

**CAYMAN ISLANDS**



# **ADMINISTRATIVE APPEALS TRIBUNAL BILL, 2022**

**Consultation Draft**

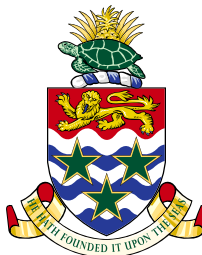
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# ADMINISTRATIVE APPEALS TRIBUNAL BILL, 2022

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## CAYMAN ISLANDS



## ADMINISTRATIVE APPEALS TRIBUNAL BILL, 2022

## A BILL FOR AN ACT TO ESTABLISH THE ADMINISTRATIVE APPEALS TRIBUNAL; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

## Short title and commencement

1. (1) This Act may be cited as the *Administrative Appeals Tribunal Act, 2022*.
- (2) This Act comes into force on such date as may be appointed by Order made by the Cabinet and different provisions of this Act may be brought into force on different days and for different purposes.

## Interpretation

2. In this Act —

“**affected person**”, in relation to an appealable decision, means a person who has a right under a relevant Act to appeal the decision to the Tribunal;

“**appealable decision**” means a decision that may be appealed to the Tribunal under a relevant Act;

“**assessor**” means an assessor appointed under section 21;

“**attorney-at-law**” means an attorney-at-law admitted under section 3(1) of the *Legal Practitioners Act (2022 Revision)*;

“**chief officer**” means the chief officer of the judicial administration appointed under the *Public Service Management Act (2018 Revision)*;

“**Constitution**” means the Constitution of the Cayman Islands set out in Schedule 2 to the *Cayman Islands Constitution Order 2009*;

“**decision maker**” means the person or body that makes an appealable decision;

“**Deputy President**” means the Deputy President of the Tribunal mentioned in section 9(1)(b);

“**JLSC**” means the Judicial and Legal Services Commission established by section 105 of the Constitution;

“**legal member**” means a member of the Tribunal mentioned in section 9(1)(c);

“**member**” means a member of the Tribunal mentioned in section 9;

“**ordinary member**” means a member of the Tribunal mentioned in section 9(1)(d);

“**party**” means a party to a proceeding before the Tribunal under section 57(1);

“**President**” means the President of the Tribunal mentioned in section 9(1)(a);

“**Registrar**” means the Registrar of the Tribunal mentioned in section 19;

“**relevant Act**” means an Act that confers jurisdiction on the Tribunal to hear an appeal against an appealable decision;

“**rules**” means the rules of the Tribunal made under section 65; and

“**Tribunal**” means the Administrative Appeals Tribunal established by section 4.

### **Relationship with other Acts**

3. (1) If there is an inconsistency between this Act and a relevant Act, the relevant Act prevails to the extent of the inconsistency.
- (2) A relevant Act may modify the operation of this Act in relation to an exercise of jurisdiction conferred by that Act.

## **PART 2 - ADMINISTRATIVE APPEALS TRIBUNAL**

### **Division 1 - Establishment of Tribunal**

#### **Tribunal established**

4. The Administrative Appeals Tribunal is established.

#### **Jurisdiction**

5. The Tribunal has the jurisdiction conferred on it by this or any other Act.

#### **Tribunal to operate throughout Islands**

6. The Tribunal shall facilitate access to its services throughout the Islands, and may sit at any place in the islands.

#### **Objectives of Tribunal**

7. The objectives of the Tribunal are to —
  - (a) promote the best principles of public administration;
  - (b) be accessible to the public, including people with special needs;
  - (c) ensure that appeals are processed and resolved as quickly, and with as little cost to parties, as possible while achieving a just outcome;
  - (d) use straightforward language and procedures; and
  - (e) act with as little formality and technicality as possible.

#### **Independence of Tribunal**

8. (1) The Tribunal is not subject to the direction or control of the Cabinet or any Minister in exercising its jurisdiction.
- (2) A member is not subject to the direction or control of the Cabinet or any Minister in the exercise of the member’s powers or the performance of the member’s functions.

