



New South Wales

Administrative Decisions Tribunal (General) Regulation 1998

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*.

J W Shaw

Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to provide for the oaths of office for members of the Administrative Decisions Tribunal, and
- (b) to provide for the manner in which draft rules of the Tribunal are to be publicly exhibited, and
- (c) to prescribe a scale of expenses and allowances for witnesses before the Tribunal.

The Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including sections 98 (1), 141 (1) and 145 (the general regulation-making power) and clause 4 of Schedule 3.

This Regulation comprises matters of a machinery nature, matters of a savings or transitional nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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Administrative Decisions Tribunal (General) Regulation 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Administrative Decisions Tribunal (General) Regulation 1998*.

2 Commencement

This Regulation commences on 6 October 1998.

3 Definitions

In this Regulation:

the Act means the *Administrative Decisions Tribunal Act 1997*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Administrative Decisions Tribunal (General) Regulation 1998

Part 2 Oaths of office

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5 Oath to be taken by members of Tribunal

- (1) The members of the Tribunal are to take the following oaths of office before entering into office:
 - (a) in the case of the President—the oath set out in Part 1 of Schedule 1,
 - (b) in the case of a Deputy President—the oath set out in Part 2 of Schedule 1,
 - (c) in the case of a non-presidential judicial member—the oath set out in Part 3 of Schedule 1,
 - (d) in the case of a non-judicial member—the oath set out in Part 4 of Schedule 1.
- (2) Subclause (1) does not apply to the following members:
 - (a) a judicial officer who is taken to have been duly appointed to act as a member of the Tribunal by or under section 14 of the Act.
 - (b) a state tribunal member (within the meaning of section 14A of the Act) who is taken to have been duly appointed to act as a member of the Tribunal by or under that section.
 - (c) a person who is appointed a member of the Tribunal by operation of Schedule 5 to the Act.
- (3) However, nothing in subclause (2) prevents any such member from taking an oath specified in subclause (1) before commencing to exercise his or her functions as a member.

Part 3 Public consultation on rule-making

6 Public consultation under section 98 of the Act

- (1) For the purposes of section 98 (1) of the Act, the manner of public exhibition of a draft rule of the Tribunal specified in this clause is prescribed.
- (2) The Rule Committee must:
 - (a) cause notice to be given in a newspaper circulating generally in New South Wales (or in such other publication or publications determined by the Rule Committee) of the places, dates and times for inspection of the draft rule during the exhibition period, and
 - (b) specify in the notice the exhibition period for the draft rule, and
 - (c) specify in the notice that the period within which submissions about the draft rule may be made to the Rule Committee is the exhibition period or such further period as may be specified in the notice, and
 - (d) publicly exhibit during the exhibition period a copy of the draft rule at the places, on the dates and during the times specified in the notice.
- (3) Copies of the draft rule are to be made available to interested persons by the Rule Committee during the exhibition period, either free of charge or on payment of reasonable copying charges.
- (4) In this clause:

exhibition period means the period specified in a notice published in a newspaper or other publication for the public exhibition of a draft rule, being a period of at least 2 months from the date on which the notice is published.

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Clause 7 Administrative Decisions Tribunal (General) Regulation 1998

Part 4 Miscellaneous

Part 4 Miscellaneous

7 Witness allowances and expenses: sec 141

For the purposes of section 141 (1) of the Act, the prescribed scale of allowances and expenses for witnesses required to appear or give evidence before the Tribunal is the scale of allowances for witnesses attending civil proceedings in the District Court.

8 Savings and transitional provisions

Schedule 2 has effect.

Schedule 1 Oaths of office

(Clause 5)

Part 1 Oath of office for President

I, _____, do
*swear/*solemnly, sincerely and truly declare and affirm
that I will faithfully and impartially discharge the duties of the office of
President of the Administrative Decisions Tribunal of New South Wales.

Part 2 Oath of office for a Deputy President

I, _____, do
*swear/*solemnly sincerely and truly declare and affirm
that I will faithfully and impartially discharge the duties of the office of a
Deputy President of the Administrative Decisions Tribunal of New South
Wales.

Part 3 Oath of office for a non-presidential judicial member

I, _____, do
*swear/*solemnly, sincerely and truly declare and affirm
that I will faithfully and impartially discharge the duties of the office of a
non-presidential judicial member of the Administrative Decisions Tribunal
of New South Wales.

Part 4 Oath of office for a non-judicial member

I, _____, do
*swear/*solemnly, sincerely and truly declare and affirm
that I will faithfully and impartially discharge the duties of the office of a
non-judicial member of the Administrative Decisions Tribunal of New South
Wales.

* Delete whichever is inapplicable

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Schedule 2 Savings and transitional provisions

Schedule 2 Savings and transitional provisions

(Clause 8)

1 References to members of Equal Opportunity Tribunal

(1) On the abolition of the Equal Opportunity Tribunal by clause 5 of Schedule 5 to the Act, any reference in the *Anti-Discrimination Act 1977* to a senior judicial member of the Tribunal is to be read as a reference to Deputy President of the ADT.

(2) In this clause:

ADT means the Administrative Decisions Tribunal established by the *Administrative Decisions Tribunal Act 1997*.

Equal Opportunity Tribunal has the same meaning as it has in clause 2 of Schedule 5 to the Act.