



# **Administrative Decisions (Judicial Review) Act 1977**

**Act No. 59 of 1977 as amended**

This compilation was prepared on 22 April 2011  
taking into account amendments up to Act No. 5 of 2011

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra



---

## Contents

1	Short title [see Note 1].....	1
2	Commencement [see Note 1].....	1
3	Interpretation .....	1
3A	Certain legislation relating to Australian Capital Territory not to be enactment.....	6
4	Act to operate notwithstanding anything in existing laws .....	6
5	Applications for review of decisions .....	6
6	Applications for review of conduct related to making of decisions.....	8
7	Applications in respect of failures to make decisions .....	9
8	Jurisdiction of Federal Court of Australia and Federal Magistrates Court .....	10
9	Limitation of jurisdiction of State courts .....	10
9A	Limitation of jurisdiction to review related criminal justice process decisions .....	11
9B	Limitation of jurisdiction to review related civil proceeding decisions.....	13
10	Rights conferred by this Act to be additional to other rights .....	13
11	Manner of making applications .....	15
12	Application to be made a party to a proceeding.....	17
13	Reasons for decision may be obtained.....	18
13A	Certain information not required to be disclosed.....	20
14	Certification by Attorney-General concerning the disclosure of information.....	21
15	Stay of proceedings—Federal Court.....	22
15A	Stay of proceedings—Federal Magistrates Court .....	23
16	Powers of the Federal Court and the Federal Magistrates Court in respect of applications for order of review .....	24
17	Change in person holding, or performing the duties of, an office .....	25
18	Intervention by Attorney-General.....	25
18A	Transfer of proceedings to Family Court.....	26
19	Act not to apply in relation to certain decisions.....	27
19A	Act to apply in relation to certain Northern Territory laws.....	28
19B	Regulations may amend Schedule 3 .....	28
20	Regulations.....	29
	<b>Schedule 1—Classes of decisions that are not decisions to which this Act applies</b>	<b>30</b>
	<b>Schedule 2—Classes of decisions that are not decisions to which section 13 applies</b>	<b>35</b>

---

<b>Schedule 3—State, ACT and NT Acts, and parts of such Acts, that are enactments for the purposes of this Act</b>	40
1    What this Schedule does.....	40
2    State, ACT and NT Acts, and parts of such Acts, that are enactments .....	40
<b>Notes</b>	43

---

# An Act relating to the Review on Questions of Law of certain Administrative Decisions

## 1 Short title [see Note 1]

This Act may be cited as the *Administrative Decisions (Judicial Review) Act 1977*.

## 2 Commencement [see Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

## 3 Interpretation

(1) In this Act, unless the contrary intention appears:

***ACT enactment*** means an enactment as defined by section 3 of the *Australian Capital Territory (Self-Government) Act 1988*.

***Commonwealth authority*** means an authority or other body (whether incorporated or not) that is established or continued in existence by or under an Act.

***decision to which this Act applies*** means a decision of an administrative character made, proposed to be made, or required to be made (whether in the exercise of a discretion or not and whether before or after the commencement of this definition):

- (a) under an enactment referred to in paragraph (a), (b), (c) or (d) of the definition of ***enactment***; or
- (b) by a Commonwealth authority or an officer of the Commonwealth under an enactment referred to in paragraph (ca) or (cb) of the definition of ***enactment***;

other than:

- (c) a decision by the Governor-General; or
- (d) a decision included in any of the classes of decisions set out in Schedule 1.

Note: Regulations for the purposes of section 19 can declare that decisions that are covered by this definition are not subject to judicial review under this Act.

**duty** includes a duty imposed on a person in his or her capacity as a servant of the Crown.

**enactment** means:

- (a) an Act, other than:
  - (i) the *Commonwealth Places (Application of Laws) Act 1970*; or
  - (ii) the *Northern Territory (Self-Government) Act 1978*; or
  - (iii) an Act or part of an Act that is not an enactment because of section 3A (certain legislation relating to the ACT); or
- (b) an Ordinance of a Territory other than the Australian Capital Territory or the Northern Territory; or
- (c) an instrument (including rules, regulations or by-laws) made under such an Act or under such an Ordinance, other than any such instrument that is not an enactment because of section 3A; or
- (ca) an Act of a State, the Australian Capital Territory or the Northern Territory, or a part of such an Act, described in Schedule 3; or
- (cb) an instrument (including rules, regulations or by-laws) made under an Act or part of an Act covered by paragraph (ca); or
- (d) any other law, or a part of a law, of the Northern Territory declared by the regulations, in accordance with section 19A, to be an enactment for the purposes of this Act;

and, for the purposes of paragraph (a), (b), (c), (ca) or (cb), includes a part of an enactment.

Note: Regulations for the purposes of section 19B can amend Schedule 3 (see section 19B).

**failure**, in relation to the making of a decision, includes a refusal to make the decision.

**Family Court Judge** means a Judge of the Family Court (including the Chief Judge, the Deputy Chief Judge, a Judge Administrator or a Senior Judge).

**Federal Court Rules** means the Rules of Court made under the *Federal Court of Australia Act 1976*.

**Federal Magistrates Rules** means the Rules of Court made under the *Federal Magistrates Act 1999*.

**Finance Minister** means the Minister administering the *Financial Management and Accountability Act 1997*.

**officer of the Commonwealth** has the same meaning as in paragraph 75(v) of the Constitution.

**order of review**, in relation to a decision, in relation to conduct engaged in for the purpose of making a decision or in relation to a failure to make a decision, means an order on an application made under section 5, 6 or 7 in respect of the decision, conduct or failure.

