



Australian Capital Territory

ACT Civil and Administrative Tribunal Regulation 2009

Subordinate Law SL2009-1

The Australian Capital Territory Executive makes the following regulation under the *ACT Civil and Administrative Tribunal Act 2008*.

Dated 28 January 2009.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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1 Name of regulation

This regulation is the *ACT Civil and Administrative Tribunal Regulation 2009*.

2 Commencement

This regulation commences on the commencement of the *ACT Civil and Administrative Tribunal Act 2008*, section 6.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

4 Maximum amount payable under occupational discipline order—Act, s 66 (2) (h)

The following amounts are prescribed:

- (a) for an individual—\$1 000;
- (b) for a corporation—\$5 000.

5 Maximum amount payable for failure to comply with occupational discipline order—Act, s 74 (2) (a)

The following amounts are prescribed:

- (a) for an individual—\$4 000;
- (b) for a corporation—\$20 000.

6 Appointment of senior and ordinary members of the tribunal—Act, s 96

- (1) When considering whether to appoint a person to the tribunal as a senior member or ordinary member, the Attorney-General must take reasonable steps to ensure that the tribunal has sufficient members with relevant interests, qualifications or experience to allow the tribunal to exercise its functions.
- (2) As part of taking reasonable steps, the Attorney-General must consider the desirability of the tribunal including—
 - (a) not less than the number of members mentioned in an item in table 6.1, column 2, each of whom the Attorney-General is satisfied has the interest, qualification or experience mentioned in column 3 for the item; and
 - (b) not less than the number of members mentioned in an item in table 6.2, column 2 each of whom—
 - (i) is nominated by the health minister under subsection (3) for the item; or
 - (ii) was previously appointed to the ACAT in the person's capacity as a member mentioned in table 6.2, column 3.
- (3) The health minister may nominate a person for an item of table 6.2 if satisfied that the person has the interest, qualification or experience mentioned in column 3 of the item.
- (4) The health minister may nominate a health profession for table 6.2, item 1.
- (5) In this section:

health minister means the Minister responsible for appointing the chief health officer.

Note The chief health officer is appointed under the *Public Health Act 1997*, s 7.

Table 6.1 Senior and ordinary members generally

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
1	1	understands the interests of credit providers and financial brokers
2	1	understands the interests of people who obtain customer credit from credit providers or through finance brokers
3	1	qualifications or experience in consumer affairs
4	1	qualifications or experience assisting or working with people suffering financial hardship
5	1	qualifications or experience in business
6	1	qualifications or experience in law, other than qualifications in item 7 or 8
7	3	suitably qualified legal practitioners nominated by the bar council under the <i>Legal Profession Act 2006</i>
8	3	suitably qualified legal practitioners nominated by the law society council under the <i>Legal Profession Act 2006</i>
9	1	community members suitable to deal with the needs of mentally dysfunctional people

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
10	1	appropriate expertise, training or experience in relation to, and otherwise suitable to deal with, the needs of people who, because of a physical, mental, psychological or intellectual condition, need assistance or protection from abuse, exploitation or neglect

Table 6.2 Senior and ordinary members nominated by health minister

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
1	10	qualifications in each health profession nominated under s 6 (4)
2	1	psychiatrists
3	1	psychologists
4	1	suitable skills and experience to provide mental health clinical services, other than qualifications in item 2 or 3

Examples—table 6.2, item 4, column 3

mental health nurse, occupational therapist or social worker

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (6) For subsection (2), a person is taken to have been previously appointed to the ACAT in the person's capacity as a member mentioned in table 6.2, column 3 if, immediately before the commencement of this section, the person was a member of the health professions tribunal established under the *Health Professions Act 2004*.

- (7) Subsection (6) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (8) Subsections (6) and (7) and this subsection expire 6 months after the day this section commences.

7 Requirements for reviewable decision notices—Act, s 67A (3)

- (1) A reviewable decision notice given to a person in relation to a decision under an authorising law must—
 - (a) state the decision; and
 - (b) if the decision puts, or amends, a condition on a licence or registration—include a copy of the condition; and
 - (c) state that the person may apply for a reasons statement in relation to the decision under the Act, section 22B; and
 - (d) state that the person may apply to the ACAT for review of the decision; and
 - (e) state how to make the application; and
 - (f) state the other options available under ACT laws to have the decision reviewed.
- (2) If, before the commencement day, a person gave a notice of a reviewable decision under an old law, the notice is taken to be a reviewable decision notice that complies with this section.
- (3) In this section:

commencement day means the day this section commences.

old law, in relation to a decision made before the commencement day, means the law in force in relation to the decision immediately before the commencement day.

- (4) Subsections (2) and (3) are laws to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (2), (3) and (4) and this subsection expire 6 months after the day this section commences.

8 Requirements for internal review notices—Act, s 67B (3)

- (1) An internal review notice given to a person in relation to a decision under an authorising law must—
 - (a) state the decision; and
 - (b) if the decision puts, or amends, a condition on a licence or registration—include a copy of the condition; and
 - (c) state how the person may get information about the decision; and
 - (d) state that the person may apply for reconsideration or other internal review of the decision; and
 - (e) state that the person may apply to the ACAT for review of the decision on the reconsideration or internal review; and
 - (f) state how to make the application for reconsideration or other internal review; and
 - (g) state the other options available under ACT laws to have a decision reviewed.
- (2) If, before the commencement day, a person gave a notice of a decision that, under an old law, could be reviewed under an internal process under the old law, the notice is taken to be an internal review notice that complies with this section.
- (3) In this section:
commencement day means the day this section commences.

old law, in relation to a decision made before the commencement day, means the law in force in relation to the decision immediately before the commencement day.

- (4) Subsections (2) and (3) are laws to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (5) Subsections (2), (3) and (4) and this subsection expire 6 months after the day this section commences.

9 Use of trust amounts—Act, s 115C (1) (b)

- (1) The following purposes are prescribed for amounts paid under the *Agents Act 2003*:
 - (a) promoting education and understanding of the *Agents Act 2003* (the *Agents Act*) for licensed agents, registered salespeople and the public;
 - (b) providing dispute resolution services for disputes involving licensed agents or registered salespeople;
 - (c) paying additional amounts to the compensation fund;
 - (d) researching issues of concern to licensed agents and people using the services of licensed agents, whether or not the issues arise under the *Agents Act*;
 - (e) paying or reimbursing costs incurred by the commissioner for fair trading on behalf of the Territory for applications to the ACAT in relation to a licensed agent or registered salesperson;
 - (f) paying reasonable costs and expenses incurred by an administrator under the *Agents Act*, section 143 (Remuneration of administrators);
 - (g) reimbursing the Territory for the cost of administering the *Agents Act* and the *ACT Civil and Administrative Tribunal Act 2008*.

(2) In this section:

compensation fund—see the Agents Act, dictionary.

licensed agent—see the Agents Act, dictionary.

registered salesperson—see the Agents Act, dictionary.

Endnotes

1 Notification

Notified under the Legislation Act on 29 January 2009.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
