



Administrative
Appeals Tribunal

Legal Research Refresher

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Executive Director, Strategy & Policy

// www.aat.gov.au

Session overview

- Finding the right version of legislation
- Finding relevant case law
- Finding commentary

Legislation sites

- Federal Register of Legislation
- New South Wales Legislation
- Other sites and tools

Federal Register of Legislation

www.legislation.gov.au

The screenshot displays the Federal Register of Legislation website. At the top, the Australian Government crest is on the left, followed by the text 'Australian Government' and 'Federal Register of Legislation'. To the right are links for 'GET LEGISLATION UPDATES', 'MY ACCOUNT', and a 'SEARCH' button with a magnifying glass icon. A dark blue sidebar on the left contains a list of navigation links: 'Home', 'What's new', 'Constitution', 'Acts', 'Legislative instruments', 'Notifiable instruments', 'Gazettes', 'Bills', 'Other', 'Feedback', and 'Help'. Below these links is a section titled 'TERMS GOVERNING THE USE OF THIS WEBSITE'. The main content area features a blue 'Announcement' banner with a close button. Below the banner, on the left, is a text block explaining the register's purpose and management. To the right of this text is a grid of six colored boxes: 'Acts In Force' (orange), 'Legislative instruments In Force' (dark blue), 'Notifiable instruments In Force' (medium blue), 'Bills AS Introduced' (dark blue), 'Gazettes' (dark blue), and 'Help' (light blue). At the bottom of the main area are two links: 'About this site' and 'Feedback'.

Australian Government Federal Register of Legislation GET LEGISLATION UPDATES MY ACCOUNT SEARCH

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TERMS GOVERNING THE USE OF THIS WEBSITE

Announcement X

The Federal Register of Legislation (the Legislation Register) is the authorised whole-of-government website for Commonwealth legislation and related documents. It contains the full text and details of the lifecycle of individual laws and the relationships between them.

The Legislation Register is managed by the Office of Parliamentary Counsel in accordance with the Legislation Act 2003.

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TERMS GOVERNING THE USE OF THIS WEBSITE

Text

Download

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Home > Acts > In force > Details: C2016C00730

Administrative Appeals Tribunal Act 1975

 - C2016C00730
In force - Latest Version
View Series

DETAILS

EXPAND

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2A Tribunal's objective

3 Interpretation

4 Extension to external Territories

Part II—Establishment of the Administrative Appeals Tribunal

Division 1—Establishment of Tribunal

5 Establishment of Tribunal

5A Membership

Division 2—Members of Tribunal

 AUSTRALIA

Administrative Appeals Tribunal Act 1975

No. 91, 1975


Compilation No. 43

Compilation date: 1 July 2016

Includes amendments up to: Act No. 132, 2015

Registered: 5 July 2016

Point-in-time legislation

 Australian Government

Federal Register of Legislation

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TERMS GOVERNING THE USE OF THIS WEBSITE.

Home > Acts > In force > Series: C2004A01401

Administrative Appeals Tribunal A...

Series
In force

Act No. 91 of 1975

Administered by: Attorney-General's

Date of Assent 28 Aug 1975

DETAILS

COLLAPSE

Compilations

Principal + Amendments

Enables





Modified By / Affected By

Related Bills

Displayed here are links to compilations of the Principal, the most current at the top of the list.

Compilations

Page size: 10 43 items in 5 pages

Title	Registered	RegisterId	Comp No.	Start Date	End Date	Incorporating Amendments Up To
 Administrative Appeals Tribunal Act 1975 <i>Latest</i>	05/Jul/2016	C2016C00730	43	01/Jul/2016		Civil Law and Justice (Omnibus Amendments) Act 2015
 Administrative Appeals Tribunal Act 1975 <i>Superseded</i>	27/Oct/2015	C2015C00546		14/Oct/2015	30/Jun/2016	Civil Law and Justice (Omnibus Amendments) Act 2015
 Administrative Appeals Tribunal Act 1975 <i>Superseded</i>	07/Jul/2015	C2015C00303		01/Jul/2015	13/Oct/2015	Tribunals Amalgamation Act 2015
 Administrative Appeals Tribunal Act 1975 <i>Superseded</i>	24/Jun/2015	C2015C00278		18/Jun/2015	30/Jun/2015	Tribunals Amalgamation Act 2015

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Amending and delegated legislation

**Australian Government**

Federal Register of Legislation

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TERMS GOVERNING THE USE OF THIS WEBSITE.

Home > Acts > In force > Series: C2004A01401

Administrative Appeals Tribunal A...

Series

In force

Act No. 91 of 1975

Administered by: Attorney-General's

Date of Assent28 Aug 1975

DETAILSCOLLAPSE

Compilations

Principal + Amendments

Enables

Modified By / Affected By

Related Bills


Displayed here is a link to the Principal item and item(s) that amend the Principal.

Principal: **Administrative Appeals Tribunal Act 1975**

C2004A01401 No. 91, 1975

Act Amendments

Page size: 1084 items in 9 pages

Title	RegisterId	Number
 Civil Law and Justice (Omnibus Amendments) Act 2015	C2015A00132	No. 132, 2015
 Tribunals Amalgamation Act 2015	C2015A00060	No. 60, 2015
 Norfolk Island Legislation Amendment Act 2015	C2015A00059	No. 59, 2015
 Norfolk Island Legislation Amendment Act 2015	C2015A00059	No. 59, 2015
 National Security Legislation Amendment Act (No. 1) 2014	C2014A00108	No. 108, 2014
 Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	C2014A00062	No. 62, 2014
 Statute Law Revision Act 2013	C2013A00103	No. 103, 2013

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In force

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Details: C2015A00060

Tribunals Amalgamation Act 2015

 - C2015A00060

In force

[View Series](#)

Act No. 60 of 2015 as made

An Act to amalgamate certain administrative review tribunals, and for other purposes

Administered by: Attorney-General's

Originating Bill: **Tribunals Amalgamation Bill 2014**

Registered 28 May 2015

Date of Assent 26 May 2015

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No. 60, 2015

An Act to amalgamate certain administrative review tribunals, and for other purposes

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Explanatory material

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[Home](#) [Bills](#) [Details: C2014B00259](#)

Tribunals Amalgamation Bill 2014

- C2014B00259

A Bill for an Act to amalgamate certain administrative review tribunals, and for other purposes

Administered by: Attorney-General's

For authoritative information on the progress of bills and on amendments proposed to them, please see the House of Representatives Votes and Proceedings, and the Journals of the Senate as available on the [Parliament House website](#).

Registered 04 Dec 2014
Introduced Senate 03 Dec 2014

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Parliament of Australia website

Explanatory memoranda










- Explanatory memorandum   
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Transcript of speeches


- [All second reading speeches](#)
- [Minister's second reading speech](#)

Proposed amendments

Senate

- Australian Greens [sheet 7680 revised]
[WRIGHT, Sen Penny](#)   
- Government [sheet EH158]   
- Opposition [sheet 7673 revised]
[COLLINS, Sen Jacinta](#)   

Help and registering for updates


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Please enter your password.

Log in

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Enter your email address and click **Continue** for more information.

Email

Continue

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[My Account Quick Reference Guide PDF 559KB](#)

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All fields are required, and your personal information will be managed in accordance with the Privacy Act 1988.

First name

Last name

Email address

Re-enter email address

Choose your password

Passwords cannot contain the user's account name or parts of the user's full name that exceed two consecutive characters.

Passwords must be at least **ten** characters in length.

