



Administrative Appeals Tribunal Amendment Regulation 2012 (No. 1)

Select Legislative Instrument 2012 No. 7

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Administrative Appeals Tribunal Act 1975*.

Dated 22 February 2012

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICOLA ROXON
Attorney-General

1 Name of regulation

This regulation is the *Administrative Appeals Tribunal Amendment Regulation 2012 (No. 1)*.

2 Commencement

This regulation commences on 1 March 2012.

3 Amendment of *Administrative Appeals Tribunal Regulations 1976*

Schedule 1 amends the *Administrative Appeals Tribunal Regulations 1976*.

Schedule 1 Amendments

(section 3)

[1] Subregulation 3 (1)

substitute

(1) In these Regulations, unless the contrary intention appears:

Act means the *Administrative Appeals Tribunal Act 1975*.

authorised officer means:

- (a) for item 11 of the table in Part 2 of Schedule 4 — a person appointed to be an authorised officer in accordance with section 61 of the *Building Act 2002* of the Territory of Norfolk Island; and
- (b) for item 21 of the table in Part 2 of Schedule 4 — a person appointed to be an authorised officer in accordance with section 141 of the *Environment Act 1990* of the Territory of Norfolk Island; and
- (c) for item 35 of the table in Part 2 of Schedule 4 — a person appointed to be an authorised officer in accordance with section 94 of the *Planning Act 2002* of the Territory of Norfolk Island; and

(d) elsewhere in these Regulations — a Registrar or Deputy Registrar appointed in accordance with section 12 of the *Supreme Court Act 1960* of the Territory of Norfolk Island.

[2] Paragraph 3 (2) (a)

omit

under these Regulations; and

insert

under these Regulations, except the power under regulation 20B; and

[3] Regulation 20, heading

substitute

20 Review by Tribunal — certain fee payment decisions

[4] Subregulation 20 (1)

omit

a District Registrar or a Deputy Registrar:

insert

a District Registrar, a Deputy Registrar or a person who is an authorised officer of a kind mentioned in paragraph (d) of the definition of ***authorised officer***:

[5] Subregulation 20 (2)

omit

a District Registrar or a Deputy Registrar

insert

a District Registrar, a Deputy Registrar or a person who is an authorised officer of a kind mentioned in paragraph (d) of the definition of ***authorised officer***

[6] After regulation 20*insert***20A Review by Tribunal — Norfolk Island enactment decisions**

- (1) For subsection 25 (2) of the Act, a person may apply to the Tribunal for review of a decision:
 - (a) made in the exercise of powers conferred by a Norfolk Island enactment; and
 - (b) mentioned in column 2 of the table in Part 2 of Schedule 4.
- (2) For paragraph 25 (3) (a) of the Act, a decision maker mentioned in column 3 of the table in Part 2 of Schedule 4 is specified.

20B Registrar may authorise certain authorised officers to perform some powers or functions

If a person is an authorised officer of a kind mentioned in paragraph (d) of the definition of *authorised officer*, the Registrar may authorise the person to exercise a power or function (except the power under this regulation) in relation to an application that is:

- (a) lodged at the Registry of the Tribunal caused to be established on Norfolk Island under subsection 64 (1) of the Act; or
- (b) listed to be heard by the Tribunal.

[7] Regulation 21*omit*

paragraph 24A (4) (b)

insert

subsection 24A (4)

[8] After Schedule 3*insert***Schedule 4 Norfolk Island enactment decisions and specified persons**

(regulation 20A)

Part 1 Interpretation**1 Interpretation — Schedule 4**

- (1) In this Schedule, an Act (other than the *Norfolk Island Act 1979*) that is mentioned in either of the following refers to an Act of the Territory of Norfolk Island:
 - (a) subclause (2);
 - (b) column 2 or 3 of the table in Part 2.

- (2) In this Schedule:

Administrator has the meaning given by the *Norfolk Island Act 1979*.

authorised officer has the meaning given by subregulation 3 (1).

Authority has the meaning given by the *Bookmakers and Betting Exchange Act 1998*.

Board has the meaning given by the *Liquor Act 2005*.

