

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Land and Planning)

**Land (Planning and Environment)
(Amendment) Bill (No. 4) 1993**

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(As presented)

(Minister for the Environment, Land and Planning)

**Land (Planning and Environment)
(Amendment) Bill (No. 4) 1993**

**A BILL
FOR**

An Act to amend the *Land (Planning and Environment) Act 1991* and for related purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Land (Planning and Environment) (Amendment) Act (No. 4) 1993*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.
- 10 (2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

5 **Principal Act**

3. In this Act, "Principal Act" means the *Land (Planning and Environment) Act 1991*.¹

Interpretation

4. Section 4 of the Principal Act is amended—

- 10 (a) by omitting the definition of "Tribunal"; and
 (b) by inserting the following definitions:

 " 'Appeals Board' means the Land and Planning Appeals Board established by section 282B;

 'Registrar' means the Registrar of the Appeals Board;".

15 **Effect of Plan**

5. Section 8 of the Principal Act is amended—

- (a) by omitting "The Territory" and substituting "Subject to subsection (2), the Territory"; and
 (b) by adding at the end the following subsection:

20 "(2) Subsection (1) does not apply in relation to the approval pursuant to the *Buildings (Design and Siting) Act 1964* of a proposal for the development of land involving an aspect of external design and siting where—

- 25 (a) the application for approval of the proposal was made pursuant to that Act before 18 October 1993;
 (b) the Authority did not refuse to approve the application before that day; and
 (c) the proposal is consistent with the Plan as in effect on 17 October 1993."

30 **Application for inclusion of places in interim Register**

6. Section 59 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

 "(5) A notice under subsection (4) shall include—

- (a) a statement of the reasons for the decision that includes the findings of the Heritage Council on material questions of fact and refers to the evidence or other material on which those findings were based;
- 5 (b) if the application is approved—details of the provision proposed for inclusion in an interim Heritage Places Register in accordance with the approval; and
- (c) if the application is refused—a statement to the effect that, subject to Part VIA, the applicant may apply to the Appeals Board for a
10 review of the decision of the Heritage Council to refuse the application.”.

Public notification

7. Section 60 of the Principal Act is amended by omitting subparagraphs (1) (c) (ii) and (iii) and substituting the following
15 subparagraph:

“(ii) a statement to the effect that, subject to Part VIA, a person whose interests in relation to land are affected may apply to the Appeals Board for a review of a decision of the Heritage Council to include a provision in the interim Register.”.

20 **Revision of interim Register**

8. Section 62 of the Principal Act is amended—

- (a) by adding at the end of paragraph (3) (b) “and”; and
- (b) by omitting paragraphs (3) (c) and (d) and substituting the following paragraph:
25 “(c) a statement to the effect that, subject to Part VIA, a person whose interests in relation to land are affected may apply to the Appeals Board for a review of the Heritage Council’s decision to revise a provision of the interim Register.”.

30 **Notice of acquisition**

9. Section 65 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) A notice shall—

- 35 (a) include a statement of the reasons of the Executive for its decision to acquire the place or object; and

- (b) a statement to the effect that, subject to Part VIA, an application may be made to the Appeals Board for a review of the decision to acquire the place or object or to acquire it on particular terms.”.

5 **Aboriginal heritage discoveries—Ministerial directions and declarations**

10 10. Section 69 of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:

“ (6) A declaration under paragraph (1) (b) shall include—

- (a) a statement of the reasons of the Minister for declaring that the place is not to be registered; and
- (b) a statement to the effect that, subject to Part VIA, a person whose interests in relation to land are affected may apply to the Appeals Board for a review of the decision of the Minister to make the declaration.”.

15 **Orders—Ministerial directions and declarations**

11. Section 73 of the Principal Act is amended by omitting subsection (6) and substituting the following subsection:

“ (6) A declaration under paragraph (1) (b) shall include—

- (a) a statement of the reasons of the Minister for declaring that the place is not to be registered; and
- (b) a statement to the effect that, subject to Part VIA, a person whose interests in relation to land are affected may apply for a review of the decision of the Minister to make the declaration.”.

Notice of decisions about compensation

25 12. Section 80 of the Principal Act is amended by omitting paragraphs (2) (a) and (b) and substituting the following paragraphs:

- “ (a) a statement of the Minister’s reasons for his or her decision; and
- (b) a statement to the effect that, subject to Part VIA, the applicant for compensation may apply to the Appeals Board for a review of the Minister’s decision.”.

Restricted information

13. Section 82 of the Principal Act is amended by omitting paragraphs (4) (b) and (c) and substituting the following paragraphs:

- 35 “ (b) a statement of the Minister’s reasons for making the declaration; and

- (c) a statement to the effect that, subject to Part VIA, the person may apply to the Appeals Board for a review of the decision of the Minister to make the declaration.”.

Publication of restricted information generally.

- 5 **14.** Section 84 of the Principal Act is amended by omitting paragraphs (4) (a) and (b) and substituting the following paragraphs:

- “ (a) a statement of the Council’s reasons for its decision; and
- (b) a statement to the effect that, subject to Part VIA, the applicant may
- 10 apply to the Appeals Board for a review of the Council’s decision.”.

Review of decisions

- 15.** Section 86 of the Principal Act is amended—

- (a) by omitting from subsections (1), (2), (3), (4) and (5) “Tribunal” and substituting “Appeals Board”;
- 15 (b) by omitting from subsection (6) “Tribunal” and “Minister” and substituting “Appeals Board” and “Heritage Council” respectively; and
- (c) by omitting subsection (7).

Public inspection

- 20 **16.** Section 117 of the Principal Act is amended—

- (a) by omitting from subsection (5) all the words after “give” and substituting “the proponent notice in writing of the amount so fixed”; and
- (b) by adding at the end the following subsection:

- 25 “(6) A notice under subsection (5) shall include—
- (a) particulars of the calculation of the amount fixed as the maximum price that the proponent may charge for a copy of the preliminary assessment; and
- (b) a statement to the effect that, subject to Part VIA, the
- 30 proponent may apply to the Appeals Board for a review of the decision of the Environment Minister fixing that maximum price.”.

