

Administrative Appeals Tribunal Regulation 2015

EXPLANATORY STATEMENT

Select Legislative Instrument No. 94, 2015

Issued under the Authority of the Attorney-General
in compliance with section 26 of the *Legislative Instruments Act 2003*

INTRODUCTION

This regulation was made under section 70 of the *Administrative Appeals Tribunal Act 1975* (AAT Act) and item 16 of Schedule 9 to the *Tribunals Amalgamation Act 2015* and, as a regulation, is a legislative instrument under paragraph 6(a) of the *Legislative Instruments Act 2003* (LIA).

OUTLINE

This regulation prescribes a number of matters under the *Administrative Appeals Tribunal Act 1975*.

The regulation replaces the *Administrative Appeals Tribunal Regulation 1976*. Replacing the regulation was necessary to support the functioning of the Administrative Appeals Tribunal (AAT) given the amalgamation with the Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) and the Social Security Appeals Tribunal (SSAT) on 1 July 2015. The MRT-RRT and SSAT will be abolished and the tribunals' jurisdiction will be transferred to the AAT.

The regulation ensures the proper operation of the amalgamated Tribunal by:

- modernising and simplifying certain practices and procedures of the Tribunal to promote administrative efficiency and flexibility
- updating the regulation to reflect changes made to various Acts, including the *Administrative Appeals Tribunal Act 1975*, by the *Tribunals Amalgamation Act 2015*, and
- providing a small number of transitional provisions to support amalgamation.

The Regulation does not substantially alter existing administrative and procedural arrangements in the AAT.

PROCESS BEFORE REGULATION WAS MADE

Regulatory impact analysis

Before this regulation was made, its expected impact was assessed using the Preliminary Assessment tool approved by the Office of Best Practice Regulation (OBPR). That assessment indicated that it would have no or low impact on business, individuals and the economy. This assessment has been confirmed by the OBPR (OBPR reference 19086).

Consultation before making

Before this regulation was made, the Attorney-General considered the general obligation to consult imposed by section 17 of the LIA, and the specific circumstances where consultation may be unnecessary or inappropriate set out in section 18. The Attorney-General's Department consulted with representatives from the AAT, MRT-RRT and SSAT and officers from the Department of Social Services and the Department of Immigration and Border Protection.

Statutory preconditions and Parliamentary undertakings relevant to this regulation

There are no statutory preconditions or Parliamentary undertakings relevant to the making of this regulation.

PROCESSES FOR REVIEW OF THIS REGULATION

The proposed regulation is subject to tabling and disallowance under Part 5 of the LIA.

OTHER ISSUES

Matter incorporated by reference

This regulation does not apply, adopt or incorporate other matter by reference.

More information

A provision by provision explanation of the regulation is provided in [Attachment A](#).

Copies of each instrument to be repealed, and information about its history, are available on the whole-of-government ComLaw website (<http://www.comlaw.gov.au>).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Administrative Appeals Tribunal Regulation 2015

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Legislative Instrument replaces the *Administrative Appeals Tribunal Regulation 1976*. Replacing the regulation is necessary to support the amalgamation of the Administrative Appeals Tribunal (AAT) with the Migration Review Tribunal and Refugee Review Tribunal (MRT-RRT) and the Social Security Appeals Tribunal (SSAT). The MRT-RRT and SSAT will be abolished and the tribunals' jurisdiction will be transferred to the AAT.

The amalgamation will further enhance the efficiency and effectiveness of the Commonwealth merits review jurisdiction and support high quality and consistent administrative decision making. The amalgamation will be implemented by the *Tribunals Amalgamation Act 2015* on 1 July 2015.

The Legislative Instrument provides for the following matters:

- rules for making Tribunal forms
- rules for giving documents to a persons for the purposes of a Tribunal proceeding
- payment of fees and refunds
- parties providing an address for documents to the Tribunal
- procedures relating to summons
- the Tribunal seal
- establishing a Veterans' Appeals Division
- Tribunal review of Norfolk Island enactment decisions, and
- transitional matters relating to oaths and affirmations of office, changes to Tribunal Divisions and refunds for pre 1 November 2010 applications.

The Legislative Instrument ensures the proper operation of the amalgamated Tribunal by:

- modernising and simplifying certain practices and procedures of the Tribunal to promote administrative efficiency and flexibility
- updating rules to reflect changes made to various Acts, including the *Administrative Appeals Tribunal Act 1975*, by the *Tribunals Amalgamation Act 2015*, and
- providing a small number of transitional provisions to support amalgamation.

