

Administrative Decisions (Judicial Review) Regulations (Amendment) 1993 No. 155

EXPLANATORY STATEMENT

STATUTORY RULES 1993 No. 155

Issued by the Authority of the Attorney-General

Administrative Decisions (Judicial Review) Act 1977

Administrative Decisions (Judicial Review) Regulations (Amendment)

Section 20 of the *Administrative Decisions (Judicial Review) Act 1977* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing matters required or permitted by the Act to be prescribed by regulations or necessary or convenient to be prescribed by regulations for carrying out or giving effect to the Act.

Subsection 19(1) of the Act provides that the regulations may declare a class or classes of decisions to be decisions that are not subject to judicial review by the Court under the Act.

The *Territory Law Reform Act 1992* provides for the application, as Commonwealth laws, of Western Australian State laws in the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands (the Territories). Arrangements between the Commonwealth and Western Australia provide for much of the administration of the legal regime for the Territories to be performed by Western Australian officials and agencies. It has been agreed between the Commonwealth and the State of Western Australia that decisions made by Western Australian officers under State laws, as applied in the Territories, will be excluded from judicial review under the Act.

The amendment to the regulations declares decisions made by Western Australian officers under Western Australian State laws as applied in the Territories not to be subject to judicial review under the Act.

Details of the regulations are as follows:

Regulation 1 is formal.

Regulation 2 adds a new paragraph, namely paragraph (g), to regulation 3 of the Administrative Decisions (Judicial Review) Regulations. Regulation 3 sets out the various classes of decisions that are not subject to judicial review and paragraph (g) adds a new class of such decisions.

Paragraph (g) defines this new exempt class by reference, in subparagraph (g)(i), to section 8A of the *Christmas Island Act 1958* and by reference, in subparagraph (g)(ii), to section 8A of the *Cocos (Keeling) Islands Act 1955*.

Subparagraphs (iii) to (xiii) inclusive define exceptions to this new exempt class by reference to decisions which can be made only by Commonwealth officials, persons or authorities and not by State officials, persons or authorities.