Passwords must contain characters from **three** of the following four categories:


- English uppercase characters (A through Z)
- English lowercase characters (a through z)

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New South Wales Legislation

www.legislation.nsw.gov.au



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New South Wales legislation

This is the official New South Wales Government legislation website provided by the Parliamentary Counsel's Office.


The site contains:

- In Force legislation: Search or Browse consolidated up-to-date Acts, regulations etc and planning instruments, including point-in-time versions
- Notification-Gazette: official notification of new statutory instruments, planning instruments and NSW Government Gazettes
- As Made Acts, statutory instruments and planning instruments
- Bills
- Tables of information about legislation
- Links to related sites

Legislation on this website is generally authorised—see About.

Legislation feeds  are available on this site.

Need legal advice or research assistance?



NSW Government

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- 1 Name of Act
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- 5 Meaning of "decision"
- 6 Meaning of "decision-maker"

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- 7 Establishment of Civil and Administrative Tribunal
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- 11 Appointment of occasional members
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Civil and Administrative Tribunal Act 2013 No 2

Current version for 8 July 2016 to date (accessed 21 August 2016 at 09:38)

Status information


New South Wales

Status information

Currency of version
Current version for 8 July 2016 to date (accessed 21 August 2016 at 09:38).
Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force
The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Does not include amendments by:
Passenger Transport Act 2014 No 46 (not commenced)
Biosecurity Act 2015 No 24 (not commenced)
Strata Schemes Management Act 2015 No 50 (not commenced — to commence on 30.11.2016)

Compilation information

Civil and Administrative Tribunal Act 2013 No 2

Current version for 8 July 2016 to date (accessed 21 August 2016 at 09:52)

[Status information](#)



New South Wales

Status information

Currency of version

Current version for 8 July 2016 to date (accessed 21 August 2016 at 09:52).

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Does not include amendments by:

[Passenger Transport Act 2014 No 46](#) (not commenced)

[Biosecurity Act 2015 No 24](#) (not commenced)

[Strata Schemes Management Act 2015 No 50](#) (not commenced — to commence on 30.11.2016)

See also:

[Security Industry Amendment \(Private Investigators\) Bill 2016](#)

Point-in-time legislation

The screenshot shows the NSW legislation website. The header includes the New South Wales Government logo and the URL www.legislation.nsw.gov.au. A navigation bar contains links for Search, Browse, Notification-Gazette, As Made, Bills, Tables, and Links. A secondary navigation bar includes links for Home, About, Contact, Help, and Mobile view. The main content area is titled 'Contents (2013 - 2)' and features a sidebar with a table of contents for the 'Civil and Administrative Tribunal Act 2013 No 2'. The sidebar includes sections for 'Status information', 'Long title', 'Part 1 Preliminary', 'Part 2 Establishment of Tribunal', and 'Division 1 Establishment and membership'. The main content area displays the 'Civil and Administrative Tribunal Act 2013 No 2' and a section for 'Historical versions'. The 'Historical versions' section lists the current version and several historical versions with their respective dates. The 'Historical versions' tab is highlighted with a red box.

New South Wales Government
NSW legislation

www.legislation.nsw.gov.au

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Civil and Administrative Tribunal Act 2013 No 2

Historical versions

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Historical version [20 Nov 2013 to 8 Jan 2015](#)

Historical version [5 Mar 2013 to 19 Nov 2013](#)

Historical version [4 Mar 2013 to 4 Mar 2013](#)

Principal legislation and amendments

Status information

Currency of version

Current version for 8 July 2016 to date (accessed 21 August 2016 at 10:09).

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced [See Historical notes](#)


Table of amending instruments

[Civil and Administrative Tribunal Act 2013](#) No 2. Assented to 4.3.2013. Date of commencement, assent, sec 2. This Act has been amended as follows:

2013	No 94	Civil and Administrative Tribunal Amendment Act 2013 . Assented to 20.11.2013. Date of commencement of Sch 1, assent, sec 2.
2014	No 29	Advocate for Children and Young People Act 2014 . Assented to 24.6.2014. Date of commencement, 9.1.2015, sec 2 and 2014 (713) LW 14.11.2014.
2015	No 2	Courts and Crimes Legislation Amendment Act 2015 . Assented to 15.5.2015. Date of commencement, assent, sec 2.
	No 7	Legal Profession Uniform Law Application Legislation Amendment Act 2015 . Assented to 9.6.2015. Date of commencement of Sch 2, 1.7.2015, sec 2 (2) and 2015 (299) LW 19.6.2015.
	No 12	Fair Trading Legislation (Repeal and Amendment) Act 2015 . Assented to 29.6.2015. Date of commencement of Sch 2, 1.10.2015, sec 2 (2) and 2015 (442) LW 31.7.2015.

Delegated legislation



Whole title	Regulations	Historical versions	Historical notes	Search title
-------------	--------------------	---------------------	------------------	--------------



New South Wales Government
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Regulations

Regulations under Civil and Administrative Tribunal Act 2013 No 2

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(Current regulations in alphabetical order followed by repealed regulations in alphabetical order)

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Records 1 to 2 of total 2

- Civil and Administrative Tribunal Regulation 2013
- Civil and Administrative Tribunal Rules 2014

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Explanatory material

New South Wales Government
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[www.legislation.nsw.gov.au](#)

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Subscribe to this feed

Security Industry Amendment (Private Investigators) Bill 2016

Government Bill
Status: In Parliament
Introduced LA: 04/08/2016
Passed LA: 10/08/2016
Introduced LC for concurrence: 10/08/2016

[Bill \(and Explanatory note\)](#)

For information about Bills in Parliament - see www.parliament.nsw.gov.au

Registering for updates



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
Legislation feeds

Legislation feeds are an easy way to keep up to date with legislative changes on this website without having to constantly visit the site. When changes to the website are made a legislation feed can notify you and give you a link to the new or changed content. Legislation feeds are also called RSS.

All you need is a feed reader. Most current web browsers have feed readers built in or have plug-ins available. You can also use web-based readers or dedicated software. The legislation feeds are identified by the standard web feed symbol  and you can set up as many different web feeds from this website as you need.

Standard legislation feeds

The following standard feeds are available:

-  Notification of the making of statutory instruments, Government Gazettes and Bill information. For subscribers to the weekly notification email, this feed can be used instead of that email. The weekly email service will be continued for the time being but it is recommended that subscribers consider changing to the feed, which provides the same information.
-  Bills—updates on all consultation drafts of Bills, Bills introduced, amended and passed by Parliament, and Bills assented to.
-  New or updated In Force legislation—updates on new, amended or updated Acts, statutory instruments and environmental planning instruments in the In Force collection.
-  New As Made legislation—updates when new Acts, statutory instruments and environmental planning instruments are added to the As Made PDF collection.
-  New Government Gazettes.

Custom feeds

You can make any of the following customised feeds:

- from a search result on the In Force collection you can create a feed to receive updates when the results of the search change
- from the Status Information page of an Act, statutory instrument or environmental planning instrument in the consolidated In Force collection, choose a feed to receive updates when that item of legislation is amended or updated
- from a Bill information page, choose a feed to follow the progress of that particular Bill.

