

## **Administrative Decisions Tribunal Amendment Bill 2004**

### **Explanatory note**

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

#### Overview of Bill

The objects of this Bill are:

(a) to amend the *Administrative Decisions Tribunal Act 1997*:

(i) to provide that any appeal to an Appeal Panel of the Administrative Decisions Tribunal (the **Tribunal**) in respect of an interlocutory decision of the Tribunal may be instituted only with the leave of the Panel, and

(ii) to enable the President of the Tribunal to direct that an Appeal Panel of the Tribunal be constituted by a single presidential judicial member to deal with an interlocutory matter, and

(iii) to enable the President or (subject to any direction of the President) a Divisional Head to direct that one judicial member of a Division deal with an interlocutory matter arising in proceedings in the Division, and

(b) to amend the *Architects Act 2003*, the *Surveying Act 2002*, the *Veterinary Practice Act 2003* and the *Veterinary Surgeons Act 1986* to remove any right to appeal certain decisions of the Tribunal to an Appeal Panel and to provide instead for such appeals to be made directly to the Supreme Court, and

(c) to amend the *Children and Young Persons (Care and Protection) Act 1998* to enable the regulations under that Act to provide for certain decisions in relation to family day care children's services to be reviewed by the Tribunal.

#### 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 on a day or days to be appointed by proclamation. However, the amendments to the *Children and Young Persons (Care and Protection) Act 1998* will commence on the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendments to the *Administrative Decisions Tribunal Act 1997* set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the amendments to the Acts referred to in paragraphs (b) and (c) of the Overview, as set out in Schedule 2.

#### **Schedule 1 Amendment of Administrative Decisions Tribunal Act 1997**

**Schedule 1 [1]** inserts section 24A in the Act to enable:

(a) the President to direct that an Appeal Panel be constituted by one presidential judicial member to deal with an interlocutory matter arising in an internal appeal or external appeal, and

(b) the President or (subject to any direction of the President) a Divisional Head to direct that one judicial member of a Division deal with an interlocutory matter arising in proceedings in the Division.

**Schedule 1 [2]** amends section 113 of the Act to require the leave of an Appeal Panel before an appeal can be made to the Panel in respect of an interlocutory decision of the Tribunal. The amendment also provides that the President may direct that an Appeal Panel be constituted by a single presidential judicial member to deal with an application for such leave.

**Schedule 1 [3]** amends Schedule 5 to the Act to enable the Governor to make

regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

**Schedule 1 [4]** inserts a new Part in Schedule 5 to the Act that contains provisions of a savings and transitional nature consequent on the enactment of the proposed Act.

**Schedule 2 Amendment of other Acts**

**Schedule 2.1** amends the *Architects Act 2003* to remove the right to appeal to an Appeal Panel of the Tribunal against decisions of the Tribunal in proceedings commenced under that Act and to provide instead for such appeals to be made to the Supreme Court directly.

**Schedule 2.2** amends the *Children and Young Persons (Care and Protection) Act 1998* to enable the regulations under that Act to provide for certain decisions in relation to family day care children's services to be reviewed by the Tribunal.

**Schedule 2.3** amends the *Surveying Act 2002* to remove the right to appeal to an Appeal Panel of the Tribunal against decisions of the Tribunal in proceedings commenced under that Act and to provide instead for such appeals to be made to the Supreme Court directly.

**Schedule 2.4** amends the *Veterinary Practice Act 2003* to remove the right to appeal to an Appeal Panel of the Tribunal against decisions of the Tribunal in proceedings commenced under that Act and to provide instead for such appeals to be made to the Supreme Court directly.

**Schedule 2.5** amends the *Veterinary Surgeons Act 1986* to remove the right to appeal to an Appeal Panel of the Tribunal against decisions of the Tribunal in proceedings commenced under that Act and to provide instead for such appeals to be made to the Supreme Court directly.