



# **Administrative Decisions (Judicial Review) Regulations 1985**

**Statutory Rules No. 209, 1985 as amended**

made under the

*Administrative Decisions (Judicial Review) Act 1977*

**Compilation start date:** 12 April 2013

**Includes amendments up to:** SLI No. 51, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### The compiled instrument

This is a compilation of the *Administrative Decisions (Judicial Review) Regulations 1985* as amended and in force on 12 April 2013. It includes any amendment affecting the compiled instrument to that date.

This compilation was prepared on 16 May 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending Acts and instruments and the amendment history of each amended provision.

### Uncommenced provisions and amendments

If a provision of the compiled instrument is affected by an uncommenced amendment, the text of the uncommenced amendment is set out in the endnotes.

### Application, saving and transitional provisions for amendments

If the operation of an amendment is affected by an application, saving or transitional provision, the provision is identified in the endnotes.

### Modifications

If a provision of the compiled instrument is affected by a textual modification that is in force, the text of the modifying provision is set out in the endnotes.

### Provision ceasing to have effect

If a provision of the compiled instrument has expired or otherwise ceased to have effect in accordance with a provision of the instrument, details of the provision are set out in the endnotes.

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## 1 Name of Regulations

These Regulations are the *Administrative Decisions (Judicial Review) Regulations 1985*.

## 2 Interpretation

- (1) In these Regulations:

*Act* means the *Administrative Decisions (Judicial Review) Act 1977*.

*Court* means the Federal Court of Australia or the Federal Circuit Court.

- (2) A reference in regulation 3 to an Act or a provision of an Act shall be read as including a reference to regulations or by-laws in force under that Act or for the purposes of that provision, as the case may be.

### 2A Decisions to which section 13 of the Act does not apply

The following class of decisions are decisions that are not decisions to which section 13 of the Act applies, namely, decisions of the Commonwealth Funds Management Limited in relation to its commercial activities.

## 3 Decisions not subject to judicial review

The following classes of decisions are declared to be decisions that are not subject to judicial review by the Court under the Act, namely:

- (a) decisions of the Australian Conciliation and Arbitration Commission made under the *Building Industry Act 1985*;
- (b) decisions under the *Builders Labourers' Federation (Cancellation of Registration—Consequential Provisions) Act 1986*;

- (c) decisions under the *Conciliation and Arbitration Act 1904* in its application by virtue of the *Builders Labourers' Federation (Cancellation of Registration—Consequential Provisions) Act 1986*;
- (d) decisions under the provisions of the *Conciliation and Arbitration Act 1904*, or of the regulations in force under that Act, referred to in subsection 6(2) of the *Builders Labourers' Federation (Cancellation of Registration—Consequential Provisions) Act 1986* in their application by virtue of that subsection;
- (e) decisions under the *Parliamentary Commission of Inquiry Act 1986*;
- (f) decisions making, or forming part of the process of making, or leading up to the making of, assessments within the meaning of the *Taxation (Administration) Ordinance 1987* of the Australian Capital Territory, or decisions disallowing, wholly or partly, objections to such assessments, or decisions refusing, wholly or partly, to amend such assessments, under any of the following Ordinances of the Australian Capital Territory, namely, the *Business Franchise (Tobacco and Petroleum Products) Ordinance 1984*, the *Financial Institutions Duty Ordinance 1987*, the *Payroll Tax Ordinance 1987*, the *Stamp Duties and Taxes Ordinance 1987* and the *Taxation (Administration) Ordinance 1987*;
- (g) decisions under a provision of the law of Western Australia as in force in:
  - (i) the Territory of Christmas Island under section 8A of the *Christmas Island Act 1958*; and
  - (ii) the Territory of Cocos (Keeling) Islands under section 8A of the *Cocos (Keeling) Islands Act 1955*;except decisions of the following persons or bodies:
  - (iii) a person holding or exercising the powers of the office of Administrator or Deputy Administrator of the Territory under the *Administration Ordinance 1968* of the Territory of Christmas Island or under the *Administration Ordinance 1975* of the Territory of Cocos (Keeling) Islands;

- (iv) a person holding or exercising the powers of an office established by an Act;
  - (v) a person holding or exercising the powers of an office established by an Ordinance, or a law made under an Ordinance, of the Territory of Christmas Island or of the Territory of Cocos (Keeling) Islands;
  - (vi) an authority (whether incorporated or not) established by an Act;
  - (vii) an authority (whether incorporated or not) established by an Ordinance, or a law made under an Ordinance, of the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands;
  - (viii) an officer or employee within the meaning of the *Public Service Act 1922*;
  - (ix) a person employed under the *Administration Ordinance 1968* of the Territory of Christmas Island or under the *Administration Ordinance 1975* of the Territory of Cocos (Keeling) Islands;
  - (x) a person employed by an authority mentioned in subparagraph (vi) or (vii);
  - (xi) a member of the Defence Force;
  - (xii) a member or special member of the Australian Federal Police;
  - (xiii) a person appointed by the Minister for the Environment, Sport and Territories under subsection 8G(6) of the *Christmas Island Act 1958* or the *Cocos (Keeling) Islands Act 1955*;
- (h) decisions under subsection 2B(2) of the *Quarantine Act 1908* in relation to a Proclamation that:
- (i) is issued under subsection 2B(1) of that Act; and
  - (ii) includes a declaration under subsection 2B(2A) of that Act;
- (i) decisions to give a direction or to take other authorised action under section 3 of the *Quarantine Act 1908*.

## Endnotes

### Endnote 1—Legislation history

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## Endnotes

### Endnote 1—Legislation history

This endnote sets out details of the legislation history of the *Administrative Decisions (Judicial Review) Regulations 1985*.

Number and year	Gazettal or FRLI registration date	Commencement date	Application, saving and transitional provisions
1985 No. 209	5 Sept 1985	5 Sept 1985	
1986 No. 60	16 Apr 1986	16 Apr 1986	—
1986 No. 108	30 May 1986	30 May 1986	—
1987 No. 188	18 Sept 1987	18 Sept 1987	—
1989 No. 373	21 Dec 1989	21 Dec 1989	—
1991 No. 160	28 June 1991	1 July 1991	—
1993 No. 155	29 June 1993	29 June 1993	—
2003 No. 115	19 June 2003	19 June 2003	—
51, 2013	11 Apr 2013 (see F2013L00649)	Schedule 1 (item 1): (a)	—

(a) Section 2 (item 2) of the *Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)* provides as follows:

- 2 Each provision of this regulation specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the commencement of Schedules 1 and 2 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> .	12 April 2013

4 *Administrative Decisions (Judicial Review) Regulations 1985*



## Endnote 2—Amendment history

**Endnote 2—Amendment history**

This endnote sets out the amendment history of the *Administrative Decisions (Judicial Review) Regulations 1985*.

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ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted   exp.  
= expired or ceased to have effect

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<b>Provision affected</b>	<b>How affected</b>
r. 1 .....	rs. 2003 No. 115
r. 2 .....	am. 1986 No. 60; 2003 No. 115; No. 51, 2013
r. 2A .....	ad. 1989 No. 373
	am. 1991 No. 160
r. 3 .....	rs. 1986 No. 60
	am. 1986 No. 108; 1987 No. 188; 1993 No. 155; 2003 No. 115

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## Endnotes

Endnote 3—Uncommenced amendments [none]

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### **Endnote 3—Uncommenced amendments [none]**

There are no uncommenced amendments.

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Endnote 4—Misdescribed amendments [none]

**Endnote 4—Misdescribed amendments [none]**

There are no misdescribed amendments.