Other ways to search for legislation

Googling the name of the legislation

The screenshot shows a Google search interface with the query "guardianship act 1987". The search results page displays "About 126,000 results (0.31 seconds)". The first result is an advertisement for "Guardianship Form NSW - Appoint an Enduring Guardian" from www.planningaheadtools.com.au. Below this are links for "Appoint Enduring Guardian", "Prepare a Will", "Make a Power of Attorney", and "Planning Ahead Community". The second result is "GUARDIANSHIP ACT 1987 - AustLII" from www.austlii.edu.au, with a snippet mentioning "As at 15 January 2016 - Act 257 of 1987 TABLE OF PROVISIONS Long Title PART 1 ... Restrictions on Tribunal's power to make guardianship orders 16." The third result, "Guardianship Act 1987 No 257 - NSW Legislation" from www.legislation.nsw.gov.au, is highlighted with a red rectangular box. Its snippet reads: "Jan 15, 2016 - 3F Persons who are 'parties' to proceedings under this Act; 4 General Disability Services and Guardianship Act 1987. Responsible Minister".

Google guardianship act 1987

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About 126,000 results (0.31 seconds)

Guardianship Form NSW - Appoint an Enduring Guardian
Ad www.planningaheadtools.com.au/ ▼
Find Out More Information Here.
Appoint Enduring Guardian Prepare a Will
Make a Power of Attorney Planning Ahead Community

GUARDIANSHIP ACT 1987 - AustLII
www.austlii.edu.au/au/legis/nsw/consol_act/ga1987136/ ▼
As at 15 January 2016 - Act 257 of 1987 TABLE OF PROVISIONS Long Title PART 1 ... Restrictions on Tribunal's power to make guardianship orders 16.

Guardianship Act 1987 No 257 - NSW Legislation
www.legislation.nsw.gov.au/maintop/view/inforce/act+257+1987+cd+0+N ▼
Jan 15, 2016 - 3F Persons who are "parties" to proceedings under this Act; 4 General Disability Services and Guardianship Act 1987. Responsible Minister

Other ways to search for legislation

Legify (legify.com.au)



The screenshot shows the Legify website interface. At the top, there is a teal header with the Legify logo and the tagline 'FIND AUTHORITATIVE AUSTRALIAN LEGISLATION.' Below the header, a search bar contains the text 'administrative tribunal'. Below the search bar, there is a green navigation bar with filters for Jurisdiction, Type, and Sort. The Jurisdiction filter is expanded, showing a list of results for various Australian jurisdictions.

Jurisdiction:	Type:	Sort:
All Cth ACT NSW Vic Qld WA SA Tas NT NI	Acts Regs	Auto Name Date Place
WA	State Administrative Tribunal Act 2004	
WA	State Administrative Tribunal Rules 2004	
NI	Administrative Review Tribunal Act 1996	
Vic	Administrative Appeals Tribunal Act 1984	
Cth	Administrative Appeals Tribunal Act 1975	
NSW	Civil and Administrative Tribunal Rules 2014	
NSW	Civil and Administrative Tribunal Act 2013	
NSW	Civil and Administrative Tribunal Regulation 2013	

Other ways to search for legislation

AustLII New South Wales Acts Point-in-Time
(<http://portsea.austlii.edu.au/pit/xml/nsw/act/>)

 **New South Wales Acts (Point-in-Time)**

You are here: [AustLII](#) >> [Databases](#) >> [New South Wales Acts \(Point-in-Time\)](#) >> Civil and Administrative Tribunal Act 2013

[\[Current\]](#)

CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2013

Working Date: *1 March 2016*

Select Date:
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Case law sites

- AustLII and LawCite
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AustLII

www.austlii.edu.au



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739 databases from all Australasian jurisdictions

Last updated 16 August 2016

News & Database Additions

- [Law via the Internet Conference 2016](#), Limassol, Cyprus, 8-9 September 2016 - [Conference Programme](#) now available
- 25th Anniversary of the Report of the [Royal Commission into Aboriginal Deaths in Custody](#)
- [The Victorian Law Times and Legal Observer 1856-1857](#)
- [Webb, A Beckett and William's Reports \(Victoria\) 1870-1872](#)
- [Wyatt, Webb and A Beckett's Reports \(Victoria\) 1864-1869](#)
- [Wyatt and Webb's Reports \(Victoria\) 1861-1863](#)
- [High Court of Australia Bulletin \[2016\] HCAR 6](#) (4 August 2016)
- [Minister for Immigration and Border Protection v SZSSJ; Minister for Immigration and Border Protection v SZTZI](#) [2016] HCA 29 (27 July 2016)
- [Paciocco v Australia and New Zealand Banking Group Limited](#) [2016] HCA 28 (27 July 2016)
- [South Australian Civil and Administrative Tribunal 2015](#)
- [Local Court of the Northern Territory 2016](#)
- [Argus Law Reports 1895-1950](#)
- [Argus Law Reports, Current Notes 1896-1950](#)
- [ABA Update: Newsletter of the Australian Broadcasting Authority 1992-2005](#)
- [ACMAsphere Newsletter 2005-2011](#)
- [Australian Plant Breeder's Rights Office Decisions 2016](#)
- [AustLII Research Seminar 2016 No 1](#) - AustLII invites you to attend a seminar and the launch of *Myanmar/Burma resources on AsianLII* at UNSW Law on Monday, 23 May 2016
- [The Northern Territory Law Handbook](#) launched at Government House, Darwin, 16 May 2016 - [Announcement](#) (PDF)
- [AustLII Annual Report 2015](#) (PDF)
- [Flinders Law Journal 2010](#)
- [New Zealand Motor Spirits Licensing Appeal Authority 1992](#)
- [New Zealand Legal Aid Review Authority 1992](#)
- [New Zealand Licensing Control Commission 1970](#)
- [New Zealand Indecent Publications Tribunal 1964](#)
- [New Zealand Compensation Court 1967](#)
- [New Zealand Sports Tribunal 2003](#)

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Noting up legislation

Australasian Legal Information Institute

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Commonwealth Consolidated Acts

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SOCIAL SECURITY ACT 1991 - SECT 1072

General meaning of ordinary income

A reference in this Act to a person's ordinary income for a period is a reference to the person's gross ordinary income from all sources for the period calculated without any reduction, other than a reduction under Division 1A.

Note 1: For *ordinary income* see [subsection 8\(1\)](#).

Note 2: For other provisions affecting the amount of a person's ordinary income see [section 1073AA](#) (work bonus), [sections 1074](#) and [1075](#) (business income), Division 1B (income from financial assets (including income streams (short term) and certain income streams (long term))) and Division 1C (income from income streams not covered by Division 1B).

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By Citation Frequency

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Results per page: [10](#) [20](#) [50](#) [100](#)

1. [Secretary, Department of Employment and Workplace Relations v Richards \[2007\] FCA 1710 \(9 November 2007\)](#) [100%]
(From [Federal Court of Australia](#); 9 November 2007; 79 KB)  
2. [Draper and Secretary, Department of Family and Community Services \[2003\] AATA 706 \(25 July 2003\)](#) [36%]
(From [Administrative Appeals Tribunal of Australia](#); 25 July 2003; 50 KB)  
3. [Cremer, Department of Family and Community Services \[2001\] AATA 509 \(8 June 2001\)](#) [30%]
(From [Administrative Appeals Tribunal of Australia](#); 8 June 2001; 26 KB)  
4. [SOCIAL SECURITY ACT 1991 - SECT 1072 General meaning of ordinary income](#) [23%]
(From [Commonwealth Consolidated Acts](#); 1 January 1991; 2 KB)
5. [Miocevic and Secretary, Department of Social Services \[2015\] AATA 192 \(27 March 2015\)](#) [16%]
(From [Administrative Appeals Tribunal of Australia](#); 27 March 2015; 46 KB) 
6. [Secretary to the Department of Social Security v Mary Elizabeth Ekis \[1998\] FCA 940 \(6 August 1998\)](#) [16%]
(From [Federal Court of Australia](#); 6 August 1998; 47 KB) 
7. [Jessep and Department of Family and Community Services \[2001\] AATA 478 \(4 June 2001\)](#) [16%]
(From [Administrative Appeals Tribunal of Australia](#); 4 June 2001; 29 KB) 

General searching



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Advanced Search

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- [Common Words](#)
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Find this Boolean query ▾

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All Case Law Databases

All Journals Databases

All Secondary Materials Databases (includes journals)

Commonwealth: All Primary Materials

Commonwealth: All Legislation

Commonwealth: All Cases

Commonwealth: Bills

Commonwealth: Bills Explanatory Memoranda

Commonwealth: Bills Digests

Commonwealth: Consolidated Acts

Commonwealth: Consolidated Regulations

Commonwealth: Legislation Tables


Commonwealth: Numbered Acts

Note 1: You can search **multiple databases** at once by holding down the **Ctrl** key on your keyboard and then click the database name for each database you want to include in your search.