Environmental impact statements—consultation and public inspection

- 35 **17.** Section 125 of the Principal Act is amended—

- (a) by omitting from subsection (5) all the words after “give” and substituting “the proponent notice in writing of the amount so fixed”; and
- (b) by inserting after subsection (5) the following subsection:
 - 5 “(5A) A notice under subsection (5) shall include—
 - (a) particulars of the calculation of the amount fixed as the maximum price that the proponent may charge for a copy of the draft environmental impact statement; and
 - 10 (b) a statement to the effect that, subject to Part VIA, the proponent may apply to the Appeals Board for a review of the decision of the Environment Minister fixing that maximum price.”.

Notice of various decisions

18. Section 212 of the Principal Act is amended—

- 15 (a) by omitting paragraph (1) (e);
- (b) by omitting paragraphs (2) (a), (b) and (c); and
- (c) by omitting subsection (3) and substituting the following subsection:
 - 20 “(3) A notice under subsection (1) or (2) shall include—
 - (a) a statement of the reasons of the Executive or the Minister for making the decision; and
 - (b) a statement to the effect that, subject to Part VIA, an application may be made to the Appeals Board for a review of the decision.”.

25 **Substitution**

19. Section 213 of the Principal Act is repealed and the following sections are substituted:

Review by Appeals Board

- 30 “213. Application may be made to the Appeals Board for a review of a decision referred to in subsection 212 (1) or (2).

Notice of decisions under section 174, 177, 178 or 184

“213A. (1) Where the Minister makes a decision—

- (a) under section 174 determining the value of improvements;

- (b) under subsection 177 (3) confirming a variation of rent, or setting a variation of rent aside and substituting another variation; or
- (c) refusing to authorise, under subsection 178 (1), the payment of an amount in respect of the surrender or termination of a lease;

5 he or she shall, within 28 days after the day of the decision, cause a notice in writing of the decision to be given to the lessee or former lessee, as the case requires.

10 “(2) Where the Executive makes a decision under section 184 determining the amount payable in respect of the increase in the value of a lease that would result from a proposed variation of the lease it shall, within 28 days after making the decision, cause a notice in writing of the decision to be given to the lessee.

“(3) A notice under subsection (1) or (2) shall—

- 15 (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that the person to whom the notice is given may request a statement pursuant to section 26 of that Act.

20 “(4) The validity of a decision referred to in subsection (1) or (2) is not to be taken to be affected by a failure to comply with subsection (3).

Review by Administrative Appeals Tribunal

25 “213B. Application may be made to the Administrative Appeals Tribunal for a review of a decision referred to in subsection 213A (1) or (2).”.

Application for order

20. Section 256 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” and substituting “Registrar”;
- 30 (b) by omitting subsections (3) and (4) and substituting the following subsections:

“(3) On receiving an application under subsection (1) the Registrar shall give notice in writing of the application to—

- (a) the Minister; and
- 35 (b) each person against whom the order is sought.

“(4) A notice under subsection (3) shall—

(a) contain a statement to the effect that the person to whom it is given may, within 7 days after the day on which he or she receives the notice, make submissions to the Registrar in relation to the making of the order; and

5

(b) have attached to it a copy of the application to which the notice relates.

“(4A) Before deciding whether to make an order the Registrar shall consider any submissions made by—

(a) the Minister; or

10

(b) a person against whom the order is sought;

within 7 days after the day on which he or she received notice under subsection (3) of the application for the order.

“(4B) The Registrar shall determine an application under subsection (1) by—

15

(a) making the order; or

(b) refusing to make the order.

“(4C) The Registrar shall cause a copy of each order made under subsection (4C) to be given to the Minister as soon as practicable after the order is made.

20

“(4D) The Executive may, of its own motion, make an order under this section.”; and

(c) by omitting subsection (6) and substituting the following subsection:

25

“(6) If the Registrar fails to make an order under subsection (4B) within the prescribed period, the Registrar is, for the purposes of that subsection, to be taken to have refused to make an order.”.

Notice of making of order

21. Section 257 of the Principal Act is amended—

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(a) by omitting “Minister” (wherever occurring) and substituting “Registrar”;

(b) by omitting from paragraph (a) “against whom the order is sought” and substituting “to whom the order is directed”;

35

(c) by omitting from paragraph (b) “in the case of an application under subsection (1)—”; and

(d) by adding at the end the following subsection:

“(2) If the Executive makes an order under section 256 it shall cause notice of the making of the order to be given to—

- (a) any person to whom the order is directed;
- 5 (b) the lessee and occupier of the place to which the order relates;
- (c) the Registrar-General; and
- (d) any other person whose interests are, in the opinion of the Executive, adversely affected by the order.”.

10 **Effect of order in certain circumstances**

22. Section 258 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” (first occurring) and substituting “Registrar or the Executive”;
- 15 (b) by omitting from subsection (1) all the words after “takes effect” and substituting “and the date on which it is revoked”;
- (c) by omitting from subsection (2) “Minister” and substituting “Executive”; and
- (d) by omitting from paragraphs (2) (a) and (b) “Tribunal” and substituting “Appeals Board”.

20 **Future owners or occupiers**

23. Section 260 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:

25 “(2) The Registrar and the Executive shall, on making an order of the kind referred to in subsection (1), cause a copy of the order to be sent to the Registrar-General.

“(3) The Registrar and the Executive shall, on revoking an order of the kind referred to in subsection (1), cause written notice of the revocation to be given to the Registrar-General.”.

Review—applicants

30 24. Section 275 of the Principal Act is amended—

- (a) by omitting from subsections (2) and (3) “Tribunal” and substituting “Appeals Board”; and
- (b) by omitting subsection (6) and substituting the following subsection:

“(6) A notice under subsection (4) or (5) shall include—

- (a) a statement of the reasons for making the decision of the person or body who made it; and
- (b) a statement to the effect that, subject to Part VIA, application may be made to the Appeals Board for a review of the decision.”.

Review—objectors, third parties

25. Section 276 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Tribunal” (twice occurring) and substituting “Appeals Board”;
- (b) by omitting from subsection (1) “14 days” and substituting “28 days”;
- (c) by omitting subsection (2) and substituting the following subsection:

“(2) A notice given under section 243 to a person who objected under section 237 shall include a statement to the effect that, subject to Part VIA, the person may apply to the Appeals Board within 28 days after the day on which he or she is notified of the decision for a review of the decision to which the notice relates.”;

- (d) by omitting from subsection (4) “Tribunal” and substituting “Appeals Board”;
- (e) by omitting from subsection (6) “Tribunal” (first occurring) and substituting “Appeals Board”; and
- (f) by omitting from subsection (6) “Tribunal” (second occurring) and substituting “Board”.

