

EXPLANATORY STATEMENT
AUSTRALIAN CAPITAL TERRITORY
ADMINISTRATIVE APPEALS TRIBUNAL ORDINANCE 1989

No. 51, 1989

The Administrative Appeals Tribunal Ordinance 1989 (the Ordinance) will commence on the implementation of Self-Government. It is modelled on the Administrative Appeals Tribunal Act 1975 of the Commonwealth. The Ordinance essentially reproduces that Act subject to modifications to reflect the differing constitutional and institutional arrangements which are required as a result of the transfer of government responsibilities to the Territory. The principal differences between the provisions of the Act and those of the Ordinance are that appeals on questions of law will be to the Supreme Court of the Australian Capital Territory and the appointment and constitution provisions have been simplified in light of the smaller membership of the ACT Tribunal.

The Ordinance establishes the Australian Capital Territory Administrative Appeals Tribunal (the Tribunal) and provides a mechanism for the review of certain decisions made by the ACT Government and its agencies. A general right of appeal does not lie to the Tribunal from all administrative decisions, but only from those where a specific right of appeal is given by legislation. The review is on the merits of the decision and the Tribunal has wide powers to alter the decision under review.

The details of the Ordinance are set out in the Attachment.

ISSUED BY AUTHORITY OF THE MINISTER
OF STATE FOR THE ARTS AND
TERRITORIES.

Section 1 identifies the short title of the Ordinance as the Administrative Appeals Tribunal Ordinance 1989.

Section 2 provides that the Ordinance will commence on the same date as section 22 of the Australian Capital Territory (Self-Government) Act 1988.

Section 3 deals with matters of interpretation.

Section 4 establishes the Australian Capital Territory Administrative Appeals Tribunal consisting of a President and such other members as are appointed in accordance with the Ordinance.

Section 5 provides for the appointment of the members of the Tribunal by the Executive.

Section 6 sets out the qualifications necessary for the appointment of persons to the Tribunal.

Section 7 sets out the term of appointment of the members of the Tribunal.

Section 8 sets out the mechanism for determining the remuneration and allowances of members.

Section 9 sets out a mechanism for the appointment and resignation of acting members.

Section 10 provides that the President may, by signed instrument, delegate to a member all or any of his or her powers or functions.

Section 11 provides for the taking of an oath or affirmation of office by a person appointed or re-appointed as a member.

Section 12 allows the Minister to consent to a full-time member engaging in paid employment outside the duties of office.

Section 13 provides for the granting of leave of absence to full-time members by the Minister.

Subsection 14(1) provides that the Executive may remove a member from office on receipt of an address praying for that removal on the ground of proved misbehaviour or incapacity.

Subsections 14(2) to (5) (inclusive) provide that the Executive may suspend a member from office for the same reasons but he or she must inform the Legislative Assembly of the reasons within 7 sitting days. Where the Legislative Assembly has been informed of the reasons for suspending the member it may declare within 15 sitting days that the member should be removed from office and

the Executive shall then do so. If the Legislative Assembly does not declare that a member should be removed from office, the suspension terminates.

Subsection 14(6) provides that the suspension of a member does not affect his or her entitlement to remuneration and allowances.

Subsection 14(7) provides that the Executive may remove a member from office in the event the member applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or assigns his or her remuneration for their benefit.

Subsection 14(8) provides that the Executive may, with the consent of a member who is an eligible employee for the purposes of the Commonwealth Superannuation Act 1976, retire the member from office on the ground of incapacity.

Subsection 14(9) provides that a member shall not be removed or suspended from office except as provided by this section.

Subsection 14(10) provides that this section does not apply to a member who is a member of the Commonwealth Administrative Appeals Tribunal.

Section 15 provides for the disclosure by a member of any interest that could conflict with the proper performance of his or her functions in relation to a proceeding. It requires a member who has such an interest to cease any function in respect of a hearing unless both parties know of the interest and agree that he or she should continue to perform the functions of the Tribunal. The section also gives the President a power to require a member with conflicting interests to cease exercising powers of the Tribunal and a power to disclose the member's interests.

Section 16 provides that a member may resign from office by giving written notice to the Minister.

Section 17 provides that where regulations create Divisions of the Tribunal, the President may, by instrument, assign particular non-presidential members to particular Divisions and where this occurs the member shall exercise the powers of the Tribunal only in the Division to which he or she is assigned.