Note 2: While not every database is individually listed, every database is included in one or more group listings (eg Commonwealth: All Cases).

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Citation:

eg [1963] 2 All ER 575

Parties:

v

Court:

eg Supreme Court

Jurisdiction:

eg Australia

Article Title:

eg "Human Rights"

Author:

eg Michael Kirby

Year: to

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Noting up legislation

Citation: eg [1963] 2 All ER 575

Parties: v

Court: eg Supreme Court

Jurisdiction: eg Australia

Article Title: eg "Human Rights"

Author: eg Michael Kirby

Year: to ☒ Use Synonyms ☒ Filter Results

Cases Considered:

Legislation Considered: Section:

[Government Information \(Information Commissioner\) Act 2009](#)

[Government Information \(Public Access\) Act 2009](#)


[Government Insurance Office \(Privatisation\) Act 1991](#)

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














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Matching Cases: 118

Case Name	Citation(s)	Court	Jurisdiction	Date	Full Text	Citation Index ↑
Commissioner of Police v Camilleri	[2012] NSWADTAP 19	Administrative Decisions Tribunal	Australia - New South Wales	6 Jun 2012	AustLII	 67   
Hurst v Wagga Wagga City Council	[2011] NSWADT 307	Administrative Decisions Tribunal	Australia - New South Wales	22 Dec 2011	AustLII	 54  
Camilleri v Commissioner of Police, NSW Police Force	[2012] NSWADT 5	Administrative Decisions Tribunal	Australia - New South Wales	19 Jan 2012	AustLII	 26  
Richards v Commissioner, Department of Corrective Services	[2011] NSWADT 98	Administrative Decisions Tribunal	Australia - New South Wales	9 May 2011	AustLII	 20 
Nature Conservation Council of NSW v Department of Trade and Investment, Regional Infrastructure and Services	[2012] NSWADT 195	Administrative Decisions Tribunal	Australia - New South Wales	20 Sep 2012	AustLII	 19 
Williams v Department Industry and Investment	[2012] NSWADT 192	Administrative Decisions Tribunal	Australia - New South Wales	19 Sep 2012	AustLII	 10
Mannix v Department of Education and Communities	[2014] NSWCATAD 35	New South Wales Civil and Administrative Tribunal - Administrative and Equal Opportunity Division	Australia - New South Wales	24 Mar 2014	AustLII	 9
AEZ v Commissioner of Police NSW Police Force	[2013] NSWADT 90	Administrative Decisions Tribunal	Australia - New South Wales	29 Apr 2013	AustLII	 9
Australians for Sustainable Development Inc v Barangaroo Delivery Authority	[2013] NSWADT 252	Administrative Decisions Tribunal	Australia - New South Wales	7 Nov 2013	AustLII	 8
Battin v University of New England	[2013] NSWADT 73	Administrative Decisions Tribunal	Australia - New South Wales	5 Apr 2013	AustLII	 8
Roy v Commissioner of Police, NSW Police Force	[2012] NSWADT 120	Administrative Decisions Tribunal	Australia - New South Wales	19 Jun 2012	AustLII	 8

LawCite via AustLII search results

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[\[Advanced Search\]](#) [\[Search Help\]](#) [\[Results Interface Help\]](#)

AustLII Databases - Documents found: 49 for (nsw consol act giaa2009368 s14)

[By Citation Frequency](#) [By Database](#) [By Date](#) [By Relevance](#) [By Title](#)

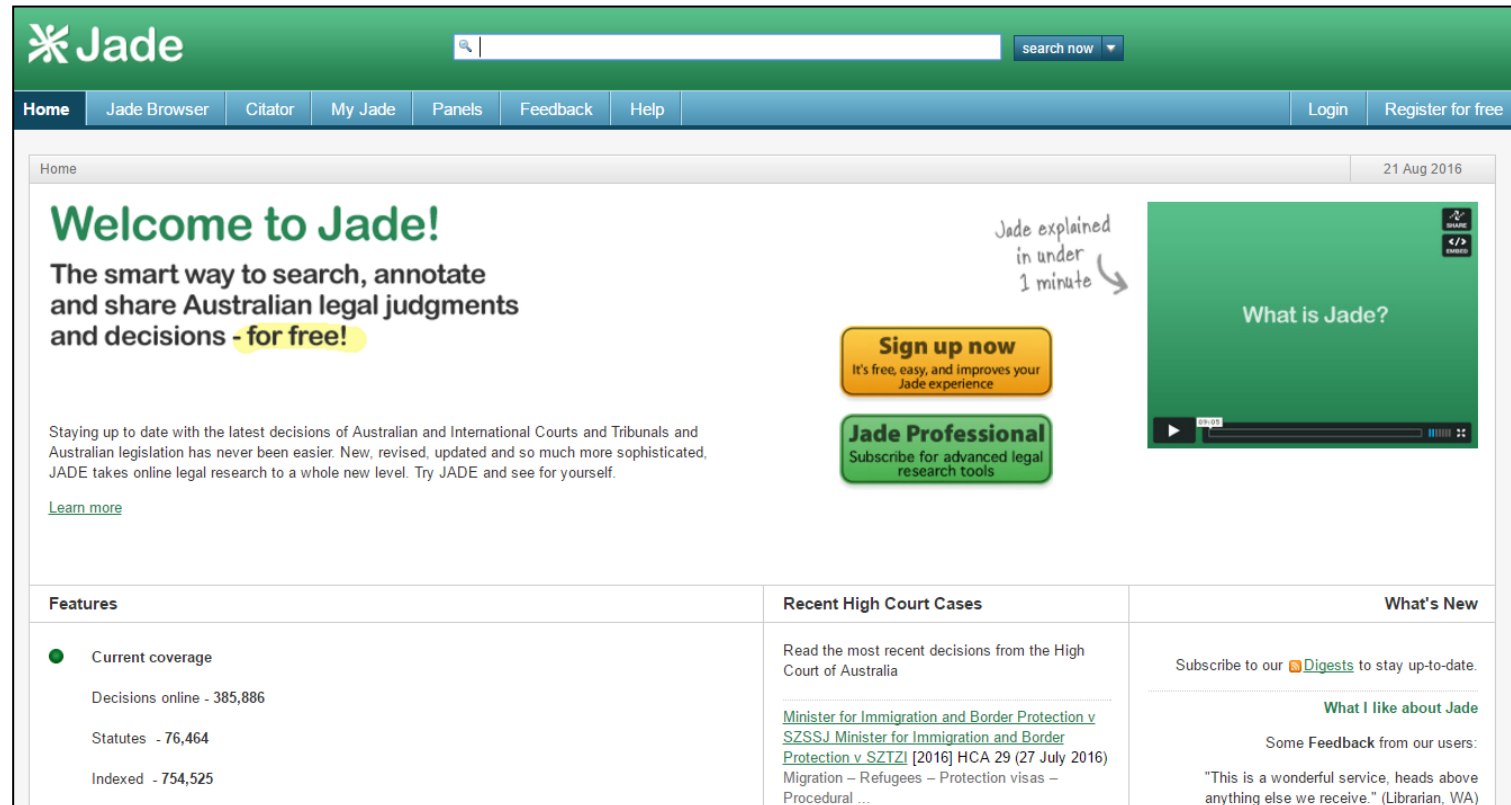
[Least Often Cited](#) | Most Often Cited

