ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 1978

Date Introduced: 24 May 1978
House: House of Representatives
Presented by: Honourable R.I. Viner, Minister representing the Attorney-General

Short Digest of Bill

Purpose

To prevent jurisdiction being conferred on the Administrative Appeals Tribunal to review decisions made under Northern Territory laws for which the Territory Ministers have executive authority.

Background

The Administrative Appeals Tribunal Act 1975 provides that persons whose interests are affected by certain administrative decisions may apply to the Tribunal for a review of the decision; the Tribunal may affirm or vary the decision, set it aside and substitute its own decision or refer it to the decision-maker for recommended action. Not all decisions may be reviewed; sections 25 and 26 provide that the Tribunal may review decisions which are specified in the Schedule to the Act or in enactments (Acts, Territory Ordinances and subordinate legislation made under Acts or Territory Ordinances). The progressive implementation of self-government in the Northern Territory means that Territory Ministers will have executive authority for matters which are to be specified in regulations (see Digest of the Northern Territory (Self-Government) Bill 1978). The Administrative Appeals Tribunal Amendment Bill 1978 excludes, from the decisions which may be specified as subject to review by the Tribunal, decisions for which the Territory Ministers have executive authority unless jurisdiction has already been conferred by a Territory Ordinance in force on 1 July 1978 when this Bill comes into operation.

Provisions

Clause 3 amends the definition of "enactment" in section 3 so that Northern Territory Ordinances and subordinate legislation are excluded.

Clause 4 amends section 25 so that jurisdiction may be conferred on the Tribunal to review decisions under Northern Territory
laws on matters for which Territory Ministers do not have executive authority; and clause 5 ensures that the powers of the Tribunal may be exercised in relation to such decisions.

Clause 6 continues any jurisdiction which may already be conferred in the Tribunal by a Northern Territory Ordinance when the Bill comes into operation on 1 July 1978.

29 May 1978

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