Administrative Decisions Tribunal Legislation Further Amendment Act 1998 No 156

[1998-156]

New South Wales

Status Information

Currency of version

Repealed version for 1 July 2005 to 27 October 2008 (accessed 25 November 2024 at 11:21)

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

Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**
  The Act was repealed by sec 5 (1) of the *Administrative Decisions Tribunal Amendment Act 2008* No 77 with effect from 28.10.2008.

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 28 October 2008

Administrative Decisions Tribunal Legislation Further Amendment Act 1998 No 156

New South Wales

Contents

Administrative Decisions Tribunal Legislation Further Amendment Act 1998 No 156

New South Wales

An Act to amend the *Administrative Decisions Tribunal Act 1997* to make further provision with respect to the Divisions, constitution and functions of the Tribunal; to amend various other Acts to confer jurisdiction on the Tribunal and to make consequential amendments and amendments in the nature of statute law revision; and for other purposes.

1 Name of Act

This Act is the *Administrative Decisions Tribunal Legislation Further Amendment Act 1998*.

2 Commencement

(1) Subject to subsection (2), this Act commences on a day or days to be appointed by proclamation.

(2) Schedule 1 (except for Schedule 1 [21]–[24]) commences on the date of assent.

3 Amendments

The Acts specified in Schedules 1–5 are amended as set out in those Schedules.

4 Explanatory notes

The matter appearing under the heading "Explanatory note" in Schedules 1–5 does not form part of this Act.

Schedule 1 Amendment of Administrative Decisions Tribunal Act 1997 No 76

(Section 3)

[1]–[20] (Repealed)

[21] Schedule 1 Divisions of Tribunal

Insert in alphabetical order:

Occupational Regulation Division

Explanatory note

Item [21] amends Schedule 1 of the *Administrative Decisions Tribunal Act 1997* to establish an Occupational Regulation Division of the Tribunal.

[22]   Schedule 2 Composition and functions of Divisions

Insert after Part 3:

Part 3A Occupational Regulation Division

Division 1 Composition of Division

1   Division members

(1) Subject to subclause (2), the Occupational Regulation Division of the Tribunal is to be composed of the following members:

(a) a Divisional Head,

(b) such other members as may be assigned to the Division by or under this Act.

(2) The regulations may make provision for or with respect to the assignment of members to the Occupational Regulation Division and the qualifications for appointment of a Divisional Head for the Division.

Division 2 Functions of Division

2   Functions allocated to Division

The functions of the Tribunal in relation to the following enactments (or specified provisions of enactments) are allocated to the Occupational Regulation Division of the Tribunal:

section 20 of the *Architects Act 1921*

Part 4B of the *Environmental Planning and Assessment Act 1979*

Home Building Act 1989

section 20F of the *Motor Dealers Act 1974*

sections 8 (4) and 39 of the *Pawnbrokers and Second-hand Dealers Act 1996*

Division 4 of Part 2 of the *Security Industry Act 1997*

section 16 of the *Surveyors Act 1929*

Trade Measurement Act 1989

Trade Measurement Administration Act 1989

Division 4 of Part 2 of the *Travel Agents Act 1986*

Parts 3, 4 and 6 of the *Veterinary Surgeons Act 1986*

Division 3 Special requirements for constitution of Tribunal for certain allocated functions

3   Veterinary Surgeons Act 1986 (Original decisions and reviewable decisions)

(1) For the purposes of exercising a function conferred or imposed on the Tribunal by or under the Act, the Tribunal is to be constituted by the following Division members of the Occupational Regulation Division of the Tribunal:

(a) 1 Division member who is a judicial member, and

(b) 1 Division member who is a non-judicial member and who is also a member of the Board, and

(c) 1 Division member who:

(i) is a non-judicial member, and

(ii) is not a veterinary surgeon, and

(iii) was assigned to the Division on the recommendation of the relevant Minister to represent the interests of users of veterinary services.

(2) In this clause:

Board means the Board of Veterinary Surgeons of New South Wales constituted under section 4 of the Act.

relevant Minister means the Minister administering the Act.

the Act means the *Veterinary Surgeons Act 1986*.

4   Security Industry Act 1997 (Reviewable decisions)

Applications made under section 29 of the *Security Industry Act 1997* are to be determined by one Division member of the Occupational Regulation Division of the Tribunal who is a judicial member.

Explanatory note

Item [22] amends Schedule 2 of the *Administrative Decisions Tribunal Act 1997* to insert a new Part to provide

for the composition and functions of the proposed Occupational Regulation Division of the Tribunal.

[23]   Schedule 2

Omit "*Veterinary Surgeons Act 1986*" from clause 2 (1) of Part 4.

[24]   Schedule 2

Omit clauses 7 and 8 from Part 4.

Explanatory note

Items [23] and [24] make amendments that are consequential on the allocation by item [22] of the Tribunal's functions under the *Security Industry Act 1997* and the *Veterinary Surgeons Act 1986* to the proposed Occupational Regulation Division.

[25]–[30]   (Repealed)

Schedules 2–5 (Repealed)