



Statutory Rules 1993 No. L¹

276/

Administrative Appeals Tribunal Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Administrative Appeals Tribunal
Act 1975*.

Dated L 1993.

28 October/

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BILL HAYDEN

Governor-General

By His Excellency's Command,

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Minister for Justice

D. KERR

1. Amendment

1.1 The Administrative Appeals Tribunal Regulations are amended
as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act
1901*, s. 48.]

2. New regulation 8A**2.1 After regulation 8, insert:****Time within which application may be dismissed if applicant cannot show reviewable decision**

“8A. For the purposes of paragraph 42A (4) (b) of the Act, the prescribed time is 14 days.”.

3. Regulation 9 (Lodging or filing of documents with Registrar)**3.1 Add at the end:**

“(3) For the purposes of subsection 68 (2) of the Act, a document may be lodged with the Registrar by facsimile transmission.”.

4. Regulation 15 (Forms of summons)**4.1 Paragraph 15 (a):**

Omit “Form 7; and”, substitute “Form 7, 8 or 9, as the case requires; and”.

5. Regulation 18 (Service of documents)**5.1 Omit the regulation, substitute:****Address for service**

“18. (1) In this regulation:

‘lodge an address for service’, in relation to a person, means give to the Registrar notice in writing of an address at which documents relating to a proceeding may be sent to that person.

“(2) A person may:

- (a) lodge an address for service of documents in a proceeding; and
- (b) at any time after lodging an address for service in a proceeding, lodge a new address for service in that proceeding.

“(3) If a person lodges with the Registrar a new address for service under paragraph (2) (b):

- (a) that new address becomes the person’s address for service in the proceeding; and
- (b) he or she must, immediately after doing so, serve on every other party to the proceeding a notice of that new address for service.

Service of documents

“18A. (1) In this regulation:

‘document’ includes:

- (a) a notice (other than a notice referred to in section 67A of the Act); and
- (b) a statement.

“(2) A document may be served:

- (a) by personal service in the way set out in subregulation (3), (4), (5) or (6), as the case requires; or
- (b) by post in the way set out in subregulation (7).

“(3) A document may be served on an individual by handing a copy of it to him or her, or putting it down in his or her presence, and telling him or her its general nature.

“(4) If the person to be served has lodged an address for service, a document may be served by handing a copy of it to a person at that address who:

- (a) is apparently of the age of 16 years or over; and
- (b) apparently lives at, or works at, that address.

“(5) A document may be served on an individual who has not lodged an address for service at his or her residential or business address last known to the person serving the document, by handing a copy of the document to a person who:

- (a) is apparently of the age of 16 years or over; and
- (b) apparently lives at, or works at, that address.

“(6) A document may be served on a corporation that has not lodged an address for service at its registered office, by handing a copy of the document to a person who:

- (a) is apparently of the age of 16 years or over; and

- (b) apparently lives at, or works at, the address of that office.

“(7) A document may be served on a person by post by enclosing it in a prepaid letter addressed to the person at the address that is the person’s address for service under regulation 18 or, if the person has not lodged an address for service under that regulation, at:

- (a) in the case of an individual—his or her residential or business address last known to the person posting the document; or
(b) in the case of a corporation—its registered office.

“(8) If a document is served by post in accordance with subregulation (7), it is taken to be served on the day it is posted.”.

6. Schedule 1 (Forms)

6.1 Form 7:

Omit the Form, substitute:

“Form 7

Regulation 15

Administrative Appeals Tribunal

SUMMONS TO GIVE EVIDENCE

File No.

Between:

Applicant

and:

Respondent

To:

YOU ARE REQUIRED to appear before the Administrative Appeals Tribunal to give evidence at:

Time: (a.m./p.m.)

Date:

Place:

and on each subsequent day of the hearing of this matter until you are excused or released from further attendance.

Member/Registrar/Deputy Registrar

Date

[Note: For fees payable to witnesses, see section 67 of the *Administrative Appeals Tribunal Act 1975* and regulation 16 and Schedule 2 of the *Administrative Appeals Tribunal Regulations*.]

This summons has been issued at the request of the applicant/respondent [*delete whichever is not applicable*].

For further information please contact:

Firm/Agency:

Person dealing:

Telephone:

"Form 8

Regulation 15

*Administrative Appeals Tribunal***SUMMONS TO GIVE EVIDENCE AND PRODUCE
DOCUMENTS**

File No.

Between:

Applicant

and:

Respondent

To:

Name:

Address:

YOU ARE REQUIRED to appear before the Administrative Appeals Tribunal to give evidence at:

Time: (a.m./p.m.)

Date:

Place:

and on each subsequent day of the hearing of this matter until you are excused or released from further attendance to give evidence.**YOU ARE ALSO REQUIRED** at that time to produce the following books, documents or things:*Member/Registrar/Deputy Registrar*

Date

[Note: For fees payable to witnesses, see section 67 of the *Administrative Appeals Tribunal Act 1975* and regulation 16 and Schedule 2 of the *Administrative Appeals Tribunal Regulations*.]

This summons has been issued at the request of the applicant/respondent [*delete whichever is not applicable*].

For further information please contact:

Firm/Agency:

Person Dealing:

Telephone:

*Administrative Appeals Tribunal***SUMMONS TO PRODUCE DOCUMENTS**

File No.

Between:

Applicant

and:

Respondent

To:

Name:

Address:

YOU ARE REQUIRED to appear before the Administrative Appeals Tribunal at:

Time: (a.m./p.m.)

Date:

Place:

AND produce to the Tribunal the following books, documents or things:

[Note: Instead of attending at the hearing to produce the books, documents or things you may produce them to a member of the staff of the Tribunal at the place of the hearing not later than 4.00 p.m. on the day before the day mentioned above.]

Member/Registrar/Deputy Registrar.

Date:

This summons has been issued at the request of the applicant/respondent [*delete whichever is not applicable*].

For further information please contact:

Firm/Agency:

Person dealing:

Telephone:”.

7. Schedule 3 (Prescribed decisions for the purposes of regulation 19)

7.1 Item 1:

Omit the item, substitute:

“1 A decision under the *First Home Owners Act 1983*, the *Home Deposit Assistance Act 1982*, the *Homes Savings Grant Act 1976*, the *Papua New Guinea (Staffing Assistance) Act 1973*, the *Safety Rehabilitation and Compensation Act 1988*, the *Seafarers Rehabilitation and Compensation Act 1992*, the *Seamen's War Pensions and Allowances Act 1940*, the *Social Security Act 1991* or the *Veterans' Entitlements Act 1986*”.

7.2 Items 5 and 6:

Omit the items.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on L 1993. 5 November
2. Statutory Rules 1976 No. 141 as amended by 1977 No. 146; 1979 No. 274; 1984 No. 383; 1986 Nos. 168 and 232; 1987 Nos. 23 and 181; 1988 No. 25; 1989 No. 157; 1990 No. 284; 1991 Nos. 233 and 450 (disallowed by the Senate on 3 March 1992); 1992 No. 235. ; 1993 No-64 #