Session overview

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Legislation sites

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Federal Register of Legislation

www.legislation.gov.au
In force legislation

Federal Register of Legislation

Administerive Appeals Tribunal Act 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
Amending and delegated legislation
Tribunals Amalgamation Act 2015

No. 60, 2015

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

Contents

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Explanatory material

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

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

Proposed amendments
Senate
- Australian Greens [sheet 7680 revised]
  WRIGHT, Sen Penny
- Government [sheet EH158]
- Opposition [sheet 7673 revised]
  COLLINS, Sen Jacinta
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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 09:52)

Status information

Status information

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Provisions in force
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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

Civil and Administrative Tribunal Act 2013 No 2

Status information

Part 1 Preliminary
1 Name of Act
2 Commencement
3 Objects of Act
4 Definitions
5 Meaning of "decision"
6 Meaning of "decision-maker"

Part 2 Establishment of Tribunal

Division 1 Establishment and membership
7 Establishment of Civil and Administrative Tribunal
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Historical versions

Current version 8 Jul 2016 to date

Historical version 11 May 2016 to 7 Jul 2016
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Historical version 1 Oct 2015 to 29 Feb 2016
Historical version 15 Jul 2015 to 30 Sep 2015
Historical version 1 Jul 2015 to 14 Jul 2015
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Historical version 4 Mar 2013 to 4 Mar 2013
Principal legislation and amendments

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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

2015 No 2

No 7

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

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Part 2 Establishment of Tribunal

Regulations

Regulations under Civil and Administrative Tribunal Act 2013 No 2

Skip to Results

(Current regulations in alphabetical order followed by repealed regulations in alphabetical order)

Pages: 1

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

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Explanatory material

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

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

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   Make a Power of Attorney    Planning Ahead Community

GUARDIANSHIP ACT 1987 - AustLII
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
Jan 15, 2016 - 3F Persons who are "parties" to proceedings under this Act; 4 General .... Disability Services and Guardianship Act 1987. Responsible Minister
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(http://portsea.austlii.edu.au/pit/xml/nsw/act/)
Case law sites

- AustLII and LawCite
- Jade
- Other case law sites
Noting up legislation

Commonwealth Consolidated Acts

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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3. Cremer, Department of Family and Community Services [2001] AATA 509 (8 June 2001) [30%]
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Year: to
Use Synonyms
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Section: 14

- Government Information (Information Commissioner) Act 2009
- Government Information (Public Access) Act 2009
- Government Inscribed Stock Act 1920
- Government Information (Public Access) (Consequential Amendments and Repeal) Act 2009
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<td>Battin v University of New England</td>
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   (From Administrative Decisions Tribunal Appeal Panel of New South Wales; 6 June 2012; 5 KB) LawCite 🌟🌟

   (From Administrative Decisions Tribunal of New South Wales; 19 September 2012; 80 KB) LawCite 🌟

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) LawCite 🌟

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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
General searching
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
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  - 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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- **Litigation history**

- **Cases citing this decision**
  - Name: Learmont Commissioner of Police [2016] NSWCA 137
    - Court: Supreme Court of New South Wales - Court of Appeal
    - Date: 22 Jun 2016
    - Citations: 1 citation
  - Name: Hazeldine Power Partnership v Latrobe City Council [2016] VSCA 129
    - Court: Supreme Court of Victoria - Court of Appeal
    - Date: 03 Jun 2016
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  - Name: Hope v Numoria Motor Company Pty Ltd [2016] VSC 244
    - Court: Supreme Court of Victoria
    - Date: 19 May 2016
    - Citations: 2 citations
  - Name: Daley v SAS Trustees Corporation [2016] NSWCA 111
    - Court: Supreme Court of New South Wales - Court of Appeal
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  - Name: Williams v [IX] Industry Fund Pty Ltd [2016] FCA 524
    - Court: Federal Court of Australia
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    - Citations: 1 citation
  - Name: Birkdale Flowers Pty Ltd v Redlands City Council & Anor [2016] QPEC 4
    - Court: Planning and Environment Court of Queensland
    - Date: 10 Feb 2016
    - Citations: 1 citation
  - Name: Tolio v Chief Executive Officer, Public Safety Business
    - Court: Queensland Civil and Administrative Court
    - Date: 19 Jan 2016
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<td>07 Oct 2009</td>
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• Court and tribunal websites
COAT Practice Manual for Tribunals

Commentary on apprehended bias

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 must manifestly and undoubtedly be seen to be done.’ 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.’

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. 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 3.4.3. 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.

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. 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’. The reference to the perspective of a party disappears in the more recent formulations. 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. The fair-minded lay observer is generally attributed with knowledge of the facts, substantive law and procedure and even common aspects of legal culture. 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 Enni Plains cricket’. [36]
Wrap-up and questions