THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (RELATED AMENDMENT) BILL 2005

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education, Science and Training the Hon Dr Brendan Nelson MP)
COMMONWEALTH RADIOACTIVE WASTE MANAGEMENT (RELATED AMENDMENT) BILL 2005

OUTLINE

This Bill amends Schedule 1 to the Administrative Decisions (Judicial Review) Act 1977 to include a reference to a decision to select a site for a Commonwealth radioactive waste management facility made by the Minister under Section 7 of the Commonwealth Radioactive Waste Management Act 2005.

The Bill has the effect of adding the Commonwealth Radioactive Waste Management Act 2005 to the classes of decisions that are not decisions to which the Administrative Decisions (Judicial Review) Act 1977 applies.

FINANCIAL IMPACT

The related amendments in this Bill will, among other things, preclude any possibility of financial implications, or net effects on the Budget by avoiding potential legal challenges to Ministers decision making power in selecting a site for a Commonwealth Radioactive Waste Management Facility.
NOTES ON CLAUSES

Part 1—Preliminary

Clause 1 - Short title

Provides for the Act to be cited as the Commonwealth Radioactive Waste Management (Related Amendment) Act 2005.

Clause 2 - Commencement

Subclause 2(1) inserts a three column table setting out commencement information for various provisions in the Act. Each provision of the Act specified in column 1 of the table commences (or is taken to have commenced) in accordance with column 2 of the table and any other statement in column 2 has effect according to its terms.

The table has the effect of providing for sections 1 to 3 of the Act to commence on Royal Assent and for Schedule 1 to commence at the same time as the Commonwealth Radioactive Waste Management Act 2005 commences.

Subclause 2(2) provides that column 3 of the table is for additional information which may be added to or edited in any published version of the Act but that information in this column is not part of the Act.

Clause 3 - Schedule(s)

Provides that each Act that is specified in a Schedule is amended or repealed as set out in the applicable items in the Schedule and that any other item in a Schedule has effect according to its terms.
Schedule 1—Amendment

*Administrative Decisions (Judicial Review) Act 1977*

**Item 1  At the end of Schedule 1**

Inserts a new paragraph (zc) in Schedule 1 to the Act which has the effect of adding a declaration under section 7 of the *Commonwealth Radioactive Waste Management Act 2005* to the classes of decisions that are not decisions to which the *Administrative Decisions (Judicial Review) Act 1977* applies.