



Australian Capital Territory

ACT Civil and Administrative Tribunal Regulation 2009

SL2009-1

made under the

ACT Civil and Administrative Tribunal Act 2008

Republication No 5

Effective: 26 February 2021 – 30 June 2022

Republication date: 26 February 2021

Last amendment made by [A2021-3](#)

About this republication

The republished law

This is a republication of the *ACT Civil and Administrative Tribunal Regulation 2009*, made under the *ACT Civil and Administrative Tribunal Act 2008* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 February 2021. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 26 February 2021.

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

Kinds of republications

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

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

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

Editorial changes

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

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

Uncommenced provisions and amendments

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

Modifications

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

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Effective: 26/02/21-30/06/22

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1 Name of regulation

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

3 Notes

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

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

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

The following amounts are prescribed:

- (a) for an individual—\$5 000;
- (b) for a corporation—\$25 000.

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

The following amounts are prescribed:

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

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

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

- (2) As part of taking reasonable steps, the Attorney-General must consider the desirability of the tribunal including—
- (a) not less than the number of members mentioned in an item in table 6, column 2, each of whom the Attorney-General is satisfied has the interest, qualification or experience mentioned in column 3 for the item; and
 - (b) as many other members, each of whom is a health practitioner, as are required to allow the tribunal to exercise its functions.

Note **Health practitioner**—see the [Legislation Act](#), dictionary, pt 1.

Table 6 Senior and ordinary members generally

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
1	1	understands the interests of credit providers and financial brokers
2	1	understands the interests of people who obtain customer credit from credit providers or through finance brokers
3	1	qualifications or experience in consumer affairs
4	1	qualifications or experience assisting or working with people suffering financial hardship
5	1	qualifications or experience in business
6	1	qualifications or experience in law, other than qualifications in item 7 or 8
7	3	suitably qualified legal practitioners nominated by the bar council under the Legal Profession Act 2006

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
8	3	suitably qualified legal practitioners nominated by the law society council under the <i>Legal Profession Act 2006</i>
9	1	community members suitable to deal with the needs of mentally dysfunctional people
10	1	appropriate expertise, training or experience in relation to, and otherwise suitable to deal with, the needs of people who, because of a physical, mental, psychological or intellectual condition, need assistance or protection from abuse, exploitation or neglect

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

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

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

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

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

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

9 Use of trust amounts—Act, s 115C

- (1) The following purposes in relation to the *Agents Act 2003* (the *Agents Act*) are prescribed:
 - (a) promoting education and understanding of the *Agents Act* for licensed agents, registered salespeople and the public;
 - (b) providing dispute resolution services for disputes involving licensed agents or registered salespeople;
 - (c) paying additional amounts to the compensation fund;
 - (d) researching issues of concern to licensed agents and people using the services of licensed agents, whether or not the issues arise under the *Agents Act*;

- (e) paying or reimbursing costs, incurred by the commissioner for fair trading on behalf of the Territory, for applications to the ACAT in relation to a licensed agent or registered salesperson;
 - (f) paying reasonable costs and expenses incurred by an administrator under the [Agents Act](#), section 143 (Remuneration of administrators);
 - (g) reimbursing the Territory for the cost of administering the [Agents Act](#).
- (2) The purposes mentioned in the [Residential Tenancies Act 1997](#), section 28 (Interest on amounts in trust account) are prescribed.
- (3) The following purposes in relation to the [Retirement Villages Act 2012](#) are prescribed:
- (a) providing advisory and advocacy services to residents and prospective residents of retirement villages;
 - (b) reimbursing the Territory for the cost of administering that Act.
- (4) In this section:

compensation fund—see the [Agents Act](#), dictionary.

licensed agent—see the [Agents Act](#), dictionary.

registered salesperson—see the [Agents Act](#), dictionary.

resident, of a retirement village—see the [Retirement Villages Act 2012](#), dictionary.

retirement village—see the [Retirement Villages Act 2012](#), section 10.

Endnotes

1 About the endnotes

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

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

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

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

The endnotes also include a table of earlier republications.

2 Abbreviation key

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

Endnotes

3 Legislation history

3 Legislation history

ACT Civil and Administrative Tribunal Regulation 2009 SL2009-1
notified LR 29 January 2009
s 1, s 2 commenced 29 January 2009 (LA s 75 (1))
remainder commenced 2 February 2009 (s 2 and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

as amended by

Justice and Community Safety Legislation Amendment Act 2013 A2013-7 sch 1 pt 1.1
notified LR 1 March 2013
s 1, s 2 commenced 1 March 2013 (LA s 75 (1))
sch 1 pt 1.1 commenced 4 March 2013 (s 2 and see [Retirement Villages Act 2012](#) A2012-38, s 2 and LA s 79)

Courts and Other Justice Legislation Amendment Act 2018 A2018-9 pt 3
notified LR 29 March 2018
s 1, s 2 commenced 29 March 2018 (LA s 75 (1))
pt 3 commenced 26 April 2018 (s 2)

Justice and Community Safety Legislation Amendment Act 2021 A2021-3 pt 3
notified LR 19 February 2021
s 1, s 2 commenced 19 February 2021 (LA s 75 (1))
pt 3 commenced 26 February 2021 (s 2 (1))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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

s 4 am [A2018-9](#) s 16

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

s 6 (6)-(8) exp 2 August 2009 (s 6 (8) (LA s 88 declaration applies))
am [A2018-9](#) ss 17-19

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

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

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

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

Use of trust amounts—Act, s 115C

s 9 sub [A2021-3](#) s 5

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

s 10 ins [A2013-7](#) amdt 1.1
om [A2021-3](#) s 5

Endnotes

5 Earlier republications

5 Earlier republications

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

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

Republication No and date	Effective	Last amendment made by	Republication for
R1 2 Feb 2009	2 Feb 2009– 2 Aug 2009	not amended	new regulation
R2 3 Aug 2009	3 Aug 2009– 3 Mar 2013	not amended	commenced expiry
R3 4 Mar 2013	4 Mar 2013– 25 Apr 2018	A2013-7	amendments by A2013-7
R4 26 Apr 2018	26 Apr 2018– 25 Feb 2021	A2018-9	amendments by A2018-9

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