



Applicant Details

Name *Specify the full name of all persons applying for this licence*

If the applicant is a corporation please supply the ACN

Attention (Optional) *(eg, Principal, Secretary, Managing Director, etc)*

Street Address

State

Postcode

Mailing Address *All correspondence will be delivered to this address (if same as street address please write 'as above')*

State

Postcode

Country
if not Australia

Contact Person's Details

(If different from above)

Title

Mr

Mrs

Ms

Miss

Other

please specify

Given
Name

Last
Name

Preferred
Phone

Alternate
Phone

Facsimile

Email
Address

Original Decision For Internal Review

Original decision: defined s.851(4)

State briefly the original decision to be reviewed and attach a copy of the 'original decision'.

OFFICE USE ONLY	Application Number	Client Number	Number of Attachments
	Received Date	/ /	Initials

OFFICE
STAMP
ONLY

Original Decision For Internal Review (continued)

Grounds for review

State the grounds for review.

Supporting Information

The application must be supported by enough information to enable the reviewer to decide the application: s.862(2)(b)

Also, list and attach any supporting documents including, for example, an 'information notice' or 'compliance notice', if applicable.

Evidence of compliance with s 863 (3) & (4)

If applicable, attach a copy of submitter notice given to other persons also given an 'information notice' and list any documents attached.

Also, provide evidence of when the documents were given to other persons.

Declaration

All parties to complete and sign the declaration below

I/We declare that the information contained in this application is true and correct.

Name	
Signature	
Date	

Name	
Signature	
Date	

Attach separate sheet (or photocopy) if more than 2 signatures required

ATTACHMENT

PROCEDURE FOR MAKING AN APPLICATION FOR INTERNAL REVIEW

1. The application **must** be made within **30 business days** after the day the applicant is given the Information or Compliance Notice, or the day the notice of the decision is published: s.863(1).
2. The application must be in the approved form (Application for Internal Review of Original Decision) and supported by enough information to enable the reviewer to decide the application: s.862(2).
3. The reviewer may extend the time for applying for an internal review: s.863(2).
4. Chapter 6 of the *Water Act 2000* is set out below:

CHAPTER 6 - REVIEWS, APPEALS AND ARBITRATION

PART 1 - INTERPRETATION

851 Who is an interested person

(1) A person who has been given an information notice or a compliance notice by the chief executive, or an authorised officer appointed by the chief executive, is an interested person.

(2) However, if the decision for which the notice was given is in relation to a water resource plan, a resource operations plan or a wild river declaration, the interested person may appeal only to the extent a different decision, consistent with the plan or declaration, could have been made.

(3) A ratepayer or customer of a category 2 water authority who is dissatisfied with the authority's decision about a rate or charge made and levied on the customer or ratepayer is an interested person.

(4) The decision or action for which a notice was given under subsection (1) or the decision mentioned in subsection (3) is an original decision.

PART 2 - INTERNAL REVIEW OF DECISIONS

861 Appeal process starts with internal review

Every appeal against an original decision must be, in the first instance, by way of an application for internal review.

862 Who may apply for internal review

(1) An interested person, may apply for a review (an internal review) of an original decision mentioned in --
(a) section 851(1)--to the chief executive (the reviewer); or
(b) section 851(3)--to the chief executive officer of the category 2 water authority (also the reviewer).

(2) The application must be--
(a) in the approved form; and
(b) supported by enough information to enable the reviewer to decide the application.

863 Applying for an internal review

(1) The application must be made within 30 business days after --
(a) if the person is given an information notice about the decision or a compliance notice -- the day the person is given the information notice or a compliance notice; or
(b) if paragraph (a) does not apply and notice of the decision is published -- the day notice of the decision is published.

(2) The reviewer may extend the time for applying for an internal review.

(3) On or before making the application, the applicant must send the following documents to any other person who was given an information notice about the original decision --
(a) notice of the application (the submitter notice);
(b) a copy of the application and supporting documents.

(4) The submitter notice must inform the recipient that written submissions on the application may be made to the reviewer within 5 business days after the application is made to the reviewer.

(5) The application does not stay the original decision.

(6) The application must not be dealt with by --
(a) the person who made the original decision; or
(b) a person in a less senior office than the person who made the original decision.

- (7) Subsection (6) --
- (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and
 - (b) does not apply to an original decision made by the chief executive; and
 - (b) does not apply to an original decision made by a reviewer who is a category 2 water authority.

864 Review decision

- (1) Subsection (2) applies if the reviewer is satisfied the applicant has complied with--
- (a) section 862; and
 - (b) either--
 - (i) section 863(1); or
 - (ii) if the reviewer has extended the time for applying for an internal review -section 863(1) within the time extended under section 863(2); and
 - (c) if any other person was given an information notice about the original decision -section 863(3) and (4).
- (2) The reviewer must, within 20 business days after receiving the application --
- (a) review the original decision; and
 - (b) consider any properly made submissions by a recipient of the submitter notice; and
 - (c) make a decision (the review decision) to--
 - (i) confirm the original decision; or
 - (ii) amend the original decision; or
 - (iii) substitute another decision for the original decision.

(2A) The reviewer may, by notice to the applicant, before the period mentioned in subsection (2) has expired, extend the period by not more than 30 business days.

(2B) Only 1 notice may be given under subsection (2A) for each review.

(3) Within 10 business days after making the review decision, the reviewer must give the applicant and any person who was given notice of the original decision notice (the review notice) of the review decision.