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1. [Commissioner of Police NSW Police Force v Camilleri \(GD\) \[2012\] NSWADTAP 19 \(6 June 2012\)](#)
(From [Administrative Decisions Tribunal Appeal Panel of New South Wales](#); 6 June 2012; 5 KB)   
2. [Williams v Department Industry and Investment \[2012\] NSWADT 192 \(19 September 2012\)](#)
(From [Administrative Decisions Tribunal of New South Wales](#); 19 September 2012; 80 KB)  
3. [Fw: Tziolas v NSW Department of Education and Communities \[2012\] NSWADT 69 \(19 April 2012\)](#)
(From [Administrative Decisions Tribunal of New South Wales](#); 19 April 2012; 60 KB)  
4. [Roy v Commissioner of Police NSW Police Force \[2012\] NSWADT 120 \(19 June 2012\)](#)
(From [Administrative Decisions Tribunal of New South Wales](#); 19 June 2012; 62 KB)  

Jade

jade.io



The screenshot shows the Jade website homepage. At the top is a green header with the Jade logo (a stylized asterisk) and a search bar with a 'search now' button. Below the header is a navigation bar with links: Home, Jade Browser, Citator, My Jade, Panels, Feedback, Help, Login, and Register for free. The main content area has a 'Home' breadcrumb and a date '21 Aug 2016'. A large green section titled 'Welcome to Jade!' contains the text 'The smart way to search, annotate and share Australian legal judgments and decisions - for free!'. Below this is a paragraph about staying up-to-date with the latest decisions and a 'Learn more' link. To the right, there's a video player titled 'What is Jade?' with a play button and a progress bar. Above the video, a handwritten note says 'Jade explained in under 1 minute' with an arrow pointing to the video. Below the video, there are two buttons: 'Sign up now' (orange) and 'Jade Professional' (green). The bottom of the page is divided into three columns: 'Features', 'Recent High Court Cases', and 'What's New'. The 'Features' column lists 'Current coverage' with 'Decisions online - 385,886', 'Statutes - 76,464', and 'Indexed - 754,525'. The 'Recent High Court Cases' column lists 'Minister for Immigration and Border Protection v SZSSJ Minister for Immigration and Border Protection v SZTZI [2016] HCA 29 (27 July 2016)' and 'Migration - Refugees - Protection visas - Procedural ...'. The 'What's New' column lists 'Subscribe to our Digests to stay up-to-date.' and 'What I like about Jade' with a quote from a Librarian in WA.

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What is Jade?

Features	Recent High Court Cases	What's New
<ul style="list-style-type: none">● Current coverageDecisions online - 385,886Statutes - 76,464Indexed - 754,525	<p>Read the most recent decisions from the High Court of Australia</p> <p>Minister for Immigration and Border Protection v SZSSJ Minister for Immigration and Border Protection v SZTZI [2016] HCA 29 (27 July 2016)</p> <p>Migration - Refugees - Protection visas - Procedural ...</p>	<p>Subscribe to our D Digests to stay up-to-date.</p> <p>What I like about Jade</p> <p>Some Feedback from our users:</p> <p>"This is a wonderful service, heads above anything else we receive." (Librarian, WA)</p>

Jade Browser

The screenshot displays the Jade Professional web interface. At the top, a search bar contains the text 'workers compensation act' with a 'search now' button. Below the search bar, a dropdown menu lists search results: 'workers compensation act - Jade Search', 'Workers Compensation Act 1987 (NSW) - document in Jade', 'Workers Compensation Act 1951 (ACT) - document in Jade', and 'Workers Compensation Act 1958 (Vic) - document in Jade'. The main navigation bar includes links for 'Home', 'Jade Browser' (highlighted with a red box), 'Citator', 'My Jade', 'Login', and 'Register for free'. Below the navigation bar, there are buttons for 'Save this search', 'Print/Download', and 'Visualise'. On the left side, a sidebar menu is visible, with 'Browse collections' (highlighted with a red box) containing sub-links for 'Judgments', 'Legislation', and 'Other'. The main content area shows search results for 'workers compensation act' with 754 results. It includes a table of years from 1903 to 2016, a list of case names, and a detailed view of the first case, 'Sio v The Queen', including its citation, date, and a summary of the facts.

Jade Professional

workers compensation act search now

workers compensation act - Jade Search

Workers Compensation Act 1987 (NSW) - document in Jade

Workers Compensation Act 1951 (ACT) - document in Jade

Workers Compensation Act 1958 (Vic) - document in Jade

Home **Jade Browser** Citator My Jade Login Register for free

Save this search Print/Download Visualise

Browse collections

Judgments

By topic By citation

By date By court

By tag By cloud

Legislation

By legislature

Other

Advanced Court documents

Search results View - Jade extract Order by: Date (reverse) 10 results per page

You are on page 1 of 755 with 7542 results for: Court: HCA. Order by: Date (reverse). Edit this search Hide year filters

Years	A-Z														
All	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917
1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933
1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965
1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981
1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016													

1 Sio v The Queen

[2016] HCA 32 (24 August 2016) (FRENCH CJ, BELL, GAGELER, KEANE AND GORDON JJ)

Excerpt Summary Miniviewer

Criminal law – Criminal liability – Inconsistent verdicts – Where appellant drove person to brothel – Where person intended to commit robbery – Where person fatally stabbed victim and took money – Where appellant charged with murder and armed robbery with wounding – Where jury directions on armed robbery with

2 Deal v Father Pius Kodakkathanath

[2016] HCA 31 (24 August 2016) (FRENCH CJ, KIEFEL, BELL, GAGELER AND NETTLE JJ)

Excerpt Summary Miniviewer

Occupational health and safety – Statutory duty – Occupational Health and Safety Regulations 2007 (Vic), regs 3.1.1, 3.1.2, 3.1.3 – Duties of employers in relation to hazardous manual handling tasks – Where primary school teacher tasked to use step ladder to remove papier mâché displays from pin-board on classroom wall

3 Miller v The Queen Smith v The Queen Presley v Director of Public Prosecutions (SA)

[2016] HCA 30 (24 August 2016) (FRENCH CJ, KIEFEL, BELL, GAGELER, KEANE, NETTLE AND GORDON JJ)

Excerpt Summary Miniviewer

Criminal law – Criminal liability – Complicity – Extended joint criminal enterprise liability – Where appellants and fourth man involved in violent altercation, during which fourth man fatally stabbed victim – Where appellants tried with fourth man for murder – Where bases on which murder left to jury included extended joint

Noting up legislation

(k) any consequential mental harm or damage.