The Legislative Instrument does not substantially alter existing administrative and procedural arrangements in the Administrative Appeals Tribunal.

Human rights implications

The Legislative Instrument engages the following human rights:

- right to a fair hearing in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), and
- right to freedom from arbitrary and unlawful interferences with privacy in Article 17 of the ICCPR.

Right to a fair hearing in Article 14 of the International Covenant on Civil and Political Rights (ICCPR)

Article 14(1) of the ICCPR requires all persons to be equal before the courts and tribunals. It further provides that everyone is entitled, in the determination of ‘rights and obligations in a suit at law’, to a ‘fair and public hearing by a competent, independent and impartial tribunal established by law’.

The Legislative Instrument advances an applicant’s right to a substantive fair hearing by providing a procedural framework for reviews in the Tribunal that ensure every applicant receives a fair hearing. For example, Part 4 of the Regulation specifies how summons are to be issued to ensure that, where required for comprehensive review of a decision, relevant parties can be summoned to supply documents or give evidence.

Part 6 of the Legislative Instrument preserves the existing requirement for payment of an application fee for review of a decision in certain circumstances. Requiring the payment of fees is a limitation on a person’s right to a fair hearing that is reasonable, necessary and proportionate in the circumstances. Payment of a fee is a legitimate objective to reflect the cost of the service provided by the Tribunal, is general practice for similar bodies, and is subject to exceptions to ensure access to justice. Section 21 sets out the circumstances in which a reduced application fee, or no fee at all, is payable by an applicant. For example, paragraph 21(h) provides that a concessional fee may be payable where payment of the standard application fee could cause financial hardship to the applicant. This ensures that fees for review do not unduly limit the right to a fair hearing and access to justice for persons who would be unable to pay.

The limitation on an individual’s right to a fair hearing by requiring payment of an application fee in certain circumstances in the Legislative Instrument is reasonable, necessary and proportionate in the circumstances.

Right to freedom from arbitrary and unlawful interferences with privacy in Article 17 of the ICCPR

Pursuant to Article 17 of the ICCPR, an interference with an individual’s privacy must have a lawful basis and must not be arbitrary. The right to protection against arbitrary and unlawful interference protects personal information, including a person’s address.

Section 16 of the Regulation provides that an applicant for review of a decision must give an address for documents to the Tribunal. Each other party to the proceeding (unless the proceeding is in the Social Service and Child Support Division) must also provide an address for documents to the Tribunal.

Requesting and storing a person’s address is necessary for the legitimate purpose of the Tribunal sending the applicant, or another party, documents relevant to the review. The provisions requiring an address to be provided are accordingly necessary to enable the Tribunal to conduct an efficient and effective review process. The Tribunal will have rigorous mechanisms in place to protect personal information and other evidence. These include the capacity under section 35 of the AAT Act to prohibit the publication or disclosure of personal information, and protection of members and staff of the Tribunal from being required to produce personal information in certain circumstances under section 66 of the AAT Act. The general protections of the *Privacy Act 1988* will also apply to information collected, used and stored by the amalgamated Tribunal. This includes prohibiting the collection of personal information unless the information is reasonably necessary for, or directly related to, the functions of the Tribunal.

This limitation on an individual's right to privacy in the Regulation is reasonable, necessary and proportionate in the circumstances and is consistent with the provisions, aims and objectives of the ICCPR.

Conclusion

The Legislative Instrument is compatible with human rights because to the extent that it may limit human rights, those limitations are reasonable, necessary and proportionate.

Senator the Honourable George Brandis QC, Attorney-General

Part 1—Preliminary**Section 1 Name**

1. This section provides for the Regulation to be named the *Administrative Appeals Tribunal Regulation 2015*. The regulation may be cited by that name.

Section 2 Commencement

2. This section provides for the regulation to commence on 1 July 2015 (the same time as the commencement of the amendments made by the *Tribunals Amalgamation Act 2015* (the Amalgamation Act)).

Section 3 Authority

3. This is a formal section that provides that the Regulation is made under the *Administrative Appeals Tribunal Act 1975* (AAT Act) and the Amalgamation Act.

Section 4 Schedules

4. This section provides for the operation of Schedule 1 to the proposed Regulation. Schedule 1 to the Regulation provides for the repeal of the *Administrative Appeals Tribunal Regulations 1976* (1976 Regulation).

