

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Shane Rattenbury)

Administrative Decisions (Judicial Review) Amendment Bill 2013

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Administrative Decisions (Judicial Review) Amendment Bill 2013

A Bill for

An Act to amend the *Administrative Decisions (Judicial Review) Act 1989*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1	1	Name of Act
2		This Act is the <i>Administrative Decisions (Judicial Review)</i>
3		<i>Amendment Act 2013</i> .
4	2	Commencement
5		This Act commences on the day after its notification day.
6	<i>Note</i>	The naming and commencement provisions automatically commence on
7		the notification day (see Legislation Act , s 75 (1)).
8	3	Legislation amended
9		This Act amends the <i>Administrative Decisions (Judicial Review)</i>
10		<i>Act 1989</i> .
11	4	Dictionary
12		Section 2, note 1
13		<i>omit</i>
14		For example, the signpost definition ' <i>person aggrieved</i> —see
15		section 3B.' means that the term 'person aggrieved' is defined that
16		section.
17		<i>substitute</i>
18		For example, the signpost definition ' <i>conduct engaged in</i> for the
19		purpose of making a decision—see section 3C.' means that the term
20		'conduct engaged in' is defined in that section.
21	5	Meaning of <i>person aggrieved</i>
22		Section 3B
23		<i>omit</i>

6 New section 4A*insert***4A Who may make an application under this Act**

- (1) An eligible person may make an application under this Act.
- (2) However, the person may not make an application if—
 - (a) the enactment to which the subject matter of the application relates states that the subject matter may not be challenged by the person; or
 - (b) all of the following apply:
 - (i) the interests of the eligible person are not adversely affected by the decision;
 - (ii) the subject matter of the application is a decision about an individual;
 - (iii) an order of review in relation to the decision may prejudicially affect the individual;
 - (iv) the application fails to raise a significant issue of public importance.
- (3) The Supreme Court may at any time, on application by a party, refuse to hear the application or dismiss the application if satisfied that the applicant is not an eligible person.
- (4) In this section:
prejudicially affect, an individual, includes—
 - (a) adversely affect the rights of the individual; or
 - (b) impose a liability on the individual.

**7 Applications for review of decisions
Section 5 (1)**

omit everything before paragraph (a), substitute

- (1) An eligible person may apply to the Supreme Court for an order of review in relation to a decision to which this Act applies on 1 or more of the following grounds:

**8 Applications for review of conduct related to making of decisions
Section 6 (1)**

omit

a person aggrieved by the conduct

substitute

an eligible person

**9 Applications for failures to make decisions
Section 7 (1)**

omit

a person aggrieved by the failure to make the decision

substitute

an eligible person

10 Section 7 (2)

omit

a person aggrieved by the failure

substitute

an eligible person

1 **11 Application to be made a party to a proceeding**
2 **Section 12 (1)**

3 *substitute*

- 4 (1) An eligible person may apply to the Supreme Court to be made a
5 party to an application made under this Act.

6 **12 New section 19A**

7 *insert*

8 **19A Intervention by other people**

- 9 (1) The Supreme Court may, on application by a party or its own
10 initiative, give leave to a person (an *intervener*) to intervene in a
11 proceeding under this Act.
- 12 (2) In considering whether to give leave, the Supreme Court—
- 13 (a) must have regard to the following:
- 14 (i) whether the intervener's contribution is different from the
15 contribution of the parties to the proceeding;
- 16 (ii) whether the intervener's contribution is likely to be
17 useful to the court;
- 18 (iii) whether the intervention will unreasonably interfere with
19 the ability of someone who has a private interest in the
20 subject matter of the application to deal with it differently
21 or at all; and
- 22 (b) may have regard to any other matter the court considers
23 relevant.
- 24 (3) The Supreme Court may give leave subject to conditions.
- 25 (4) There is no right of appeal in relation to a decision of the Supreme
26 Court under this section.

1 **13 Dictionary, note 2**

2 *insert*

- 3 • corporation
4 • individual

5 **14 Dictionary, new definition of *eligible person***

6 *insert*

7 *eligible person*, for an application under this Act, means—

- 8 (a) an individual; or
9 (b) a corporation; or
10 (c) an unincorporated organisation or association if the subject
11 matter of the application relates to a matter that forms part of
12 the objects or purposes of the organisation or association.

13 **15 Dictionary, definition of *person aggrieved***

14 *omit*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 16 May 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