Subsection 18(1) provides that, subject to section 19 and to regulations made for the purposes of section 17, the President may give directions concerning the arrangement of business of the Tribunal and the members who are to constitute the Tribunal for the purpose of a particular proceeding.

Subsection 18(2) provides for those circumstances where the President may revoke a direction concerning the persons who are to constitute the Tribunal for a particular proceeding.

Subsection 18(3) requires the President, when giving a direction as to the persons who are to constitute the Tribunal for a particular proceeding, to consider:

- . the degree of public importance or complexity of the matter; and
- . the status of the position or office held by the person who made the decision that is to be reviewed.

Section 19 provides the manner of the constitution and the composition of the Tribunal.

Subsection 20(1) permits a party to a proceeding, at any time during its hearing, to make an application to the Tribunal as constituted, that it be reconstituted for the purposes of that proceeding.

Subsection 20(2) requires the Tribunal as constituted, to notify the President of an application to reconstitute the Tribunal and to give him or her particulars of the submissions in support of, or in opposition to, the application.

Subsection 20(3) provides that the President, after considering the submissions and the importance of the matter, may give a direction reconstituting the Tribunal for the purposes of that proceeding.

Subsection 20(4) provides that a reconstituted Tribunal shall continue the proceeding and may either complete the proceeding or at any time remit the proceeding as previously constituted for completion.

Subsection 20(5) provides that where a reconstituted Tribunal remits a proceeding to the original Tribunal it may give directions in relation to the proceedings and those directions shall be complied with.

Subsection 20(6) provides that where a reconstituted Tribunal continues a proceeding it may consider any record of the hearing before the original Tribunal including a record of any evidence.

Subsection 20(7) provides that where a proceeding is remitted by a reconstituted Tribunal, the original Tribunal may, for the purposes of that proceeding, consider any record of proceedings before the reconstituted Tribunal including a record of any evidence.

Section 21 provides which member shall preside where the Tribunal is constituted by more than one member.

Section 22(1) provides that where a member ceases to be a member or ceases to be available after a hearing has commenced but before a determination has been made:

- . the hearing and determination or the determination alone may be completed by the remaining member or members if the parties agree and the President does not give a direction under section 18 reconstituting the Tribunal; or

in any other case the proceedings shall be reheard by a Tribunal reconstituted under section 18.

Subsection 22(2) provides that where a proceeding is reheard by a reconstituted Tribunal it may consider any record of proceedings before the original Tribunal including a record of any evidence.

Section 23 provides that sittings of the Tribunal shall be held at such time and place as the President determines.

Subsection 24(1) provides that an enactment may provide that applications may be made to the Tribunal to review decisions made under that enactment or to review decisions made under powers conferred, or that may be conferred, by another enactment, but which have effect under the first enactment.

Subsection 24(2) provides that where an enactment provides for an application to the Tribunal in accordance with subsection (1) it shall specify the person whose decisions are to be reviewed and it may be expressed to apply to all of his or her decisions or to specified decisions and it may specify pre-conditions to the application.

Subsection 24(3) provides that where an enactment provides for the review of a decision in accordance with the section it also applies to decisions made:

- under a delegated power;
- by a person acting in, or performing any of the duties of, that office or appointment if the provision specifies the person by reference to his or her being the holder of a particular office or appointment; or
- by any other person lawfully authorised to exercise that power.

Subsection 24(4) gives the Tribunal power to review any decision in respect of which an application is made to it under any enactment.

Subsection 24(5) provides that for the purposes of an enactment that provides for an application to review a decision, a failure by a person to do an act or thing within the prescribed period shall be taken to be a decision not to do that act or thing.

Subsection 24(6) provides that where an enactment provides for an application to the Tribunal it may also include provisions adding to, excluding or modifying the operation of sections 19, 20, 21, 25, 27, 31, 32 and 34 or of subsections 41(1) or 44(1) or (2) in relation to such applications.

Subsection 24(7) provides that section 20 shall only be excluded or modified by an express term to that effect.

Subsection 24(8) provides that where a decision capable of review by that Tribunal has been made and the person who made it no

longer holds the position or performs the duties that give rise to the making of the decision, the Ordinance has effect as if the decision had been made by the person for the time being holding or performing the duties of that office or appointment or, where there is no such person, by such person as the President, or another member authorised by the President, specifies.