Chief Revenue Officer has the meaning given by the *Goods and Services Tax Act 2007*.

Conservator has the meaning given by the *Public Reserves Act 1997*.

Collector has the meaning given by the *Customs Act 1913*.

executive member has the meaning given by the *Interpretation Act 1979*.

inspector has the meaning given by the *Apiaries Act 1935*.

Officer has the meaning given by the definition of ‘the officer’ in subsection 3 (1) of the *Business Transactions (Administration) Act 2006*.

Registrar of Titles has the meaning given by the *Interpretation Act 1979*.

Part 2 **Enactment decisions and decision makers — Acts of the Territory of Norfolk Island**

Item	Decision	Decision maker
1	A decision under subsection 10 (2) of the <i>Absentee Landowners Levy Act 1976</i>	executive member
2	A decision under section 8 of the <i>Animals (Importation) Act 1983</i>	Administrator
3	A decision under any of the following provisions of the <i>Apiaries Act 1935</i> :	executive member
	(a) paragraph 3A (1) (c);	
	(b) subsection 4 (2);	
	(c) subsection 12 (6)	
4	A decision under paragraph 3A (2) (a) of the <i>Apiaries Act 1935</i>	inspector
5	A decision under section 11 or 29 of the <i>Associations Incorporation Act 2005</i>	Registrar of Associations appointed in accordance with section 4 of the <i>Associations Incorporation Act 2005</i>
6	A decision under section 37 or 50 of the <i>Associations Incorporation Act 2005</i>	executive member
7	A decision under section 3, 4 or 5 of the <i>Birds Protection Act 1913</i>	executive member

Item	Decision	Decision maker
8	A decision under any of the following provisions of the <i>Bookmakers and Betting Exchange Act 1998</i> : <ul style="list-style-type: none"> (a) section 8; (b) subsection 11 (1) or (2); (c) subsection 12 (1) or (2); (d) subsection 13 (1) or (2); (e) subsection 44 (1) or (2) 	Authority
9	A decision under section 6, 7 or 8 of the <i>Brands and Marks Act 1949</i>	Registrar of Brands and Marks appointed in accordance with section 4 of the <i>Brands and Marks Act 1949</i>
10	A decision mentioned in subsection 43 (1) or paragraph 43 (2) (a) of the <i>Building Act 2002</i>	Chief Executive Officer appointed in accordance with section 38 of the <i>Public Sector Management Act 2000</i>
11	A decision mentioned in paragraph 43 (2) (b) of the <i>Building Act 2002</i>	authorised officer
12	A decision under section 7 or 19 of the <i>Business Names Act 1976</i>	Registrar of Companies appointed in accordance with section 30 of the <i>Companies Act 1985</i>
13	A decision under the <i>Business Transactions (Administration) Act 2006</i>	Officer
14	A decision under subsection 9 (2) of the <i>Business Transactions (Levy Imposition) Act 2006</i>	Officer
15	A decision under subsection 58 (1) of the <i>Companies Act 1985</i>	Registrar of Companies appointed in accordance with section 30 of the <i>Companies Act 1985</i>

Item	Decision	Decision maker
16	Any of the following decisions under the <i>Crown Lands Act 1996</i> : <ul style="list-style-type: none"> (a) a decision under subsection 14 (1); (b) a decision related to a request made under subsection 26 (1); (c) a decision under section 28 	Administrator
17	A decision under any of the following provisions of the <i>Customs Act 1913</i> : <ul style="list-style-type: none"> (a) subsection 2A (1); (b) section 4AA, 4ABA, 4AC, 4AAC, 4ACB or 4AD; (c) section 5CA; (d) section 8A, 8B, 8D or 8F 	Collector
18	A decision under section 13 or 14 of the <i>Electricity (Licensing and Registration) Act 1985</i>	executive member
19	A decision to reject a claim made under section 91 of the <i>Environment Act 1990</i>	executive member
20	A decision under paragraph 128 (1) (a), (b), (c) or (d) of the <i>Environment Act 1990</i>	executive member
21	A decision under paragraph 128 (1), (e), (f) or (g) of the <i>Environment Act 1990</i> .	authorised officer
22	A decision under section 8 or subsection 14 (2) of the <i>Financial Institutions Levy Act 1985</i>	executive member
23	A decision under section 6 or 7 of the <i>Fuel Levy Act 1987</i>	executive member
24	A decision under section 7 or 11 of the <i>Goods and Services Tax Act 2007</i>	Chief Revenue Officer
25	A decision under subsection 4 (2) of the <i>Healthcare Levy Act 1990</i>	executive member
26	A decision under subsection 4 (2) or (5) of the <i>Land Administration Fees Act 1996</i>	Registrar of Titles

