



New South Wales

Administrative Decisions Review Regulation 2019

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*.

MARK SPEAKMAN, MP
Attorney General, and Minister for the Prevention of Domestic Violence

Explanatory note

The object of this Regulation is to repeal and remake, with minor amendments, the *Administrative Decisions Review Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

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) repeal, 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.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Administratively reviewable decisions excluded from requirement to provide reasons	3
5 Administratively reviewable decisions excluded from internal review	3
6 Repeal and saving	4

Administrative Decisions Review Regulation 2019

under the

Administrative Decisions Review Act 1997

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 This Regulation repeals and replaces the *Administrative Decisions Review Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.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

Enabling legislation	Excluded decision
<i>Building Professionals Act 2005</i>	<p>Each of the following decisions:</p> <ul style="list-style-type: none"> (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 <i>Building Professionals Regulation 2007</i>, (c) a decision referred to in section 18 (e) of that Act, but only if: <ul style="list-style-type: none"> (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 (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.
<i>Fair Trading Act 1987</i>	A decision referred to in section 79A (8) of that Act.
<i>Gaming and Liquor Administration Regulation 2016</i>	A decision in relation to an application referred to in clause 7 of that Regulation.
<i>Legal Profession Act 2004</i>	A decision of the Bar Council, the Law Society Council or the Legal Services Commissioner under that Act.
<i>Legal Profession Uniform Law (NSW)</i>	A decision of the Bar Council, the Law Society Council or the Legal Services Commissioner under that Law.
<i>Surveying and Spatial Information Act 2002</i>	A decision referred to in section 14 of that Act.
<i>Tow Truck Industry Act 1998</i>	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.
<i>Veterinary Practice Act 2003</i>	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.