### **Division 2 - Membership and structure of Tribunal**

#### **Membership**

9. (1) The Tribunal consists of the following members —
  - (a) the President;
  - (b) the Deputy President;
  - (c) at least two other legal members; and
  - (d) as many ordinary members as are required.
- (2) The members of the Tribunal are appointed by the Governor, acting in accordance with the advice of the JLSC.
- (3) Section 106 of the Constitution applies to the appointment of members as if the office of member of the Tribunal were specified in section 106(4) of the Constitution.

#### **President may establish divisions**

10. (1) The President may establish divisions of the Tribunal to hear different classes of matters.
- (2) The President may assign members to one or more divisions and may vary the assignment at any time.





**Qualifications of members**

- 11.** (1) A person is eligible for appointment as the President or the Deputy President if the person is qualified for appointment as a Judge under section 6 of the *Grand Court Act (2015 Revision)*.
- (2) A person is eligible for appointment as a legal member if the person —
- (a) is an attorney-at-law; and
  - (b) has at least seven years of post-qualification experience, either in the Islands or in another jurisdiction mentioned in section 3(1) of the *Legal Practitioners Act (2022 Revision)*.
- (3) A person is eligible for appointment as an ordinary member if the person holds significant experience or qualifications relevant to the work of the Tribunal.
- (4) However, a person is not eligible for appointment as a member if the person:
- (a) is an undischarged bankrupt, either in the Cayman Islands or elsewhere; or
  - (b) has been convicted, either in the Cayman Islands or elsewhere, of an offence other than summary offence for which the person was not sentenced to a period of imprisonment.

**Functions of President and Deputy President**

- 12.** (1) The President has the following administrative functions —
- (a) to be primarily responsible for the administration of the Tribunal;
  - (b) to manage the work of the Tribunal, including by ensuring that the Tribunal operates efficiently and effectively and continually improves the way in which it carries out its functions;
  - (c) to manage the members and staff of the Tribunal;
  - (d) to issue practice directions for the Tribunal; and
  - (e) any other functions conferred on the President by this or any other Act.
- (2) The Deputy President has the following administrative functions —
- (a) to assist the President in the operations of the Tribunal;
  - (b) any other functions conferred on the Deputy President by this or any other Act.

**Duration of appointment**

- 13.** (1) The President and Deputy President hold office for the period, not less than 7 years, specified in the instrument of appointment and are eligible for reappointment.
- (2) A member other than the President or Deputy President holds office for the period, not less than 3 years, specified in the instrument of appointment and is eligible for reappointment.

**Vacation of office**

- 14.** A person ceases to be a member if —
- (a) the person resigns by giving written notice to the Governor;
  - (b) the person's term of office expires and the person is not reappointed;
  - (c) the person is removed from office under section 15; or
  - (d) the person ceases to be eligible for appointment under section 11.

**Removal from office**

- 15.** (1) The Governor may remove a member from office for inability to discharge the functions of the member's office or for serious misbehaviour.
- (2) The member may only be removed in accordance with this section.
- (3) If the Governor considers that the question of removing the member from office for inability or serious misbehaviour should be investigated —
- (a) the Governor shall refer the matter to the JLSC; and
  - (b) the JLSC shall inquire into the matter, report its findings to the Governor and advise the Governor whether the member should be removed from office.
- (4) The *Commissions of Enquiry Act (1997 Revision)* applies (with the necessary modifications) to the inquiry of the JLSC as if the members of the JLSC were Commissioners appointed under that Act.

- (5) The Governor may suspend the member from performing the functions of his or her office for the duration of the inquiry.
- (6) The powers conferred on the Governor by this section shall be exercised by the Governor acting in his or her discretion.

### Validity of acts

16. The Tribunal's exercise of its jurisdiction is not affected only by reason of a vacancy in the membership of the Tribunal or a defect in the appointment of a person as a member.