Review—orders

26. Section 277 of the Principal Act is amended—

- (a) by omitting from subsection (1) “Minister” and “Tribunal” and substituting “Registrar” and “Appeals Board” respectively;
- (b) by omitting from subsection (2) “Minister” (wherever occurring) and substituting “Registrar”; and
- (c) by omitting subsection (3) and substituting the following subsection:

“(3) A notice under subsection (2) shall include—

- (a) a statement of the reasons of the Registrar for the decision; and
- (b) a statement to the effect that, subject to Part VIA, application may be made to the Appeals Board for a review of the decision.”.

Substitution

27. Section 280 of the Principal Act is repealed and the following section substituted:

Applicants and objectors may be made parties to proceedings

10 “280. Where—

- (a) an applicant makes application under section 275 for the review of a decision referred to in paragraph 275 (1) (a), (b) or (c); or
- (b) an objector makes application under section 276 for the review of a decision;

15 a person to whom notice has been given under section 278 or 279 may apply to the Appeals Board to be made a party to the proceedings and, upon such an application being made, the Board shall, by order, make the person a party to the proceedings.”.

Insertion

20 28. After Part VI of the Principal Act the following Part is inserted:

“PART VIA—LAND AND PLANNING APPEALS BOARD

“Division 1—Preliminary

Interpretation

“282A. (1) In this Part, unless the contrary intention appears—

25 ‘Chairperson’ means the Chairperson of the Appeals Board;

‘Deputy Chairperson’ means the Deputy Chairperson of the Appeals Board;

‘enactment’ means an Act or a subordinate law (including part of an Act or such a law);

30 ‘member’ means a member of the Appeals Board and includes the Chairperson and the Deputy Chairperson;

‘working day’ means a day other than a Saturday, a Sunday or a public holiday.

“(2) A reference in this Part to a decision includes a reference to—

- (a) making, suspending, revoking or refusing to make an order or determination;
- 5 (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;
- (c) issuing, suspending, revoking or refusing to issue an authority or other instrument;
- (d) imposing a condition or restriction;
- (e) making a declaration, demand or requirement;
- 10 (f) retaining, or refusing to deliver up, an article; or
- (g) doing or refusing to do any other act or thing.

“(3) Where a person has nominated an address in the Territory at which documents may be served on the person, a document or statement that is required by this Part to be given to the person may be sent to that address.

15 **“Division 2—Establishment of Land and Planning Appeals Board**

Establishment of Board

“282B. There is hereby established a Land and Planning Appeals Board which shall consist of—

- 20 (a) a Chairperson;
- (b) a Deputy Chairperson; and
- (c) such number of other members (not exceeding 5) as are appointed in accordance with this Part.

Appointment of members

25 “282C. (1) The members of the Appeals Board shall be appointed by the Minister by instrument.

“(2) A person who is to be appointed as a member of the Appeals Board shall be appointed as the Chairperson, the Deputy Chairperson or as a member.

30 “(3) The members shall hold office on a part-time basis.

“(4) Subject to this Part, a member holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

Remuneration and allowances

"282D. (1) A member shall be paid such remuneration and allowances as are prescribed.

"(2) Subsection (1) does not apply to—

- 5 (a) the remuneration of a member if there is a subsisting determination relating to remuneration to be paid to the member; or
- (b) an allowance of a kind in respect of a member if there is a subsisting determination relating to an allowance of that kind to be paid to the member.

10 "(3) In subsection (2)—

 'determination' means a determination of the Commonwealth Remuneration Tribunal.

Acting appointments

15 "282E. (1) Where a member of the Appeals Board, other than the Chairperson, is, or is expected to be, unavailable to perform the duties of his or her office, the Minister may appoint a person to act in that office during the period of unavailability.

20 "(2) Where a person has been appointed under subsection (1) the Minister may direct that, for the purposes specified in the direction, the person shall be taken to continue to act in the office after the unavailable member ceases to be unavailable.

 "(3) A direction under subsection (2) shall specify the period during which the person is to be taken to continue to act in the office.

25 "(4) The period specified under subsection (3) may be specified by reference to the happening of a particular event or the existence of particular circumstances.

 "(5) A direction under subsection (2)—

- (a) shall be given only if there is a pending review or other special circumstance justifying the giving of the direction; and
- 30 (b) may only be given before the unavailable member ceases to be unavailable.

 "(6) A person continuing to act under a direction under subsection (2) shall not continue to act for more than 12 months after the unavailable member ceases to be unavailable.

35 "(7) Anything done by or in relation to a person purporting to act under an appointment under this section is not invalid merely because—

- (a) the occasion for the appointment had not arisen;

- (b) there was a defect or irregularity in connection with the appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion to act had not arisen or had ceased.

5 Deputy Chairperson to act for Chairperson

“282F. (1) The Deputy Chairperson has and may exercise the powers, and shall perform the functions and duties of the Chairperson—

- (a) during any vacancy in the office of the Chairperson; and
- (b) during any period when the Chairperson is unavailable to perform the duties of his or her office.

“(2) Anything done by or in relation to a person purporting to act under subsection (1) is not invalid on the ground that the occasion for the person to act had not arisen or had ceased.

Delegation

- 15 “282G. The Chairperson may, by signed instrument, delegate to a member all or any of his or her powers or functions under this Act.

Leave of absence

- 20 “282H. The Minister may grant leave of absence to a member on such terms and conditions as to remuneration or otherwise as the Minister determines.

Other terms and conditions

“282I. A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Minister in writing.

25 Resignation

“282J. A member may resign from office by written notice delivered to the Minister.

Removal from office

- 30 “282K. (1) The Executive may remove a member from office on an address requesting his or her removal on the ground of proved misbehaviour or incapacity being presented to the Executive by the Legislative Assembly.

“(2) The Executive may suspend a member from office on the ground of misbehaviour or incapacity.

