ADMINISTRATIVE DECISIONS TRIBUNAL ACT 1997 - SECT 4

Definitions

4 Definitions

(1) In this Act:

"administrator" -see section 9.

"Appeal Panel" of the Tribunal means:

(a) in relation to an external appeal-an Appeal Panel of the Tribunal constituted in accordance with section 22, or

(b) in relation to an internal appeal-an Appeal Panel of the Tribunal constituted in accordance with section 24.

"application" -see section 142.

"assessor" means an assessor of the Tribunal appointed under this Act.

"decision" -see section 6.

"decision-maker", in relation to an external appeal, means the person or body that made the decision that is the subject of the appeal.

"Deputy President" means a Deputy President of the Tribunal.

"Division" of the Tribunal means a Division of the Tribunal specified in Schedule 1.

"Division member", in relation to a Division of the Tribunal, means a member who is assigned to that Division.

"Divisional Head" of a Division means the member who is appointed under section 16 as the Divisional Head of that Division, or who is taken to be so appointed by Schedule 5.

"enactment" -see section 5.

"exercise" a function includes perform a duty.

"external appeal" means an appeal referred to in Part 1A of Chapter 7.

"function" includes a power, authority or duty.

"interested person" means a person who is entitled under an enactment to make an application to the Tribunal for an original decision or a review of a reviewable decision (as the case may be).

"internal appeal" means an appeal made under Part 1 of Chapter 7 against a decision of the Tribunal.

"internal review" means an internal review conducted under section 53.

"judicial member" of the Tribunal means the President, a Deputy President or a non-presidential judicial member.

"judicial officer" means:

(a) a Magistrate, or

(b) a Judge of the District Court, or

(c) a Judicial Member of the Industrial Relations Commission, or

(d) a Judge of the Land and Environment Court, or

(e) a Judge of the Supreme Court.

"lodge" a document includes file a document.

"member" of the Tribunal means the President, a Deputy President, a non-presidential judicial member or a non-judicial member.

"non-judicial member" of the Tribunal means a member other than the President, a Deputy President or a non-presidential judicial member.

"original decision" -see section 7.

"parties" to proceedings-see section 67.

"practising legal practitioner" means an Australian legal practitioner.

"President" means the President of the Tribunal.

"presidential judicial member" of the Tribunal means the President or a Deputy President.

"Registrar" means the Registrar of the Tribunal.

"relevant Divisional Head", in relation to any proceedings before the Tribunal, means the Divisional Head of the Division of the Tribunal to which the function of determining the proceedings is allocated.

"reviewable decision" -see section 8.

"Rule Committee" means the Rule Committee of the Tribunal established by section 92.

"rules of the Tribunal" or "rules" means rules made by the Rule Committee.

"Tribunal" means the Administrative Decisions Tribunal of New South Wales established by this Act.

(2) A reference in this Act to the exercise by the Tribunal of its functions in relation to an enactment includes a reference both to its functions under the enactment and its functions under this Act in relation to the enactment.

(3) A reference (however described) in this Act to a decision made under an enactment is taken, in relation to a reviewable decision or a decision that is subject to an external appeal, to include a reference to any decision made in the exercise of functions identified by the enactme

administrative law n. the procedures created by administrative agencies (governmental bodies of the city, county, state or Federal government) involving rules, regulations, applications, licenses, permits, available information, hearings, appeals and decision-making. Federal agency procedures are governed by the Administrative Procedure Act, and many states have adopted similar procedural formats either by law or regulation. It is important to consider two vital factors in dealing with administrative agencies: 1) the rules and regulations are often special for each agency and are not usually found in the statutes but in those regulations; 2) a member of the public must "exhaust his/her administrative remedies" (take every step, including appeals) with the agency and its system before he/she can challenge the administrative ruling with a lawsuit in court. There are exceptions (such as emergency or obvious futility) to exhausting one's remedies, but those are rare. Administrative law can be a technical jungle, and many lawyers make lots of money from knowing how to hack their way through it on behalf of their clients. (See: Administrative Procedure Act, administrative law judge)

Administrative Procedure Act Also found in: Acronyms, Wikipedia 0.01 sec.

[AD]

Administrative Procedure Act n. the Federal Act which established the rules and regulations for applications, claims, hearings and appeals involving governmental agencies. There are similar acts in many states which spell out the rules for dealing with state government agencies. (See: administrative law, administrative hearing)

ADMINISTRATIVE DECISIONS TRIBUNAL ACT 1997 - SECT 7

What is an original decision?

7 What is an original decision?

An "original decision" is a decision of the Tribunal made in relation to a matter over which it has jurisdiction under an enactment to act as the primary decision-maker.

ADMINISTRATIVE DECISIONS TRIBUNAL ACT 1997 - SECT 5

What is an enactment?

5 What is an enactment?

An "enactment" is:

(a) in relation to a reviewable decision-an Act (other than this Act) or a statutory rule (other than a statutory rule made under this Act), or

(b) in any other case-an Act (other than this Act).

Note: The Interpretation Act 1987 defines "statutory rule" to mean:

(a) a regulation, by-law, rule or ordinance:

(i) that is made by the Governor, or

(ii) that is made by a person or body other than the Governor, but is required by law to be approved or confirmed by the Governor, or

(b) a rule of court.