



Australian Capital Territory

ACT Civil and Administrative Tribunal Regulation 2009

SL2009-1

made under the

ACT Civil and Administrative Tribunal Act 2008

Republication No 1

Effective: 2 February 2009 – 2 August 2009

Republication date: 2 February 2009

Regulation not amended

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *ACT Civil and Administrative Tribunal Regulation 2009*, made under the *ACT Civil and Administrative Tribunal Act 2008* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 February 2009. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

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Contents

	Page
1 Name of regulation	2
3 Notes	2
4 Maximum amount payable under occupational discipline order—Act, s 66 (2) (h)	2
5 Maximum amount payable for failure to comply with occupational discipline order—Act, s 74 (2) (a)	2
6 Appointment of senior and ordinary members of the tribunal—Act, s 96	2
7 Requirements for reviewable decision notices—Act, s 67A (3)	5
8 Requirements for internal review notices—Act, s 67B (3)	6
9 Use of trust amounts—Act, s 115C (1) (b)	8

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ACT Civil and Administrative Tribunal Regulation 2009
Effective: 02/02/09-02/08/09

contents 1

Contents

		Page
Endnotes		
1	About the endnotes	9
2	Abbreviation key	9
3	Legislation history	10
4	Amendment history	10



Australian Capital Territory

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1 Name of regulation

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

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

Section 6

column 1 item	column 2 minimum number of members	column 3 interest, qualification or experience
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
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 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

ACT Civil and Administrative Tribunal Regulation 2009 SL2009-1
notified LR 29 January 2009
s 1, s 2 commenced 29 January 2009 (LA s 75 (1))
remainder commenced 2 February 2009 (s 2 and see ACT Civil and
Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

4 Amendment history

Commencement

s 2 from LA s 89 (4)

Appointment of senior and ordinary members of the tribunal—Act, s 96
s 6 (6)-(8) exp 2 August 2009 (s 6 (8) (LA s 88 declaration
applies))

Requirements for reviewable decision notices—Act, s 67A (3)
s 7 (2)-(5) exp 2 August 2009 (s 7 (5) (LA s 88 declaration
applies))

Requirements for internal review notices—Act, s 67B (3)
s 8 (2)-(5) exp 2 August 2009 (s 8 (5) (LA s 88 declaration
applies))

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