### Delegation

17. The President may delegate his or her administrative functions under this Act to —
- (a) a member; or
  - (b) the Registrar.

### Remuneration

18. A member is entitled to the remuneration and other entitlements prescribed by Order by the Governor acting in his or her discretion.

## Division 3 – Registrar and staff

### Registrar

19. (1) The chief officer may, in accordance with the *Public Service Management Act (2018 Revision)*, appoint a person to be the Registrar of the Tribunal.
- (2) The Registrar has the following functions —
- (a) to assist the President in the administration of the Tribunal;
  - (b) to manage the registry and records of the Tribunal; and
  - (c) any other function as directed by the President or specified under the rules.

### Secretariat and staff

20. (1) The Tribunal is to be supported by a Secretariat.
- (2) The chief officer may, in accordance with the *Public Service Management Act (2018 Revision)*, appoint staff members to the Secretariat.

## Division 4 - Assessors

### Appointment of assessors

21. (1) The President may, in writing, appoint a person to be an assessor for an appeal or a class of appeals to provide specialist or technical advice to the Tribunal.
- (2) The President may appoint a person to be an assessor only if the President is satisfied the person holds suitable qualifications, or has suitable knowledge or experience, to advise the Tribunal.

### Functions of assessors

22. (1) The Tribunal may ask an assessor to —
- (a) give expert evidence in an appeal; or
  - (b) give advice about a matter that is the subject of an appeal.
- (2) In asking an assessor to give advice under subsection (1)(b), the Tribunal may ask the assessor to conduct an inquiry or investigation into a specified matter and give a written report of the assessor's findings to the Tribunal.



## PART 3 – APPEALS

### Division 1 – Obligations of decision makers

#### Information about appealable decision

- 23.** (1) This section applies if a decision maker makes an appealable decision under a relevant Act.
- (2) The decision maker is required to give each affected person written notice of —
- (a) the decision;
  - (b) the person’s right to appeal the decision to the Tribunal; and
  - (c) the person’s right to request a statement of reasons for the decision.
- (3) If an affected person is not readily identifiable or cannot be readily located, the decision maker complies with subsection (2) if the decision maker takes reasonable steps to give the notice.
- (4) A decision maker’s failure to comply with this section does not affect the validity of the appealable decision.
- (5) If this Act and the relevant Act both require the decision maker to give notice of a decision, the decision maker is only required to give the notice once.

#### Statement of reasons for decision

- 24.** (1) An affected person in relation to an appealable decision may request a written statement of reasons for the decision from the decision maker.
- (2) The request shall be made within 28 days after notice of the decision was given.
- (3) The decision maker shall comply with the request within 28 days after receiving the request.
- (4) The decision maker’s written statement shall contain the following —
- (a) the reasons for the decision; and
  - (b) any findings on material questions of fact that led to the decision, referring to the evidence or other material on which those findings were based.
- (5) If this Act and the relevant Act both require the decision maker to give a statement of reasons, the decision maker is only required to give the statement once.

### Division 2 – Starting an appeal

#### Grounds for appeal

- 25.** (1) An affected person in relation to an appealable decision may appeal the decision to the Tribunal on the grounds that the decision is:
- (a) erroneous in law;
  - (b) unreasonable; or
  - (c) contrary to the principles of natural justice.
- (2) The relevant Act may specify additional grounds for appeal.

#### Starting an appeal

- 26.** An appeal shall be commenced within 28 days after:
- (a) the day the affected person was notified of the decision by the decision maker; or
  - (b) if the affected person requested a written statement of reasons for the decision under this Act or the relevant Act – the earlier of the following:
    - (i) the day the written statement is given to the affected person;
    - (ii) the day by which the written statement was required to have been given to the affected person.

#### Who constitutes the Tribunal for an appeal

- 27.** (1) When an appeal is commenced, the President shall assign one or more members to constitute the Tribunal for the appeal.

