

AUSTRALIAN CAPITAL TERRITORY

ADMINISTRATIVE APPEALS TRIBUNAL ACT 1989

DETERMINATION OF FEES

NO. 27 OF 1993

EXPLANATORY STATEMENT

Subsection 59(1) of the *Administrative Appeals Tribunal Act 1989* (the Act) provides that a person summoned to appear as a witness before the Administrative Appeals Tribunal (the Tribunal) is entitled to be paid fees, and allowances for expenses, fixed by or in accordance with a determination of the Minister published in the *Gazette* in respect of his or her attendance.

Subsection 59(4) provides that the Minister may, by notice in the *Gazette*, determine the fees to be payable in respect of applications to the Tribunal and make provision in relation to the refund, in whole or in part, of fees so paid where the proceeding terminates in a manner favourable to the applicant.

This Determination revokes, with effect on and from 1 April 1993, Determination No. 7 of 1989 made by the Commonwealth Minister then having responsibility for the Act and, with effect on and from 1 April 1993, determines fees and allowances and makes provisions in respect of the refund of fees paid in respect of applications. Fees and allowances, apart from the application fee, are not altered by this Determination but have, nevertheless, been re-determined for the purpose of clarity.

Witness' fees and allowances for expenses

These fees and allowances, which are paid in respect of a person's attendance before the Tribunal, are not altered by this

Determination. The Determination allows the Tribunal or a presidential member of the Tribunal to determine the fees and allowances to be paid to a witness in accordance with the Schedule to the Determination.

Application fee

This instrument determines that the fee payable in respect of an application to the Administrative Appeals Tribunal is \$125.00 (previously \$240.00). The Determination picks up the provisions, set out in Determination No. 7 of 1989, relating to exemption from payment of the fee, apart from that relating to referral of decisions where a fee is payable under another enactment, and includes one extra exemption. The exemptions from payment of the filing fee now are in respect of applications relating to:

- (a) a decision in relation to which, under a program in force under section 12 of the *Housing Assistance Act 1987*, application for review can be made to the Tribunal;
- (b) a decision under the *Rates and Land Rent (Relief) Act 1970* (this Act, since retitled, is referred to as the *Land Rent and Rates (Deferral and Remission) Act 1970* in the previous Determination);
- (c) a decision reviewable under section 60 of the *Freedom of Information Act 1989*, being a decision made in relation to a document that relates to a decision specified in (a) or (b) above; and
- (d) a referral of a question by a principal officer under section 13 of the *Ombudsman Act 1989*.

Refund of application fee

The determination also picks up the provisions in the previous determination relating to refund of the application fee. Where the application fee has been paid and the proceeding terminates in a manner favourable to the applicant, the fee is to be refunded to the applicant.

Circulated by authority of

Terry Connolly, Attorney General