



Anti-Discrimination Act 1991

Anti-Discrimination Tribunal Rule 2005

Reprinted as in force on 1 September 2005

Reprint No. 1

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LAST REPRINT BEFORE REPEAL
See 2009 Act No. 24 s 1367

Information about this reprint

This rule is reprinted as at 1 September 2005.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Anti-Discrimination Tribunal Rule 2005

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Anti-Discrimination Tribunal Rule 2005

[reprinted as in force on 1 September 2005]

Part 1 Preliminary

1 Short title

This rule may be cited as the *Anti-Discrimination Tribunal Rule 2005*.

2 Commencement

This rule commences on 1 September 2005.

3 Dictionary

The dictionary in schedule 2 defines particular words used in this rule.

Part 2 Pre-hearing process

Division 1 Interim orders and orders varying or revoking interim orders

4 Application for order under s 144 or 190 of the Act

- (1) An application for an order under section 144 or 190¹ of the Act must—

1 Section 144 (Interim orders protecting complainant's interests (before reference to Tribunal)) or 190 (Interim orders protecting complainant's interests (tribunal)) of the Act

- (a) be in writing and be signed by, or on behalf of, the applicant; and
 - (b) state the order sought and the reasons for seeking the order; and
 - (c) be filed with the tribunal.
- (2) However, if the tribunal is satisfied exceptional circumstances exist in relation to the application, the application may be made orally.

5 Applicant to give copy of application and supporting documents

- (1) At least 2 clear days before the tribunal hears an application for an order under section 144 or 190 of the Act, the applicant must give a copy of the application and any documents filed in support of the application to the following persons—
- (a) the respondent to the application;
 - (b) for an application made under section 144(1) of the Act by the complainant—the commissioner;
 - (c) for an application made under section 144(1) of the Act by the commissioner—the complainant;
 - (d) for an application made under section 144(2) of the Act by a party to the complaint—the commissioner;
 - (e) for an application made under section 144(2) of the Act by the commissioner—the party to the complaint who is not the respondent to the application.
- (2) However, if the tribunal is satisfied exceptional circumstances exist in relation to the application, it may hear the application even if the applicant has not complied with subsection (1).

6 Application for order may be heard in absence of respondent

If the tribunal is satisfied it is in the interests of justice, an application for an order under section 144(1) or 190(1) of the Act may be heard in the absence of the respondent to the application.

7 Applicant to give copy of order

- (1) If the tribunal makes an order under section 144 or 190 of the Act, the applicant must promptly give a copy of the order to the following persons—
 - (a) the respondent to the application;
 - (b) for an application made under section 144(1) of the Act by the complainant—the commissioner;
 - (c) for an application made under section 144(1) of the Act by the commissioner—the complainant;
 - (d) for an application made under section 144(2) of the Act by a party to the complaint—the commissioner;
 - (e) for an application made under section 144(2) of the Act by the commissioner—the party to the complaint who is not the respondent to the application;
 - (f) any other person the tribunal directs.
- (2) However, the tribunal may order the registrar to give a copy of the order to a person mentioned in subsection (1) or may order that service on the person be effected in a particular way.

Division 2 Documents to be filed and given on referral of complaint to tribunal

8 Definitions for pt 2, div 2

In this division—

complaint means a complaint referred to the tribunal under section 155(4), 164A(3)(a), 166(1) or 167(4)(b) or (5)² of the Act.

referral notice means a written notice stating the commissioner has referred a complaint to the tribunal.

² Section 155 (Requirement to initiate investigation), 164A (Right of complainant to seek referral to tribunal after conciliation conference), 166 (Complainant may obtain referral of unconciliated complaint) or 167 (Complainant or respondent may seek referral after 6 months) of the Act

referral report means the commissioner's report relating to a complaint.

9 Filing and giving referral documents

- (1) On referral of a complaint, the commissioner must file with the tribunal a referral notice and referral report in relation to the complaint.
- (2) As soon as practicable after the notice and report in relation to the complaint are filed under subsection (1), the registrar must give a copy of the notice and report to the parties to the complaint.

10 Referral notice to include addresses for service

A referral notice for a complaint must set out the following information in relation to a complaint—

- (a) a party's address for service as notified to the commissioner under the Act;
- (b) if a party to the complaint has given the commissioner notice of a change in the party's address for service under section 263E(1)³ of the Act, the changed address for service.

11 Referral report not to include particular information

Nothing said or done in the course of conciliation of a complaint may be included in the referral report in relation to the complaint.

12 Registrar to give notice of conference

- (1) This section applies if the tribunal orders a person to confer with a member of the tribunal under section 180(1)(a)⁴ of the Act.

3 Section 263E (Change of address for service) of the Act

4 Section 180 (Tribunal powers prior to a hearing (conference)) of the Act

- (2) The registrar must, as soon as practicable after the order is made, give to the person notice of the place, date and time fixed for the conference.

Part 3 Hearing process

13 Giving order for attendance at hearing and evidence

- (1) As soon as practicable after the tribunal makes an order under section 201(1)⁵ of the Act in relation to a person, the party who applied for the order must give a copy of it to the person.
- (2) However, the tribunal may order the registrar to give a copy of the order to the person or may order that service on the person be effected in a particular way.

Part 4 Post-hearing process

14 Registrar to give copy of reasons for decision to commissioner and parties

If the tribunal gives written reasons for a decision in relation to a proceeding, the registrar must, as soon as practicable after the reasons have been given, give a copy of the reasons to—

- (a) the parties to the proceeding; and
- (b) the commissioner.