- (2) If the President assigns one member to constitute the Tribunal, the President shall assign the President, the Deputy President or a legal member.
- (3) If the President assigns more than one member to constitute the Tribunal —
  - (a) at least one member shall be the President, the Deputy President or a legal member; and
  - (b) the number of members shall be an odd number.
- (4) A member cannot be assigned to constitute, or be one of the members constituting, the Tribunal if the member was —
  - (a) the decision maker in relation to the relevant appealable decision; or
  - (b) a member of a body that was the decision maker in relation to the relevant appealable decision.

### **Who presides at a proceeding**

- 28.** (1) If the Tribunal is constituted by two or more members, the presiding member is —
- (a) the most senior member determined by order of precedence; or
  - (b) if the President nominates a different member – that member.
- (2) The order of precedence is as follows —
- (a) President;
  - (b) Deputy President;
  - (c) legal member (in order of date of appointment if there are two or more legal members); and
  - (d) ordinary member (in order of date of appointment if there are two or more ordinary members).

### **Effect of appeal on decision**

- 29.** Subject to the relevant Act, the commencement of an appeal in the Tribunal does not stay the operation of the relevant appealable decision unless the Tribunal orders otherwise.

## **Division 3 – Manner and outcome of appeal**

### **Appeal by way of rehearing**

- 30.** (1) An appeal against an appealable decision is by way of rehearing.
- (2) The Tribunal may —
- (a) examine the evidence or the material before the decision maker; and
  - (b) consider any further evidence or material that the Tribunal decides, in the circumstances of the particular case, to admit for a rehearing.

### **Determination of appeal**

- 31.** (1) After hearing the appeal, the Tribunal may —
- (a) confirm the decision;
  - (b) vary the decision; or
  - (c) set aside the decision and —
    - (i) substitute its own decision; or
    - (ii) send the matter back to the decision maker for reconsideration in accordance with any recommendations the Tribunal considers appropriate.
- (2) The Tribunal may make any consequential orders it considers appropriate.
- (3) The fact that a decision is made on reconsideration under subsection (1)(c)(ii) does not prevent the reconsidered decision from being an appealable decision.

### **Effect of determination**

- 32.** (1) If the Tribunal confirms the decision, no further appeal against the decision can be commenced in the Tribunal by any person.
- (2) If the Tribunal varies or substitutes the decision, the decision —
- (a) is taken to be the decision of the decision maker; and
  - (b) unless the Tribunal orders otherwise, has effect from the time when the original decision would have had effect.



- (3) Despite subsection (2)(a), the varied or substituted decision is not an appealable decision.

### **Appeal to Grand Court**

33. (1) A party to a proceeding may appeal to the Grand Court against a decision of the Tribunal on a question of law.  
(2) A person may appeal only with the leave of the Grand Court.

## **Division 4 – Procedures of Tribunal**

### **Tribunal may determine own procedures**

34. Subject to this Act, the rules or a relevant Act, the Tribunal may determine its own procedures.

### **Principles for conducting proceedings**

35. (1) In conducting a proceeding, the Tribunal shall act fairly and according to the substantial merits of the matter that is the subject of the proceeding.  
(2) The Tribunal —  
(a) shall comply with the rules of natural justice;  
(b) may inform itself in any way it considers appropriate and is not bound by the rules of evidence;  
(c) shall act with as little formality and technicality, and with as much speed, as the requirements of this Act, the relevant Act and a proper consideration of the matter permit; and  
(d) shall ensure, so far as is practicable, that all relevant material is disclosed to the Tribunal to enable it to decide the proceeding.

### **Tribunal to ensure parties are informed**

36. The Tribunal shall —  
(a) take reasonable steps to ensure that the parties to a proceeding have a reasonable opportunity to understand the nature of the matter under consideration;  
(b) take reasonable steps to ensure that the parties to a proceeding understand the nature of any assertions made in the proceedings and the legal implications of those assertions; and  
(c) explain to the parties, if requested to do so, any aspect of the procedure of the Tribunal, or any decision or direction made by the Tribunal.

