancy Tribunal Act 1994*, I **DETERMINE** the fees and charges set out in item 2 of Schedule 1 and in Schedule 2 to this Determination to be the fees and charges payable under section 79 of that Act.
5. Under subsection 140(1) of the *Consumer Credit (Administration) Act 1996*, I **DETERMINE** the fees and charges set out in item 3 of Schedule 1 and in Schedule 2 to this Determination to be the fees and charges payable under section 99 of that Act subject to the provisions set out in item 4 of Schedule 1.
6. Under subsection 135(1) of the *Residential Tenancies Act 1997*:
 - (a) I **DETERMINE** that the fees payable for the purposes of section 73 are set out in item 5 of Schedule 1 subject to the provisions set out in items 6 and 7 of Schedule 1; and
 - (b) I **REVOKE** Determination No. 81 of 1998

7. The Registrar of the Administrative Appeals Tribunal and the Registrar of the Tenancy Tribunal may defer liability for the payment of a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time of the request for the function, facility or service, but payment could be made within 14 days after the making of the request.

Dated: 24th June 1999

GARY HUMPHRIES
Attorney-General

SCHEDULE 1

Application fee in the Administrative Appeals Tribunal and exemptions from liability

1. (a) Subject to this item-

- (i) a fee of \$130 is payable on the lodging with the Administrative Appeals Tribunal of an application for the review of a decision under the *Land (Planning and Environment) Act 1991*; and
 - (ii) a fee of \$190 is payable on the lodging with the Administrative Appeals Tribunal of an application for the review of a decision under any other enactment.
- (b) The fee referred to in paragraph 1(a)(ii) is not payable on the lodging of an application relating to -
- (i) the review of a decision in relation to which, under a program in force under section 12 of the *Housing Assistance Act 1987*, application for review can be made to the Administrative Appeals Tribunal;
 - (ii) the review of a decision under the *Rates and Land Rent (Relief) Act 1970*; or
 - (iii) the review of a decision reviewable under section 60 of the *Freedom of Information Act 1989*, being a decision made in relation to a document that relates to a decision specified in subparagraph 1(b)(i) or 1(b)(ii).

Referral fee in the Tenancy Tribunal

2. A fee of \$115 is payable by a person on referral of a dispute, under section 12 of the *Tenancy Tribunal Act 1994*, to the Registrar of the Tenancy Tribunal.

Application fee in the Credit Tribunal

3. A fee of \$190 is payable on the lodging of an application with the Credit Tribunal.

4. Where the Registrar considers that it would impose hardship on the applicant, the Registrar may exempt the applicant from the payment of the fee.

Application fee in the Residential Tenancies Tribunal

5. For an application under section 73 of the *Residential Tenancies Act 1997*:

- (a) a fee of \$85 is payable where the amount in dispute is \$1000 or more;
- (b) a fee of \$45 is payable where the amount in dispute is less than \$1000;
- (c) a fee of \$85 is payable for an application for a termination and possession order pursuant to Part IV of the Act where a bond has been deposited with the Territory in relation to the tenancy;
- (d) a fee of \$165 is payable for an application for a termination and possession order pursuant to Part IV of the Act where a bond has not been deposited with the Territory in relation to the tenancy;
- (e) a fee of \$45 is payable in any other case.

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Where the application involves more than one of the above matters, the fee payable is the higher of the fees.

6. Where the Minister considers that it would impose hardship on the applicant, the Minister may:

- (a) where, in the Minister's opinion, the payment cannot be made at the time of the application but could be made within 14 days, defer payment of the fee (in whole or in part) for 14 days; or
- (b) exempt the applicant from the payment of the fee.

7. A fee paid to the Territory may be remitted or refunded to the applicant by the Minister where the Tribunal makes an order in favour of the applicant.

SCHEDULE 2

Item Description	Amount payable
Fees for copies of documents	
1. For each request for a copy or copies of a document or documents (regardless of the number of documents to which the request relates)	\$2
This item does not apply to a request for the supply of a transcript or a copy thereof of all or part of a proceeding.	
2. For each page of copy provided in accordance with a request referred to in item 1	\$1
Fees for copies of transcripts	
3. For the supply of a transcript or a copy thereof of a proceeding or of part of a proceeding -	
(a) for each page of a transcript (including preparation of the transcript)	\$8.25
(b) for each page of a copy of the transcript	\$1
Fees for the supply of an audio tape, video tape or computer disk	
4. For the supply of a duplicate audio tape recording of a proceeding or of part of a proceeding or of a matter incidental to a proceeding - per cassette	\$35
5. For the supply of a duplicate video tape recording of a proceeding or of part of a proceeding or of a matter incidental to a proceeding - per tape	\$45
6. For the supply of a computer disk containing a record of a proceeding or of part of a proceeding or of a matter incidental to a proceeding - per disk	\$15
Fees for the issue of a summons	
7. For the issues of a summons under section 40 of the <i>Administrative Appeals Tribunal Act 1989</i> or under section 27 or section 43 of the <i>Tenancy Tribunal Act 1994</i> at the request of a party other than the Territory or a Territory agency -	
(a) to give evidence	\$15
(b) for production and to give evidence	\$25
(c) for production	\$25