



Australian Capital Territory

Regulations 1989 No. 10¹

Administrative Appeals Tribunal Regulations

I, ALLAN CLYDE HOLDING, the Minister of State for the Arts and Territories, hereby make the following regulations under the *Administrative Appeals Tribunal Ordinance 1989*.

Dated 9 May 1989.

CLYDE HOLDING
Minister of State for the Arts
and Territories

Citation

1. These Regulations may be cited as the Administrative Appeals Tribunal Regulations.

Interpretation

2. (1) In these Regulations, unless the contrary intention appears, “the Act” means the *Administrative Appeals Tribunal Act 1989*.

(2) A Deputy Registrar has all the powers and duties, and shall perform all the functions, conferred on the registrar under these Regulations and, for the purpose of the exercise of those powers or duties or the performance of those functions by a Deputy Registrar, a reference in these Regulations to the Registrar includes a reference to a Deputy Registrar.

(3) Where a notice is required or permitted by these Regulations to be given to the person who made a decision, the notice may be given to the Head of Administration or a person nominated by the Head of Administration in accordance with section 60 of the Act.

Seal of the Tribunal

3. (1) The seal of the Tribunal shall be of a design approved by the President and shall include the words “Australian Capital Territory Administrative Appeals Tribunal”.

(2) The seal of the Tribunal shall be kept in such custody as the President directs.

(3) The seal of the Tribunal shall be affixed by or with the authority of the Tribunal to such documents as are required by a direction of a presidential member to be sealed with the seal of the tribunal.

Application for review

4. (1) For the purposes of paragraph 27 (1) (b) of the Act, the prescribed form is Form 1.

(2) An application under subsection 27 (7) of the Act may be made in accordance with Form 2.

(3) For the purposes of subsection 27 (10) of the Act, the prescribed time is 14 days.

(4) A notice to the Tribunal under subsection 27 (10) of the Act—

- (a) shall be in writing;
- (b) shall be lodged with the Registrar; and
- (c) may be made in accordance with Form 3.

(5) For the purposes of subsection 27 (11) of the Act, the prescribed form is Form 4.

(6) Where, after a notice in accordance with Form 4 has been issued, the Tribunal has made an order under subsection 37 (2) of the Act, the Registrar shall give to the person who made the decision to which the order relates an amended notice in accordance with Form 4.

Application to be made a party

5. (1) An application under subsection 28 (2) of the Act shall be in writing and may be in accordance with Form 5.

(2) The Registrar shall, on receipt of an application referred to in subregulation (1), cause a notice in writing of the application to be given to the parties to the proceeding.

Request for shortening period for lodging copies of material documents

6. A request under subsection 37 (2) of the Act shall be made—

- (a) by application in writing in accordance with Form 6; or
- (b) as the Tribunal directs or allows in a particular case.

Request for order staying or otherwise affecting operation or implementation of a decision or part of a decision

7. A request under subsection 41 (2) of the Act shall be made—

- (a) by application in writing in accordance with Form 7; or
- (b) as the Tribunal or a presidential member directs or allows in a particular case.

Request for variation or revocation of staying order

8. A request under subsection 41 (3) of the Act shall be made—

- (a) by application in writing in accordance with Form 8; or
- (b) as the Tribunal or a presidential member directs or allows in a particular case.

Notice of request under subsection 41 (2) or (3) of the Act

9. (1) The Registrar shall, on receipt of a request under subsection 41 (2) or (3) of the Act, give notice of the request to the person who made the decision and to any other party to the proceeding.

(2) Notice under subregulation (1) shall be given—

- (a) if the request under subsection 41 (2) or (3) of the Act is lodged in writing with the Registrar—by causing a copy of the request to be

given to the person who made the decision and on any other party to the proceeding; and

- (b) in any other case—in such other manner as the Tribunal or a presidential member directs or allows in a particular case.

Lodging or filing of documents with Registrar

10. (1) The Registrar shall cause the date on which a document was lodged or received at the Registry to be recorded on the document.

(2) The Registrar shall acknowledge in writing the receipt of an application or request under subsection 26 (6), 27 (1) or (7), 28 (2), 37 (2), 41 (2) or 41 (3) of the Act that is lodged in writing.

Notice under subsection 19 (3) of the Act regarding composition of Tribunal

11. (1) Subject to subregulation (2), a notice under subsection 19 (3) of the Act shall be lodged with the Tribunal by delivering the notice to the Registrar not less than 7 days before the day on which the hearing to which the notice relates is to commence.

(2) A presidential member may, at any time before the hearing of a proceeding before the Tribunal, approve the giving of a notice under subsection 19 (3) of the Act on, or on a day within 7 days before, the day on which the hearing is to commence, and, where he or she gives such an approval, the notice shall be lodged with the Tribunal by delivering the notice to the Registrar on or before the day specified by the presidential member in the approval and before the hearing of the proceeding commences.

Lodging of material documents with Tribunal

12. For the purposes of subsection 37 (1) of the Act, the prescribed number of copies is—

- (a) in the case of a statement, document or part of a document that contains information in respect of which, or in respect of the contents of which, a certificate has been given under subsection 35 (1) or (2) of the Act—1; and
- (b) in the case of any other statement, document or part of a document—6.