### **When hearing may be dispensed with**

37. Subject to the rules, the Tribunal may determine an appeal without holding a hearing if —  
(a) it appears to the Tribunal that the issues for determination can be adequately determined in the absence of the parties; and  
(b) the parties consent to the appeal being determined without a hearing.

### **Power to adjourn proceedings**

38. The Tribunal may adjourn a proceeding at any time and to any place.

### **Sittings**

39. The Tribunal may sit at the times and in the places in the Islands determined by the President, including at different places at the same time.

### **Proceedings to be heard in public**

40. The hearing of a proceeding is to be open to the public unless the Tribunal orders otherwise under section 43.

### **Interpreters**

41. Unless the Tribunal directs otherwise, a party or a party's representative may be assisted in a proceeding by an interpreter or another person necessary to make the proceeding intelligible to that party or representative.

**Electronic hearings and proceedings on documents**

42. The Tribunal may allow the parties or their representatives or any witnesses to participate in a proceeding by means of telephone, video link, or any other system or method of communication.

**Tribunal may make orders for private hearing, non-publication**

43. (1) The Tribunal may make orders —
- (a) for a hearing, or part of a hearing, be held in private;
  - (b) prohibiting or restricting the publication of the name and address of a witness appearing before the Tribunal;
  - (c) prohibiting or restricting the publication of evidence given before the Tribunal; or
  - (d) excluding any person from a proceeding or any part of a proceeding.
- (2) The Tribunal may only do so if the Tribunal considers that the order is necessary —
- (a) in the interest of justice;
  - (b) by reason of the confidential nature of the evidence to be given before the Tribunal;
  - (c) to expedite proceedings of the Tribunal; or
  - (d) for any other reason.

**Preserving subject matter of proceedings**

44. (1) The Tribunal may make any order that may be necessary to preserve the subject matter of a proceeding, or to protect the interests of a party, until questions arising in a proceeding have been determined.
- (2) The Tribunal may make the order on the application of a party or on its own initiative.

**Interlocutory orders**

45. The Tribunal may make interlocutory orders.

**Security as to costs**

46. The Tribunal may order a party to a proceeding to give security for the payment of costs or to give an undertaking as to the payment of other monetary amounts that may be awarded against the party.

**Conditional and ancillary orders**

47. The Tribunal's power to make a decision in a proceeding includes a power to —
- (a) impose conditions on the decision; and
  - (b) make an ancillary order or direction the Tribunal considers appropriate.

**Disclosure of interests for assessors**

48. (1) This section applies if an assessor has or acquires an interest that may conflict with the performance of the assessor's functions in a proceeding.
- (2) The assessor shall disclose the nature of the assessor's interest to the President.
- (3) The assessor shall not perform any function as an assessor in the proceeding except with the consent of all parties to the proceeding.

**Disclosure of interests for members**

49. (1) This section applies if a member who constitutes, or is one of the members constituting, the Tribunal for a proceeding has or acquires an interest that may conflict with the performance of the member's functions in the proceeding.
- (2) The member shall disclose the nature of the member's interest to the President, or, if the member is the President, the Deputy President.
- (3) The member shall not constitute, or be one of the persons constituting, the Tribunal for the proceeding except with the consent of all parties to the proceeding.

**Directions for conduct of proceeding**

50. (1) The Tribunal may give a direction at any time in a proceeding and do whatever is necessary for the expeditious and fair conduct of the proceeding.
- (2) The Tribunal may give a direction on its own initiative or at the request of a party.
- (3) A directions hearing may be held for the purposes of this section before any other hearing in a proceeding.



**Frivolous, vexatious or improper proceedings**

51. (1) This section applies if the Tribunal considers that a proceeding —
- (a) is frivolous, vexatious, misconceived or lacking in substance;
  - (b) is being made for an improper purpose; or
  - (c) is otherwise an abuse of process.
- (2) The Tribunal may dismiss the proceeding on the application of a party or on its own initiative.
- (3) If the proceeding is dismissed, another proceeding of the same kind in relation to the same matter cannot be commenced without the leave of the President.