Section 5 Definitions

5. This section sets out definitions that are relevant for the purposes of the Regulation.

6. A number of expressions used in the Regulation are defined in the AAT Act, including Commonwealth agency, enactment, proceeding, State and Tribunal.

Part 2—Tribunal**Section 6 Tribunal seal**

7. Section 6 provides that the Amalgamation Appeals Tribunal (the Tribunal) will have a seal with a design determined by the President. The President may direct that the seal must be attached to certain kinds of documents, and the Tribunal may order that the seal be attached to any other document.

8. This section has been updated from the 1976 Regulation to make the provision clearer and to reflect modern drafting standards. It also explicitly specifies that the seal may be attached by electronic means (as well as by hand or any other way) to reflect modern practices.

Section 7 Approval of forms

9. Section 7 authorises the President to approve forms, including electronic forms, for use under the AAT Act, this Regulation, or any other enactment that confers powers or functions on the Tribunal.

10. The Amalgamation Act removes requirements that forms be prescribed from the AAT Act to allow for the President to approve forms administratively. This provides the Tribunal with flexibility to create and amend forms as required to meet the operational needs of the Tribunal.

11. Subsection 7(2) provides that the President may not approve a form where a form dealing with the matter has been prescribed or approved for the purposes of another enactment that confers

powers or function on the Tribunal, or where the other enactment otherwise specifies the manner of dealing with the matter.

Section 8 Veterans' Appeals Division

12. Section 8 prescribes a Veterans' Appeals Division for the purposes of paragraph 17A(g) of the AAT Act. Paragraph 17A(g) provides that, in addition to the seven Divisions specified in the Act, further Divisions may be prescribed by Regulation. The Veterans' Appeals Division is an existing Division of the Tribunal, and deals with applications relating to veterans' entitlements and military compensation decisions.

Part 3—Applications for review

Section 9 Tribunal review of Norfolk Island enactment decisions

13. Section 9 is made for the purposes of subsection 25(2) of the AAT Act, which states that the regulations may provide that applications may be made to the Tribunal for review of decisions made in the exercise of powers conferred by a Norfolk Island enactment.

14. Section 9 provides that a person may apply to the Tribunal for review of a decision made in the exercise of powers conferred by a Norfolk Island enactment and mentioned in the table in subsection 9(3).

15. The table identifies the decisions made under Norfolk Island legislation that may be reviewed by the Tribunal. This was previously specified in Schedule 4 to the 1976 Regulation. The table has been updated from the 1976 Regulation to reflect changes to legislation and remove redundant or incorrect items.

16. References to decision-makers have also been simplified by providing, in subsection 9(3), that the relevant decision-maker is the person who made the reviewable decision.

Section 10 Time to oppose application to extend time for making application for review

17. Section 10 prescribes a time limit of 14 days to oppose an application for an extension of time for the purposes of subsection 29(10) of the AAT Act.

18. Subsection 29(10) specifies that if a person, who has been given notice of an application for an extension of time under subsection 29(9), gives notice within the prescribed time to the Tribunal that he or she wishes to oppose the application, the Tribunal must not determine the application until the applicant and the person who gave the notice are given a reasonable opportunity to present their respective cases.

Part 4—Summons

19. Part 4 supports the issuance of summons in the Tribunal.

Section 11 Forms of summons

20. Section 11 provides that a summons issued by the Tribunal under section 40A of the AAT Act to give evidence and/or produce documents must be in the approved form. This replaces the requirement that summons be in the relevant form provided by the 1976 Regulation.

21. Section 7 of the Regulation empowers the President to approve forms, including forms for summons.

22. Subsection 40A(1) of the AAT Act, which empowers the President, an authorised member or an officer of the Tribunal, to summon a person to give evidence or produce documents, does not apply

to proceedings in the Social Services and Child Support Division or the Migration and Refugee Division. This is a result of provisions in the enactments that authorise applications for review that will be heard in those Divisions, which include specific powers for gathering information.

Section 12 Giving a summons

23. Section 12 provides methods by which a summons may be given to a person. If these methods are followed, the summons is taken to have been given to the person.

24. Unlike paragraph 15(b) of the 1976 Regulation, this section explicitly provides that a summons can be given to a person in a manner agreed to by that person. The section has also been updated to reflect that previous subsection 40(1A) of the AAT Act was moved to section 40A by the Amalgamation Act.