Summons

13. A summons under subsection 40 (2) of the Act—

- (a) shall be in accordance with Form 9; and

- (b) shall be served on a person by—
 - (i) delivering a copy of the summons to the person personally; and
 - (ii) showing the original of the summons to the person at the time at which the copy is delivered to him or her.

Hours of Registry

14. (1) Subject to subregulation (2), the Registry shall be open for business on every day, other than a Saturday, a Sunday or a day that is observed as a holiday in the Public Service, from 9.30 am until 1.00 pm and from 2.00 pm until 4.00 pm.

(2) The President may direct that the Registry shall be open for business at times other than those referred to in subregulation (1), and the Registry shall be open for business accordingly.

(3) A direction by the President under subregulation (2) may be expressed to apply generally or to a period specified in the direction.

Remuneration and allowances of certain part-time members

15. Where a person who is a part-time member of the Commonwealth Administrative Appeals Tribunal is sitting as a part-time member of the Tribunal, the person shall be paid the same remuneration and allowances as the person would be paid if the person were sitting as a part-time member of that first-mentioned tribunal.

SCHEDULE

Subsection 27 (1)
Subregulation 4 (1)

FORM 1

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL
APPLICATION FOR REVIEW OF DECISION**

To the Registrar

Under subsection 27 (1) of the *Administrative Appeals Tribunal Act 1989*, I/we apply to have the decision described in paragraph 5 reviewed by the Tribunal.

- 1. Name/s of applicant/s:
- 2. Address/es of applicant/s:
- 3. Contact telephone numbers: (work) (home)
- 4. Address for service of notices:
- 5. The decision to be reviewed is:
- 6. The name of the person who made the decision is:
- 7. The office, appointment or title of the person who made the decision is:
- 8. The reasons for this application are:

.....
Signature

.....
Date

SCHEDULE—continued

FORM 2

Subsection 27 (7)
Subregulation 4 (2)

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL**

**APPLICATION FOR EXTENSION OF TIME FOR LODGING APPLICATION FOR
REVIEW OF DECISION**

To the Registrar,

Under subsection 27 (7) of the *Administrative Appeals Tribunal Act 1989*, I/we apply to the Tribunal to extend the time for the making of an application to the Tribunal for a review of the decision described in paragraph 5.

1. Name/s of applicant/s:
2. Address/es of applicant/s:
3. Contact telephone numbers: (work) (home)
4. Address for service of notices:
5. The decision to be reviewed is:
6. The name of the person who made the decision is:
7. The office, appointment or title of the person who made the decision is:
8. Date to which extension of time is sought:
9. Grounds for this application for extension of time:

.....
Signature

.....
Date

FORM 3

Subsection 27 (10)
Subregulation 4 (4)

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL**

**NOTICE OF OPPOSITION TO APPLICATION FOR EXTENSION OF TIME FOR
MAKING APPLICATION FOR REVIEW OF DECISION**

To the Registrar

I/we wish to oppose the application by (name of applicant) dated (date of application) made under subsection 27 (7) of the *Administrative Appeals Tribunal Act 1989* for an extension of the time for the making by that person of an application to the Tribunal for a review of the decision made by (name of decision-maker and title) on (date) in the proceeding between (names of parties to proceeding).

1. Name/s of person/s giving notice:
2. Address/es of person/s giving notice:
3. Contact telephone numbers: (work) (home)
4. Address for service of notices:
5. Grounds for opposition to application:

.....
Signature

.....
Date

SCHEDULE—continued

FORM 4

Subsection 27 (11)
Subregulations 4 (5) and (6)

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL**

NOTICE OR AMENDED NOTICE OF APPLICATION FOR REVIEW OF DECISION

To:.....

NOTICE is given that an application has been made under subsection 27 (1) of the *Administrative Appeals Tribunal Act 1989* for a review by the Tribunal of the decision made by you and referred to in the attached copy of the application.

UNDER that Act you are a party to the proceeding before the Tribunal and you will be notified of the date and place of the hearing.

UNDER section 37 of that Act, you are required:

- * within 28 days (being the period specified in subsection 37 (1) of that Act) after receiving this notice,
- * within † days (being the period specified in an order made under subsection 37 (2) of that Act in the proceeding) after receiving this notice,
- * within † days (being the period specified in an order made under subsection 37 (2) of that Act in the proceeding) after receiving the notice which this notice amends,

to lodge with the Tribunal in relation to that decision such number of copies as is prescribed of—

- (a) a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision; and
- (b) every other document or part of a document that is in your possession or under your control and is considered by you to be relevant to the review of the decision by the Tribunal.

The prescribed number of copies is—

- (a) in the case of a statement, document or part of a document that contains information in respect of which, or in respect of the contents of which, a certificate has been given under subsection 35 (1) or (2) of that Act—1 copy; and
- (b) in the case of any other statement, document or part of a document—6 copies.

.....
* Registrar

.....
* Deputy Registrar

..... Date

* Delete where inapplicable.

