

EXPLANATORY STATEMENT

ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975

ADMINISTRATIVE APPEALS TRIBUNAL REGULATIONS (AMENDMENT)

(Statutory Rules 1989 No. 157)

Subsection 70(2) of the Administrative Appeals Tribunal Act 1975 provides that the Governor-General may make regulations prescribing fees in respect of applications to the Tribunal.

The purpose of the Administrative Appeals Tribunal Regulations (Amendment) is to amend Regulation 19 of the Administrative Appeals Tribunal Regulations to increase the fee payable for filing in the Tribunal an application for review of a decision.

The proposed Regulations will increase the Tribunal fee from \$240 to \$300. The fee was last increased in September 1987 from \$200 to \$240.

The proposed increase, which includes a component to account for the increase in the Consumer Price Index and an additional revenue component to assist in offsetting costs involved in running the Tribunal, will bring the fee to the same level as that proposed in superior courts administered by the Commonwealth.

Subsection 70(2) of the Administrative Appeals Tribunals Act 1975 also provides for the refund, in whole or in part, of fees so paid where the proceedings terminate in a manner favourable to the applicant.

The fee is not payable in the Tribunal where an application for review of a decision falls within the definition of a 'prescribed decision' as set out in Schedule 3 (and related decisions) of the Administrative Appeals Tribunal Regulations. These are generally income maintenance matters.

Authorised by the
Attorney-General