**the Family Court** means the Family Court of Australia.

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

- (2) In this Act, a reference to the making of a decision includes a reference to:
- (a) making, suspending, revoking or refusing to make an order, award or determination;
  - (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;
  - (c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument;
  - (d) imposing a condition or restriction;
  - (e) making a declaration, demand or requirement;
  - (f) retaining, or refusing to deliver up, an article; or
  - (g) doing or refusing to do any other act or thing;
- and a reference to a failure to make a decision shall be construed accordingly.
- (3) Where provision is made by an enactment for the making of a report or recommendation before a decision is made in the exercise of a power under that enactment or under another law, the making of such a report or recommendation shall itself be deemed, for the purposes of this Act, to be the making of a decision.
- (4) In this Act:
- (a) a reference to a person aggrieved by a decision includes a reference:
    - (i) to a person whose interests are adversely affected by the decision; or

- (ii) in the case of a decision by way of the making of a report or recommendation—to a person whose interests would be adversely affected if a decision were, or were not, made in accordance with the report or recommendation; and
  - (b) a reference to a person aggrieved by conduct that has been, is being, or is proposed to be, engaged in for the purpose of making a decision or by a failure to make a decision includes a reference to a person whose interests are or would be adversely affected by the conduct or failure.
- (5) A reference in this Act to conduct engaged in for the purpose of making a decision includes a reference to the doing of any act or thing preparatory to the making of the decision, including the taking of evidence or the holding of an inquiry or investigation.
- (6) A document or a statement that is required by this Act to be furnished to a person or a notice that is required by this Act to be given to a person may be posted to the person by a pre-paid letter:
  - (a) where the person has furnished an address at which documents may be served—to that address; or
  - (b) where no such address has been furnished:
    - (i) in the case of a person not being a company—to the address of his or her place of residence or business last known to the person posting the document, statement or notice; or
    - (ii) in the case of a company—to the address of the registered office of the company;and, if a document, statement or notice is so posted, then, for the purposes of this Act, the document or statement shall be deemed to be furnished, or the notice shall be deemed to be given, as the case may be, at the time when the document, statement or notice is so posted.
- (7) A reference in a Schedule to this Act to another Act (including an Act of a State, the Australian Capital Territory or the Northern Territory) or a provision of another Act shall be read as including a reference to regulations or by-laws in force under that other Act or for the purposes of that provision, as the case may be.
- (7A) If an Act of a State, the Australian Capital Territory or the Northern Territory, or a part of such an Act, described in



Schedule 3 applies all or part of another enactment or instrument as a law of the State or Territory, that other enactment or instrument, as so applying, is taken for the purposes of this Act to be included in the Act, or the part of the Act, of the State or Territory.

- (8) For the purposes of a Schedule to this Act:
- (a) a decision made, proposed to be made, or required to be made, as the case may be, by a person acting as the delegate of another person, or by a person otherwise lawfully authorized to act on behalf of another person, shall be deemed to be a decision by that other person; and
  - (b) a decision made, proposed to be made, or required to be made, as the case may be, by a person for the time being acting in, or performing any of the duties of, an office or appointment shall be deemed to be a decision by the holder of that office or appointment.
- (8A) For the purposes of a Schedule to this Act, the question whether a body corporate is a subsidiary of another body corporate is to be determined in the same manner as that question is determined under the *Corporations Act 2001*.
- (9) In a Schedule to this Act:
- Service* includes the Australian Federal Police.
- (10) To avoid doubt, a reference in this Act (other than subsections 11(1), (2) and (3)) to an application made to the Federal Court includes, and is taken always to have included, a reference to an application that has come, or that came, before the Federal Court by way of a transfer from the Federal Magistrates Court under Part 5 of the *Federal Magistrates Act 1999*.
- (11) To avoid doubt, a reference in this Act (other than subsections 11(1), (2) and (3)) to an application made to the Federal Magistrates Court includes, and is taken always to have included, a reference to an application that:
- (a) has come, or that came, before the Federal Magistrates Court by way of a transfer from the Federal Court under section 32AB of the *Federal Court of Australia Act 1976*; and
  - (b) could have been made directly to the Federal Magistrates Court.

- (12) For the purposes of paragraph (11)(b), disregard section 19 of the *Federal Magistrates Act 1999*.

### **3A Certain legislation relating to Australian Capital Territory not to be enactment**

- (1) ACT enactments are not enactments except to the extent that they are covered by paragraph (ca) or (cb) of the definition of **enactment** in subsection 3(1).
- (2) The *Australian Capital Territory (Self-Government) Act 1988* and the *Canberra Water Supply (Googong Dam) Act 1974* are not enactments.
- (3) Part IV, sections 29 and 30, subsection 63(2), section 66 and Division 5 of Part X of the *Australian Capital Territory Planning and Land Management Act 1988* are not enactments.
- (4) Where the whole of an Act or Ordinance is not an enactment, an instrument made under it is not an enactment.
- (5) Where part of an Act or Ordinance is not an enactment, an instrument made under the Act or Ordinance, as the case may be, is not an enactment unless made for the purposes of the other part of the Act or Ordinance, as the case may be.

### **4 Act to operate notwithstanding anything in existing laws**

This Act has effect notwithstanding anything contained in any law in force at the commencement of this Act.

### **5 Applications for review of decisions**

- (1) A person who is aggrieved by a decision to which this Act applies that is made after the commencement of this Act may apply to the Federal Court or the Federal Magistrates Court for an order of review in respect of the decision on any one or more of the following grounds:
- (a) that a breach of the rules of natural justice occurred in connection with the making of the decision;
  - (b) that procedures that were required by law to be observed in connection with the making of the decision were not observed;

- (c) that the person who purported to make the decision did not have jurisdiction to make the decision;
  - (d) that the decision was not authorized by the enactment in pursuance of which it was purported to be made;
  - (e) that the making of the decision was an improper exercise of the power conferred by the enactment in pursuance of which it was purported to be made;
  - (f) that the decision involved an error of law, whether or not the error appears on the record of the decision;
  - (g) that the decision was induced or affected by fraud;
  - (h) that there was no evidence or other material to justify the making of the decision;
  - (j) that the decision was otherwise contrary to law.
- (2) The reference in paragraph (1)(e) to an improper exercise of a power shall be construed as including a reference to:
- (a) taking an irrelevant consideration into account in the exercise of a power;
  - (b) failing to take a relevant consideration into account in the exercise of a power;
  - (c) an exercise of a power for a purpose other than a purpose for which the power is conferred;
  - (d) an exercise of a discretionary power in bad faith;
  - (e) an exercise of a personal discretionary power at the direction or behest of another person;
  - (f) an exercise of a discretionary power in accordance with a rule or policy without regard to the merits of the particular case;
  - (g) an exercise of a power that is so unreasonable that no reasonable person could have so exercised the power;
  - (h) an exercise of a power in such a way that the result of the exercise of the power is uncertain; and
  - (j) any other exercise of a power in a way that constitutes abuse of the power.
- (3) The ground specified in paragraph (1)(h) shall not be taken to be made out unless:
- (a) the person who made the decision was required by law to reach that decision only if a particular matter was established, and there was no evidence or other material (including facts

of which he or she was entitled to take notice) from which he or she could reasonably be satisfied that the matter was established; or

- (b) the person who made the decision based the decision on the existence of a particular fact, and that fact did not exist.

