



Administrative Appeals Tribunal (Social Services Act) Regulations

Statutory Rules 1980 No. 62 as amended

made under the

Administrative Appeals Tribunal Act 1975

This compilation was prepared on 26 March 2003
taking into account amendments up to SR 1980 No. 335

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1 Citation [see Note 1]

These Regulations may be cited as the Administrative Appeals Tribunal (Social Services Act) Regulations.

2 Commencement

These Regulations shall come into operation on 1 April 1980.

3 Amendment of Schedule to the *Administrative Appeals Tribunal Act 1975*

The Schedule to the *Administrative Appeals Tribunal Act 1975* is amended by inserting after Part XXIV the following Part:

Part XXIVA Social Services Act

‘24A (1) Where the Director-General of Social Services has, on or after 9 September 1980, in pursuance of section 14 or 15 of the *Social Services Act 1947*, made a decision affirming, varying or annulling a determination, direction, decision or approval of an officer under that Act, being a determination, direction, decision or approval that has been reviewed by a Social Security Appeals Tribunal, an application may be made to the Administrative Appeals Tribunal for a review of the decision of the Director-General.

(2) Where:

- (a) the Director-General of Social Services has, on or after 9 September 1980, in pursuance of section 14 or 15 of the *Social Services Act 1947*, made a decision affirming, varying or annulling a determination, direction, decision or approval of an officer under that Act, being a determination, direction, decision or approval that has not been reviewed by a Social Security Appeals Tribunal; and
- (b) the decision of the Director-General is one in respect of which the Director-General has, at the request of a person, certified in writing that an important principle of general application is involved with respect to entitlement to, or

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assessment of, a pension, allowance, endowment or benefit under that Act,

an application may be made to the Administrative Appeals Tribunal for a review of the decision of the Director-General.

- (3) Where, immediately before the date of commencement of this subclause, a person was entitled to make an application to the Administrative Appeals Tribunal for a review of a decision by the Director-General of Social Services, then, subject to anything otherwise contained in this Act, that person may, on or after that date, apply to the Tribunal for a review of that decision.
- (4) The operation of subsection 29 (2) in relation to an application under subclause (1) for a review of a decision made by the Director-General before the date of commencement of this subclause is modified so that the prescribed time for the purposes of paragraph 29 (1) (d) is:
 - (a) the period that, but for this subclause, would be the prescribed time in relation to that application; or
 - (b) the period commencing on the day on which the decision is made and ending on the twenty-eighth day after the date of commencement of this subclause,whichever is the greater.
- (5) The operation of subsection 29 (2) in relation to an application under subclause (2) for a review of a decision is modified so that the prescribed time for the purposes of paragraph 29 (1) (d) is the period commencing on the day on which the decision is made and ending on the twenty-eighth day after:
 - (a) if the decision sets out the findings on material questions of fact and the reasons for the decision — the day (in this subclause referred to as the *certificate day*) on which the certificate of the Director-General is furnished to the applicant; or
 - (b) if the decision does not set out those findings and reasons:
 - (i) if a statement in writing setting out those findings and reasons is furnished to the applicant otherwise than in pursuance of a request under subsection 28 (1) not later than the twenty-eighth day after the

certificate day — the day on which the statement is furnished to the applicant or the certificate day, whichever is the later;

- (ii) if the applicant, in accordance with subsection 28 (1), requests the person who made the decision to furnish a statement as mentioned in that subsection — the day on which the statement is furnished or the applicant is notified that the statement will not be furnished, as the case may be, or the certificate day, whichever is the later; or
- (iii) in any other case — the certificate day.’.

Table of Statutory Rules

Notes to the Administrative Appeals Tribunal (Social Services Act) Regulations

Note 1

The Administrative Appeals Tribunal (Social Services Act) Regulations (in force under the *Administrative Appeals Tribunal Act 1975*) as shown in this compilation comprise Statutory Rules 1980 No. 62 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1980 No. 62	26 Mar 1980	1 Apr 1980	
1980 No. 335	27 Nov 1980	27 Nov 1980	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 3	am. 1980 No. 335