“(3) Where the Executive suspends a member from office, the Minister shall cause a statement of the ground of the suspension to be laid before the Legislative Assembly within 7 sitting days of the Legislative Assembly after the suspension.

5 “(4) Where such a statement has been laid before the Legislative
Assembly, the Legislative Assembly may, within 15 sitting days of the
Legislative Assembly after the day on which the statement has been laid
before it, by resolution, declare that the member should be removed from
10 office and, if such a resolution is passed, the Executive shall remove the
member from office.

“(5) If, at the end of 15 sitting days of the Legislative Assembly after
the day on which the statement has been laid before it, the Legislative
Assembly has not passed such a resolution, the suspension terminates.

15 “(6) The suspension of a member from office under this section does
not affect any entitlement of the member to be paid remuneration and
allowances.

20 “(7) If a member becomes bankrupt, applies to take the benefit of any
law for the relief of bankrupt or insolvent debtors, compounds with his or
her creditors or makes an assignment of his or her remuneration for their
benefit, the Executive shall remove the member from office.

“(8) A member shall not be removed or suspended from office except
as provided by this section.

Disclosure of interests

25 “282L. (1) Where a member is, or is to be, a member of the Appeals
Board as constituted for the purposes of a proceeding and the member has
or acquires any interest, pecuniary or otherwise, that could conflict with the
proper performance of the member’s functions in relation to that
proceeding—

30 (a) the member shall disclose the interest to the parties to the
proceeding; and

(b) except with the consent of all the parties to the proceeding, the
member shall not take part in the proceeding or exercise any
powers in relation to the review by the Appeals Board of the
decision to which the proceeding relates.

35 “(2) Where the Chairperson becomes aware that a member is, or is to
be, a member of the Appeals Board as constituted for the purposes of a
proceeding and that the member has in relation to that proceeding an interest
of the kind referred to in subsection (1)—

- (a) if the Chairperson considers that the member should not take part, or should not continue to take part, in the proceedings—the Chairperson shall give a direction to the member accordingly; or
- (b) in any other case—the Chairperson shall cause the interest of the member to be disclosed to the parties to the proceeding.

“Division 3—Organisation of Appeals Board

Arrangement of business

“282M. (1) The Chairperson may give directions as to the arrangement of the business of the Appeals Board and as to the persons who are to constitute the Appeals Board for particular proceedings.

“(2) Where the Chairperson gives a direction as to the persons who are to constitute the Appeals Board for a particular proceeding, the Chairperson may—

- (a) at any time after giving the direction and before the commencement of the hearing of the proceeding; or
- (b) if 1 of the persons who are to constitute the Appeals Board ceases to be a member or ceases to be available before the matter to which the proceeding relates is determined—at any time after the member so ceases to be a member or to be available;

revoke the direction and give a further direction under subsection (1) as to the persons who are to constitute the Appeals Board for the purposes of the proceeding.

Constitution of Appeals Board

“282N. The Appeals Board shall, for the purposes of the exercise of its powers in relation to a matter, be constituted by 3 members, one of whom shall be the Chairperson or the Deputy Chairperson.

Member presiding

“282P. (1) At the hearing of a proceeding before the Appeals Board at which the Chairperson is one of the members constituting the Appeals Board he or she shall preside.

“(2) At the hearing of a proceeding before the Appeals Board at which the Chairperson is not one of the members constituting the Board the Deputy Chairperson shall preside.

Member of Appeals Board ceasing to be available

“282Q. (1) Where the hearing of any proceeding has been commenced or completed by the Appeals Board but before the matter to which the proceeding relates has been determined, 1 or more of the members

constituting the Board for the purposes of the proceeding (not being or including the presiding member) has ceased to be a member or has ceased to be available for the purposes of the proceeding—

- 5 (a) if the parties agree and the Chairperson does not give a direction under section 282M reconstituting the Appeals Board for the purposes of the proceeding—the hearing and determination, or the determination, of the proceeding may be completed by the Appeals Board constituted by the remaining member or members; or
- 10 (b) in any other case—the proceeding shall be reheard by the Appeals Board as reconstituted in accordance with the directions of the Chairperson under section 282M.

15 “(2) Where the hearing of any proceeding has been commenced or completed by the Appeals Board but before the matter to which the proceeding relates has been completed, the presiding member of the Board for the purposes of the proceeding has ceased to be a member or has ceased to be available for the purposes of the proceeding, the proceeding shall be reheard by the Appeals Board reconstituted in accordance with the directions of the Chairperson under section 282M.

20 “(3) Where a proceeding is reheard by the Appeals Board, the Board may, for the purposes of that proceeding, have regard to any record of the proceeding before the Board as previously constituted, including a record of any evidence taken in the proceeding.

Places of sitting

25 “282R. Sittings of the Appeals Board shall be held from time to time as required at such places as the Chairperson determines.

“Division 4—Reviews by the Appeals Board of decisions

Reviewable decisions

“282S. (1) Provision may be made by an enactment (including this Act) for applications to be made to the Appeals Board—

- 30 (a) for review of decisions made in the exercise of powers conferred by that enactment; or
- (b) for the review of decisions made in the exercise of powers conferred, or that may be conferred, by another enactment having effect under that enactment.

35 “(2) Where an enactment makes provision in accordance with subsection (1), that enactment—

- (a) shall specify the person to whose decisions the provision applies;

- (b) may be expressed to apply to all decisions of a person, or to specified decisions of that person; and
- (c) may specify conditions subject to which applications may be made.

5 “(3) Where an enactment makes provision in accordance with this section for the making of applications to the Appeals Board for the review of decisions of a person made in the exercise of a power conferred on that person, that provision also applies to decisions made in the exercise of that power—

- 10 (a) by any person to whom that power has been delegated;
- (b) if the provision specifies the person by reference to his or her being the holder of a particular office or appointment—by any person for the time being acting in, or performing any of the duties of, that office or appointment; or
- 15 (c) by any other person lawfully authorised to exercise that power.

“(4) The Appeals Board has power to review any decision in respect of which application is made to it under any enactment.

20 “(5) For the purposes of an enactment that makes provision in accordance with this section for the making of applications to the Appeals Board for review of decisions, a failure by a person to do an act or thing within the period prescribed by that enactment, or by another enactment having effect under that enactment, as the period within which that person is required or permitted to do that act or thing shall be taken to be the making of a decision by that person at the end of that period not to do that act or

25 thing.

