

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
 - (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.