

1992

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

*ADMINISTRATIVE APPEALS TRIBUNAL ACT 1989*

**ADMINISTRATIVE APPEALS TRIBUNAL REGULATIONS  
(AMENDMENT)**

EXPLANATORY MEMORANDUM

Circulated by authority of

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## **ADMINISTRATIVE APPEALS TRIBUNAL REGULATIONS (AMENDMENT)**

### **Outline**

Section 280 of the *Land (Planning and Environment) Act 1991* modifies section 28 of the *Administrative Appeals Tribunal Act 1989* by inserting a subsection 28(2A) which applies for the purposes of applications for review to the Administrative Appeals Tribunal referred to in sections 278 or 279 of the *Land (Planning and Environment) Act 1991*.

Section 278 of the *Land (Planning and Environment) Act 1991* provides that where an application for review is made in respect of certain specified decisions, the Minister shall notify persons who objected to the application and concurring authorities of the application for review. Section 279 provides that where an objector applies for review of the decision, the objector shall give notice to the person who made the application for approval of the decision in relation to which the objector has applied for review.

The modification to the *Administrative Appeals Tribunal Act 1989* by section 280 of the *Land (Planning and Environment) Act 1991* provides that the objector and the person who made the application for approval of the decision in relation to which the objector has applied for review may apply, as prescribed, to be made a party to the proceedings.

The purpose of the legislative scheme set-out above is to ensure that an objector or the person who made the application for approval of the decision in relation to which the objector has applied for review are entitled to be made parties to an application for review as of a right. Otherwise an application to be made a party would be within the discretion of the Tribunal.

The Administrative Appeals Tribunal Regulations (Amendment) amend the Administrative Appeals Tribunal Regulations to provide that an application to be made a party in the circumstances described above shall be in writing and may be made in accordance with Form 5A which is inserted into the regulations by the amending regulations.

### **Revenue/cost implications**

The Regulations will have no effect on revenue.