

[Act 1997 No 77]



New South Wales

Administrative Decisions Legislation Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*
This Bill is cognate with the *Administrative Decisions Tribunal Bill 1997*.

Overview of Bill

The objects of this Bill are:

- (a) to confer the jurisdiction of various Tribunals that are to be abolished by Schedule 5 to the *Administrative Decisions Tribunal Bill 1997* on the Administrative Decisions Tribunal to be established by that Bill, and
- (b) to confer on the Administrative Decisions Tribunal the jurisdiction to review certain administrative decisions that are presently reviewable by, or appealable to, the Supreme Court, the Industrial Relations Commission, the District Court or the Local Court, and

* Amended in committee—see table at end of volume.

- (c) to confer on the Administrative Decisions Tribunal the jurisdiction to give the Ombudsman opinions on legal issues arising from the exercise of certain of the Ombudsman's functions under the *Ombudsman Act 1974*, and
- (d) to confer on the Administrative Decisions Tribunal the jurisdiction to review certain disciplinary and related action taken by the Minister under the *Public Lotteries Act 1996* in relation to licensees under that Act that is not presently appealable to a court or reviewable by a tribunal, and
- (e) to make various other amendments to certain Acts that are consequent on the abolition of these various Tribunals, the establishment of the Administrative Decisions Tribunal and the transfer of jurisdiction from courts to the Tribunal.

The following Tribunals are to be abolished by Part 2 of Schedule 5 to the *Administrative Decisions Tribunal Bill 1997*:

- the Boxing Appeals Tribunal continued under section 28 of the *Boxing and Wrestling Control Act 1986*
- the Community Services Appeals Tribunal constituted under the *Community Services (Complaints, Appeals and Monitoring) Act 1993*
- the Equal Opportunity Tribunal constituted under the *Anti-Discrimination Act 1977*
- the Legal Services Tribunal constituted under the *Legal Profession Act 1987*
- the Schools Appeals Tribunal constituted under the *Education Reform Act 1990*
- the Veterinary Surgeons Disciplinary Tribunal constituted under the *Veterinary Surgeons Act 1986*

The amendments represent the first stage of a process aimed at abolishing various existing Tribunals and transferring their jurisdiction to the Administrative Decisions 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.

Clause 3 is a formal provision giving effect to the Schedules of amendments.

Schedule 1 amends (and renames) the *Community Services (Complaints, Appeals and Monitoring) Act 1993* and amends various other Acts consequent on the abolition of the Community Services Appeals Tribunal.

Schedule 2 amends the *Anti-Discrimination Act 1977* and various other Acts consequent on the abolition of the Equal Opportunity Tribunal.

Schedule 3 amends the *Legal Profession Act 1987* and various other Acts consequent on the abolition of the Legal Services Tribunal.

Schedule 4 makes amendments to:

- the *Boxing and Wrestling Control Act 1986* consequent on the abolition of the Boxing Appeals Tribunal, and
- the *Education Reform Act 1990* consequent on the abolition of the Schools Appeals Tribunal, and
- the *Veterinary Surgeons Act 1986* consequent on the abolition of the Veterinary Surgeons Disciplinary Tribunal.

Schedule 5 amends various Acts to transfer certain jurisdiction to review administrative decisions from the District Court, the Industrial Relations Commission, the Local Court and the Supreme Court to the Administrative Decisions Tribunal.

Schedule 6 amends various other Acts consequent on the enactment of the *Administrative Decisions Tribunal Act 1997*.

A detailed explanation of each of the amendments is set out in the proposed Act after the amendment concerned. A list of the Acts to be amended by the proposed Act is set out in the notes at the end of the proposed Act.