## **6 Applications for review of conduct related to making of decisions**

- (1) Where a person has engaged, is engaging, or proposes to engage, in conduct for the purpose of making a decision to which this Act applies, a person who is aggrieved by the conduct may apply to the Federal Court or the Federal Magistrates Court for an order of review in respect of the conduct on any one or more of the following grounds:
  - (a) that a breach of the rules of natural justice has occurred, is occurring, or is likely to occur, in connection with the conduct;
  - (b) that procedures that are required by law to be observed in respect of the conduct have not been, are not being, or are likely not to be, observed;
  - (c) that the person who has engaged, is engaging, or proposes to engage, in the conduct does not have jurisdiction to make the proposed decision;
  - (d) that the enactment in pursuance of which the decision is proposed to be made does not authorize the making of the proposed decision;
  - (e) that the making of the proposed decision would be an improper exercise of the power conferred by the enactment in pursuance of which the decision is proposed to be made;
  - (f) that an error of law had been, is being, or is likely to be, committed in the course of the conduct or is likely to be committed in the making of the proposed decision;
  - (g) that fraud has taken place, is taking place, or is likely to take place, in the course of the conduct;
  - (h) that there is no evidence or other material to justify the making of the proposed decision;
  - (j) that the making of the proposed decision would be otherwise contrary to law.

- (2) The reference in paragraph (1)(e) to an improper exercise of a power shall be construed as including a reference to:
- (a) taking an irrelevant consideration into account in the exercise of a power;
  - (b) failing to take a relevant consideration into account in the exercise of a power;
  - (c) an exercise of a power for a purpose other than a purpose for which the power is conferred;
  - (d) an exercise of a discretionary power in bad faith;
  - (e) an exercise of a personal discretionary power at the direction or behest of another person;
  - (f) an exercise of a discretionary power in accordance with a rule or policy without regard to the merits of the particular case;
  - (g) an exercise of a power that is so unreasonable that no reasonable person could have so exercised the power;
  - (h) an exercise of a power in such a way that the result of the exercise of the power is uncertain; and
  - (j) any other exercise of a power in a way that constitutes abuse of the power.
- (3) The ground specified in paragraph (1)(h) shall not be taken to be made out unless:
- (a) the person who proposes to make the decision is required by law to reach that decision only if a particular matter is established, and there is no evidence or other material (including facts of which he or she is entitled to take notice) from which he or she can reasonably be satisfied that the matter is established; or
  - (b) the person proposes to make the decision on the basis of the existence of a particular fact, and that fact does not exist.

## **7 Applications in respect of failures to make decisions**

- (1) Where:
- (a) a person has a duty to make a decision to which this Act applies;
  - (b) there is no law that prescribes a period within which the person is required to make that decision; and

(c) the person has failed to make that decision;  
a person who is aggrieved by the failure of the first-mentioned person to make the decision may apply to the Federal Court or the Federal Magistrates Court for an order of review in respect of the failure to make the decision on the ground that there has been unreasonable delay in making the decision.

(2) Where:

- (a) a person has a duty to make a decision to which this Act applies;
- (b) a law prescribes a period within which the person is required to make that decision; and
- (c) the person failed to make that decision before the expiration of that period;

a person who is aggrieved by the failure of the first-mentioned person to make the decision within that period may apply to the Federal Court or the Federal Magistrates Court for an order of review in respect of the failure to make the decision within that period on the ground that the first-mentioned person has a duty to make the decision notwithstanding the expiration of that period.

## **8 Jurisdiction of Federal Court of Australia and Federal Magistrates Court**

- (1) The Federal Court has jurisdiction to hear and determine applications made to the Federal Court under this Act.
- (2) The Federal Magistrates Court has jurisdiction to hear and determine applications made to the Federal Magistrates Court under this Act.

Note: See also subsections 3(10), (11) and (12).

## **9 Limitation of jurisdiction of State courts**

- (1) Notwithstanding anything contained in any Act other than this Act, a court of a State does not have jurisdiction to review:
  - (a) a decision to which this section applies that is made after the commencement of this Act;
  - (b) conduct that has been, is being, or is proposed to be, engaged in for the purpose of making a decision to which this section applies;

- (c) a failure to make a decision to which this section applies; or
- (d) any other decision given, or any order made, by an officer of the Commonwealth or any other conduct that has been, is being, or is proposed to be, engaged in by an officer of the Commonwealth, including a decision, order or conduct given, made or engaged in, as the case may be, in the exercise of judicial power.

Note: This subsection has effect subject to the *Jurisdiction of Courts (Cross-vesting) Act 1987* and to subsection 1337B(3) of the *Corporations Act 2001*.

(2) In this section:

***decision to which this section applies*** means:

- (a) a decision that is a decision to which this Act applies; or
- (b) a decision of an administrative character that is included in any of the classes of decisions set out in Schedule 1.

***review*** means review by way of:

- (a) the grant of an injunction;
- (b) the grant of a prerogative or statutory writ (other than a writ of *habeas corpus*) or the making of any order of the same nature or having the same effect as, or of a similar nature or having a similar effect to, any such writ; or
- (c) the making of a declaratory order.

(4) This section does not affect:

- (b) the jurisdiction conferred on the Supreme Court of a State by section 32A of the *Federal Court of Australia Act 1976*; or
- (c) the jurisdiction of a court of a State in respect of any matter that is pending before it at the commencement of this Act.