† Insert the number of days in the period specified in the order made under subsection 37 (2) of the Act referred to in the notice.

SCHEDULE—continued

FORM 5

Subsection 28 (2)
Subregulation 5 (1)

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL
APPLICATION TO BE MADE A PARTY TO A PROCEEDING**

To the Registrar

Under subsection 28 (2) of the *Administrative Appeals Tribunal Act 1989*, I/we apply to be made a party/parties to the proceeding before the Tribunal between (names of parties to proceeding).

1. Name/s of applicant/s:
2. Address/es of applicant/s:
3. Contact telephone numbers: (work) (home)
4. Address for service of notices:
5. Statement of the way in which the decision affects the interests of the applicant/s:

.....
Signature

.....
Date

FORM 6

Subsection 37 (2)
Regulation 6

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL
REQUEST FOR ORDER TO SHORTEN TIME FOR LODGING COPIES OF
MATERIAL DOCUMENTS**

To the Registrar

Under subsection 37 (2) of the *Administrative Appeals Tribunal Act 1989*, I/we, being a party/parties to the proceeding before the Tribunal for a review of the decision referred to in paragraph 5, request that an order be made directing that the copies of documents in relation to that decision that the person who made that decision is required, under subsection 37 (1) of that Act, to lodge with the Tribunal, be lodged with the Tribunal within † days after the person who made the decision receives or received notice of the application for that review.

1. Name/s of person/s making request:
2. Address/es of person/s making request:
3. Contact telephone numbers: (work) (home)
4. Address for service of notices:
5. The decision to be reviewed is:.....
6. The name of the person who made the decision is:
7. The office, appointment or title of the person who made the decision is:
8. The hardship I/we claim I/we would or might suffer if the period prescribed by subsection 37 (1) of the Act for lodging with the Tribunal for the purposes of the review the copies of the documents mentioned in that subsection is not shortened is:

.....
Signature

.....
Date

† Insert the number of days in the period specified in the order made under subsection 37 (2) of the Act referred to in the notice.

SCHEDULE—continued

FORM 7

Subsection 41 (2)
Regulation 7

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL**

**REQUEST FOR ORDER STAYING OR OTHERWISE AFFECTING THE OPERATION
OR IMPLEMENTATION OF A DECISION OR PART OF A DECISION**

To the Registrar

Under subsection 41 (2) of the *Administrative Appeals Tribunal Act 1989*, I/we, being a party/parties to the proceeding before the Tribunal referred to in paragraph 5 relating to the decision referred to in paragraph 6, request that such order or orders be made staying or otherwise affecting the operation or implementation of the decision to which the proceeding relates or a part of that decision as the Tribunal or a presidential member considers appropriate for the purpose of securing the effectiveness of the hearing and determination of the application for the review of that decision.

1. Name/s of person/s making request:
2. Address/es of person/s making request:
3. Contact telephone numbers: (work) (home)
4. Address for service of notices:
5. The description of the proceeding before the Tribunal is:
6. The decision to be reviewed is:
7. The name of the person who made the decision is:
8. The office, appointment or title of the person who made the decision is:
9. Grounds for request:

.....
Signature

.....
Date

SCHEDULE—continued

FORM 8

Subsection 41 (3)
Regulation 8

**AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL**

**REQUEST FOR ORDER VARYING OR REVOKING AN ORDER STAYING OR
OTHERWISE AFFECTING THE OPERATION OR IMPLEMENTATION OF A
DECISION OR PART OF A DECISION**

To the Registrar

Under subsection 41 (3) of the *Administrative Appeals Tribunal Act 1989*, I/we, being a party/parties to the proceeding before the Tribunal referred to in paragraph 5 relating to the decision referred to in paragraph 6 the operation or implementation of which/part of which has been stayed or otherwise affected by:

- * the order referred to in paragraph 9;
- * the order referred to in paragraph 9 as varied by the order/orders referred to in paragraph 10;

request that an order be made varying or revoking that order.

1. Name/s of person/s making request:
2. Address/es of person/s making request:
3. Contact telephone numbers: (work) (home)
4. Address for service of notices:
5. The description of the proceeding before the Tribunal is:
6. The decision to be reviewed is:
7. The name of the person who made the decision is:
8. The office, appointment or title of the person who made the decision is:
9. The date of the order staying or otherwise affecting the decision or part of the decision is:
10. The date or dates of the order or orders previously varying the order referred to in paragraph 9 is or are:
11. Grounds for request:

.....
Signature

.....
Date

* Delete where inapplicable.

SCHEDULE—continued

FORM 9

Subsection 40 (2)
Regulation 13

AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL
SUMMONS

Between

Applicant

and

Respondent

To: (name and address of witness)

YOU ARE HEREBY SUMMONED to appear before the Tribunal at (place, time and date of hearing) and on each subsequent day of the hearing of the above-mentioned proceeding until you are excused or released from further attendance:

- * to give evidence.
- * to give evidence and to produce the following documents:

*Registrar
 *Deputy Registrar
 Date.....

* Delete where inapplicable.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 10 May 1989.