**Decisions and reasons for decisions**

52. (1) All decisions and orders made by the Tribunal shall be issued under the seal of the Tribunal.
- (2) The Tribunal shall give its decision, the reasons for the decision and any relevant findings of fact in writing to the parties to the proceeding within 28 days after the hearing of a proceeding.
- (3) However, the validity of a decision of the Tribunal is not affected merely because of a failure to comply with subsection (2).
- (4) The Tribunal may request an extension of the time limit mentioned in subsection (2) from the President.

**Publication**

53. The Tribunal may publish its final decision in a proceeding, with or without the reasons for the decision, in any way it considers appropriate.

**Proof of decisions and orders of Tribunal**

54. A document that is certified by the Registrar to be a copy of a decision or order of the Tribunal shall be accepted in any legal proceedings as a true copy of the decision or order of the Tribunal, in the absence of proof to the contrary.

**Power to issue summons**

55. The Tribunal may, on the application of a party or on its own initiative, issue a summons requiring a person to do either or both of the following —
- (a) appear before the Tribunal to give evidence; or
  - (b) produce a document or thing specified in the summons.

**Witnesses**

56. The Tribunal may require a witness to —
- (a) take an oath or make an affirmation before giving evidence; and
  - (b) answer a question put by a member or a person appearing before the Tribunal.

**Parties**

57. (1) A person is a party to a proceeding before the Tribunal if the person is —
- (a) the person appealing the relevant appealable decision;
  - (b) the decision maker in relation to the relevant appealable decision;
  - (c) a person joined in the proceeding by order of the Tribunal;
  - (d) a person intervening in the proceeding under section 59; or
  - (e) any other person specified in this Act or the relevant Act to be a party to the proceeding.
- (2) Subsection (1) applies subject to the rules.

**Person may be joined as party**

58. (1) The Tribunal may order that a person be joined as a party to a proceeding if the Tribunal considers that —
- (a) the person should be bound by, or have the benefit of, a decision of the Tribunal in the proceeding;
  - (b) the person's interests are affected by the proceeding; or
  - (c) it is desirable for any other reason for the person to be a party.

- (2) The Tribunal may make an order under this section on the application of any person or on its own initiative.

### **Person may intervene in proceeding**

- 59.** (1) A person may intervene in a proceeding with the leave of the Tribunal.
- (2) The Tribunal may grant a person leave to intervene —
- (a) on the grounds specified in the rules; and
  - (b) on any conditions the Tribunal considers appropriate.

### **Representation**

- 60.** (1) A party to a proceeding before the Tribunal is entitled to appear —
- (a) personally;
  - (b) by an attorney-at-law; or
  - (c) with the leave of the Tribunal and subject to the rules – by another representative.
- (2) Unless otherwise determined by the Tribunal, a person appearing before the Tribunal may be assisted by another person as a friend.

### **Parties bear own costs**

- 61.** Subject to sections 62 to 64, parties bear their own costs in a proceeding before the Tribunal.

### **Tribunal may make costs orders**

- 62.** (1) If the Tribunal considers that a party caused unreasonable delay or obstruction before or during a proceeding, the Tribunal may order the party to pay the reasonable costs of the other party arising from the delay or obstruction.
- (2) If the Tribunal decides an appeal in favour of the appellant, the Tribunal may order the other party to pay the filing fee for the appellant.
- (3) The Tribunal may make a costs order in other circumstances if the Tribunal considers it is necessary, in the interests of justice, to make an exception to the presumption that parties bear their own costs.
- (2) Before making a costs order, the Tribunal shall take into account —
- (a) the main objectives of the Tribunal that are relevant to simplifying proceedings and issues before the Tribunal and to keeping costs to parties to a minimum; and
  - (b) the need to ensure that proceedings are fair and that parties are not disadvantaged by proceedings that have little or no merit.