Subsection 25(1) provides that where an application for review may be made to the Tribunal it may be made by, or on behalf of, any person (including the Territory, the Commonwealth, a Commonwealth authority or a Territory authority) whose interests are affected by the decision.

Subsection 25(2) provides that an organisation or association of persons, whether incorporated or not, shall be taken to have interests capable of being affected by a decision if the decision is referable to the objects or purposes of the organisation or association.

Subsection 25(3) provides that subsection 25(2) does not apply in relation to a decision made before the organisation was formed or before the objects or purposes of the organisation or association included a matter that was referable to the decision.

Subsection 25(4) defines "Commonwealth authority" and "Territory authority".

Subsection 26(1) provides that where a person is entitled to apply to the Tribunal for the review of a decision, he or she may request the decision-maker in writing to provide a statement of reasons for the decision which must be provided as soon as possible but in any event within 28 days.

Subsection 26(2) requires the decision-maker to provide a statement of reasons to give notice in writing if he or she considers the applicant is not entitled to be given the statement.

Subsection 26(3) provides that the person who gives a notice under subsection (2) is not required to comply with the request unless the Tribunal, on an application under subsection (4), decides the applicant is entitled to the statement. If the Tribunal decides this is the case then the statement shall be given within 28 days of the Tribunal's decision.

Subsection 26(4) provides that an applicant may apply to the Tribunal and it may decide whether the applicant was, or was not, entitled to be given the statement.

Subsection 26(5) provides that a person requested to provide a statement under subsection (1) may refuse to give the statement if 28 days have passed since a document recording the terms of the decision was given to the applicant or, in any other case, the request was not made within a reasonable time after the decision was made. Where this occurs the person to whom the request was made shall give the applicant, as soon as possible, but in any event within 28 days of receiving the request, a notice in writing stating that no statement will be given and the reasons why this is so.

Subsection 26(6) provides that the Tribunal may determine whether a request for a statement of reasons was made within a reasonable time for the purposes of the preceding provision.

Subsection 26(7) provides that subsections (9) and (10) have effect where the Minister certifies in writing that disclosure of any matter contained in a statement prepared under subsection (1) would be contrary to the public interest:

- . because it would involve the disclosure of deliberations or decisions of the Executive or of a Committee of the Executive; or
- . for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Territory in a judicial proceeding that the matter should not be disclosed.

Subsection 26(8) provides that subsections (9) and (10) have effect if the Commonwealth Attorney-General certifies that the disclosure of any matter contained in a statement prepared under subsection (1) would be contrary to the public interest:

- . because it would prejudice the security, defence or international relations of the Commonwealth;
- . because it would involve the disclosure of deliberations or decisions of the Commonwealth Cabinet or of a Committee of the Cabinet; or
- . for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the matter should not be disclosed.

Subsection 26(9) provides that a person requested to give a statement under subsection (1) need not include in it any matter in respect of which a certificate has been given under subsection (7) or (8) and need not give any statement if to do so would be false or misleading because such matter was excluded.

Subsection 26(10) provides that where a certificate is given under subsection (7) or (8) in relation to a statement prepared under subsection (1), the person who made the original decision shall notify the applicant in writing that:

- . the matter is not included in the statement and giving the reason for not including it; or
- . that the statement will not be given and the reasons for not giving it.

The subsection also ensures that subsections 35(3) to (6) (inclusive) and 36(1) to (6) (inclusive) apply in relation to any statement referred to in paragraph 37(1)(a) that is lodged with the Tribunal under section 37 as if the certificate were a certificate given under subsection 35(1) or (2).

Subsection 26(11) provides that an applicant is not entitled to make a request under subsection (1) if:

- . the decision sets out the findings of fact, refers to the evidence on which those findings are based and gives the reasons for the decision and a document setting out the terms of the decision is given to the applicant; or
- . a statement of reasons has already been given to the applicant.

Subsection 26(12) provides that, upon application, where the Tribunal considers a statement given under subsection (1) is inadequate in some material way it may declare that to be the case and the person responsible for giving the statement shall as soon as is practicable, but in any event within 28 days, provide an additional statement giving further and better particulars.

Subsections 27(1) to (3) (inclusive) provide for the manner of applying for the review of a decision; namely, that it shall be in writing, may be in accordance with a prescribed form and shall set out the reasons for the application. It shall be lodged within the times prescribed in subsections 27(2) and 27(3).