“(6) Where an enactment provides for applications to the Appeals Board, that enactment may also include provisions adding to, excluding or modifying the operation of any of the provisions of section 282T or 282V in relation to such applications, and those provisions have effect subject to any

30 provisions so included.

“(7) Where—

- (a) a person has made a decision in respect of which an application may be made to the Appeals Board;
- (b) the person made the decision because of holding, or performing the duties of, an office or appointment; and
- 35 (c) the person no longer holds that office or performs those duties;

this Part has effect as if the decision had been made by—

(d) the person for the time being holding or performing the duties of that office or appointment; or

5 (e) if there is no person for the time being holding or performing the duties of that office or appointment or the office no longer exists—such person as the Chairperson, or another member authorised by the Chairperson, specifies.

Persons who may apply to Appeals Board

10 “282T. (1) Where an application may be made to the Appeals Board for a review of a decision, the application may be made by or on behalf of any person (including the Territory, the Commonwealth, a Territory authority or a Commonwealth authority) whose interests are affected by the decision.

15 “(2) An organisation or association of persons, whether incorporated or not, shall be taken to have interests that are affected by a decision if the decision relates to a matter included in the objects or purposes of the organisation or association.

“ (3) Subsection (2) does not apply in relation to a decision given before the organisation or association was formed or before the objects or purposes of the organisation or association included the matter concerned.

20 “(4) In this section—

‘Commonwealth authority’ means a body, whether corporate or not, established by or under a law of the Commonwealth;

‘person’ includes an unincorporated association;

25 ‘Territory authority’ means a body, whether corporate or not, established by or under an enactment.

Manner of applying for review

“282U. (1) An application to the Appeals Board for a review of a decision shall—

- 30 (a) be in a form made available by the Registrar;
- (b) set out a statement of the reasons for the application;
- (c) be lodged with the Registrar within 28 days after the day on which the decision was made; and
- (d) be accompanied by the determined fee.

35 “(2) The Appeals Board may, upon application in writing by a person, extend the time for the making by that person of an application to the Board for a review of a decision.

“(3) The time for making an application to the Appeals Board for a review of a decision may be extended under subsection (2) although that time has expired.

5 “(4) Before determining an application for an extension of time, the Appeals Board may, if it thinks fit, require the applicant to serve notice of the application on a specified person, being a person whom the Board considers to be affected by the application.

10 “(5) If a person on whom a notice is served under subsection (4), within 14 days after the notice is received by him or her, gives notice in writing to the Appeals Board stating that he or she wishes to oppose the application, the Board shall not determine the application except after a hearing at which the applicant and any person who so gave notice to the Board are given a reasonable opportunity of presenting their cases.

15 “(6) The Registrar shall cause notice in writing of an application for a review of a decision to be given to the person who made the decision.

Parties to proceedings before Appeals Board

“282V. The parties to a proceeding before the Appeals Board for a review of a decision are—

- 20 (a) any person who, being entitled to do so, has duly applied to the Appeals Board for a review of the decision; and
- (b) the person who made the decision.

Representation before Appeals Board

25 “282W. (1) At the hearing of a proceeding before the Appeals Board a party to the proceeding may appear in person and may, with the written consent of the Chairperson, be represented by another person.

“(2) The Chairperson shall not consent to a party to a proceeding before the Appeals Board being represented by another person at the hearing of the proceeding unless the Chairperson is satisfied that it is in the interests of the party to be so represented.

30 “(3) Without limiting the generality of subsection (2), the Chairperson may consent to a party to a proceeding before the Appeals Board being represented by another person at the hearing of the proceeding where it would be in the interests of the party to be so represented by reason of—

- (a) the complexity of the matter to which the proceeding relates;
- 35 (b) the age or state of health of the party; or
- (c) a lack of command by the party of the English language.

Procedure of Appeals Board

"282X. (1) In a proceeding before the Appeals Board—

- 5 (a) the procedure of the Board is, subject to this Act and the regulations and to any other enactment, within the discretion of the Board;
- (b) the proceeding shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Act and of every other relevant enactment and a proper consideration of the matters before the Board permit; and
- 10 (c) the Board is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks appropriate.

"(2) For the purposes of subsection (1), directions as to the procedure to be followed in connection with the hearing of a proceeding before the Appeals Board may be given—

- 15 (a) where the hearing of the proceeding has not commenced—by the Chairperson or by a member authorised by the Chairperson to give directions for the purposes of this paragraph; or
- (b) where the hearing of the proceeding has commenced—by the member presiding at the hearing or by any other member
- 20 authorised by the member presiding to give such directions.

"(3) A direction as to the procedure to be followed in connection with the hearing of a proceeding before the Appeals Board may be varied or revoked at any time by any member empowered under this section to give such a direction in relation to the proceeding at that time.

- 25 **"(4) An authorisation by the Chairperson under this section to give directions as to the procedure to be followed in connection with the hearing of a proceeding may be of general application or may relate to the hearing of a particular proceeding.**

- 30 **"(5) The Chairperson may at any time vary or revoke an authorisation under this section.**

Conferences

- 35 **"282Y. (1) Where an application is made to the Appeals Board for a review of a decision, the Chairperson may, if he or she thinks it desirable to do so after consideration of any material that has been lodged by the parties, direct the holding of a conference of the parties or their representatives presided over by the Chairperson or another member of the Board.**

"(2) Where a conference is held under subsection (1) and—

- (a) at or after the conference, agreement is reached between the parties or their representatives as to the terms of a decision of the Appeals Board in the proceeding that would be acceptable to the parties;
- 5 (b) the terms of the agreement are put in writing, signed by or on behalf of the parties and lodged with the Board; and
- (c) the Board is satisfied that a decision in those terms would be within the powers of the Board;

the Board shall, without holding a hearing, make a decision in accordance with those terms.

- 10 “(3) At the hearing of a proceeding before the Appeals Board, unless the parties otherwise agree, evidence shall not be given, and statements shall not be made, concerning any words spoken or act done at a conference held under subsection (1) if the words spoken or act done related to any question to be determined by the Board in the proceeding.

