

# Administrative Decisions Review Regulation 2019

[2019-380]



New South Wales

## Status Information

### Currency of version

Current version for 31 July 2020 to date (accessed 14 May 2024 at 17:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 31 July 2020

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# Administrative Decisions Review Regulation 2019



New South Wales

## 1 Name of Regulation

This Regulation is the [Administrative Decisions Review Regulation 2019](#).

## 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### Note—

This Regulation repeals and replaces the [Administrative Decisions Review Regulation 2014](#), which would otherwise be repealed on 1 September 2019 by section 10(2) of the [Subordinate Legislation Act 1989](#).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](#).

### Note—

The Act and the [Interpretation Act 1987](#) contain definitions and other provisions that affect the interpretation and application of this Regulation.

(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 application of section 53 of the Act.

## Table

### Enabling legislation

### Excluded decision

*Anti-Discrimination Act 1977*

A decision referred to in section 126A(6) of that Act.

*Architects Act 2003*

A decision referred to in section 31 or 44 of that Act.

*Building Professionals Act 2005*

- Each of the following decisions—
- (a) a decision referred to in section 18(b) or (d) of that Act,
  - (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 *Building Professionals Regulation 2007*,
  - (c) a decision referred to in section 18(e) of that Act, 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 that Act,
  - (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),
  - (e) a decision to make a finding or to take action of a kind referred to in section 33 of that Act.

*Education Act 1990*

A decision referred to in section 26HA(1) of that Act, but only if the decision results in the student being directed not to attend school for more than a total of 20 days in a 12-month period.

*Fair Trading Act 1987*

A decision referred to in section 79A(8) of that Act.

*Gaming and Liquor Administration Regulation 2016*

A decision in relation to an application referred to in clause 7 of that Regulation.

<a href="#"><i>Legal Profession Act 2004</i></a>	A decision of the Bar Council, the Law Society Council or the Legal Services Commissioner under that Act.
<a href="#"><i>Legal Profession Uniform Law (NSW)</i></a>	A decision of the Bar Council, the Law Society Council or the Legal Services Commissioner under that Law.
<a href="#"><i>Surveying and Spatial Information Act 2002</i></a>	A decision referred to in section 14 of that Act.
<a href="#"><i>Tow Truck Industry Act 1998</i></a>	A decision referred to in section 45 of that Act involving the exercise of a function conferred on the Secretary of the Department of Finance, Services and Innovation under Division 4 of Part 3 of that Act.
<a href="#"><i>Veterinary Practice Act 2003</i></a>	A decision referred to in section 34, 48 or 75 of that Act.

## **6 Repeal and saving**

- (1) The [\*Administrative Decisions Review Regulation 2014\*](#) is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the [\*Administrative Decisions Review Regulation 2014\*](#), had effect under that Regulation continues to have effect under this Regulation.