## **9A Limitation of jurisdiction to review related criminal justice process decisions**

(1) Subject to subsection (2), at any time when:

- (a) a prosecution for an offence against a law of the Commonwealth, a State or a Territory is before any court; or
- (b) an appeal arising out of such a prosecution is before any court;

no court has jurisdiction to hear, continue to hear or determine an application under this Act, by the person who is or was the

defendant in the prosecution, in relation to a related criminal justice process decision.

- (2) Subsection (1) does not apply if an applicant has commenced an application under this Act before the commencement of a prosecution for an offence against a law of the Commonwealth, or of a State or a Territory.
- (3) Where subsection (2) applies, the prosecutor may apply to the court for a permanent stay of proceedings in the hearing and determination of the application and the court may grant such a stay if the court determines that:
  - (a) the matters that are the subject of the application are more appropriately dealt with in the criminal justice process; and
  - (b) a stay of proceedings will not substantially prejudice the applicant.
- (4) In this section:

***appeal*** includes an application for a new trial and a proceeding to review or call in question the proceedings, decision or jurisdiction of a court or judge.

***related criminal justice process decision***, in relation to an offence, means:

- (a) a decision (other than a decision to prosecute) made in the criminal justice process in relation to the offence, including:
  - (i) a decision in connection with the investigation, committal for trial or prosecution of the defendant; and
  - (ii) a decision in connection with the appointment of investigators or inspectors for the purposes of such an investigation; and
  - (iii) a decision in connection with the issue of a warrant, including a search warrant or a seizure warrant; and
  - (iv) a decision requiring the production of documents, the giving of information or the summoning of persons as witnesses; and
  - (v) a decision in connection with an appeal arising out of the prosecution; or
- (b) a decision of the Attorney-General to give a certificate under section 26 or 28 of the *National Security Information (Criminal and Civil Proceedings) Act 2004* before or during



a federal criminal proceeding (within the meaning of that Act) in relation to the offence.

Note: A decision to prosecute a person for an offence is not reviewable under this Act: see paragraph (xa) of Schedule 1.

### **9B Limitation of jurisdiction to review related civil proceeding decisions**

(1) At any time when a civil proceeding, or an appeal arising out of a civil proceeding, is taking place, no court has jurisdiction to hear, continue to hear or determine an application under this Act, by a person who is or was a party to the proceeding, in relation to a related civil proceeding decision.

(2) In this section:

**appeal** includes a proceeding to review or call in question the proceedings, decision or jurisdiction of a court or judge.

**civil proceeding** has the same meaning as in the *National Security Information (Criminal and Civil Proceedings) Act 2004*.

**related civil proceeding decision**, in relation to a civil proceeding, means:

- (a) a decision of the Attorney-General to give:
  - (i) notice under section 6A of the *National Security Information (Criminal and Civil Proceedings) Act 2004* in relation to the proceeding; or
  - (ii) a certificate under section 38F or 38H of that Act in relation to the proceeding; or
- (b) a decision of the Minister appointed by the Attorney-General under section 6A of that Act to give:
  - (i) notice under section 6A of that Act in relation to the proceeding; or
  - (ii) a certificate under section 38F or 38H of that Act in relation to the proceeding.

### **10 Rights conferred by this Act to be additional to other rights**

(1) The rights conferred by sections 5, 6 and 7 on a person to make an application to the Federal Court or the Federal Magistrates Court in respect of a decision, in respect of conduct engaged in for the

purpose of making a decision or in respect of a failure to make a decision:

- (a) are in addition to, and not in derogation of, any other rights that the person has to seek a review, whether by the court, by another court, or by another tribunal, authority or person, of that decision, conduct or failure; and
  - (b) shall be disregarded for the purposes of the application of subsection 6(3) of the *Ombudsman Act 1976* and section 40TF of the *Australian Federal Police Act 1979*.
- (2) Notwithstanding subsection (1):
- (a) the Federal Court or the Federal Magistrates Court, or any other court, may, in a proceeding instituted otherwise than under this Act, in its discretion, refuse to grant an application for a review of a decision, conduct engaged in for the purpose of making a decision, or a failure to make a decision, for the reason that an application has been made to the Federal Court or the Federal Magistrates Court under section 5, 6 or 7 in respect of that decision, conduct or failure; and
  - (b) the Federal Court or the Federal Magistrates Court may, in its discretion, refuse to grant an application under section 5, 6 or 7 that was made to the court in respect of a decision, in respect of conduct engaged in for the purpose of making a decision, or in respect of a failure to make a decision, for the reason:
    - (i) that the applicant has sought a review by the court, or by another court, of that decision, conduct or failure otherwise than under this Act; or
    - (ii) that adequate provision is made by any law other than this Act under which the applicant is entitled to seek a review by the court, by another court, or by another tribunal, authority or person, of that decision, conduct or failure.
- (3) In this section, *review* includes a review by way of reconsideration, re-hearing, appeal, the grant of an injunction or of a prerogative or statutory writ or the making of a declaratory or other order.

**11 Manner of making applications**

- (1) An application to the Federal Court or the Federal Magistrates Court for an order of review:
  - (a) shall be made in such manner as is prescribed by:
    - (i) in the case of an application to the Federal Court—Federal Court Rules; or
    - (ii) in the case of an application to the Federal Magistrates Court—Federal Magistrates Rules; and
  - (b) shall set out the grounds of the application; and
  - (c) shall be lodged with a Registry of the court concerned and, in the case of an application in relation to a decision that has been made and the terms of which were recorded in writing and set out in a document that was furnished to the applicant, including such a decision that a person purported to make after the expiration of the period within which it was required to be made, shall be so lodged within the prescribed period or within such further time as the court concerned (whether before or after the expiration of the prescribed period) allows.
- (2) Any other application to the Federal Court or the Federal Magistrates Court under this Act shall be made as prescribed by:
  - (i) in the case of an application to the Federal Court—Federal Court Rules; or
  - (ii) in the case of an application to the Federal Magistrates Court—Federal Magistrates Rules.
- (3) The prescribed period for the purposes of paragraph (1)(c) is the period commencing on the day on which the decision is made and ending on the twenty-eighth day after:
  - (a) if the decision sets out the findings on material questions of fact, refers to the evidence or other material on which those findings were based and gives the reasons for the decision—the day on which a document setting out the terms of the decision is furnished to the applicant; or
  - (b) in a case to which paragraph (a) does not apply:
    - (i) if a statement in writing setting out those findings, referring to that evidence or other material and giving those reasons is furnished to the applicant otherwise than in pursuance of a request under subsection 13(1) not later than the twenty-eighth day after the day on

which a document setting out the terms of the decision is furnished to the applicant—the day on which the statement is so furnished;