Workers Compensation Act 1987 (NSW)

Part 2 - Compensation—liability

Section 10 - Journey claims

Part 1 - Preliminary

Part 2 - Compensation—liability

Section 9 - Liability of employers for injuries received by workers—general

Section 9AA - Liability for compensation

Section 9AB - Recognition of determination of State of connection in another State

Section 9AC - Person not to be compensated twice

Section 9A - No compensation payable unless employment substantial contributing factor to injury

Section 9B - No compensation for heart attack or stroke unless nature of employment results in significantly greater risk

Section 10 - Journey claims

Section 11 - Recess claims

10 Journey claims

(cf former s 7 (1) (b)–(d), (f), (g))

(1) A personal injury received by a worker on any journey to which this section applies is, for the purposes of this Act, an injury arising out of or in the course of employment, and compensation is payable accordingly.

(1A) Subsection (1) does not apply if the personal injury is attributable to the serious and wilful misconduct of the worker.

(1B) A personal injury received by a worker is to be taken to be attributable to the serious and wilful misconduct of the worker if the worker was at the time under the influence of alcohol or other drug (within the meaning of the *Road Transport Act 2013*), unless the alcohol or other drug did not contribute in any way to the injury or was not consumed or taken voluntarily.

(1C) (Repealed)

(1D) Subsection (1) does not apply if the personal injury resulted from the medical or other condition of the worker and the journey did not cause or contribute to the injury.

(2) Subsection (1) does not apply if:

- (a) the injury was received during or after any interruption of, or deviation from, any such journey, and

684 citations

General searching

Jade Start typing case name, legislation or keyword search now

Home Jade Browser Citator My Jade Panels Feedback Help Login Register for free

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Browse collections

Judgments

By topic By citation
By date By court
By tag By cloud

Legislation

By legislature

Other

Advanced Court documents

Advanced search/browse

Select from the drop-down lists to alter any of the filters, then click on the "search" button to run the search

Refine search results
Recent searches
Shared searches

Browse Advanced

Advanced search (documents)

Advanced search allows you to fully customise your search. Options include jurisdiction, judge, parties, representation, jurisdiction, application, location, jademark, catchwords, whole document, whole document (unstemmed), citation, document title, judge, on appeal from, orders, legislation cited, cases cited, parties, representation, filenumber, division, jurisdiction, application, location, jademark, catchwords.

Search

Text: workers compensation act 1987
journey

Collection: Select courts, legislatures and other document sets

Tag:

Topic:

Catchword:

Words and phrases:

Decision date: From: To:

Retrieval date: From: To:

Year and first letter: Year: First letter:

History: In my alerts: Previously viewed:

Advanced search options:

- Whole document
- Whole document (unstemmed)
- Citation
- Document Title
- Catchwords**
- Judge
- On Appeal From
- Orders
- Legislation Cited
- Cases Cited
- Parties
- Representation
- Filenumber
- Division
- Jurisdiction
- Application
- Location
- Jademark
- Catchwords

Advanced search, please go [here](#)

Search results

The screenshot shows the Jade search results interface. The top navigation bar includes 'Home', 'Jade Browser', 'Citorator', 'My Jade', 'Panels', 'Feedback', 'Help', 'Login', and 'Register for free'. Below this is a search bar with a 'search now' button. The left sidebar contains filters for 'Browse collections', 'Refine search results', 'Filter by date', 'Search within results', and 'Filter by collection'. The main content area displays search results for 'workers compensation act 1987' and 'journey'. The results are ordered by 'Incoming citations (reverse)'. The first result is 'Vetter v Lake Macquarie City Council' [2001] HCA 12 (08 March 2001). The excerpt for this case is highlighted with a red box, showing the definition of 'journey' in the context of workers' compensation. The second result is 'Athval Management Pty Ltd v Doherty' [2000] NSWCA 277 (06 October 2000). The third result is 'Stanley v Gallagher and Ors sued on their own behalf and on behalf of all members of the Gold Coast Turf Club & Anor' [2002] NSWCA 174 (14 June 2002).

Search results View - Jade extract Order by: Incoming citations (reverse) 20 results per page

You are on page 1 of 1 with 13 results for: **workers compensation act 1987** in Legislation Cited and **journey** in Catchwords. Order by: Incoming citations (reverse). [Edit this search](#)

1 Vetter v Lake Macquarie City Council
[2001] HCA 12 (08 March 2001) (GLEESON CJ, GUMMOW, KIRBY, HAYNE AND CALLINAN JJ)
202 CLR 439, 75 ALJR 578, 178 ALR 1, 18 NSWCCR 34
Excerpt Summary Miniviewer

Macquarie City Council Workers' compensation - **Journey** - Workers Compensation Act 1987 (NSW) - Compensation ... 1987 (NSW) - Compensation for worker injured on **journey** from work to place of abode - Worker travelling home ... - Whether deviation or interruption to the **journey**. Workers' compensation - Practice and procedure -

2 Athval Management Pty Ltd v Doherty
[2000] NSWCA 277 (06 October 2000) (Powell JA at 1, 33, 35; Stein JA at 34; Heydon JA at 2)
20 NSWCCR 687
Excerpt Summary Miniviewer

failure to make a finding of fact - meaning of "**journey**" as defined by s 10(4) Workers Compensation Act 1987 ... worker at the time of the commencement of the **journey**. ... failure to make a finding of fact - meaning of "**journey**" as defined by s 10(4) Workers Compensation Act 1987 ... worker at the time of the commencement

3 Stanley v Gallagher and Ors sued on their own behalf and on behalf of all members of the Gold Coast Turf Club & Anor
[2002] NSWCA 174 (14 June 2002) (Stein JA at 1; Heydon JA at 2; Pearlman AJA at 3)
Excerpt Summary Miniviewer

- worker a jockey - injury in New South Wales on **journey** to employment in Queensland - extra-territorial operation ... - worker a jockey - injury in New South Wales on **journey** to employment in Queensland - extra-territorial operation ... injury occurred whilst the Appellant was on a **journey** from his place of abode in the State to his

Jade CaseTrace

JADE CaseTrace

Citations: [2001] HCA 12; 202 CLR 439; 75 ALJR 578; 178 ALR 1; 18 NSWCCR 34

Citations to this decision: 250

Cases cited: 47

Statutory material cited: 4

Cited sections: [6], [7-8], [14], [17], [18], [23-32], [24-27], [25], [26], [27], [28], [29], [31], [32], [34], [36], [37], [38], [44-50], [45] ... and 20 more

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Citations: [2001] HCA 12; 202 CLR 439; 75 ALJR 578; 178 ALR 1; 18 NSWCCR 34

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Citation counts:

Show: All citations ▼

Litigation history

Event	Collection	Date	Determination/status
Vetter v Lake Macquarie City Council [2001] HCA 12; 202 CLR 439	High Court of Australia	07 Mar 2001	
Vetter v Lake Macquarie City Council [2000] HCATrans 427	High Court of Australia - Transcripts	03 Oct 2000	Hearing

Cases citing this decision

Name	Court	Date	Citations
Learmont v Commissioner of Police [2016] NSWCA 137	Supreme Court of New South Wales - Court of Appeal	22 Jun 2016	1 citation
Hazelwood Power Partnership v Latrobe City Council [2016] VSCA 129	Supreme Court of Victoria - Court of Appeal	03 Jun 2016	1 citation
Higgins Nine Group Pty Ltd v Ladro Greville St Pty Ltd [2016] VSC 244	Supreme Court of Victoria	19 May 2016	2 citations
Daley v SAS Trustee Corporation [2016] NSWCA 111	Supreme Court of New South Wales - Court of Appeal	16 May 2016	3 citations
Williams v IS Industry Fund Pty Ltd [2016] FCA 524	Federal Court of Australia	13 May 2016	1 citation
Birkdale Flowers Pty Ltd v Redlands City Council & Anor [2016] QPEC 4	Planning and Environment Court of Queensland	10 Feb 2016	1 citation
Tollo v Chief Executive Officer, Public Safety Business	Queensland Civil and	19 Jan 2016	2 citations

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JADE Citator Search is the new way to find legal principle. Type in the name of a case or piece of legislation and JADE Citator Search will reveal how a particular passage has been used in judicial reasoning. You can even search at the paragraph or section level.