Subsections 27(4) to (6) (inclusive) enable the Tribunal to consider whether or not to entertain an application for review of a particular decision when no time is prescribed for lodging an application to review a decision or no time is prescribed to review a decision.

Subsections 27(7) to (10) (inclusive) provide a mechanism for the Tribunal to give a person an extension of time to lodge an application for a review of a decision.

Subsection 27(11) requires the decision-maker to be given written notice of an application for review.

Section 28 defines who are the parties to a proceeding before the Tribunal for a review of a decision, and gives the Tribunal a discretion, upon application, to make a person a party to the proceeding.

Section 29 provides that the Minister may, on behalf of the Territory, intervene in a proceeding before the Tribunal and, where the Minister does so, he or she may authorise payment to another party of such reasonable costs as are caused by that intervention.

Section 30 provides that the Tribunal shall decide whether or not a person's interests are affected by a decision and if it decides the person's interests are affected, the Tribunal's decision is conclusive.

Section 31 permits a person to appear in person before the Tribunal or to be represented by some other person.

Subsection 32(1) provides that, subject to the Ordinance and regulations and to any other enactment, the procedure of the Tribunal is within the discretion of the Tribunal. It also provides that the Tribunal shall be conducted with as little formality and technicality as possible and that it is not bound by the rules of evidence but may inform itself as it thinks appropriate.

Subsections 32(2) to (4) (inclusive) provide for the giving, revoking and varying of directions as to the procedures to be followed in either a specific hearing before the Tribunal or as to procedures before the Tribunal generally.

Subsection 32(5) provides that the President may at any time vary or revoke an authorisation under the section.

Subsections 33(1) and (2) provide that the President may direct that a conference of the parties be held. Where the parties agree to the terms of a decision of the Tribunal and lodge those terms in writing with the Tribunal, it shall, without holding a hearing make a decision in accordance with those terms.

Subsections 33(3) and (4) provide that proceedings in a conference are privileged from disclosure at a hearing of the Tribunal unless both parties waive that privilege and that if there is an objection to a member who presided at a conference also presiding at a hearing, that member is not entitled to be a member of the Tribunal as constituted for the purposes of the proceeding.

Section 34 provides that although as a matter of principle, hearings should be held in public and the evidence open to public scrutiny, the confidential nature of evidence or matter may require the Tribunal to order that the hearing shall be private, that evidence shall not be published, or that some or all of the parties to a proceeding not have access, or have restricted access, to evidence or documents before the Tribunal.

Subsection 35(1) provides that subsections (3) to (9) have effect if the Minister certifies in writing that the disclosure of information concerning a matter, or the contents of a document would be contrary to the public interest:

- . because it would involve the disclosure of deliberations or decisions of the Executive or of a Committee of the Executive; or
- . for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Territory in a judicial proceeding that the information or contents of the documents should not be disclosed.

Subsection 35(2) provides that subsections (3) to (9) have effect where the Commonwealth Attorney-General certifies in writing that disclosure of information concerning a matter or the contents of a document would be contrary to the public interest:

- . because it would prejudice the security, defence or international relations of the Commonwealth;
- . because it would involve disclosure of deliberations or decisions of the Commonwealth Cabinet or of a Committee of the Cabinet; or
- . for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information or the contents of the document should not be disclosed.

Subsection 35(3) provides that a person who is required to disclose information or to produce a document under the Ordinance is not excused from doing so by virtue of the considerations referred to in subsections (1) and (2). However, the Tribunal, subject to subsection (4) and section 49, shall ensure that the material or information is not disclosed to any person other than a member of the Tribunal as constituted and in the case of a document shall ensure its return to the person who provided it to the Tribunal.

Subsection 35(4) provides that where a certificate is given under subsections (1) or (2) that disclosure of material is not in the public interest but does not specify a prescribed reason, the Tribunal may consider whether the information should be disclosed and do so if appropriate.

Subsection 35(5) provides that where a certificate issued under subsections (1) or (2) does not give a prescribed reason as to why disclosure of the material would be contrary to the public interest, the Minister or the Commonwealth Attorney-General shall be taken to be a party to the proceeding.

Subsection 35(6) requires the Tribunal to base its consideration of whether or not material should be disclosed on the principle that the effective performance of the Tribunal depends upon all parties to a proceeding being aware of all relevant matters, but it is also required to give due weight to the reasons for non-disclosure given by the Minister or the Commonwealth Attorney-General.