Section 13 Fees and allowances in relation to compliance with summons

25. Section 13 prescribes fees and allowances payable to a person in relation to compliance with summons under section 40A of the AAT Act and under paragraphs 363(3)(a) and 427(3)(a) of the *Migration Act 1958* (the Migration Act).

26. A fee is payable to a person who is summoned to appear before the Tribunal to give evidence. Witness expenses were set out in section 16 and Schedule 2 to the 1976 Regulation. The formulation of the fee that must be paid where a person is remunerated in his or her occupation by wages, salary or fees is the same as that in the 1976 Regulation with slight simplification in wording. The formulation for cases where a person is not remunerated has been amended to ‘a reasonable amount for each day on which the person attends the Tribunal’. The minimum fees set out in the 1976 Regulation had not been updated since 1976 and were no longer used in practice by the Tribunal.

27. The 1976 Regulation did not provide for any allowance to be paid to persons required to produce documents or things. This Regulation specifies that allowances are payable to a person who is summoned to appear before the Tribunal to give evidence and to a person who is summoned to produce things. For a person who is required to appear before the Tribunal, allowances include a reasonable amount for travel, and for accommodation and meals in certain circumstances, or its equivalent in kind. For production of things, the allowances payable are the person’s reasonable expenses of producing the thing.

28. Fees and allowances are not payable to a person who is a party to the proceeding, unless ordered by the Tribunal.

29. Subsection 13(7) allows the Tribunal to determine fees and allowances if an agreement cannot be reached between the person who must pay the amount and the person issued with a summons. Subsection 13(8) ensures that a person is not excused from complying with a summons in the case that the person believes an amount paid is not sufficient.

Section 14 Who must pay fees and allowances

30. Section 14 specifies who must pay the fees and allowances in relation to a summons issued under section 40A of the AAT Act or under paragraphs 363(3)(a) and 427(3)(a) of the Migration Act .

31. Section 67 of the AAT Act provides that the regulations may provide for fees or allowances to be paid for compliance with a requirement to give evidence, produce a document, or give information, for the purposes of a Tribunal hearing.

32. Section 14 prescribes who must pay fees and allowances pursuant to this provision, and maintains the policy that was contained in subsections 67(2) and (3) of the AAT Act prior to the amendments made by the Amalgamation Act.

33. In general, fees and allowances will be payable by the party at whose instigation the person was summoned, or if the person was not summoned at the request of a party, by the Commonwealth. However, except in the Migration and Refugee Division, the Tribunal may order that the fees and allowances of a person summoned by a party must be paid, in whole or in part, by the Commonwealth.

Section 15 When fees and allowances are payable

34. Section 15 provides that fees must be paid as soon as practicable after the person has complied with the summons. Allowances must be paid when the person is given a summons, or within a reasonable time before the person is required to comply with the summons.

Part 5—Giving documents

Section 16 Address for documents

35. Section 16 provides a framework for applicants and other participants in Tribunal proceedings to provide an address for documents to the Tribunal.

36. The terminology is slightly amended from the 1976 Regulation which referred to an ‘address for service’ in section 18. Paragraph 18(2)(a) specified that a person may lodge an address for service of documents in a proceeding.

37. The 2015 Regulation requires an applicant for review in any Division of the Tribunal (other than the Migration and Refugee Division) to give the Tribunal an address for documents when making the application.

38. Unless the proceeding is in the Social Services and Child Support Division or the Migration and Refugee Division, each other party must also provide an address for documents within 28 days of receiving notice of the application.

39. Subsection 16 (4) provides that if a person wishes to change their address for documents, they must tell the Tribunal about the change.

Section 17 Giving documents to a person

40. Section 17 provides the requirements for giving documents to a person for the purposes of a Tribunal proceeding. Under subsection 68(3) of the AAT Act, this section does not apply to the extent to which the AAT Act or another enactment specifies how a document is to be given to a person for the purposes of a proceeding before the Tribunal.

41. Subsection 17(2) specifies that a document is to be given to the person in a manner specified by the Tribunal or in accordance with subsections 17(3) to (7) which set out the requirements for giving documents to a person with an address for documents, or otherwise to individuals, corporations, government agencies and unincorporated associations.

42. Requirements as to service of documents were set out in the 1976 Regulation and in section 18A and section 68AA of the AAT Act, which is repealed by the Tribunals Amalgamation Act.

Section 18 Time an electronic communication is taken to be given to a person

43. Section 18 provides the time an electronic communication will be taken to have been given to a person for the purposes of paragraph 17(3)(c) of the Regulation is the day the electronic communication was dispatched.

