



New South Wales

Administrative Decisions Tribunal (General) Amendment (Fees) Regulation 1999

under the

Administrative Decisions Tribunal Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Administrative Decisions Tribunal Act 1997*.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General.

Explanatory note

The objects of this Regulation are to prescribe fees for applications to the Administrative Decisions Tribunal for original decisions and reviews of reviewable decisions and appeals to Appeal Panels of the Tribunal and to provide for the waiver of any such fees by the Registrar of the Tribunal.

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including sections 43 (1), 56 (1) and 145 (the general regulation-making power).

Administrative Decisions Tribunal (General) Amendment (Fees) Regulation 1999

1 Name of Regulation

This Regulation is the *Administrative Decisions Tribunal (General) Amendment (Fees) Regulation 1999*.

2 Commencement

This Regulation commences on 1 February 1999.

3 Amendment of Administrative Decisions Tribunal (General) Regulation 1998

The *Administrative Decisions Tribunal (General) Regulation 1998* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in appropriate alphabetical order:

original application means an application to the Tribunal for an original decision.

review application means an application to the Tribunal for a review of a reviewable decision.

[2] Part 2A

Insert after Part 2:

Part 2A Fees for applications and appeals to Tribunal

5A Fees for original applications

- (1) For the purposes of section 43 (1) of the Act, the fee prescribed in respect of an original application is:
 - (a) if the Act or any other law requires the application to be determined by the Tribunal constituted by 2 or more members—\$100, or
 - (b) in any other case—\$50.
- (2) Subclause (1) does not apply to the following:
 - (a) original applications made under an enactment specified in clause 2 of Part 3 of Schedule 2 to the Act (being applications that are allocated to the Legal Services Division for determination),
 - (b) original applications referred to in section 43 (3) of the Act.

Note. Section 43 (1) of the Act provides that an application cannot be made to the Tribunal unless the fee prescribed by the regulations (if any) in respect of the application has been paid. Section 43 (3) provides that the section does not apply to applications for an original decision made under the *Anti-Discrimination Act 1977*.

5B Fees for review applications

- (1) For the purposes of section 56 (1) of the Act, the fee prescribed in respect of a review application is:
 - (a) if the Act or any other law requires the application to be determined by the Tribunal constituted by 2 or more members—\$100, or
 - (b) in any other case—\$50.
- (2) Subclause (1) does not apply to the following:
 - (a) review applications under section 90 (3) of the *Anti-Discrimination Act 1977*,
 - (b) review applications referred to in section 56 (3) of the Act.

Note. Section 56 (1) of the Act provides that an application cannot be made to the Tribunal unless the fee prescribed by the regulations (if any) in respect of the application has been paid. Section 56 (3) provides that the section does not apply to applications for a review of a reviewable decision made under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

5C Fees for appeals to Appeal Panels

A person lodging an appeal with an Appeal Panel against a decision of the Tribunal must pay a fee of \$200 in respect of the appeal.

5D Fees not payable by Crown

Despite clauses 5A–5C, no fee is payable in respect of any original application or review application or any appeal to an Appeal Panel if the application or appeal is made by or on behalf of:

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- (a) the Government of New South Wales, or
 - (b) any New South Wales Government Department, or
 - (c) any statutory body whose expenditure is paid out of the Consolidated Fund.

5E Waiver of fees

The Registrar may waive the payment of any fee prescribed by this Part in respect of an application to the Tribunal or appeal to an Appeal Panel (either at the time of the lodgment of the application or appeal or otherwise) if the Registrar is satisfied that the payment of the fee would result in undue hardship to the applicant or appellant concerned.

Note. Section 43 (2) of the Act provides that an application for an original decision in respect of which a fee is waived under the regulations (whether at the time of lodgment or otherwise) is taken to be made at the time the application is lodged with the Tribunal. Section 56 (2) makes similar provision in respect of review applications.