

# EXPOSURE DRAFT

**Mr Shane Rattenbury**

(Prepared by Parliamentary Counsel's Office)

## **Administrative Decisions (Judicial Review) Amendment Bill 2013**

### **Contents**

---

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Dictionary	
Section 2, note 1	2
5 Meaning of <i>person aggrieved</i>	
Section 3B	2
6 New section 4A	3

## Contents

---

	Page
7 Applications for review of decisions Section 5 (1)	4
8 Applications for review of conduct related to making of decisions Section 6 (1)	4
9 Applications for failures to make decisions Section 7 (1)	4
10 Section 7 (2)	5
11 Application to be made a party to a proceeding Section 12 (1)	5
12 New section 19A	5
13 Dictionary, new definition of <i>eligible person</i>	6
14 Dictionary, definition of <i>person aggrieved</i>	6

## EXPOSURE DRAFT

# EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

## Administrative Decisions (Judicial Review) Amendment Bill 2013

---

### A Bill for

An Act to amend the *Administrative Decisions (Judicial Review) Act 1989*

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Administrative Decisions (Judicial Review) Amendment Act 2013*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Administrative Decisions (Judicial Review) Act 1989*.

**4 Dictionary  
Section 2, note 1**

*omit*

*‘person aggrieved’*—see section 3B.’ means that the term ‘person aggrieved’ is defined that section.

*substitute*

*‘conduct engaged in’* for the purpose of making a decision—see section 3C.’ means that the term ‘conduct engaged in’ is defined in that section.

**5 Meaning of *person aggrieved*  
Section 3B**

*omit*

**6 New section 4A**

*insert*

**4A Who may make an application under this Act**

- (1) A person (an *eligible person*) may make an application under this Act unless—
  - (a) the enactment to which the subject matter of the application relates states that the subject matter may not be challenged by the person; or
  - (b) it would not be in the public interest to allow the person to make the application because it would unreasonably interfere with the ability of someone who has a private interest in the subject matter of the application to deal with it differently or at all.
- (2) The Supreme Court may at any time, on application by a party, refuse to hear the application or dismiss the application if satisfied that the applicant is not an eligible person.

**EXPOSURE DRAFT**

**7 Applications for review of decisions  
Section 5 (1)**

*omit everything before paragraph (a), substitute*

- (1) An eligible person may apply to the Supreme Court for an order of review in relation to a decision to which this Act applies on 1 or more of the following grounds:

**8 Applications for review of conduct related to making of decisions  
Section 6 (1)**

*omit*

a person aggrieved by the conduct

*substitute*

an eligible person

**9 Applications for failures to make decisions  
Section 7 (1)**

*omit*

a person aggrieved by the failure to make the decision

*substitute*

an eligible person

**10      Section 7 (2)**

*omit*

a person aggrieved by the failure

*substitute*

an eligible person

**11      Application to be made a party to a proceeding  
Section 12 (1)**

*substitute*

- (1) An eligible person may apply to the Supreme Court to be made a party to an application made under this Act.

**12      New section 19A**

*insert*

**19A      Intervention by other people**

- (1) The Supreme Court may, on application by a party or its own initiative, give leave to a person (an *intervener*) to intervene in a proceeding under this Act.
- (2) In considering whether to give leave, the Supreme Court—
- (a) must have regard to the following:
- (i) whether the intervener's contribution is different from the contribution of the parties to the proceeding;
- (ii) whether the intervener's contribution is likely to be useful to the court;

**EXPOSURE DRAFT**

- (iii) whether the intervention will unreasonably interfere with the ability of someone who has a private interest in the subject matter of the application to deal with it differently or at all; and
- (b) may have regard to any other matter the court considers relevant.
- (3) The Supreme Court may give leave subject to conditions.
- (4) There is no right of appeal in relation to a decision of the Supreme Court under this section.

**13 Dictionary, new definition of *eligible person***

*insert*

*eligible person*—see section 4A (1).

**14 Dictionary, definition of *person aggrieved***

*omit*

## EXPOSURE DRAFT



---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2013.

**2 Notification**

Notified under the [Legislation Act](#) on 2013.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

## EXPOSURE DRAFT