44. To determine the time at which a document given by post is taken to have been given, see section 29 of the *Acts Interpretation Act 1901*.

Part 6—Fees

45. The general policy and framework of fees set out in the 1976 Regulation, as well as the current fee rates, are maintained in this Regulation. However, the provisions relating to fees have been greatly simplified.

Section 19 Scope of operation of this Part

46. Section 19 provides that Part 6 does not apply in the Migration and Refugee Division. Fees for applications in that Division are provided by the *Migration Regulations 1994*.

Section 20 Fees—general

47. Section 20 sets out the main three categories of fees that a Tribunal user may be required to pay:

- a *standard application fee* of \$861 that applies in most circumstances where a fee is payable
- a *lower application fee for certain taxation decisions* of \$85 that applies to certain taxation reviews, and
- a *fee in concessional circumstances* of \$100.

48. Subsection 20(1) prescribes a standard application fee for lodging an application for review with the Tribunal. The fee set out in the Regulation is the most recent indexed figure as at the time the Regulation is made. This fee is subject to biennial indexation in accordance with section 27 of the Regulation.

49. Subsection 20(2) sets out a lower fee for certain taxation decisions. This subsection maintains the fee structure that applied for applications in the former Small Taxation Claims Tribunal. This fee structure, which was formerly contained in Part IIIAA of the AAT Act, was repealed by the Amalgamation Act. Subsection 20(2) ensures that a lower application fee is payable for review of certain tax decisions where the amount of tax in dispute is less than \$5,000 and for certain other tax decisions. This fee is also subject to biennial indexation in accordance with section 27 of the Regulation.

50. Subsection 20(3) provides that a concessional fee is payable where the fee payable would be more than \$100 and the circumstances set out in section 21 exist. Examples of concessional circumstances outlined in section 21 include where the applicant is a holder of a concession card within the meaning of *Social Security Act 1991* or any other card issued by the Commonwealth which entitles the person to health concessions, and where the Registrar orders that, having regard to the applicant's financial circumstances, the payment of an amount would cause financial hardship to the applicant. The \$100 concessional fee is not indexed.

Section 21 Concessional circumstances

51. Section 21 specifies the circumstances in which an applicant may qualify for a concessional fee. This section should be read in conjunction with subsection 20(3), which prescribes that a concessional fee is payable where the fee payable would be more than \$100 and the circumstances set out in section 21 exist.

52. The circumstances where a concessional fee is payable are the same as those set out in subsections 19(6) and 19AA(6) of the 1976 Regulation with simplified drafting. Paragraph 21(h) maintains the policy set out in subsections 19(6A) and 19AA(6B) of the 1976 Regulation which enables the Registrar to make an order that a concessional fee is payable where the Registrar considers that the payment of an amount would cause financial hardship to a person. The reference to 'amount' in this paragraph is to the amount that would be payable under either subsection 20(1), 20(2) or 25(2).

Section 22 Decisions for which application fee is not payable

53. Section 22 prescribes decisions for which no fee is payable for an application for a review of a decision. The list of decisions was previously set out in Schedule 3 to the 1976 Regulation. In general, there have been no changes to the matters exempted by this paragraph. However, minor updates have been made to reflect changes to the Tribunal's jurisdiction over time. No fee is payable for any AAT first review. This is consistent with the previous position that there were no fees payable in the Social Security Appeals Tribunal.

54. Some items in the table in section 22 refer to AAT first review and AAT second review. First and second reviews are relevant where enabling legislation provides for two stages of external merits review within the Tribunal. In these cases, the enabling legislation defines when an application is an AAT first review and when an application is an AAT second review.

Section 23 Multiple applications

55. Section 23 sets out the circumstances in which the Registrar may order that one prescribed fee is payable for multiple applications. This reflects the policy set out in subsections 19(5) and 19AA(5) of the 1976 Regulation and previous subsection 24AD(4) of the AAT Act, which was repealed by the Amalgamation Act.

56. Subsection 23(1) deals with circumstances in which the same fee would be payable for 2 or more applications relating to the same applicant. If the Registrar is satisfied that the applications can be conveniently heard before the Tribunal at the same time, the Registrar may order that only one fee is payable.

57. Subsection 23(2) deals with circumstances in which a different fee would be payable for at least one of multiple applications relating to the same applicant. If the Registrar is satisfied that the applications can be conveniently heard before the Tribunal at the same time, the Registrar may order that only one fee is payable. In accordance with subsection 23(3), that fee must be the highest prescribed fee payable by the applicant for any of the relevant applications.