Search

Citations of: [dropdown]

Text (in the citing case): [search bar] [Whole document] [dropdown] [-] [+]

Cited by: [All citations] [dropdown] ignore repeated citations in short sections: [True] [dropdown]

Collection: [Select courts, legislatures and other document sets] [dropdown]

Decision date: From: [text box] To: [text box]

Retrieval date: From: [text box] To: [text box]

Result type: [References to citation(s)] [dropdown]

Order

Order by: [Date (reverse)] [dropdown] [Descending] [dropdown]

Then by: [(Select order)] [dropdown] [Ascending] [dropdown]

[Search]

Saved searches

Cited sections

Noting up legislation

Citator - Home

JADE Citator Search is the new way to find legal principle. Type in the name of a case or piece of legislation and JADE Citator Search will reveal how a particular passage has been used in judicial reasoning. You can even search at the paragraph or section level.

Search

Citations of:

Workers Compensation Act 1987 (NSW) at Section 10

Text (in the citing case):



Legislation Cited



Document Title



Cited by:

HCA and appellate courts only



ignore repeated citations in short sections:

True



Collection:

Select courts, legislatures and other document sets



Decision date:

From:

To:

Retrieval date:

From:

To:

Result type:

References to citation(s)



Order

Order by:

Date (reverse)



Descending



Then by:

(Select order)



Ascending



Search

Noting up results

The screenshot shows the Jade legal research platform interface. At the top is a green header with the Jade logo and a search bar. Below this is a blue navigation bar with links: Home, Jade Browser, Citator, My Jade, Panels, Feedback, Help, Login, and Register for free. A secondary bar contains 'Save this search' and 'Print/Download' buttons.

On the left is a sidebar with 'Recent searches', 'Saved searches', and 'Cited sections'. Under 'Cited sections', a list of legal provisions is shown, with 'Section 10 (571 cit.)' selected and highlighted in blue.

The main content area is titled 'Citator results'. It displays a message: 'You are on page 1 of 1 with 16 results for: References to: Workers Compensation Act 1987 (NSW)'. Below this is a dropdown menu with options: 'View - References to citation(s)', 'References to citation(s)', 'References (no text)', and 'Citation list'. The 'View - References to citation(s)' option is currently selected. To the right of the dropdown are filters: 'Order by: Date (reverse)' and '25 results per page'.

The results section is titled 'Workers Compensation Act 1987 (NSW) Section 10'. It includes a link to 'View this document in Jade' and indicates '156 citations in 16 Jade documents'. Below this is the case 'Daley v SAS Trustee Corporation (16 May 2016)' with its citation: '[2016] NSWCA 111 (McColl JA at [1], Basten JA at [63], Ward JA at [137])'. A 'Citation 1' tab is active, showing a list of citations. The first citation is: '119. In *Vetter v Lake Macquarie City Council* [93] the High Court dealt with an appeal from a decision under the *Compensation Court Act*, s 32(1), which was available to a party "aggrieved by an award in point of law". As succinctly explained by Hayne J: [94]

The text of the citation continues: "... there was no dispute that 'journey' is used throughout s 10 of the *Workers Compensation Act 1987 (NSW)* ('the Act') in its ordinary meaning. There was no live question between the parties about the construction of the relevant provisions of the Act. The only question was whether it could be said that the appellant was on a journey between her place of abode and place of employment when she was injured. ... In the circumstances of this case, that was a question of factual classification about which minds might differ. It was not a question which did not admit of the answer which was given by the primary judge. It was not a question which, if answered in the sense in which the primary judge answered it, inferentially revealed a misunderstanding of the proper construction of the section. As Mason J pointed out in *Hope v Bathurst City Council*, [95] when a statute uses words according to their common understanding and it is not unreasonable to conclude that the facts as found fall within those words, the conclusion that they do, is a conclusion on a question of fact. The contention which the respondent made, that the conclusion that the facts fell within the statutory words was not reasonably open, is a contention on a point of law. Once that question is resolved against the respondent, as I agree it should be, the remaining question of factual classification is a question of fact."

Citation list

Citator results

View - Citation list

Order by: Most cited (reverse)

100 results per page

You are on page 1 of 1 with 16 results for: References to: Workers Compensation Act 1987 (NSW) at s10; Cited by: HCA and appellate courts only. Order by: Most cited (reverse). Edit this search

Name	Collection	Date	Citations
<a>Vetter v Lake Macquarie City Council [2001] HCA 12; 202 CLR 439	High Court of Australia	07 Mar 2001	19 citations: <a>[1] , <a>[2] , <a>[3] , <a>[4] , <a>[5] , <a>[6] , <a>[7] , <a>[8] , <a>[9] , <a>[10] , <a>[11] , <a>[12] , <a>[13] , <a>[14] , <a>[15] , <a>[16] , <a>[17] , <a>[18] , <a>[19]
<a>Seltam Pty Limited v Ghaleb [2005] NSWCA 208	Supreme Court of New South Wales - Court of Appeal	01 Sep 2005	1 citation: <a>[1]
<a>Badawi v Nexon Asia Pacific Pty Limited trading as Commander Australia Pty Limited [2009] NSWCA 324; 75 NSWLR 503	Supreme Court of New South Wales - Court of Appeal	07 Oct 2009	3 citations: <a>[1] , <a>[2] , <a>[3]
<a>Fuller v K & J Trucks [2006] NSWCA 88; 67 NSWLR 516	Supreme Court of New South Wales - Court of Appeal	26 Apr 2006	1 citation: <a>[1]
<a>MAHENTHIRARASA v STATE RAIL AUTHORITY OF NEW SOUTH WALES [2008] NSWCA 101	Supreme Court of New South Wales - Court of Appeal	21 May 2008	1 citation: <a>[1]
<a>Penrith City Council v East Realisations Pty Ltd (in liquidation) [2013] NSWCA 64; 63 MVR 180	Supreme Court of New South Wales - Court of Appeal	03 Apr 2013	1 citation: <a>[1]
<a>SIMEON WINES t/as BURONGA HILL WINERY v BOBOS [2004] NSWCA 342	Supreme Court of New South Wales - Court of Appeal	28 Sep 2004	17 citations: <a>[1] , <a>[2] , <a>[3] , <a>[4] , <a>[5] , <a>[6] , <a>[7] , <a>[8] , <a>[9] , <a>[10] , <a>[11] , <a>[12] , <a>[13] , <a>[14] , <a>[15] , <a>[16] , <a>[17]
<a>Stanley v Gallagher and Ors sued on their own behalf and on behalf of all members of the Gold Coast Turf Club & Anor [2002] NSWCA 174	Supreme Court of New South Wales - Court of Appeal	14 Jun 2002	1 citation: <a>[1]
<a>Athval Management Pty Ltd v Doherty [2000] NSWCA 277; 20 NSWCCR 687	Supreme Court of New South Wales - Court of Appeal	05 Oct 2000	1 citation: <a>[1]
<a>Waratah Engineering Pty Ltd v Baqqs [2013] NSWCA 427	Supreme Court of New South Wales - Court of Appeal	10 Dec 2013	2 citations: <a>[1] , <a>[2]
<a>Mechanical Advantage Group Pty Ltd v George [2003] NSWCA 121; 25 NSWCCR 368	Supreme Court of New South Wales - Court of Appeal	21 May 2003	6 citations: <a>[1] , <a>[2] , <a>[3] , <a>[4] , <a>[5] , <a>[6]
<a>Pickwell v Cotswold Australia Pty Limited [2001] NSWCA 462	Supreme Court of New South Wales - Court of Appeal	05 Dec 2001	12 citations: <a>[1] , <a>[2] , <a>[3] , <a>[4] , <a>[5] , <a>[6] , <a>[7] , <a>[8] , <a>[9] , <a>[10] , <a>[11] , <a>[12]
<a>Lake Macquarie City Council v Vetter [1999] NSWCA 98	Supreme Court of New South Wales - Court of Appeal	16 Apr 1999	11 citations: <a>[1] , <a>[2] , <a>[3] , <a>[4] , <a>[5] , <a>[6] , <a>[7] , <a>[8] , <a>[9] , <a>[10] , <a>[11]