Item	Decision	Decision maker
27	A decision under the following provisions of the <i>Land Titles Act 1996</i> : <ul style="list-style-type: none"> (a) paragraph 138 (1) (a), (b) or (c); (b) paragraph 146 (2) (f) 	Registrar of Titles
28	A decision under the <i>Liquor Act 2005</i> in relation to any of the following: <ul style="list-style-type: none"> (a) an application for the disqualification of a licensee or licensed premises; (b) an application for the appointment of a nominee of a licensee; (c) an application for any of the following actions to be taken in relation to a licence or permit: <ul style="list-style-type: none"> (i) grant; (ii) variation; (iii) relocation; (iv) transfer; (v) renewal; (vi) surrender; (vii) suspension; (viii) cancellation 	the Board
29	A decision under section 7, 11 or 18 of the <i>Lotteries and Fundraising Act 1987</i>	executive member
30	A decision under section 7 of the <i>Medical Practitioners Registration Act 1983</i>	executive member
31	A decision under any of the following provisions of the <i>Migratory Birds Act 1980</i> : <ul style="list-style-type: none"> (a) subsection 4 (3), 7 (2), 9 (3) or 15 (1); (b) paragraph 15 (2) (a) 	executive member
32	A decision under the <i>Norfolk Island Broadcasting Act 2001</i> other than a decision made under subsection 10 (6) of that Act	executive member
33	A decision under section 2A or 3A of the <i>Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984</i>	Administrator

Item	Decision	Decision maker
34	A decision mentioned in paragraph 78 (1) (a) or (b) of the <i>Planning Act 2002</i>	executive member
35	A decision mentioned in paragraph 78 (1) (c) of the <i>Planning Act 2002</i>	authorised officer
36	The following decisions under the <i>Public Health Act 1996</i> :	executive member
	(a) a decision under Part 2 to issue, or include requirements in, a public health notice;	
	(b) a decision under Part 4 to take any of the following actions in relation to a public health licence:	
	(i) refuse to grant;	
	(ii) refuse to issue;	
	(iii) cancel;	
	(iv) include conditions	
37	A decision under section 6, 7, 15A or 17 of the <i>Tourist Accommodation Act 1984</i>	executive member
38	A decision under section 4 of the <i>Tourist Accommodation (Ownership) Act 1989</i>	executive member
39	A decision under paragraph 31 (a), (b), (c) or (d) of the <i>Public Reserves Act 1997</i>	Conservator
40	A refusal to give a certificate under section 15 of the <i>Roads Act 2002</i>	Chief Executive Officer appointed in accordance with section 38 of the <i>Public Sector Management Act 2000</i>
41	A decision under section 33 of the <i>Social Services Act 1980</i>	Administrator
42	A refusal to give a written notice under section 11 of the <i>Subdivision Act 2002</i>	Chief Executive Officer appointed in accordance with section 38 of the <i>Public Sector Management Act 2000</i>

Item	Decision	Decision maker
43	A refusal to give an authorisation under subsection 13 (1) of the <i>Telecommunications Act 1992</i>	executive member
44	Any of the following decisions under the <i>Trees Act 1997</i> : <ul style="list-style-type: none"> (a) a decision under section 9 to: <ul style="list-style-type: none"> (i) refuse to grant a permit; or (ii) endorse conditions on a permit; (b) a decision under section 12 to refuse to register a plantation; (c) a decision under section 17 to refuse to grant a timber licence; (d) a decision under section 18 to endorse conditions on a timber licence 	executive member