Section 24 Consequence if application not accompanied by prescribed fee

58. Section 24 provides that the Tribunal is not required to deal with an application unless, and until, the required fee is paid. This maintains the policy of the 1976 Regulation contained in subsection 19(6C) and 19AA(6D).

59. Paragraph 69C(1)(b) of the AAT Act enables the Tribunal to dismiss an application if an application fee is not paid within the prescribed time. Subsection 24(2) prescribes the relevant time as being 6 weeks starting on the day the application is lodged.

Section 25 Consequences if the Tribunal considers that the amount of tax in dispute is not less than \$5 000

60. Section 25 sets out the consequences in relation to fees where the Tribunal considers that an amount of tax in dispute is not less than \$5,000 as relevant to subsection 20(2) (which provides for a lower application fee of \$85 rather than the standard application fee of \$861 for certain taxation decisions). Under subsection 25(1), if the Tribunal considers that the amount of tax in dispute is not in fact less than \$5 000, the Tribunal has a discretionary power to make an order declaring that the prescribed fee is the standard application fee or the concessional fee (if any of the circumstances set out in section 21 exist).

61. Subsection 25(2) provides that the amount payable by the applicant under such an order is reduced by the amount they have already paid, to avoid double-charging the applicant.

62. Subsection 25(3) provides that the Tribunal is not required to deal with the application unless, and until, the fee is paid.

63. Paragraph 69C(1)(b) of the AAT Act enables the Tribunal to dismiss an application if an application fee is not paid within the prescribed time. Subsection 25(4) prescribes the relevant time where an order has been made under subsection 25(1) as being 6 weeks starting on the day that the Tribunal makes the order that a standard or concessional application fee is payable.

Section 26 Refunds

64. Section 26 provides a table of circumstances where a person is entitled to a refund of an application fee. The section consolidates and simplifies the provisions relating to refunds which were set out in subsections 19(7)–(9) and 19AA(7)–(10) of the 1976 Regulation.

Section 27 Biennial increase in fees

65. Section 27 provides the process for calculating a fee increase on a two yearly basis. This maintains the existing policy in section 19A of the 1976 Regulation.

Section 28 Review by Tribunal—certain fee payment decisions

66. Section 28 provides that an applicant may apply to the Tribunal for a review of a decision not to make an order under paragraph 21(h) or a decision not to order that only one fee is payable under section 23.

67. Section 28 provides that a notice setting out the terms of the decision, the reasons for the decision and information about review rights, as specified in subparagraphs 28(2)(a)–(c), must be given to the person liable to pay the fee within 28 days. Failure to provide information about review rights in the notice does not affect the validity of the decision.

68. Section 28 streamlines and simplifies the policy contained in section 20 of the 1976 Regulation.

Part 7—Miscellaneous

Section 29 Maximum number of Council members

69. Section 29 provides the prescribed number of members for the Administrative Review Council for the purposes of subparagraph 49(1)(d)(ii) of the AAT Act. There is no change in this number from section 22 of the 1976 Regulation.

Part 8—Transitional provisions

70. The Regulation contains three transitional provisions to prevent disruption to the effective functioning of the tribunals on amalgamation.

Section 30 Refunds for pre 1 November 2010 applications

71. Section 30 ensures that regulations 19 and 19AA of the 1976 Regulation apply for the purposes of working out a refund for an application lodged before 1 November 2010.

Section 31 Oath or affirmation of office

72. Section 31 provides that existing members of the MRT-RRT and the SSAT are taken to have complied with the requirement to take an oath or affirmation of office upon transitioning to the Tribunal on 1 July 2015.

73. Due to the large number of existing members in the MRT-RRT and SSAT and the logistical complexity presented by requiring these members to give an oath or affirmation on 1 July 2015 before

commencing work in the Tribunal, this exemption is necessary to prevent any potential disruption to Tribunal proceedings.

74. This section does not apply to appointments or reappointments made on or after 1 July 2015.

Section 32 Changes to Tribunal Divisions

75. Section 32 is a broad provision which ensures that for the purposes of an enactment, a reference to a decision made, or thing done, by a Division of the Tribunal which is renamed on amalgamation, is taken to have been made, or done, by the renamed Division of the amalgamated Tribunal.

Schedule 1—Repeals

76. Item 1 of Schedule 1 repeals the entire 1976 Regulation.