



Administrative Decisions Tribunal Rules (Transitional) Amendment (External Appeals) Regulation 2003

under the

Administrative Decisions Tribunal Act 1997

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

BOB DEBUS, M.P.,

Attorney General

Explanatory note

The object of this Regulation is to prescribe the manner for making an external appeal to the Administrative Decisions Tribunal and other procedural matters related to external appeals. External appeals may be made under section 67A of the *Guardianship Act 1987* and under section 21A of the *Protected Estates Act 1983*.

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including section 67, section 118B, section 145 (the general regulation-making power) and clause 11 of Schedule 5.

2003 No 287

Clause 1 Administrative Decisions Tribunal Rules (Transitional) Amendment
(External Appeals) Regulation 2003

**Administrative Decisions Tribunal Rules (Transitional)
Amendment (External Appeals) Regulation 2003**

under the

Administrative Decisions Tribunal Act 1997

1 Name of Regulation

This Regulation is the *Administrative Decisions Tribunal Rules (Transitional) Amendment (External Appeals) Regulation 2003*.

**2 Amendment of Administrative Decisions Tribunal Rules
(Transitional) Regulation 1998**

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

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Administrative Decisions Tribunal (Interim) Rules 1998, rule 13 Inter-relationship between general rules and Divisional rules

Omit “appeals to an Appeal Panel” from rule 13 (1).

Insert instead “internal appeals or external appeals”.

[2] Schedule 1, rule 39 Manner of making an internal appeal or an external appeal

Omit “an appeal to an Appeal Panel” from rule 39 (1).

Insert instead “an internal appeal”.

[3] Schedule 1, rule 39 (1A)

Insert after rule 39 (1):

(1A) For the purposes of section 118B (3) of the Act, an external appeal may be made by lodging a notice of appeal with the Tribunal.

[4] Schedule 1, rule 40 Notice of reply to internal appeal or external appeal

Omit “an appeal” from rule 40 (1).

Insert instead “an internal appeal”.

[5] Schedule 1, rule 40 (1A)

Insert after rule 40 (1):

(1A) A respondent to an external appeal must lodge a notice in reply with the Tribunal setting out the respondent’s response to the notice of appeal within 21 days after being served with the notice of appeal.

[6] Schedule 1, rule 41 Parties to an internal appeal

Omit “an appeal” wherever occurring.

Insert instead “an internal appeal”.

2003 No 287

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Schedule 1 Amendments

[7] Schedule 1, rule 41A

Insert after rule 41:

41A Parties to an external appeal

- (1) For the purposes of section 67 (2A) (d) of the Act, the persons who were parties to the original proceedings are also parties to an external appeal.
- (2) For the purposes of section 67 (2C) of the Act, the Tribunal may designate a respondent or other person to assist the Tribunal in external appeal proceedings.

BY AUTHORITY