15 Enforcement of orders—Act, s 212

- (1) A person who wishes to enforce an order of the tribunal under section 212 of the Act may request the registrar to certify a copy of the order as a true copy of the order.

⁵ Section 201 (Tribunal's powers relating to attendance at hearing and evidence) of the Act

- (2) The registrar must promptly comply with a request under subsection (1).

Part 5 Tribunal's powers

16 Orders or directions about conduct of proceeding—Act, s 249

The tribunal may make orders and give directions about the conduct of a proceeding it considers appropriate including, for example, orders or directions about any of the following matters—

- (a) defining issues by points of claim, points of defence, witness statements or otherwise;
- (b) disclosure or inspection of documents;
- (c) the place, date, time and method of hearing;
- (d) whether a witness in a hearing is to give evidence—
 - (i) orally or by signed written statement, or both; or
 - (ii) orally or by affidavit, or both;
- (e) the participation of the parties to the proceeding in a conciliation under section 188⁶ of the Act.

6 Section 188 (Tribunal to refer complaint for conciliation) of the Act

- (2) Before the tribunal decides the application, the registrar must give reasonable written notice of the application to—
 - (a) the respondent; and
 - (b) the commissioner.

19 Non-contentious matters—Act, s 257A

- (1) For section 257A⁹ of the Act, the following are non-contentious matters—
 - (a) a matter in relation to a provision of the Act stated in schedule 1;
 - (b) a matter in relation to an order or direction about a matter mentioned in section 16(a), (b), (c), (d) or (e).
- (2) However, a matter in relation to a provision of the Act stated in schedule 1 is not a non-contentious matter if a party to the proceeding advises the registrar of an objection to the matter being dealt with by the registrar.

20 Change of address for service

- (1) If a party to a complaint advises the tribunal, under section 263E(2) of the Act, of a change in the party's address for service, the registrar must notify all the parties of the change in that party's address.
- (2) Subsection (1) does not affect section 263E of the Act.

21 Forms

- (1) The president of the tribunal may approve forms for use under this rule.
- (2) If a person requests a copy of an approved form, the registrar must promptly comply with the person's request.

⁹ Section 257A (Powers of registrar to perform tribunal's functions and exercise tribunal's powers in non-contentious matter) of the Act

Part 7 Transitional provisions

22 References to expired rule

A reference in an Act or other document to the Anti-Discrimination Tribunal Rule 1993 may, if the context permits, be taken to be a reference to this rule.

23 Proceedings not finally dealt with under expired rule

- (1) On the commencement of this section, this rule applies to the next step or application in a proceeding not finally dealt with in the tribunal.
- (2) If a difficulty arises in the application of subsection (1) to a particular proceeding in the tribunal, the tribunal may, on application by a party or on its own initiative, make an order it considers appropriate to resolve the difficulty.

24 Orders made or directions given under expired rule

An order made, or a direction given, and still in force under the Anti-Discrimination Tribunal Rule 1993 immediately before the commencement of this section, continues in force as if the order had been made, or the direction had been given, under this rule.

Schedule 1 Non-contentious matters

section 19

| | |
|----------|--|
| s 179 | Complaints may be dealt with jointly |
| s 180(1) | Tribunal powers prior to a hearing (conference) |
| s 181(1) | Tribunal powers prior to a hearing (information and documents) |

Schedule 2 Dictionary

section 3

approved form means an approved form under section 21.

complaint, for part 2, division 2, see section 8.

proceeding means—

- (a) a complaint referred to the tribunal under section 155(4), 164A(3)(a), 166(1) or 167(4)(b) or (5) of the Act; or
- (b) an application made to the tribunal under the Act.

referral notice, for part 2, division 2, see section 8.

referral report, for part 2, division 2, see section 8.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Anti-Discrimination Tribunal Rule 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation | Key | Explanation |
|--------|--------------------------------|---------|---|
| AIA | = Acts Interpretation Act 1954 | (prev) | = previously |
| amd | = amended | proc | = proclamation |
| amdt | = amendment | prov | = provision |
| ch | = chapter | pt | = part |
| def | = definition | pubd | = published |
| div | = division | R[X] | = Reprint No.[X] |
| exp | = expires/expired | RA | = Reprints Act 1992 |
| gaz | = gazette | reloc | = relocated |
| hdg | = heading | renum | = renumbered |
| ins | = inserted | rep | = repealed |
| lap | = lapsed | (retro) | = retrospectively |
| notfd | = notified | rv | = revised edition |
| o in c | = order in council | s | = section |
| om | = omitted | sch | = schedule |
| orig | = original | sdiv | = subdivision |
| p | = page | SIA | = Statutory Instruments Act 1992 |
| para | = paragraph | SIR | = Statutory Instruments Regulation 2002 |
| prec | = preceding | SL | = subordinate legislation |
| pres | = present | sub | = substituted |
| prev | = previous | unnum | = unnumbered |

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments included | Effective | Notes |
|-------------|---------------------|------------------|-------|
| 1 | none | 1 September 2005 | |

5 List of legislation

Anti-Discrimination Tribunal Rule 2005 SL No. 220

made by the Anti-Discrimination Tribunal on 29 August 2005

notfd gaz on 31 August 2005 pp 1491–2

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2005 (see s 2)

exp 1 September 2015 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.