



New South Wales

# Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007

under the

Administrative Decisions Tribunal Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Administrative Decisions Tribunal Act 1997*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to amend the *Administrative Decisions Tribunal (General) Regulation 2004* so that:

- (a) certain decisions under the *Building Professionals Act 2005* and the *Building Professionals Regulation 2007* are excluded from the operation of section 53 of the *Administrative Decisions Tribunal Act 1997* (section 53 provides for decisions to be subject to internal review), and
- (b) certain decisions under the *Building Professionals Act 2005* are excluded from the operation of section 49 of the *Administrative Decisions Tribunal Act 1997* (section 49 allows an interested person to make a request for the reasons for the decision).

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including sections 49, 53 and 145 (the general regulation-making power).

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Clause 1 Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007

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**Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007**

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**1 Name of Regulation**

This Regulation is the *Administrative Decisions Tribunal (General) Amendment (Further Exclusions) Regulation 2007*.

**2 Commencement**

This Regulation commences on 1 March 2007.

**3 Amendment of Administrative Decisions Tribunal (General) Regulation 2004**

The *Administrative Decisions Tribunal (General) Regulation 2004* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

[1] **Part 5, heading**

Omit the heading. Insert instead:

### **Part 5 Reviewable decisions**

[2] **Clause 10A**

Insert before clause 11:

**10A Reviewable decisions excluded from requirement to provide reasons for decision under section 49 of the Act**

For the purposes of section 49 (4) (a) of the Act, a decision to make a finding or to take action of a kind referred to in section 33 of the *Building Professionals Act 2005* is excluded from the application of section 49 of the Act.

[3] **Clause 11 Reviewable decisions excluded from internal review under section 53 of the Act**

Insert before clause 11 (d):

- (c2) a decision referred to in section 18 (b) of the *Building Professionals Act 2005*,
- (c3) a decision referred to in section 18 (c) of the *Building Professionals Act 2005* made in the circumstances referred to in clause 2 (1) of Schedule 4 to the *Building Professionals Regulation 2007*,
- (c4) a decision referred to in section 18 (d) of the *Building Professionals Act 2005*,
- (c5) a decision referred to in section 18 (e) of the *Building Professionals Act 2005*, but only if:
  - (i) the decision is made in the circumstances referred to in clause 2 (1) of Schedule 4 to the *Building Professionals Regulation 2007*, or
  - (ii) the decision relates to the renewal of the person's certificate of accreditation, or
  - (iii) the decision is made under section 9 (2) of the *Building Professionals Act 2005*,

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Schedule 1 Amendments

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- (c6) a decision referred to in section 18 (f) of the *Building Professionals Act 2005* (but only if the decision is made on a ground set out in section 8 (2) (c), (d), (e) or (f) of that Act),
- (c7) a decision to make a finding or to take action of a kind referred to in section 33 of the *Building Professionals Act 2005*,

BY AUTHORITY

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