- 15 “(4) If—

- (a) a conference is held under subsection (1) in respect of a proceeding; and
- (b) a party to the proceeding who, or a representative of whom, was present at the conference notifies the Appeals Board before the commencement of the hearing that he or she objects to that member participating in the hearing;

20

that member is not entitled to be a member of the Board as constituted for the purposes of the proceeding.

Hearings to be in public

- 25 “282Z. The hearing of a proceeding before the Appeals Board shall be in public.

Lodging of material documents with Appeals Board

- 30 “282ZA. (1) A person who has made a decision that is the subject of an application for a review by the Appeals Board shall, within 5 working days after receiving notice of the application, lodge with the Board—

- (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
- 35 (b) a copy of every other document or part of a document that is in his or her possession or under his or her control and is considered by him or her to be relevant to the review of the decision by the Board.

5 “(2) Where the Appeals Board is of the opinion that particular other documents may be relevant to the review of the decision by the Board, the Board may cause to be served on the person a notice in writing stating that the Board is of that opinion and requiring the person to lodge with the Board, within a time specified in the notice, a copy of each of those other documents that is in his or her possession or under his or her control, and a person on whom such a notice is served shall comply with the notice.

“(3) This section has effect notwithstanding any rule of law relating to privilege or the public interest in relation to the production of documents.

10 **Power of Appeals Board to obtain additional statements**

15 “282ZB. Where the Appeals Board considers that a statement referred to in paragraph 282ZA (1) (a) that is lodged by a person with the Board does not contain adequate particulars of findings on material questions of fact, an adequate reference to the evidence or other material on which those findings were based or adequate particulars of the reasons for a decision, the Board may order that person to lodge with the Board, within a time specified in the order, an additional statement containing further and better particulars in relation to matters specified in the order with respect to those findings, that evidence or other material or those reasons.

20 **Opportunity to make submissions**

25 “282ZC. The Appeals Board shall ensure that every party to a proceeding before the Board is given a reasonable opportunity to present a case and, in particular, to inspect any documents to which the Board proposes to have regard in reaching a decision in the proceeding and to make submissions in relation to those documents.

Powers of Appeals Board

“282ZD. (1) For the purpose of reviewing a decision, the Appeals Board may—

30 (a) proceed in the absence of a party who has had reasonable notice of the proceeding; and

(b) adjourn the proceeding from time to time.

35 “(2) For the purposes of the hearing of a proceeding before the Appeals Board, the Registrar shall, if directed to do so by the Chairperson, or by another member of the Board who is to preside, or presides, at the hearing, summon a person to appear before the Board at that hearing to give evidence and to produce such documents (if any) as are referred to in the summons.

“(3) A summons shall not be issued under subsection (2) in relation to proceedings unless—

- (a) special circumstances exist that would result in a party to the proceedings being seriously disadvantaged if the summons were not issued; and
- 5 (b) there is no practical alternative to issuing the summons in order to obtain the evidence or documents sought.

Operation and implementation of a decision that is subject to review

10 "282ZE. (1) Subject to this section, the making of an application to the Appeals Board for a review of a decision does not affect the operation of the decision or prevent the taking of action to implement the decision.

15 "(2) The Appeals Board or the Chairperson may, on request being made by a party to a proceeding before the Board (in this section called the 'current proceeding'), if the Board or the Chairperson is of the opinion that it is desirable to do so after taking into account the interests of any persons who may be affected by the review, make such order staying or otherwise affecting the operation or implementation of the decision to which the current proceeding relates or a part of that decision as the Board or the Chairperson considers appropriate for the purpose of securing the effectiveness of the hearing and determination of the application for review.

20 "(3) Where an order is in force under subsection (2) (including an order that has been varied under this subsection), the Appeals Board or the Chairperson may, on request being made by a party to the current proceeding, make an order varying or revoking the first-mentioned order.

25 "(4) Subject to subsection (5), the Appeals Board or the Chairperson shall not—

- (a) make an order under subsection (2) unless the person who made the decision to which the current proceeding relates has been given a reasonable opportunity to make a submission to the Board or the Chairperson, as the case may be, in relation to the matter; or
- 30 (b) make an order varying or revoking an order in force under subsection (2) (including an order that has previously been varied under subsection (3)) unless—
 - (i) the person who made the decision to which the current proceeding relates;
 - 35 (ii) the person who requested the making of the order under subsection (2); and
 - (iii) if the order under subsection (2) has been varied by an order under subsection (3)—the person or persons who requested the making of the last-mentioned order;

have been given a reasonable opportunity to make submissions to the Board or the Chairperson, as the case may be, in relation to the matter.

5 “(5) Subsection (4) does not prohibit the Appeals Board or the
Chairperson from making an order without giving to a person referred to in
that subsection a reasonable opportunity to make a submission to the Board
or the Chairperson in relation to a matter if the Board or the Chairperson is
satisfied that, because of the urgency of the case or otherwise, it is not
10 practicable to give that person such an opportunity but, where an order is so
made without giving such an opportunity to the person who made the
decision to which the relevant proceeding relates, the order does not come
into operation until a notice setting out the terms of the order is served on
that person.

15 “(6) An order in force under subsection (2) (including an order that has
been varied under subsection (3))—

- (a) is subject to such conditions as are specified in the order; and
- (b) has effect until—

- 20 (i) where a period for the operation of the order is specified in
the order—the end of that period or, if the application for
review is decided by the Appeals Board before the end of
that period, the decision of the Board on the application for
review comes into operation; or
- (ii) if no period is so specified—the decision of the Board on
the application for review comes into operation.

25 “(7) For the purposes of this section, the Chairperson may authorise
another member, either generally or in relation to a particular decision, being
a decision in respect of which an application to the Appeals Board for a
review has been or may be made, to exercise the powers and perform the
functions of the Chairperson under this section and, where a member is so
30 authorised, a reference in this section (other than this subsection) to the
Chairperson includes a reference to that member.

“(8) The Chairperson may at any time vary or revoke an authorisation
under subsection (7).

35 **Power of Appeals Board to dismiss application or strike out
party**

“282ZF. (1) Where all the parties to an application before the Appeals
Board for a review of a decision consent, the Board may dismiss the
application without proceeding to review the decision or, if the Board has
commenced to review the decision, without completing the review.

