

ACAT APPEAL PROCESS FLOWCHART

Legend : AP = Appeal President
SC = Supreme Court

Application for appeal received by ACAT. Time limit for appeal? (28 days in SC)

On receipt of an application for appeal, the Registrar must give written notice to the respondent, advising that an application has been received and give a copy of the application to the respondent. The notice should advise that before responding, the AP will consider the application to determine whether it should proceed. Should it proceed, the parties may make a joint application for the appeal to be removed to the SC.

Consideration of application by Appeal President (7 days on receipt of application)

AP may request further information from the applicant or respondent if the information in the application form is insufficient to determine whether to hear or dismiss the appeal (21 days to supply further information)

Decision to dismiss

AP must give s 80(1) notice

After 21 days and consideration of any representations made, if:

- AP is satisfied it is in the public interest for tribunal to not consider the appeal, and
- has sufficient information to make an informed decision to dismiss, dismiss under s 80(2)

Registrar to send notice to applicant and respondent advising appeal has been dismissed under s 80(2), and that applicant may appeal the original decision to the SC under s 86

Decision to hear appeal

Registrar gives written notice to applicant and respondent that the appeal will be heard, along with a date for a conference / directions hearing

Respondent has 28 days to indicate how they intend to respond

If the matter is not finalised during a conference / directions hearings, matters proceeds to hearing

Decision by AP to remove to SC

Decision to remove to SC (if only one party applies for removal (83(2)), or by direction of the AP under s 85

Section 85 –

- AP considers that the appeal could be dealt with more conveniently or effectively by SC, and
- AP considers it would be appropriate for the appeal to be referred to SC; and
- AP has obtained SC's leave to refer the appeal
AP must refer to SC.

Joint application for removal from tribunal to Supreme Court (s 83(1))