



New South Wales

# Administrative Decisions Review Regulation 2014

under the

Administrative Decisions Review Act 1997

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

BRAD HAZZARD, MP  
Attorney General

## Explanatory note

The object of this Regulation is to remake, without substantive amendments, the provisions of the *Administrative Decisions Review Regulation 2009* which is repealed on 1 September 2014 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the exclusion of certain classes of administratively reviewable decisions from the requirement to provide reasons for a decision and from internal review,
- (b) savings and formal matters.

This Regulation is made under the *Administrative Decisions Review Act 1997*, including sections 49 (4) (a), 53 (11) (b) and 71 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely, matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Administrative Decisions Review Regulation 2014

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### 1 Name of Regulation

This Regulation is the *Administrative Decisions Review Regulation 2014*.

### 2 Commencement

This Regulation commences on 1 September 2014 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Administrative Decisions Review Regulation 2009*, which is repealed on 1 September 2014 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

*the Act* means the *Administrative Decisions Review Act 1997*.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Administratively reviewable decisions excluded from requirement to provide reasons

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.

### 5 Administratively reviewable decisions excluded from internal review

For the purposes of section 53 (11) (b) of the Act, the administratively reviewable decisions specified in the Table to this clause are excluded from the operation of section 53 of the Act.

#### Table

Enabling legislation	Excluded decision
<i>Anti-Discrimination Act 1977</i>	A decision referred to in section 126A (6) of that Act.
<i>Architects Act 2003</i>	A decision referred to in section 31 or 44 of that Act.
<i>Building Professionals Act 2005</i>	Each of the following decisions: <ul style="list-style-type: none"><li>(a) a decision referred to in section 18 (b) or (d) of that Act,</li><li>(b) a decision referred to in section 18 (c) of that Act in the circumstances referred to in clause 2 (1) of Schedule 4 to the <i>Building Professionals Regulation 2007</i>,</li></ul>

Enabling legislation	Excluded decision
<p><i>Coal Mine Health and Safety Regulation 2006</i></p> <p><i>Fair Trading Act 1987</i></p> <p><i>Legal Profession Act 2004</i></p> <p><i>Surveying and Spatial Information Act 2002</i></p> <p><i>Tow Truck Industry Act 1998</i></p> <p><i>Veterinary Practice Act 2003</i></p>	<p>(c) a decision referred to in section 18 (e) of that Act, but only if:</p> <p>(i) the decision is made in the circumstances referred to in clause 2 (1) of Schedule 4 to the <i>Building Professionals Regulation 2007</i>, or</p> <p>(ii) the decision relates to the renewal of the person's certificate of accreditation, or</p> <p>(iii) the decision is made under section 9 (2) of that Act,</p> <p>(d) a decision referred to in section 18 (f) of that Act (but only if the decision is made on a ground set out in section 8 (2) (c), (d), (e) or (f) of that Act),</p> <p>(e) a decision to make a finding or to take action of a kind referred to in section 33 of that Act.</p> <p>A decision referred to in clause 209 (1) (b), (f) or (g) of the Regulation.</p> <p>A decision referred to in section 79A (8) of that Act.</p> <p>A decision of the Bar Council, the Law Society Council or the Legal Services Commissioner under that Act.</p> <p>A decision referred to in section 14 of that Act.</p> <p>A decision referred to in section 45 of that Act involving the exercise of a function conferred on Roads and Maritime Services under Division 4 of Part 3 of that Act.</p> <p>A decision referred to in section 34, 48 or 75 of that Act.</p>

## 6 Saving

Any act, matter or thing that, immediately before the repeal of the *Administrative Decisions Review Regulation 2009*, had effect under that Regulation continues to have effect under this Regulation.