



Australian Capital Territory

ACT Civil and Administrative Tribunal (Transitional Provisions) Amendment Regulation 2009 (No 1)

Subordinate Law SL2009-51

The Australian Capital Territory Executive makes the following regulation under the *ACT Civil and Administrative Tribunal Act 2008*.

Dated 19 October 2009.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister

J2009-501

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



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Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Legislation amended	1
4 New section 52A	1
5 Section 67 (1), new modification 301AA	2
6 Section 67 (1), new modifications 301D to 301F	3
7 New schedule 3	4
8 New schedule 4	5
9 New schedule 5	6

J2009-501

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of regulation

This regulation is the *ACT Civil and Administrative Tribunal (Transitional Provisions) Amendment Regulation 2009 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

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

3 Legislation amended

This regulation amends the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

4 New section 52A

in part 13, insert

52A Reference to Small Claims Court in document

- (1) This section applies to a document that—
 - (a) was written before the commencement day in relation to an application in the Small Claims Court; and
 - (b) refers to the Small Claims Court.
- (2) A reference in the document to the Small Claims Court is taken on and after the commencement day to be a reference to—
 - (a) the ACAT; and

- (b) if the document is filed in the Magistrates Court in relation to the enforcement of an order of the ACAT or Small Claims Court—the Magistrates Court.

Example—document

a power of attorney authorising someone to represent a party to an application in the Small Claims Court

Note An example is part of the regulation, 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).

5 Section 67 (1), new modification 301AA

insert

301AA Territory entities to pay amounts to ACAT trust account

- (1) This section applies if—
- (a) a territory entity makes an application to the ACAT in a quarter; and
 - (b) no filing fee is paid for the application because of the operation of the Legislation Act, section 121 (Binding effect of Acts).
- (2) The entity must, at the end of the quarter, pay to the ACAT trust account an amount equal to the filing fee for the application.
- (3) This section expires on the day the ACAT (TP) Regulation expires.
- (4) In this section:

ACAT (TP) Regulation means the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

territory entity includes—

- (a) the Territory; or
- (b) a Minister; or
- (c) an administrative unit; or

- (d) a territory instrumentality; or
- (e) any other Territory authority.

6 Section 67 (1), new modifications 301D to 301F

insert

301D Modification—Legal Profession Act 2006

- (1) The *Legal Profession Act 2006* is modified as set out in the ACAT (TP) Regulation, schedule 3.
- (2) This section and the ACAT (TP) Regulation, schedule 3 expire on the day the ACAT (TP) Regulation expires.
- (3) In this section:

ACAT (TP) Regulation means the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

301E Modification—Magistrates Court Act 1930

- (1) The *Magistrates Court Act 1930* is modified as set out in the ACAT (TP) Regulation, schedule 4.
- (2) This section and the ACAT (TP) Regulation, schedule 4 expire on the day the ACAT (TP) Regulation expires.
- (3) In this section:

ACAT (TP) Regulation means the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

301F Modification—Utilities Act 2000

- (1) The *Utilities Act 2000* is modified as set out in the ACAT (TP) Regulation, schedule 5.
- (2) This section and the ACAT (TP) Regulation, schedule 5 expire on the day the ACAT (TP) Regulation expires.
- (3) In this section:

ACAT (TP) Regulation means the *ACT Civil and Administrative Tribunal (Transitional Provisions) Regulation 2009*.

7 New schedule 3

insert

Schedule 3 Modification—Legal Profession Act 2006

(see s 67)

[3.1] New section 423A

insert

423A Restriction on publication of certain identifying material from application

- (1) A person must not publish an account or report of an application under this part if the account or report—
 - (a) discloses the identity of the person who is the subject of the complaint to which the application relates (the *person concerned*); or
 - (b) allows the identity of the person concerned to be worked out.
- (2) However, the identity of the person concerned may be disclosed in an account or report of the application if—

-
- (a) a final decision has been made that the person concerned is guilty of the conduct complained of; and
- (b) either—
- (i) the appeal period has ended and no appeal has been made; or
 - (ii) any appeal has been decided against the person concerned.
- (3) In this section:

appeal means an appeal under the *ACT Civil and Administrative Tribunal Act 2008*, section 79 against a decision by the tribunal.

appeal period means the period within which an appeal may be made.

Note See the *Court Procedures Rules 2006*, r 5052 (Appeals to Supreme Court—general powers) and r 5103 (Appeals to Supreme Court—time for filing notice of appeal).

8 New schedule 4

insert

Schedule 4 Modification—Magistrates Court Act 1930

(see s 67)

[4.1] New section 266B

insert

266B Enforcement of ACT Civil and Administrative Tribunal order—representation

- (1) This section applies if a person (the *first person*)—

- (a) was represented in an application in the ACAT by someone else (the *second person*) under the *ACT Civil and Administrative Tribunal Act 2008*, section 30; and
 - (b) the ACAT made a money order or non-money order in favour of the first person; and
 - (c) the first person enforces the order in the Magistrates Court under the *Court Procedures Rules 2006*, part 2.18 (Enforcement).
- (2) The second person may represent the first person in the enforcement proceeding in the Magistrates Court.

9 New schedule 5

insert

Schedule 5 Modification—Utilities Act 2000

(see s 67)

[5.1] New section 45 (2)

substitute

- (2) The annual licence fee for a particular utility is the amount considered by ICRC to be a reasonable contribution towards the costs incurred, or expected to be incurred—
- (a) by the following in the exercise of functions, in the ACT or elsewhere, in relation to utility services:
 - (i) ICRC;
 - (ii) the chief executive under part 5 (Technical regulation) on behalf of the Territory; and
 - (b) by the ACAT in hearing and deciding matters to which a utility is a party.

Endnotes

1 Notification

Notified under the Legislation Act on 30 October 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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