

COMMONWEALTH OF AUSTRALIA

ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW)
REGULATIONS (AMENDMENT) 1989

1989 No. 373
EXPLANATORY STATEMENT

The purpose of the Regulation is to exempt from the application of section 13 of the Administrative Decisions (Judicial Review) Act 1977 (the Act) decisions of the Superannuation Fund Investment Trust in relation to its commercial activities.

Subsection 13(8) of the Act provides that the regulations may declare a class of decisions to be exempt from the application of section 13.

Section 13 of the Act gives certain persons a right to request a statement of reasons for decisions reviewable under the Act and requires the decision maker to comply with such a request. Classes of decisions set out in Schedule 2 to the Act or in regulations pursuant to subsection 13(8) of the Act are excluded from the application of section 13, that is, from the obligation to provide a statement of reasons for the decision. The decisions are not excluded from review under the Act.

The exemption provided for in the Regulation is consistent with paragraph (k) of Schedule 2 to the Act which provides for the exemption from the application of section 13 of the Act of decisions of many government authorities in respect of their commercial activities. The government authorities are those which, like the Superannuation Fund Investment Trust, operate in a commercial environment and deal with commercially sensitive information.

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Authorised by the
Attorney-General