Section 35(7) to (9) (inclusive) provide that the Minister or the Commonwealth Attorney-General shall be taken to be parties to a proceeding when, in the course of a proceeding one or other of them informs the Tribunal that the answer to a question, asked in a proceeding would, if given, be contrary to the public interest for a prescribed reason. Where the reason is as prescribed by paragraph (1)(a) or 2(a) or (b) the question need not be answered unless the Supreme Court determines that the answering of the question is in the public interest. Where the reasons are not prescribed the public interest question shall be decided by the Tribunal.

Subsection 36(1) requires the Tribunal to give each party to the proceeding a document setting out the terms of its decision on a public interest question considered under subsection 35(4) or paragraph 35(8)(b).

Subsection 36(2) provides that for the purposes of the Ordinance it is a question of law whether information or material in a document, or the answer to a question in a hearing, is contrary to the public interest.

Subsection 36(3) provides that only a presidential member may make a decision on a question of public interest under subsection 35(4) or paragraph 35(8)(b).

Subsection 36(4) provides that a decision on a question of public interest by the Tribunal under subsection 35(4) or paragraph 35(8)(b) is a decision for the purposes of section 46.

Subsection 36(5) provides that section 35 does not prevent the disclosure of information to a staff member of the Tribunal in the course of the performance of the staff member's duties.

Subsection 36(6) excludes the operation of any rules of law that relate to the public interest that would otherwise apply in relation to the disclosure of material or information before the Tribunal.

Subsection 36(7) provides for a right of appearance by the Minister or Commonwealth Attorney-General before the Tribunal in order to give his or her opinion in accordance with section 35. Alternatively, that opinion may be given by way of a signed certificate.

Section 37 provides the mechanisms for, and prescribed periods within which, a statement of reasons for the decision under review and material documents shall be lodged with the Tribunal.

It also provides that the section has effect notwithstanding any rule of law relating to privilege or the public interest in relation to the production of documents.

Section 38 provides that the Tribunal may order the lodging of an additional statement containing further and better particulars if it considers that a statement referred to in paragraph 37(1)(a) does not contain adequate findings of fact, adequate reference to the evidence or other material or adequate reasons for the decisions.

Section 39 requires the Tribunal, subject to sections 34 and 35, to ensure all parties are given a reasonable opportunity to present their cases and to inspect and comment upon any documents before the Tribunal.

Section 40 provides for the powers of the Tribunal or a Tribunal member when conducting a hearing which include powers to take evidence on oath or affirmation, adjourn proceedings, or to proceed in the absence of a party who has had reasonable notice of a proceeding and has not appeared. It also gives a person summoned to appear before the Tribunal a right to be legally represented.

Subsection 41(1) provides that, subject to this section, an application to the Tribunal to review a decision does not affect the operation or implementation of the decision.

Subsections 41(2) to (8) (inclusive) provide a mechanism whereby the Tribunal may make an order staying or otherwise affecting the operation or implementation of the decision or an order to vary or revoke that order. It also provides a mechanism whereby persons affected by such an order, or a subsequent order to vary or revoke that order, may be heard before the Tribunal.

Section 42 provides for a mechanism whereby questions of law are decided by the Tribunal and a mechanism for resolving a difference of opinion in the Tribunal as to the decision to be made on any question other than a question of law.

Section 43 provides the Tribunal with a power to dismiss an application when the parties consent or where the applicant fails to attend and the decision-maker is the only remaining party. It also gives a power to strike out a party if that party fails to attend and there are other parties to the proceeding other than the decision-maker.

Subsection 44(1) provides that for the purposes of reviewing a decision the Tribunal has all the powers conferred by any enactment on the decision-maker and shall make a decision in writing:

- . affirming the decision under review;
- . varying that decision;
- . setting aside the decision and either making a substitute decision or remitting the decision for reconsideration in accordance with any directions or recommendations it chooses to give.

Subsection 44(2) provides that subject to the section and to sections 34 and 35 the Tribunal shall give reasons either orally or in writing for its decision.

Subsection 44(3) enables a party to a proceeding in which the Tribunal does not give written reasons for a decision to request, within 28 days of the Tribunal's decision, a statement of reasons for the decision.

Subsections 44(4) to (10) (inclusive) provide for:

- . the contents of a written decision of the Tribunal;
- . the distribution of the decision;
- . the certification of a copy of a written decision; and
- . the coming into operation of a decision or substituted decision of the Tribunal or of a decision of a person as varied by the Tribunal.

