

AUSTRALIAN CAPITAL TERRITORY

ADMINISTRATIVE APPEALS TRIBUNAL ACT 1989

DETERMINATION OF FEES AND CHARGES APPLICABLE IN THE
ADMINISTRATIVE APPEALS TRIBUNAL

NO. 57 OF 1995

EXPLANATORY STATEMENT

Subsection 59A(1) of the *Administrative Appeals Tribunal Act 1989* (the Act) provides that the Minister may, by notice in writing published in the *Gazette*, determine fees and charges for any of the following purposes:

- (a) proceedings in the Tribunal, and matters incidental to such proceedings, including the service of the process of the Tribunal;
- (b) facilities and services provided by the Tribunal;
- (c) the general purposes of the Act and the regulations.

Subsection 59A(2) of the Act provides that a determination made under subsection 59A(1) may provide for matters such as the exemption from liability to pay application fees, in whole or in part, and for the remission or refund and the deferral of liability for the payment of fees and charges, in whole or in part, by the Registrar in particular circumstances.

This Determination comes into effect on 1 July 1995 and upon its coming into effect Determination No. 36 of 1994 will cease to have effect. The application fee has been increased by 4% and rounded off. The fees for the photocopying of documents have not been increased.

Application fee and exemption from payment of the fee

Item 1 of the Determination determines the fee payable on the lodging with the Administrative Appeals Tribunal of an application for the review of a decision to be \$134.00 (previously \$129.00).

Item 1 also specifies exemptions from the filing fee. The exemptions are in relation to applications for:

- (i) the review of 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;
- (ii) the review of a decision under the *Rates and Land Rent (Relief) Act 1970*; and

(iii) the review of 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 subparagraph (i) or (ii) above.

Refund of the application fee.

Section 59D of the Act permits the Registrar of the Administrative Appeals Tribunal to order that only a single application fee is payable for 2 or more applications which relate to the same applicant and which, in the opinion of the Registrar, may be conveniently heard together by the Tribunal. Item 2 permits a refund, as appropriate, to be made when an order is made after the application fees have been paid.

Fees for copies of documents.

Items 3 and 4 of the Determination relate to the fees to be paid to the Tribunal for the provision of copies of documents to persons or when persons use a Tribunal photocopying machine. The fees are:

in respect of requests for copies of documents - the fee for each page of copy provided in accordance with a request	\$0.50
for each page of copy of a document or documents copied by a person, other than an officer of the Tribunal, using a Tribunal photocopier	\$0.20

Deferral of liability for payment

Paragraph 59A(2)(d) of the Act provides that a determination may provide for the deferral of liability by the Registrar for the payment of fees and charges, in whole or in part, in particular circumstances. The Determination provides that the Registrar may defer liability for payment for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time that a request is made for the performance of a function or the provision of a facility or service but payment could be made within 14 days after the request being made. The Registrar will be able to defer payment, for example, where a person wishes to lodge an application for review, but has not brought sufficient funds with him or her.

Revenue/cost implications

The increase in the application fee will result in about \$180 in additional revenue in a full year.

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