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Administrative Appeals Tribunal of Australia

[VYSW and Comcare \[2016\] AATA 533](#) (26 July 2016) (Deputy President J W Constance)

Catchwords WORKERS COMPENSATION - injury - liability to compensate - generalised anxiety and post-traumatic stress disorder - whether Applicant suffered an aggravation of an ailment - whether aggravation contributed to, to a significant degree by the employment - decision affirmed

[Tom Chan and Secretary, Department of Social Services \[2016\] AATA 532](#) (26 July 2016) (Dr I Alexander, Member)

Catchwords SOCIAL SECURITY – disability support pension – pension not payable – workers' compensation – periodic compensation payments – arrears – decision affirmed

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- New South Wales Caselaw website (www.caselaw.nsw.gov.au)
- Court and tribunal websites

COAT Practice Manual for Tribunals

www.coat.gov.au/about/practice-manual-for-tribunals.html

The screenshot shows the 'Practice Manual for Tribunals - eComPress Viewer' application. The interface includes a menu bar (File, Edit, View, Search, Pad, Note, Window, Help), a toolbar with various icons, and a search bar. On the left, a table of contents lists sections from Preface to Help. The main content area displays the COAT logo (COUNCIL OF AUSTRALASIAN TRIBUNALS) and the title 'Practice Manual for Tribunals' in large blue text. A 'Navigation Quick Start' pop-up window is visible on the right, providing instructions on how to search, annotate, send text, copy text, step through the publication, jump to a different section, return to the start, toggle tree expansion, and split the right frame.

Practice Manual for Tribunals

Navigation Quick Start

- To search for words or numbers:**
 - select them in any application and drag them onto the search box, or
 - type them into the search box and press Enter.
- To annotate or bookmark:**
 - drag text and files onto the publication or
 - click the Note button (the dog-eared page).
- To send text or notes via email:**
 - select them and click the Send button (the envelope).
- To copy text and graphics:**
 - select them and drag them to any Windows application.
- To step through the entire publication:**
 - press the + or - keys on the numeric keypad.
- To jump to a different section:**
 - click on blue text or click in the left frame.
- To return to the start:**
 - click the Contents button (the house).
- To toggle tree automatic expansion/contraction:**
 - click the Prune button (the tree).
- To split the right frame:**
 - click the Next Layout button (the window)
 - click the button again to get a different layout

For more information, see the help section (press F1).

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(Redisplay with Help/Navigation)

Commentary on apprehended bias

Chapter Three: Procedural Fairness - eComPress Viewer

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Search for

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Practice Manual for Tribunals

- ... 4
- Chapter Two: The Legal Framework
- Chapter Three: Procedural Fairness
 - 3.1. Key issues
 - 3.2. Procedural fairness
 - 3.3. The hearing rule
 - 3.4. The bias rule**
 - 3.4.1. Bias—actual and apprehended
 - 3.4.2. Disqualifying circumstances
 - 3.4.3. Operation of the bias rule
 - 3.4.4. Conflict of interest
 - 3.4.5. Bias by conduct or prejudgment
 - 3.4.6. Bias by association
 - 3.4.7. Bias by extraneous communication
 - 3.4.8. Bias by previous involvement in
 - 3.4.9. Management of bias issues
 - 3.5. Procedural fairness in administrative
 - References
- Chapter Four: Pre-Hearing
- ... 8

3.4. The bias rule

A central requirement of administrative justice is that the decision-maker should be impartial and disinterested, so that he or she is open to persuasion and able to judge the case on its merits. Freedom from bias is also necessary to maintain public confidence in the tribunal and acceptance of its decisions: 'justice should not only be done, but should manifestly and undoubtedly be seen to be done.'²⁷ The Administrative Review Council's *Standards Guide for Tribunal Members* recognises freedom from bias as an ethical as well as a legal obligation: 'A tribunal member should act in an impartial manner in the performance of their tribunal decision-making responsibilities, so that their actions do not give rise to an apprehension of bias, or actual bias'.²⁸

²⁷ *R v Sussex Justices; Ex parte McCarthy* [1924] 1 KB 256, 259 (Lord Hewart CJ).

²⁸ Administrative Review Council, above n 4, 12.

3.4.1. Bias—actual and apprehended

Bias means a predisposition to approach the issues in the case otherwise than with an impartial and unprejudiced mind.²⁹ The presence of bias may be inferred from a member's behaviour, statements, personal interests and past or present associations, or from the way the decision-making process is structured. Examples of behaviour suggestive of bias are outlined in Chapter Five at 5.4.3. Bias exists if the decision-maker is actually biased, or if an observer might reasonably apprehend that the decision-maker is biased (*apprehended or apparent bias*). Actual bias can be inferred from statements or conduct, and need not be deliberate, conscious or malicious.³⁰

²⁹ *Re JRL; Ex parte CJL* (1986) 161 CLR 342 at 352.

³⁰ *Sun Zhan Qui v Minister for Immigration and Ethnic Affairs* (1997) 81 FCR 71 at 135–36 (North J).

The test for apprehended bias is whether a fair-minded lay observer might reasonably apprehend that the decision-maker might not bring an impartial and unprejudiced mind to the resolution of the issues.³¹ An earlier formulation of the test was whether 'one of the parties or a fair-minded observer might entertain a reasonable apprehension of bias or pre-judgment'.³² The reference to the perspective of a party disappears in the more recent formulations.³³ The omission is not material, since the appearance of bias is assessed objectively from the perspective of 'a fair-minded person, be that person a party or merely a member of the public'.³⁴ The fair-minded lay observer is generally attributed with knowledge of the facts, substantive law and procedure and even common aspects of legal culture.³⁵ Notwithstanding this attribution of knowledge, the standard for bias must be formulated by reference to the reaction of lay persons or the 'ordinary reasonable citizen on the Emu Plains omnibus'.³⁶

³¹ *Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337 at 344–45 (Gleeson CJ, McHugh, Gummow and Hayne JJ).

³² *Livesey v New South Wales Bar Association* (1983) 151 CLR 288 at 294; *R v Watson; Ex parte Armstrong* 136 CLR 248 at 258–63.

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Wrap-up and questions