Section 45 provides for the return of material to the person who provided it in the first instance.

Section 46 provides for an appeal to the Supreme Court on a question of law from any decision of the Tribunal and for an appeal by a person whose interests the Tribunal determines are not interests affected by a decision.

Subsection 47(1) provides that subject to this section the institution of an appeal to the Supreme Court does not affect the operation of the decision or its implementation.

Subsections 47(2) to (4) (inclusive) provide a mechanism under which the Supreme Court may make an order staying or otherwise affecting the operation or implementation of the decision or make an order to vary or revoke the original order.

Section 48 empowers the Tribunal of its own motion, or at the request of a party, to refer a question of law to the Supreme Court. It also provides that where a question of law has been referred to the Supreme Court under the section, the Tribunal shall not give a decision to which the question is relevant or proceed in a manner inconsistent with the opinion of the Supreme Court on the question.

Subsection 49(1) provides that when an appeal is instituted in the Supreme Court in accordance with section 46, or a question of law is referred to the Supreme Court in accordance with section 48, the Tribunal shall send all relevant material to the Supreme Court and at the end of the proceeding the Supreme Court shall return the material to the Tribunal.

Subsection 49(2) requires the Supreme Court to do all that is necessary to ensure that a matter contained in a document is not disclosed to any person other than a member of the Court as constituted where there is in force a certificate issued in accordance with subsections 26(7) or (8) or 35(1) or (2) certifying that disclosure would not be in the public interest.

Subsection 49(3) provides that the Supreme Court shall permit the disclosure of matter in a document when the question before it is whether that matter should be disclosed to some or all of the parties to the proceeding and the Court decides it should be, and where the certificate referred to in subsection (2) does not specify a prescribed reason as to why it should not be disclosed.

Subsection 49(4) provides that nothing in this section prevent the disclosure of information or of documentary material to an officer of the Court in the course of his or her duties.

Section 50 permits the Tribunal to give an advisory opinion if an enactment so provides.

Subsections 51(1) and (2) provide that members of the Tribunal performing duties as members and barristers, solicitors or other person appearing before the Tribunal have the same protection and immunity as a Judge of the Supreme Court or a barrister appearing for a party before the Supreme Court, as the case may be.

Subsection 51(3) provides that a witness before the Tribunal has the same protection and is, in addition to prescribed penalties under the Ordinance, subject to the same liabilities as a witness in proceedings in the Supreme Court.

Section 52 provides for a penalty for a person failing, without reasonable excuse, to answer a summons to attend the Tribunal.

Section 53 provides for a penalty for a witness before the Tribunal who, without reasonable excuse, refuses to:

- . take an oath or affirmation as required under section 40;
- . answer a question that he or she is required to answer; or
- . produce a document that the person is required to produce in answer to a summons under the Ordinance.

Section 54 provides for a penalty for giving false or misleading information.

Section 55 provides for a penalty for contempt of the Tribunal.

Section 56 requires the Minister to establish a Registry of the Tribunal.

Section 57 provides for the appointment of officers of the Tribunal and for acting appointments.

Subsection 58(1) and (2) provide that a person, who is or has been a member or officer of the Tribunal, is not competent and shall not be required to give evidence or produce a document to a court relating to a matter before the Tribunal if there is an order in force under subsection 34(2) or a certificate has been issued under section 35 and the Tribunal has not permitted the parties to the proceeding to have access to the matter which is subject to the certificate.

Subsection 58(3) provides that a person who is or has been a member of the Tribunal shall not be required to give evidence in court in relation to any proceedings before that Tribunal.

Subsection 58(4) defines "court" and "produce" for the purposes of the section.

Section 59 provides for the payment of fees and allowances to people summoned to appear as witnesses before the Tribunal.

Section 60 provides a mechanism for the serving of notices on decision-makers.

Section 61 provides for the lodging of documents at the Registry.

Section 62 provides a mechanism for an application to the Minister for assistance in respect of a proceeding before the Tribunal and permits the Minister to grant legal or financial assistance to that applicant if satisfied that, were he or she not to do so, the applicant would suffer hardship, and that it is reasonable to do so.

Section 63 permits the delegation by the Minister of all his or her powers under the Ordinance, other than powers under subsections 26(7) or 35(1) or (7).

Section 64 provides for the making of regulations.