- (ii) if the applicant, in accordance with subsection 13(1), requests the person who made the decision to furnish a statement as mentioned in that subsection—the day on which the statement is furnished, the applicant is notified in accordance with subsection 13(3) of the opinion that the applicant was not entitled to make the request, the Federal Court or the Federal Magistrates Court makes an order under subsection 13(4A) declaring that the applicant was not entitled to make the request or the applicant is notified in accordance with subsection 13A(3) or 14(3) that the statement will not be furnished; or
- (iii) in any other case—the day on which a document setting out the terms of the decision is furnished to the applicant.

(4) Where:

- (a) no period is prescribed for the making of applications for orders of review in relation to a particular decision; or
- (b) no period is prescribed for the making of an application by a particular person for an order of review in relation to a particular decision;

the Federal Court or the Federal Magistrates Court may:

- (c) in a case to which paragraph (a) applies—refuse to entertain an application for an order of review in relation to the decision referred to in that paragraph; or
- (d) in a case to which paragraph (b) applies—refuse to entertain an application by the person referred to in that paragraph for an order of review in relation to the decision so referred to;

if the court is of the opinion that the application was not made within a reasonable time after the decision was made.

- (5) In forming an opinion for the purposes of subsection (4), the court shall have regard to:
  - (a) the time when the applicant became aware of the making of the decision; and

- (b) in a case to which paragraph (4)(b) applies—the period or periods prescribed for the making by another person or other persons of an application or applications for an order or orders of review in relation to the decision;  
and may have regard to such other matters as it considers relevant.
- (6) The applicant for an order of review is not limited to the grounds set out in the application but, if he or she wishes to rely on a ground not so set out, the court concerned may direct that the application be amended to specify that ground.
- (7) The Federal Court or the Federal Magistrates Court may, on such terms as it thinks fit, permit a document lodged with a Registry of the court in connection with an application under this Act to be amended and may, if it thinks fit, direct such a document to be amended in a manner specified by the court.
- (8) The Federal Court Rules may make provision for and in relation to service on appropriate persons of copies of documents lodged with a Registry of the Federal Court under this Act.
- (8A) The Federal Magistrates Rules may make provision for and in relation to service on appropriate persons of copies of documents lodged with a Registry of the Federal Magistrates Court under this Act.
- (9) Strict compliance with Federal Court Rules or Federal Magistrates Rules made for the purposes of this section is not required and substantial compliance is sufficient.

## **12 Application to be made a party to a proceeding**

- (1) A person interested in a decision, in conduct that has been, is being, or is proposed to be, engaged in for the purpose of making a decision, or in a failure to make a decision, being a decision, conduct or failure in relation to which an application has been made to the Federal Court or the Federal Magistrates Court under this Act, may apply to the court to be made a party to the application.
- (2) The court may, in its discretion:
- (a) grant the application either unconditionally or subject to such conditions as it thinks fit; or

- (b) refuse the application.

### **13 Reasons for decision may be obtained**

- (1) Where a person makes a decision to which this section applies, any person who is entitled to make an application to the Federal Court or the Federal Magistrates Court under section 5 in relation to the decision may, by notice in writing given to the person who made the decision, request him or her to furnish a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.
- (2) Where such a request is made, the person who made the decision shall, subject to this section, as soon as practicable, and in any event within 28 days, after receiving the request, prepare the statement and furnish it to the person who made the request.
- (3) Where a person to whom a request is made under subsection (1) is of the opinion that the person who made the request was not entitled to make the request, the first-mentioned person may, within 28 days after receiving the request:
  - (a) give to the second-mentioned person notice in writing of his or her opinion; or
  - (b) apply to the Federal Court or the Federal Magistrates Court under subsection (4A) for an order declaring that the person who made the request was not entitled to make the request.
- (4) Where a person gives a notice under subsection (3), or applies to the Federal Court or the Federal Magistrates Court under subsection (4A), with respect to a request, the person is not required to comply with the request unless:
  - (a) the Federal Court or the Federal Magistrates Court, on an application under subsection (4A), declares that the person who made the request was entitled to make the request; or
  - (b) the person who gave the notice under subsection (3) has applied to the Federal Court or the Federal Magistrates Court under subsection (4A) for an order declaring that the person who made the request was not entitled to make the request and the court refuses that application;

and, in either of those cases, the person who gave the notice shall prepare the statement to which the request relates and furnish it to the person who made the request within 28 days after the decision of the court.

- (4A) The Federal Court or the Federal Magistrates Court may, on the application of:
- (a) a person to whom a request is made under subsection (1); or
  - (b) a person who has received a notice under subsection (3);
- make an order declaring that the person who made the request concerned was, or was not, entitled to make the request.
- (5) A person to whom a request for a statement in relation to a decision is made under subsection (1) may refuse to prepare and furnish the statement if:
- (a) in the case of a decision the terms of which were recorded in writing and set out in a document that was furnished to the person who made the request—the request was not made on or before the twenty-eighth day after the day on which that document was so furnished; or
  - (b) in any other case—the request was not made within a reasonable time after the decision was made;
- and in any such case the person to whom the request was made shall give to the person who made the request, within 14 days after receiving the request, notice in writing stating that the statement will not be furnished to him or her and giving the reason why the statement will not be so furnished.
- (6) For the purposes of paragraph (5)(b), a request for a statement in relation to a decision shall be deemed to have been made within a reasonable time after the decision was made if the Federal Court or the Federal Magistrates Court, on application by the person who made the request, declares that the request was made within a reasonable time after the decision was made.
- (7) If the Federal Court or the Federal Magistrates Court, upon application for an order under this subsection made to it by a person to whom a statement has been furnished in pursuance of a request under subsection (1), considers that the statement does not contain adequate particulars of findings on material questions of fact, an adequate reference to the evidence or other material on which those findings were based or adequate particulars of the

reasons for the decision, the court may order the person who furnished the statement to furnish to the person who made the request for the statement, within such time as is specified in the order, an additional statement or additional statements containing further and better particulars in relation to matters specified in the order with respect to those findings, that evidence or other material or those reasons.

