

AUSTRALIAN CAPITAL TERRITORY

Administrative Appeals Tribunal Act 1989
Tenancy Tribunal Act 1994

DETERMINATION OF FEES AND CHARGES APPLICABLE IN THE ADMINISTRATIVE
APPEALS TRIBUNAL AND THE TENANCY TRIBUNAL

NO. 97 OF 1998

EXPLANATORY STATEMENT

Administrative Appeals Tribunal

Subsection 59A(1) of the *Administrative Appeals Tribunal Act 1989* provides that the Minister may, by notice in writing published in the *Gazette*, determine fees and charges for any of the following purposes:

- (a) proceedings in the Tribunal, and matters incidental to such proceedings, including the service of the process of the Tribunal;
- (b) facilities and services provided by the Tribunal;
- (c) the general purposes of the Act and the regulations.

Subsection 59A(2) of the *Administrative Appeals Tribunal Act* provides that a determination made under subsection 59A(1) may provide for matters such as the exemption from liability to pay application fees, in whole or in part, and for the remission or refund and the deferral of liability for the payment of fees and charges, in whole or in part, by the Registrar in particular circumstances.

Tenancy Tribunal

Subsection 78(1) of the *Tenancy Tribunal Act 1994* provides that the Minister may, by notice in writing published in the *Gazette*, determine fees and charges for any of the following purposes:

- (a) referral of disputes to the Registrar;
- (b) proceedings in the Tribunal, and matters incidental to such proceedings, including the service of the process of the Tribunal;
- (c) facilities and services provided by the Registrar or the Tribunal;
- (d) the general purposes of the Act and the Code.

Subsection 78(2) of the *Tenancy Tribunal Act* provides that a determination made under subsection 78(1) may provide for matters such as the exemption from liability to pay application fees, in whole or in part, and for the remission or refund and the deferral of liability for the payment of fees and charges, in whole or in part, by the Registrar in particular circumstances.

This Determination, for convenience, covers both the Administrative Appeals Tribunal and the Tenancy Tribunal.

Commencement of Determination

This Determination comes into effect on 1 July 1998 and upon its coming into effect Determination No. 107 of 1997 will cease to have effect.

Overview of increases in fees and charges

Fees have generally been increased by 1.8% and rounded up to the nearest whole dollar. Fees for the copying of documents and for transcripts have not been increased.

Revenue/cost implications

The increases in fees and charges will result in about \$500 per year in additional revenue.

Details

These are set out in the attachment.

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The previous fee for each item is set out in brackets immediately after that item.

SCHEDULE 1

Application fees and exemptions in the Administrative Appeals Tribunal

Item 1 determines the fee payable on the lodging with the Administrative Appeals Tribunal of an application for the review of a decision. The application fee in respect of an application for the review of a decision under the *Land (Planning and Environment) Act 1991* is \$124 (\$122) while the general application fee for the Tribunal is \$181 (\$178).

Item 1 also specifies the exemptions from payment of the filing fee.

Refund of Administrative Appeals Tribunal application fee

Section 59D of the Act permits the Registrar of the Administrative Appeals Tribunal to order that only a single application fee is payable for 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 Tribunal. Item 2(b) of the instrument of determination permits a refund, as appropriate, to be made when an order is made after the application fees have been paid.

Referral fee in the Tenancy Tribunal

Under the *Tenancy Tribunal Act 1994*, disputes are required to be referred to the Registrar. Item 2 determines the fee payable in respect of a referral of a dispute to the Registrar of the Tenancy Tribunal to be \$109 (\$107).

SCHEDULE 2

These fees apply to both the Administrative Appeals Tribunal and the Tenancy Tribunal.

Fees for copies of documents.

Items 1, 2 and 3 relate to the fees to be paid for the provision of copies of documents to persons or when persons use a photocopying machine made available to them. The fees are -

- 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): \$2.00 (\$2.00);

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 above: \$1.00 (\$1.00);
- 3 for each page of copy of a document or documents copied by a person, other than an officer of the Administrative Appeals Tribunal or the Tenancy Tribunal, using a Tribunal photocopier: 20¢ (20¢).

Item 1 does not apply to a request for the supply of a transcript or a copy thereof of all or part of a proceeding or a matter incidental to a proceeding.

Fees for copies of transcripts

Item 4 of Schedule 2 relates to fees to be paid for the supply of a copy of a transcript of a proceeding or a part of a proceeding or of a matter incidental to a proceeding. These are -

4(a) for each page of a transcript (including preparation of the transcript):
\$8.25 (\$8.25);

4(b) for each page of a copy of the transcript: \$1.00 (\$1.00).

Fees for the supply of an audio or video tape or a computer disk

Items 5, 6 and 7 relate to fees to be paid to the Administrative Appeals Tribunal or the Tenancy Tribunal for the supply of an audio or video tape or of a computer disk. These are -

5 for the supply of a duplicate tape recording of a proceeding or of part of a proceeding or of a matter incidental to a proceeding - per cassette: \$32.00 (\$31.00);

6 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: \$42.00 (\$41.00);

7 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: \$12.00 (\$11.00).

Fees for the issue of a summons

Item 8 relates to fees payable for the issue by the Administrative Appeals Tribunal or the Tenancy Tribunal of a summons at the request of a party other than the Territory or a Territory agency. These are -

(a) To give evidence: \$13.00 (\$12.00);

(b) for production and to give evidence: \$24.00 (\$23.00);

(c) for production: \$24.00 (\$23.00).

Deferral of liability for payment

Paragraph 59A(2)(d) of the Administrative Appeals Tribunal Act and paragraph 78(2)(d) of the Tenancy Tribunal Act provide that a determination may provide for the deferral of liability by the Registrar for the payment of fees and charges, in whole or in part, in particular circumstances.

The Determination provides that the Registrar of the Administrative Appeals Tribunal and the Registrar of the Tenancy Tribunal may defer liability for payment for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time that a request is made for the performance of a function or the provision of a facility or service but payment could be made within 14 days after the request being made.

The Registrar will be able to defer payment, for example, where a person wishes to lodge an application for review in the Administrative Appeals Tribunal but has not brought sufficient funds with him or her. This reflects the existing position in respect of the Administrative Appeals Tribunal but introduces a benefit in respect of the Tenancy Tribunal.

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