- (4) The review notice must also state --
- (a) the reasons for the review decision; and
 - (b) that the applicant may, within 30 business days after the day the applicant is given the notice --
 - (i) for a decision or action about a water bore driller's licence -- appeal against the review decision to the Magistrates Court; and
 - (ii) for a decision or action mentioned in section 851(1), other than the giving of a compliance notice -- appeal against the review decision to the Land Court; and
 - (iii) for a decision or action mentioned in section 851(1) for which a compliance notice was given -- appeal against the review decision to the Magistrates Court; and
 - (iv) for a decision or action mentioned in section 851(3) -- appeal against the review decision to the Land Court; and
 - (c) that the applicant may apply to the court that under paragraph (b) would hear the appeal against the review decision for a stay of the review decision.

(4A) A copy of the relevant appeal or arbitration provisions of this Act must also be given with each review notice or copy of a review notice.

(5) If the reviewer does not comply with subsection (2) or (3), the reviewer is taken to have made a decision confirming the original decision.

(6) If the review decision confirms the original decision, for the purpose of arbitration or an appeal to a court, the original decision is taken to be the review decision.

(7) If the review decision amends the original decision, for the purpose of arbitration or an appeal to a court, the original decision as amended is taken to be the review decision.

865 Stay of operation of original decision

- (1) If an application is made for an internal review of an original decision, the applicant may immediately apply for a stay of the original decision to --
- (a) if, under section 864(4)(b)(i) or (iii), the applicant would be able to appeal to the Magistrates Court -- the Magistrates Court; and
 - (b) if, under section 864(4)(b)(ii) or (iv), the applicant would be able to appeal to the Land Court -- the Land Court.
- (2) The court may stay the original decision to secure the effectiveness of the review and any later arbitration or appeal to the court.
- (3) The stay --
- (a) may be given on conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- (4) The period of the stay must not extend past the time when the reviewer makes a review decision about the original decision and any later period the court allows the applicant to enable the applicant to appeal against the review decision.
- (5) The application affects the original decision, or carrying out of the decision, only if the decision is stayed.

PART 3 - APPEALS

877 Who may appeal

- (1) If an interested person has applied for a review of an original decision, any interested person for the original decision may appeal against the review decision to --
- (a) if the review decision was about an original decision or action about a water bore driller's licence -- the Magistrates Court; and
 - (b) if the review decision was about an original decision or action mentioned in section 851(1), other than the giving of a compliance notice -- the Land Court; and
 - (c) if the review decision was about a decision or action mentioned in section 851(1) for which a compliance notice was given -- the Magistrates Court; and
 - (d) if the review decision was about an original decision or action mentioned in section 851(3) -- the Land Court.
- (2) The Magistrates Court that has jurisdiction to hear the appeal is the court exercising jurisdiction at or nearest the place of the activity, proposed activity or land concerned.

878 Starting an appeal

- (1) An appeal is started by --
- (a) filing a notice of appeal with the court; and
 - (b) complying with the rules of court applicable to the appeal.
- (2) The notice of appeal must be filed within 30 business days after the appellant receives notice of the decision or the decision is taken to have been made.
- (3) The court may extend the period for filing the notice of appeal.

879 Staying operation of review decision

- (1) The appellant may apply to the court to which the appellant could have applied for a stay of an original decision for a stay of the operation of the review decision to secure the effectiveness of the arbitration or appeal.
- (2) The court may grant a stay of the operation of the review decision to secure the effectiveness of the arbitration or appeal.
- (3) The stay --
- (a) may be given on conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- (4) The period of the stay must not extend past the time when the arbitration is determined or the court decides the appeal.
- (5) The appeal affects the review decision, or carrying out of the decision, only if the decision is stayed.

880 Hearing procedures

- (1) The procedure for an appeal must be in accordance with the rules of court applicable to the appeal or, if the rules make no provision or insufficient provision, in accordance with directions of the judge.
- (2) An appeal is by way of rehearing, unaffected by the reviewer's decision.

881 Assessors

If the judge or member hearing an appeal is satisfied the appeal involves a question of special knowledge and skill, the judge or member may appoint 1 or more assessors to help the judge or member in deciding the appeal.

882 Powers of court on appeal

- (1) In deciding an appeal, the court may --
 - (a) confirm the review decision; or
 - (b) set aside the review decision; or
 - (c) amend the review decision in the way the court considers appropriate; or
 - (d) send the matter back to the reviewer and give the directions the court considers appropriate; or
 - (e) set aside the review decision and substitute it with a decision the court considers appropriate.
- (2) If the court amends the review decision or substitutes another decision for the review decision, the amended or substituted decision is, for this Act (other than this part) taken to be the reviewer's decision.
- (3) Each party to the appeal must bear the party's own costs for the appeal.
- (4) However, the court may order costs for the appeal, including allowances to witnesses attending for giving evidence at the appeal, as it considers appropriate in the following circumstances --
 - (a) the court considers the appeal was started merely to delay or obstruct;
 - (b) the court considers the appeal, or part of the appeal, to have been frivolous or vexatious;
 - (c) party has not been given reasonable notice of intention to apply for an adjournment of the appeal;
 - (d) a party has incurred costs because the party is required to apply for an adjournment because of the conduct of another party;
 - (e) a party has incurred costs because another party has defaulted in the court's procedural requirements;
 - (f) without limiting paragraph (d), a party has incurred costs because another party has introduced, or sought to introduce, new material;
 - (g) a party to the appeal does not properly discharge its responsibilities in the appeal.
- (5) If the court makes an order under subsection (4), the court may also order the party ordered to pay costs under subsection (4) to pay to the other party an amount as compensation for loss or damage suffered by the other party because of the appeal if the court considers --
 - (a) the appeal was started merely to delay or obstruct; or
 - (b) the appeal, or part of the appeal, to have been frivolous or vexatious.