

TASMANIA

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL REGULATIONS 2021 STATUTORY RULES 2021, No. 85

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TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL REGULATIONS 2021

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under section 145 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

Dated 8 November 2021.

B. BAKER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Justice

1. Short title

These regulations may be cited as the *Tasmanian Civil and Administrative Tribunal Regulations 2021*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

3. Interpretation

In these regulations –

Act means the *Tasmanian Civil and Administrative Tribunal Act 2020*;

personal affairs, in relation to a person, includes the following:

- (a) the person's financial affairs;
- (b) the person's criminal records;
- (c) the person's marital or other personal relationships;
- (d) the person's employment records;
- (e) the person's personal qualities, attributes or health status;

Resource and Planning stream Act means an Act in relation to which powers and functions are allocated to the Resource and Planning stream under clause 3 of Part 8 of Schedule 2 to the Act;

Resource and Planning stream application means –

- (a) an appeal to the Tribunal under a Resource and Planning stream Act; and
- (b) an application, under a Resource and Planning stream Act, for

review by the Tribunal of a decision; and

(c) an application to the Tribunal under any of the following Acts:

- (i) the *Environmental Management and Pollution Control Act 1994*;
- (ii) the *Historic Cultural Heritage Act 1995*;
- (iii) the *Land Use Planning and Approvals Act 1993*;
- (iv) the *Theatre Royal Precinct Redevelopment Act 2016*;
- (v) the *Water Management Act 1999*.

4. Additional material that may only be accessed with permission of Tribunal

For the purposes of section 110(2)(c) of the Act, the following classes of material are prescribed:

- (a) recordings of proceedings of the Tribunal in the form of an audio, video or other recording from which a visual image or sound can be produced;

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- (b) material concerning the personal affairs of a person, the general disclosure of which would be unreasonable;
- (c) material that contains allegations or suggestions of criminal or other improper conduct on the part of a person, the truth of which has not been established by judicial process and the general disclosure of which would be unreasonable;
- (d) material that contains matter consisting of information –
 - (i) concerning a person who has not attained the age of 18 years, or concerning such a person's family or circumstances, or information of any kind provided by a person who had not attained the age of 18 years when the information was provided; and
 - (ii) the general disclosure of which would be unreasonable having regard to the need to protect that person's welfare;
- (e) material that contains matter consisting of information –
 - (i) concerning a person suffering from a mental illness, mental impairment or mental infirmity, or concerning such a person's family or circumstances, or

information of any kind provided by a person so suffering when the information was provided; and

- (ii) the general disclosure of which would be unreasonable having regard to the need to protect that person's welfare.

5. Circumstances in which certain costs orders may be made

For the purposes of section 122(4)(b) of the Act, the prescribed circumstances are that the Tribunal makes, under section 88(4), 89(2) or 90(2) of the Act, an order to dismiss or strike out any proceedings.

6. Persons who may enforce monetary orders

For the purposes of section 126(2) of the Act, a party to the proceedings, or a person, in favour of whom a monetary order is made is recognised.

7. Decisions in relation to which appeal to Supreme Court not available

For the purposes of section 136(10) of the Act, the following are prescribed:

- (a) a decision of the Tribunal to adjourn proceedings (including, but not limited to, adjourning a compulsory conference) or to refuse to adjourn proceedings;

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- (b) a direction of the Tribunal under section 81(3)(a), (b), (c) or (e) of the Act;
- (c) a decision of the Tribunal under section 82(1) or (2) of the Act;
- (d) a direction of the Tribunal under section 85(1) or (3) of the Act;
- (e) a decision of the Tribunal not to grant leave under section 98(1)(c) of the Act or clause 7(2)(a)(ii) of Part 4 of Schedule 3 to the Act;
- (f) a decision of the Tribunal, under section 98(2) of the Act, that a person may, or may not, assist another person as a friend;
- (g) a decision of the Tribunal under section 98(4) or (5) of the Act to appoint, or not to appoint, a person or to make, or not make, an order;
- (h) a decision of, or appointment made by, the Tribunal under clause 7(2)(b) or (3) of Part 4 of Schedule 3 to the Act;
- (i) an order (including an interim order), or direction, under clause 8 of Part 4 of Schedule 3 to the Act;
- (j) a direction or order of the Tribunal under section 11(8) or (9) of the *Guardianship and Administration Act 1995*;

- (k) a determination of the Tribunal under section 13(2) of the *Guardianship and Administration Act 1995*;
- (l) a decision of the Tribunal under section 17(2) of the *Guardianship and Administration Act 1995*;
- (m) a decision, by the Tribunal, for the purposes of section 86(1)(b) of the *Guardianship and Administration Act 1995*.

8. President to give notice of hearing of Resource and Planning stream applications

- (1) The President is to cause a notice of a Resource and Planning stream application to be published in a daily newspaper circulating in the State.
- (2) The notice is to contain –
 - (a) the time, day and place of the hearing in relation to the application; and
 - (b) the subject of the application.

9. Fees in relation to Resource and Planning stream Acts

- (1) Unless otherwise provided for in the Building Regulations or any other Act or regulations, the fee for instituting a Resource and Planning stream application to the Appeal Tribunal is –
 - (a) 208 fee units; and

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(b) payable upon lodgement of the application.

(2) The fee for an application by a person to be made a party to an appeal under clause 7(3) of Part 8 of Schedule 2 to the Act is –

(a) 104 fee units; and

(b) payable upon lodgement of the application.

10. Waiver of fees

If a registrar is of the opinion that paying a fee under these regulations may cause a person financial hardship, the registrar may –

(a) waive the fee; or

(b) reduce the fee; or

(c) refund the whole or any part of the fee already paid.

11. Registers

(1) The Registrar is to keep one or more registers containing –

(a) all references, appeals, or applications, to the Tribunal or claims or matters brought before the Tribunal; and

(b) each determination made by the Tribunal in relation to those references, appeals, applications, claims or matters.

- (2) A party to proceedings, or any person whom the Registrar considers to have a sufficient interest in proceedings, may, during office hours, inspect at the office of the Tribunal so much of the register as relates to the proceedings.

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 8 November 2021.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations, made under the *Tasmanian Civil and Administrative Tribunal Act 2020*, prescribe matters in relation to the Tasmanian Civil and Administrative Tribunal established under that Act, including –

- (a) the decisions of the Tribunal, of an interlocutory nature, in relation to which appeals to the Supreme Court may not be made under the Act; and
- (b) the circumstances in which costs orders may be made under the Act; and
- (c) the class of persons who may enforce monetary orders under the Act; and
- (d) the fees payable in relation to certain proceedings of the Tribunal and the waiver, &c., of such fees; and
- (e) the giving of notice of certain applications made to the Tribunal; and

- (f) the keeping of information in registers for the purposes of the Act and the inspection of such registers; and
- (g) the classes of information, in relation to proceedings under the Act, that may only be accessed by persons with the approval of the Tribunal.