



New South Wales

# Administrative Decisions Tribunal Legislation Further Amendment Bill 1998

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.\*

### Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Administrative Decisions Tribunal Act 1997* so as:
  - (i) to create an Occupational Regulation Division of the Administrative Decisions Tribunal ("the Tribunal") and allocate certain functions to the Division, and
  - (ii) to remove age restrictions on membership of the Tribunal, and
  - (iii) to enable the President to be appointed a Divisional Head of the Tribunal, and
  - (iv) to enable the President to assign a Divisional Head of a Division of the Tribunal to another Division of the Tribunal, and

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\* Amended in committee—see table at end of volume.

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- (v) to clarify who are parties in proceedings before the Tribunal for an original decision and to enable the Tribunal to join a person as a party of its own motion, and
  - (vi) to enable a judicial member of the Tribunal to authorise the Registrar or a Deputy Registrar of the Tribunal to hold a directions hearing, and
  - (vii) to enable the rules of the Tribunal to make provision in respect of the service, giving and lodgment of documents, and
  - (viii) to confirm that fees for appeals to an Appeal Panel of the Tribunal may be prescribed by regulations made under the Act, and
  - (ix) to remove the present requirement that the President is responsible for the administrative affairs of the Tribunal, and
  - (x) to make provision for matters of a savings and transitional nature consequent on the enactment of the proposed Act, and
  - (xi) to make other amendments of a consequential or minor nature.
- (b) to make amendments to the *Administrative Decisions Legislation Amendment Act 1997* of a machinery nature,
- (c) to amend the *Animal Research Act 1985*, the *Dangerous Goods Act 1975* and the *Surveyors Act 1929* to confer jurisdiction on the Tribunal to review decisions made under those Acts that are presently appealable to a court or a Minister.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act (except for certain provisions of Schedule 1) on a day or days to be appointed by proclamation. It also provides that Schedule 1 (except for Schedule 1 [20]–[23]) commences on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the Acts set out in Schedules 1–5.

**Clause 4** provides that matter appearing under the heading "Explanatory note" in the Schedules does not form part of the proposed Act.

**Schedules 1–5** make the amendments to the Acts outlined above.

A detailed explanation of each of the amendments is set out in the Bill after the amendments concerned.