

I certify that this is a copy of the authorised version of this Statutory Rule as at 1 July 2025, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2025.

K Woodward
Chief Parliamentary Counsel
Dated 1 July 2025

TASMANIA

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL REGULATIONS 2021

STATUTORY RULES 2021, No. 85

CONTENTS

1. Short title
2. Commencement
3. Interpretation
4. Additional material that may only be accessed with permission of Tribunal
5. Circumstances in which certain costs orders may be made
6. Persons who may enforce monetary orders
7. Decisions in relation to which appeal to Supreme Court not available
8. President to give notice of hearing of Resource and Planning stream applications
9. Fees in relation to Resource and Planning stream Acts
10. Waiver of fees
11. Registers
12. Savings and transitional provisions consequent on the commencement of the *Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Act 2025*

Schedule 1 – Savings and Transitional Provisions

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;

Tasmanian Civil and Administrative Tribunal Regulations 2021
Statutory Rules 2021, No. 85

r. 4

- (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;

Tasmanian Civil and Administrative Tribunal Regulations 2021
Statutory Rules 2021, No. 85

r. 7

- (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

r. 10

(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.

12. Savings and transitional provisions consequent on the commencement of the *Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Act 2025*

The savings and transitional provisions set out in Schedule 1 have effect.

**SCHEDULE 1 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Regulation 12

1. Interpretation

In this Schedule –

Amending Act has the same meaning as in section 61 of the Act;

2025 commencement day means the day on which the Amending Act commences;

Property Agents Tribunal means the Tribunal, within the meaning of the *Property Agents and Land Transactions Act 2016*, as in force immediately before the commencement day;

relevant amended Act means an Act as in force before amended under the Amending Act.

2. Unexercised rights continue

(1) On and after the 2025 commencement day, a person has a right to apply, appeal, or have a matter referred, to the Tribunal in respect of the matter if –

(a) that matter –

- (i) is an application for the making of a decision at first instance concerning the matter; or
 - (ii) is an application for a review of a decision of another person or body; or
 - (iii) is an appeal against a decision of another person or body; or
 - (iv) immediately before the commencement day, may be referred under a relevant amended Act to another person or body for review or determination; and
- (b) immediately before the 2025 commencement day –
 - (i) the person had a right under a relevant amended Act in respect of the matter; and
 - (ii) the matter was within the jurisdiction of a body other than the Tribunal; and
- (c) the person had not exercised that right before the 2025 commencement day; and
- (d) on and after the 2025 commencement day the right, under the relevant amended Act, to apply, appeal or have a matter referred to, in respect of that matter is within the jurisdiction of the Tribunal.

sch. 1

- (2) For the avoidance of doubt, a matter under a relevant amended Act to which subclause (1) applies is allocated to the Division of the Tribunal specified, in relation to the relevant amended Act, under Schedule 2 or 3 of the Act.

3. Matters before Property Agents Tribunal

- (1) In this clause –

undetermined matter means a matter that was before the Property Agents Tribunal under Part 7 of the *Property Agents and Land Transactions Act 2016* that, immediately before the 2025 commencement day, has not been withdrawn, abandoned or determined.

- (2) On and from the 2025 commencement day, an undetermined matter is –
- (a) taken to have been instituted or commenced, as proceedings, before the Tribunal; and
 - (b) is allocated to the General Division of the Tribunal in accordance with Schedule 2 of the Act; and
 - (c) is to be heard and determined instead by the Tribunal in accordance with the Act.
- (3) Any record of proceedings kept or provided in respect of an undetermined matter, on and from the 2025 commencement day –

- (a) is taken to be information kept or provided for the purposes of proceedings under the Act; and
 - (b) may be regarded by the Tribunal for the purposes of this clause.
- (4) Nothing in this clause prevents an undetermined matter from being withdrawn on or after the 2025 commencement day.

Tasmanian Civil and Administrative Tribunal Regulations 2021
Statutory Rules 2021, No. 85

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.

NOTES

The foregoing text of the *Tasmanian Civil and Administrative Tribunal Regulations 2021* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2025 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
¹ <i>Tasmanian Civil and Administrative Tribunal Regulations 2021</i>	S.R. 2021, No. 85	8.11.2021
<i>Tasmanian Civil and Administrative Tribunal Amendment Regulations 2025</i>	S.R. 2025, No. 30	1.7.2025

¹Expiry 8 November 2031 - Subordinate Legislation Act 1992

TABLE OF AMENDMENTS

Provision affected	How affected
Regulation 12	Inserted by S.R. 2025, No. 30
Schedule 1	Inserted by S.R. 2025, No. 30