- (8) The regulations may declare a class or classes of decisions to be decisions that are not decisions to which this section applies.
- (9) Regulations made under subsection (8) may specify a class of decisions in any way, whether by reference to the nature or subject matter of the decisions, by reference to the enactment or provision of an enactment under which they are made, by reference to the holder of the office by whom they are made, or otherwise.
- (10) A regulation made under subsection (8) applies only in relation to decisions made after the regulation takes effect.
- (11) In this section, ***decision to which this section applies*** means a decision that is a decision to which this Act applies, but does not include:
  - (a) a decision in relation to which section 28 of the *Administrative Appeals Tribunal Act 1975* applies;
  - (b) a decision that includes, or is accompanied by a statement setting out, findings of facts, a reference to the evidence or other material on which those findings were based and the reasons for the decision; or
  - (c) a decision included in any of the classes of decision set out in Schedule 2.

### **13A Certain information not required to be disclosed**

- (1) This section applies in relation to any information to which a request made to a person under subsection 13(1) relates, being information that:
  - (a) relates to the personal affairs or business affairs of a person, other than the person making the request; and
  - (b) is information:
    - (i) that was supplied in confidence;
    - (ii) the publication of which would reveal a trade secret;



- (iii) that was furnished in compliance with a duty imposed by an enactment; or
  - (iv) the furnishing of which in accordance with the request would be in contravention of an enactment, being an enactment that expressly imposes on the person to whom the request is made a duty not to divulge or communicate to any person, or to any person other than a person included in a prescribed class of persons, or except in prescribed circumstances, information of that kind.
- (2) Where a person has been requested in accordance with subsection 13(1) to furnish a statement to a person:
- (a) the first-mentioned person is not required to include in the statement any information in relation to which this section applies; and
  - (b) where the statement would be false or misleading if it did not include such information—the first-mentioned person is not required by section 13 to furnish the statement.
- (3) Where, by reason of subsection (2), information is not included in a statement furnished by a person or a statement is not furnished by a person, the person shall give notice in writing to the person who requested the statement:
- (a) in a case where information is not included in a statement—stating that the information is not so included and giving the reason for not including the information; or
  - (b) in a case where a statement is not furnished—stating that the statement will not be furnished and giving the reason for not furnishing the statement.
- (4) Nothing in this section affects the power of the Federal Court or the Federal Magistrates Court to make an order for the discovery of documents or to require the giving of evidence or the production of documents to the court.

#### **14 Certification by Attorney-General concerning the disclosure of information**

- (1) If the Attorney-General certifies, by writing signed by him or her, that the disclosure of information concerning a specified matter would be contrary to the public interest:

- (a) by reason that it would prejudice the security, defence or international relations of Australia;
  - (b) by reason that it would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet; or
  - (c) for any other reason specified in the certificate that could form the basis for a claim in a judicial proceeding that the information should not be disclosed;
- the following provisions of this section have effect.
- (2) Where a person has been requested in accordance with section 13 to furnish a statement to a person:
    - (a) the first-mentioned person is not required to include in the statement any information in respect of which the Attorney-General has certified in accordance with subsection (1) of this section; and
    - (b) where the statement would be false or misleading if it did not include such information—the first-mentioned person is not required by that section to furnish the statement.
  - (3) Where, by reason of subsection (2), information is not included in a statement furnished by a person or a statement is not furnished by a person, the person shall give notice in writing to the person who requested the statement:
    - (a) in a case where information is not included in a statement—stating that the information is not so included and giving the reason for not including the information; or
    - (b) in a case where a statement is not furnished—stating that the statement will not be furnished and giving the reason for not furnishing the statement.
  - (4) Nothing in this section affects the power of the Federal Court or the Federal Magistrates Court to make an order for the discovery of documents or to require the giving of evidence or the production of documents to the court.

### **15 Stay of proceedings—Federal Court**

- (1) The making of an application to the Federal Court under section 5 in relation to a decision does not affect the operation of the decision or prevent the taking of action to implement the decision but:

- (a) the Court or a Judge may, by order, on such conditions (if any) as it or he or she thinks fit, suspend the operation of the decision; and
  - (b) the Court or a Judge may order, on such conditions (if any) as it or he or she thinks fit, a stay of all or any proceedings under the decision.
- (2) The Court or a Judge may make an order under subsection (1) of its or his or her own motion or on the application of the person who made the application under section 5.
- (3) In this section:

*the Court or a Judge* has the same meaning as in the *Federal Court of Australia Act 1976*.

### **15A Stay of proceedings—Federal Magistrates Court**

- (1) The making of an application to the Federal Magistrates Court under section 5 in relation to a decision does not affect the operation of the decision or prevent the taking of action to implement the decision but:
- (a) the Federal Magistrates Court or a Federal Magistrate may, by order, on such conditions (if any) as it or he or she thinks fit, suspend the operation of the decision; and
  - (b) the Federal Magistrates Court or a Federal Magistrate may order, on such conditions (if any) as it or he or she thinks fit, a stay of all or any proceedings under the decision.
- (2) The Federal Magistrates Court or a Federal Magistrate may make an order under subsection (1) on its or his or her own initiative or on the application of the person who made the application under section 5.
- (3) In this section:

*the Federal Magistrates Court or a Federal Magistrate* has the same meaning as in the *Federal Magistrates Act 1999*.