### **Costs order against a representative**

- 63.** The Tribunal may make a costs order against a representative of a party if the representative acted in, or delayed, the proceeding in a way that resulted in unnecessary costs.

### **Costs for assessor**

- 64.** (1) The Tribunal may make an order requiring a party to a proceeding to pay or contribute to the Tribunal's costs of obtaining an assessor's assistance.
- (2) The Tribunal may only make an order under subsection (1) if —
- (a) before obtaining the assistance of the assessor, the Tribunal advised the party of —
    - (i) the Tribunal's intention of obtaining the assistance;
    - (ii) the estimated costs of obtaining the assistance;
    - (iii) the estimated amount of the party's payment or contribution; and
  - (b) the Tribunal gave the party an opportunity to be heard on the matter of obtaining the assistance.

### **Rules**

- 65.** (1) The President may make rules for this Act.
- (2) The rules may, subject to this or a relevant Act —
- (a) regulate pleading, practice and procedure in the Tribunal;
  - (b) prescribe forms to be used in any proceedings before the Tribunal;
  - (c) subject to subsection (3), prescribe the fees of the Tribunal;





- (d) regulate matters relating to costs;
  - (e) regulate the taking, giving and admission of evidence; and
  - (f) provide for such other matters as may be reasonably necessary for or incidental to the administration of this Act.
- (3) A rule prescribing fees does not have effect until it has been approved by the Cabinet.
  - (4) The rules do not come into force until they have been gazetted.

#### **Practice directions**

- 66.** (1) The President may issue practice directions for the Tribunal as the President considers necessary or convenient for the operation of the Tribunal.
- (2) If there is an inconsistency between a practice direction and the rules, the rules prevail to the extent of the inconsistency.

## **PART 4 - MISCELLANEOUS MATTERS**

#### **Protection from liability and indemnity**

- 67.** (1) In this section —
- “**exercise**”, of a power, includes the purported exercise of the power;
  - “**performance**”, of a function, includes the purported performance of the function.
- (2) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function as a member.
- (3) In addition, the person is not civilly or criminally liable for an act done or omitted to be done by the Tribunal in good faith in the exercise of a power or performance of a function under this or another Act.
- (4) The Government shall indemnify each member against all claims, damages, costs, charges or expenses incurred for an act done or omitted to be done in good faith in the exercise of a power or performance of a function as a member.

#### **Protection from liability for disclosure**

- 68.** If a person produces a document or other material under a requirement of this Act, the person is not civilly or criminally liable, or in breach of a professional code, for doing so.

#### **Confidentiality of information**

- 69.** (1) A person commits an offence if the person —
- (a) obtains information in the course of performing functions connected with the administration of this Act; and
  - (b) engages in conduct that results in the disclosure of the information.
- (2) The person is liable on conviction to a fine of ten thousand dollars and imprisonment for one year.
- (3) Subsection (1) does not apply if —
- (a) the person discloses the information —
    - (i) for the administration of this Act;
    - (ii) with the consent of the person to whom the information relates; or
    - (iii) for legal proceedings arising out of the operation of this Act; or
  - (b) the information is otherwise available to the public.

#### **Annual report**

- 70.** (1) The President shall prepare and give the Attorney-General a report on the administration and operation of the Tribunal for each financial year.
- (2) The report shall be given to the Attorney-General within 3 months after the end of the financial year.
- (3) The Attorney-General shall table a copy of the report in the Parliament at the next sitting after the Attorney-General receives the report.

#### **Seal**

- 71.** (1) The Tribunal shall have a seal for sealing documents issued out of the Tribunal and required to be sealed.

- (2) The seal shall be of a design approved by the President and shall include the words "The Seal of the Administrative Appeals Tribunal".
- (3) The seal of the Tribunal may be affixed to a document manually or electronically.

**Regulations**

- 72.** The Cabinet may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary to be prescribed for giving effect to the purposes of this Act.

