



Statutory Rules 1980 No. 1

335

**Administrative Appeals Tribunal  
(Social Services Act)  
Regulations<sup>2</sup> (Amendment)**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulation under the *Administrative Appeals Tribunal Act 1975*.

Dated 19 November 1980.

ZELMAN COWEN

Governor-General

By His Excellency's Command,

(Sgd) P. Durack

Attorney-General

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

Regulation 3 of the Administrative Appeals Tribunal (Social Services Act) Regulations is amended by omitting all the words after "the following Part:" and substituting the following:

**"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 assessment of, a pension, allowance, endowment or benefit under the 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 sub-clause, 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 sub-section 29 (2) in relation to an application under sub-clause (1) for a review of a decision made by the Director-General before the date of commencement of this sub-clause is modified so that the prescribed time for the purposes of paragraph 29 (1) (d) is—

- (a) the period that, but for this sub-clause, 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 sub-clause,

whichever is the greater.

“(5) The operation of sub-section 29 (2) in relation to an application under sub-clause (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 sub-clause 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 sub-section 28 (1) not later than

335 /

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 sub-section 28 (1), requests the person who made the decision to furnish a statement as mentioned in that sub-section—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.”

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**NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 1 1980.
- 2. Statutory Rules 1980 No. 62.

27 November /