**16 Powers of the Federal Court and the Federal Magistrates Court in respect of applications for order of review**

- (1) On an application for an order of review in respect of a decision, the Federal Court or the Federal Magistrates Court may, in its discretion, make all or any of the following orders:
  - (a) an order quashing or setting aside the decision, or a part of the decision, with effect from the date of the order or from such earlier or later date as the court specifies;
  - (b) an order referring the matter to which the decision relates to the person who made the decision for further consideration, subject to such directions as the court thinks fit;
  - (c) an order declaring the rights of the parties in respect of any matter to which the decision relates;
  - (d) an order directing any of the parties to do, or to refrain from doing, any act or thing the doing, or the refraining from the doing, of which the court considers necessary to do justice between the parties.
  
- (2) On an application for an order of review in respect of conduct that has been, is being, or is proposed to be, engaged in for the purpose of the making of a decision, the Federal Court or the Federal Magistrates Court may, in its discretion, make either or both of the following orders:
  - (a) an order declaring the rights of the parties in respect of any matter to which the conduct relates;
  - (b) an order directing any of the parties to do, or to refrain from doing, any act or thing the doing, or the refraining from the doing, of which the court considers necessary to do justice between the parties.
  
- (3) On an application for an order of review in respect of a failure to make a decision, or in respect of a failure to make a decision within the period within which the decision was required to be made, the Federal Court or the Federal Magistrates Court may, in its discretion, make all or any of the following orders:
  - (a) an order directing the making of the decision;
  - (b) an order declaring the rights of the parties in relation to the making of the decision;
  - (c) an order directing any of the parties to do, or to refrain from doing, any act or thing the doing, or the refraining from the

doing, of which the court considers necessary to do justice between the parties.

- (4) The Federal Court or the Federal Magistrates Court may at any time, of its own motion or on the application of any party, revoke, vary, or suspend the operation of, any order made by it under this section.

### **17 Change in person holding, or performing the duties of, an office**

Where:

(a) a person has, in the performance of the duties of an office, made a decision in respect of which an application may be made to the Federal Court or the Federal Magistrates Court under this Act; and

(b) the person no longer holds, or, for whatever reason, is not performing the duties of, that office;

this Act has effect as if the decision had been made by:

(c) the person for the time being holding or performing the duties of that office; or

(d) if there is no person for the time being performing the duties of that office or that office no longer exists—the person specified:

(i) if the decision was made under an enactment referred to in paragraph (a), (b), (c) or (d) of the definition of *enactment* in subsection 3(1)—by the Minister administering that enactment, or by a person he or she authorises for the purpose; or

(ii) if the decision was made under an enactment referred to in paragraph (ca) or (cb) of that definition—by the Attorney-General, or by a person he or she authorises for the purpose.

### **18 Intervention by Attorney-General**

(1) The Attorney-General may, on behalf of the Commonwealth, intervene in a proceeding before the Federal Court or the Federal Magistrates Court under this Act.

(2) Where the Attorney-General intervenes in a proceeding in pursuance of this section, the court may, in the proceeding, make

such order as to costs against the Commonwealth as the court thinks fit.

- (3) Where the Attorney-General intervenes in a proceeding in pursuance of this section, he or she shall be deemed to be a party to the proceeding.

### **18A Transfer of proceedings to Family Court**

- (1) Subject to subsection (2), where a proceeding under this Act is pending in the Federal Court, the Federal Court may, on the application of a party to the proceeding or of its own motion, transfer the proceeding to the Family Court.
- (2) A proceeding under this Act that is pending in the Federal Court at the commencement of this section shall not be transferred to the Family Court unless the parties to the proceeding consent to the transfer.
- (3) Subject to subsection (4), where a proceeding under this Act is transferred to the Family Court:
- (a) the Family Court has jurisdiction to hear and determine the proceeding;
  - (b) the Family Court also has jurisdiction to hear and determine matters not otherwise within its jurisdiction (whether by virtue of paragraph (a) or otherwise):
    - (i) that are associated with matters arising in the proceeding; or
    - (ii) that, apart from subsection 32(1) of the *Federal Court of Australia Act 1976*, the Federal Court would have had jurisdiction to hear and determine in the proceeding;
  - (c) the Family Court may, in and in relation to the proceeding:
    - (i) grant such remedies;
    - (ii) make orders of such kinds; and
    - (iii) issue, and direct the issue of, writs of such kinds; as the Federal Court could have granted, made, issued or directed the issue of, as the case may be, in and in relation to the proceeding;
  - (d) remedies, orders and writs granted, made or issued by the Family Court in and in relation to the proceeding have effect,

- and may be enforced by the Family Court, as if they had been granted, made or issued by the Federal Court;
- (e) appeals lie from judgments of the Family Court given in and in relation to the proceeding as if the judgments were judgments of the Federal Court constituted by a single Judge of that Court, and do not otherwise lie; and
  - (f) subject to paragraphs (a) to (e) (inclusive), this Act, the regulations, the *Federal Court of Australia Act 1976*, the Federal Court Rules, and other laws of the Commonwealth, apply in and in relation to the proceeding as if:
    - (i) a reference to the Federal Court (other than in the expression “the Court or a Judge”) included a reference to the Family Court;
    - (ii) a reference to a Judge of the Federal Court (other than in the expression “the Court or a Judge”) included a reference to a Family Court Judge;
    - (iii) a reference to the expression “the Court or a Judge” when used in relation to the Federal Court included a reference to a Family Court Judge sitting in Chambers;
    - (iv) a reference to a Registrar of the Federal Court included a reference to a Registrar of the Family Court; and
    - (v) any other necessary changes were made.
- (4) Where any difficulty arises in the application of paragraphs (3)(c), (d) and (f) in or in relation to a particular proceeding, the Family Court may, on the application of a party to the proceeding or of its own motion, give such directions, and make such orders, as it considers appropriate to resolve the difficulty.
- (5) An appeal does not lie from a decision of the Federal Court in relation to the transfer of a proceeding under this Act to the Family Court.