“(2) If a party to a proceeding before the Appeals Board in respect of an application for the review of a decision (not being the person who made the decision) fails either to appear in person or to appear by a permitted representative at a preliminary conference held in relation to the application under section 282Y or at the hearing of the proceeding, the Board may—

- 5 (a) where the only other party to the proceeding is the person who made the decision—dismiss the application without proceeding to review the decision; or
- 10 (b) in any other case—direct that the person who failed to appear shall cease to be a party to the proceeding.

Review by Appeals Board

“282ZG. (1) For the purpose of reviewing a decision, the Appeals Board may exercise all the powers and discretions that are conferred by any relevant enactment on the person who made the decision and shall make a decision in writing—

- 15 (a) affirming the decision under review;
- (b) varying the decision under review; or
- (c) setting aside the decision under review and—
 - 20 (i) making a decision in substitution for the decision so set aside; or
 - (ii) remitting the matter for reconsideration in accordance with any directions or recommendations of the Board.

“(2) The Appeals Board shall endeavour to give its decision in a proceeding within 5 days after the completion of the hearing.

25 “(3) The Appeals Board may give its decision in a proceeding either orally or in writing.

“(4) Where the Appeals Board gives its decision in a proceeding orally it shall, as soon as practicable thereafter give its decision in writing.

30 “(5) Where the Appeals Board gives its decision in a proceeding in writing it shall give its reasons for its decision including its findings on material questions of fact and a reference to the evidence or other material on which those findings were based.

“(6) The Appeals Board shall cause a copy of its decision to be given to each party to the proceeding.

35 “(7) Without prejudice to any other method available by law for the proof of decisions or orders of the Appeals Board, a document purporting to be a copy of such a decision or order, and to be certified by the Registrar to

be a true copy of the decision or order, is, in any proceeding, *prima facie* evidence of the decision or order.

5 “(8) Subsections (6) and (7) apply to reasons given in writing by the Appeals Board for its decision in the same manner as they apply to the decision.

“(9) Subject to subsection (10), a decision of the Appeals Board comes into operation upon the giving of the decision.

10 “(10) The Appeals Board may specify in a decision that the decision is not to come into operation until a later day specified in the decision and, where a later day is so specified, the decision comes into operation on that day.

15 “(11) A decision of a person as varied by the Appeals Board, or a decision made by the Board in substitution for the decision of a person, shall, for all purposes (other than the purposes of applications to the Board for a review or of appeals in accordance with section 282ZI), be taken to be a decision of that person and, upon the commencement of the decision of the Board, unless the Board otherwise orders, has effect, or shall be taken to have had effect, from the day on which the decision under review has or had effect.

20 **Return of documents etc. at completion of proceeding**

“282ZH. (1) Where—

- 25 (a) a proceeding before the Appeals Board has concluded; and
(b) the time within which an appeal from the decision of the Board in the proceeding may be instituted, or, if that time has been extended, the period of the extension, has expired but no such appeal has been instituted;

the Chairperson may cause a document or any other object furnished to the Board for the purposes of the proceeding to be returned to the person by whom it was furnished.

30 “(2) Where the Supreme Court causes a document or object sent to that Court in accordance with paragraph 282ZL in connection with a proceeding before that Court to be returned to the Appeals Board, the Chairperson may cause the document or object to be returned to the person by whom it was furnished to the Board.

35 **Appeals to Supreme Court from decisions of the Appeals Board**

“282ZI. (1) A party to a proceeding before the Appeals Board may appeal to the Supreme Court on a question of law from any decision of the Board in that proceeding.

5 “(2) Where a person has applied to the Appeals Board for a review of a decision, or has applied to be made a party to a proceeding for a review of a decision, and the Board decides that the person is not entitled to apply for the review or to be made a party, as the case may be, the person may appeal to the Supreme Court from the decision of the Board.

“(3) An appeal by a person under subsection (1) or (2) shall be instituted—

- 10 (a) not later than the 28th day after the day on which a document setting out the terms of the decision of the Appeals Board is given to the person or within such further time as the Supreme Court (whether before or after the end of that day) allows; and
- (b) in such manner as is prescribed by Rules of Court made under the *Supreme Court Act 1933*.

15 “(4) The Supreme Court has jurisdiction to hear and determine appeals instituted in that Court in accordance with subsection (1) or (2).

“(5) The Supreme Court shall hear and determine the appeal and may make on the appeal—

- (a) an order affirming or setting aside the decision of the Appeals Board;
- 20 (b) an order remitting the case to be heard and decided again, either with or without the hearing of further evidence, by the Board in accordance with the directions of the Court; or
- (c) such other order as the Court, in its discretion, thinks appropriate having regard to its decision.

25 **Operation and implementation of a decision that is subject to appeal**

30 “282ZJ. (1) Subject to this section, the institution of an appeal to the Supreme Court from a decision of the Appeals Board does not affect the operation of the decision or prevent the taking of action to implement the decision.

“(2) Where an appeal is instituted in the Supreme Court from a decision of the Appeals Board, the Court or a Judge of the Court sitting in chambers may make such order staying or otherwise affecting the operation or implementation of either or both of the following:

- 35 (a) the decision of the Board or a part of that decision;
- (b) the decision to which the proceeding before the Board related or a part of that decision;

as the Court or Judge considers appropriate for the purpose of securing the effectiveness of the hearing and determination of the appeal.

5 “(3) Where an order is in force under subsection (2) (including an order that has been varied under this subsection), the Supreme Court or a Judge of the Court sitting in chambers may make an order varying or revoking the first-mentioned order.

“(4) An order in force under subsection (2) (including an order that has been varied under subsection (3))—

- (a) is subject to such conditions as are specified in the order; and
- 10 (b) has effect until—
 - (i) if a period for the operation of the order is specified in the order—the end of that period or, if a decision is given on the appeal before the end of that period, the giving of the decision; or
 - 15 (ii) if no period is so specified—the giving of a decision on the appeal.

Reference of questions of law to Supreme Court

20 “282ZK. (1) The Appeals Board may, of its own motion or at the request of a party, refer a question of law arising in a proceeding before the Board to the Supreme Court for decision but a question shall not be so referred without the concurrence of the Chairperson.

“(2) The Supreme Court has jurisdiction to hear and determine a question of law referred to it under this section.

