

1993

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW)
(AMENDMENT) BILL 1993**

EXPLANATORY MEMORANDUM

Circulated by authority of

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ATTORNEY GENERAL**

ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) (AMENDMENT) BILL 1993

OUTLINE

The *Administrative Decisions (Judicial Review) Act 1989* (the Principal Act) provides for the review of decisions of an administrative character made, proposed to be made or required to be made under an enactment (other than for certain decisions specified in Schedule 1 to the Act) or conduct for the purposes of making a decision. A person who is entitled to apply to the Supreme Court for the review of a decision is entitled to seek a statement of reasons for the decision unless the decision is one specified in Schedule 2 to the Principal Act.

The Administrative Decisions (Judicial Review) (Amendment) Bill 1993 amends the Principal Act to provide that any person who considers that conduct engaged in for the purposes of making a decision, a decision or failure to make a decision under the *Buildings (Design and Siting) Act 1964* to be contrary to law to have standing to challenge that conduct, decision or failure to make a decision.

FINANCIAL CONSIDERATIONS

There may be a minor increase in the number of matters dealt with by the Supreme Court. It is not possible to quantify the impact which it is considered can be accommodated within existing resources.

DETAILS

Clause 4 amends the interpretation section of the Principal Act (section 3) by expanding the definition of 'person aggrieved' for the purposes of the Principal Act so that the term includes any person who considers that conduct engaged in for the purposes of making a decision, a decision or failure to make a decision under the *Buildings (Design and Siting) Act 1964* to be contrary to law.

Clause 5 amends section 9 of the Principal Act. Section 9 provides, *inter alia*, that the Supreme Court may, in its discretion, refuse to hear an application in relation to matters arising under the *Land (Planning and Environment) Act 1991* or the *Heritage Objects Act 1991* if the matter is being reviewed, or if an application for review has been made, by a person under some other law (for example, the *Administrative Appeals Tribunal Act 1989*). The clause amends section 9 by including the *Buildings (Design and Siting) Act 1964* in the list of legislation in respect of which the Supreme Court may exercise this discretion.

Clause 2 provides that commencement will be on the day on which the Act is notified in the *Gazette*.