25 “(3) Where a question of law arising in any proceeding has been referred to the Supreme Court under this section, the Appeals Board shall not, in that proceeding—

- (a) give a decision to which the question is relevant while the reference is pending; or
- 30 (b) proceed in a manner, or make a decision, that is inconsistent with the opinion of the Supreme Court on the question.

Sending of documents to, and disclosure of documents by, the Supreme Court

35 “282ZL. When an appeal is instituted in the Supreme Court in accordance with section 282ZI or a question of law is referred to the Court in accordance with section 282ZK—

- (a) the Appeals Board shall cause to be sent to the Court all documents or objects that were before the Board in connection with the proceeding to which the appeal or reference relates; and
- 5 (b) at the conclusion of the proceeding before the Supreme Court in relation to the appeal or reference, the Court shall cause the documents or objects to be returned to the Board.

"Division 5—Miscellaneous

Protection of members, representatives and witnesses

10 "282ZM. (1) A member has, in the performance of duties as a member, the same protection and immunity as a Judge of the Supreme Court.

 "(2) A person appearing before the Appeals Board on behalf of a party has the same protection and immunity as a barrister has in appearing for a party in proceedings in the Supreme Court.

15 "(3) Subject to this Part, a person summoned to attend or appearing before the Appeals Board as a witness has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, as a witness in proceedings in the Supreme Court.

Failure of witness to attend

20 "282ZN. A person served with a summons under this Part that requires the person to appear as a witness before the Appeals Board shall not, without reasonable excuse—

- (a) fail to attend as required by the summons; or
- 25 (b) fail to appear and report from day to day unless excused, or released from further attendance, by a member.

Penalty: \$1,000 or imprisonment for 3 months.

Refusal to answer questions

 "282ZP. A person appearing as a witness before the Appeals Board shall not, without reasonable excuse—

- 30 (a) refuse or fail to answer a question that the person is required to answer by the member presiding at the proceeding; or
- (b) refuse or fail to produce a document that the person was required to produce by a summons under this Part.

Penalty: \$1,000 or imprisonment for 3 months.

False or misleading evidence

"282ZQ. A person appearing as a witness before the Appeals Board shall not give evidence that, to the person's knowledge, is false or misleading.

5 Penalty: \$1,000 or imprisonment for 3 months.

Contempt of Appeals Board

"282ZR. A person shall not—

- (a) obstruct or hinder the Appeals Board or a member in the performance of the functions of the Board; or
- 10 (b) disrupt proceedings of the Board.

Penalty: \$1,000 or imprisonment for 3 months.

Registry

"282ZS. The Minister shall cause a Registry of the Appeals Board to be established.

15 **Registrar**

"282ZT. (1) There shall be a Registrar of the Appeals Board who shall be appointed by the Minister.

20 "(2) The Registrar shall have such duties, powers and functions as are provided by this Act and the regulations and such other duties and functions as the Chairperson directs.

"(3) The Registrar shall be a public servant.

25 "(4) Where the Registrar is, or is expected to be, absent from duty, or the office of the Registrar is vacant, the Minister may appoint a public servant to act as the Registrar of the Appeals Board during the absence or until the filling of the vacancy, as the case may be.

Giving of notices

30 "282ZU. (1) A notice that is required or permitted by this Part to be served on or given to the person who made a decision may be served on or given to the Head of Administration or a person nominated in writing by the Head of Administration.

"(2) The Head of Administration shall give a copy of each nomination made under subsection (1) to the Registrar.

Lodging of documents

35 "282ZV. Where a document is required by this Act to be lodged with the Appeals Board the document shall be lodged at the Registry."

Substitution

29. Section 284 of the Principal Act is repealed and the following section substituted:

Power of Appeals Board, Administrative Appeals Tribunal and Supreme Court

“284. Where a person appeals, or purports to appeal, under this Act—

- (a) to the Appeals Board;
- (b) to the Administrative Appeals Tribunal; or
- (c) against a determination or decision of the Appeals Board, or the Administrative Appeals Tribunal, to the Supreme Court;

and it appears to the Board, the Tribunal or the Court, as the case may be—

- (d) that the appeal, or purported appeal, or the decision, or the purported decision, against which the appeal, or purported appeal, has been brought is affected by a failure to comply with a requirement of this Act; and

- (e) that to exercise the powers conferred by this section would not be unjust or inequitable;

the Board, Tribunal or Court may excuse the failure by ordering that, subject to such conditions as may be specified in the order by the Board, Tribunal or Court, the requirement concerned be dispensed with to the necessary extent.”.

Further amendments

30. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 30

FURTHER AMENDMENTS

Paragraph 63 (3) (b)—

Omit “Tribunal’s”, substitute “Appeals Board’s”.

Paragraph 63 (4) (b)—

Omit “Tribunal”, substitute “Appeals Board”.

Paragraph 63 (5) (b)—

Omit “Tribunal”, substitute “Appeals Board”.

SCHEDULE—continued

Subsection 71 (2)—

Omit “Minister”, substitute “Executive”.

Section 158—

Omit “Tribunal”, substitute “Appeals Board”.

Subsection 230 (5)—

Omit “Tribunal”, substitute “Appeals Board”.

Section 238—

Omit “Tribunal”, substitute “Appeals Board”.

Subsection 243 (1)—

Omit “Tribunal”, substitute “Appeals Board”.

Paragraph 243 (3) (b)—

Insert “and the reasons for the decision” after “decision”.

Subparagraph 243 (3) (c) (ii)—

Omit “Tribunal”, substitute “Appeals Board”.

Subsection 249 (1)—

Omit “Tribunal” (wherever occurring), substitute “Appeals Board”.

Subsection 249 (2)—

(a) Omit “Tribunal”, substitute “Appeals Board”.

(b) Omit “Tribunal’s”, substitute “Appeals Board’s”.

Paragraph 259 (3) (a)—

Omit “Tribunal”, substitute “Appeals Board”.

Paragraph 259 (3) (b)—

Omit “Tribunal”, substitute “Appeals Board”.

Subsection 278 (2)—

Omit “Tribunal”, substitute “Appeals Board”.

Subsection 279 (2)—

Omit “Tribunal”, substitute “Appeals Board”.

NOTE

1. Act No. 100, 1991 as amended by No. 32, 1992; Nos. 11, 44 and 64, 1993.