## **19 Act not to apply in relation to certain decisions**

- (1) The regulations may declare a class or classes of decisions to be decisions that are not subject to judicial review by the Federal Court or the Federal Magistrates Court under this Act.
- (2) If a regulation is so made in relation to a class of decisions:
  - (a) section 5 does not apply in relation to a decision included in that class;

- (b) section 6 does not apply in relation to conduct that has been, is being, or is proposed to be, engaged in for the purpose of making a decision included in that class; and
  - (c) section 7 does not apply in relation to a failure to make a decision included in that class;
- but the making of the regulation does not affect the exclusion by section 9 of the jurisdiction of the courts of the States in relation to such a decision, such conduct or such a failure.
- (3) Regulations made for the purposes of subsection (1) may specify a class of decisions in any way, whether by reference to the nature or subject-matter of the decisions, by reference to the enactment or provision of an enactment under which they are made, by reference to the holder of the office by whom they are made, or otherwise.
  - (4) A regulation made in pursuance of subsection (1) applies only in relation to decisions made after the regulation takes effect.

### **19A Act to apply in relation to certain Northern Territory laws**

- (1) The regulations may declare a law, or a part of a law, of the Northern Territory, other than a law, or a part of a law, relating to matters in respect of which the Ministers of the Northern Territory have executive authority under the *Northern Territory (Self-Government) Act 1978*, to be an enactment for the purposes of this Act.

Note: Because of paragraphs (ca) and (cb) of the definition of *enactment* in subsection 3(1), certain laws of the Northern Territory are enactments without the need for a declaration under this subsection.

- (2) Regulations made for the purposes of this section have effect notwithstanding anything contained in the law of the Northern Territory concerned or in any other law of the Northern Territory.

### **19B Regulations may amend Schedule 3**

The regulations may amend Schedule 3 to include, omit or alter a description of:

- (a) an Act of a State, the Australian Capital Territory or the Northern Territory, or a class of such Acts; or
- (b) a part of such an Act or a class of parts of such Acts.



Note: Schedule 3 identifies Acts of the States, the Australian Capital Territory and the Northern Territory, and parts of such Acts, that are enactments for the purposes of this Act.

## **20 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed by regulations or necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act.

## Schedule 1—Classes of decisions that are not decisions to which this Act applies

Section 3

- (a) decisions under the *Fair Work Act 2009*, the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*, the *Workplace Relations Act 1996* or the *Building and Construction Industry Improvement Act 2005*;
- (c) decisions under the *Coal Industry Act 1946*, other than decisions of the Joint Coal Board;
- (d) decisions under any of the following Acts:
  - Australian Security Intelligence Organisation Act 1956*
  - Intelligence Services Act 2001*
  - Australian Security Intelligence Organisation Act 1979*
  - Inspector-General of Intelligence and Security Act 1986*
  - Telecommunications (Interception and Access) Act 1979*
  - Telephonic Communications (Interception) Act 1960*;
- (daa) decisions of the Attorney-General under section 58A, or subsection 581(3), of the *Telecommunications Act 1997*;
- (dab) decisions of the Attorney-General under section 104.2 of the *Criminal Code*;
- (dac) decisions under Division 105 of the *Criminal Code*;
- (da) a privative clause decision within the meaning of subsection 474(2) of the *Migration Act 1958*;
- (db) a purported privative clause decision within the meaning of section 5E of the *Migration Act 1958*;
- (e) decisions making, or forming part of the process of making, or leading up to the making of, assessments or calculations of tax, charge or duty, or decisions disallowing objections to assessments or calculations of tax, charge or duty, or decisions amending, or refusing to amend, assessments or calculations of tax, charge or duty, under any of the following Acts:
  - A New Tax System (Goods and Services Tax) Act 1999*

*A New Tax System (Luxury Car Tax) Act 1999*

*A New Tax System (Wine Equalisation Tax) Act 1999*

*Customs Act 1901*

*Customs Tariff Act 1995*

*Excise Act 1901*

*Fringe Benefits Tax Assessment Act 1986*

*Fuel Tax Act 2006*

*Income Tax Assessment Act 1936*

*Income Tax Assessment Act 1997*

*Petroleum Resource Rent Tax Assessment Act 1987*

*Superannuation Guarantee (Administration) Act 1992*

*Taxation Administration Act 1953*, but only so far as the decisions are made under Part 3-10 in Schedule 1 to that Act

*Training Guarantee (Administration) Act 1990*

*Trust Recoupment Tax Assessment Act 1985*;

- (ga) decisions under section 14ZY of the *Taxation Administration Act 1953* disallowing objections to assessments or calculations of tax, charge or duty;
- (gaa) decisions of the Commissioner of Taxation under Subdivision 268-B or section 268-35 in Schedule 1 to the *Taxation Administration Act 1953*;
  - Note: Subdivision 268-B and section 268-35 empower the Commissioner to make, reduce and revoke estimates of certain liabilities.
- (gb) decisions making, or forming part of the process of making, or leading up to the making of, assessments under Division 2 of Part 5 of the *Renewable Energy (Electricity) Act 2000* or decisions disallowing objections to such assessments or decisions amending or refusing to amend such assessments;
- (h) decisions under the *Foreign Acquisitions and Takeovers Act 1975*;
- (ha) decisions of the Minister under Division 1 of Part 7.4 of the *Corporations Act 2001*;
- (hb) decisions of the SEGC under Part 7.5 of the *Corporations Act 2001*;
- (hc) decisions under Division 3 of Part VC of the *Insurance Act 1973*, except so far as they relate to either of the following matters:

- (i) whether persons are covered by determinations under section 62ZZ of that Act;
    - (ii) determinations under subsection 62ZZJ(2) of that Act;
  - (hd) decisions under Subdivision C of Division 2AA of Part II of the *Banking Act 1959*, except so far as they relate to whether account-holders have protected accounts with ADIs;
  - (j) decisions, or decisions included in a class of decisions, under the Banking (Foreign Exchange) Regulations in respect of which the Treasurer has certified, by instrument in writing, that the decision or any decision included in the class, as the case may be, is a decision giving effect to the foreign investment policy of the Commonwealth Government;
  - (l) decisions of the National Workplace Relations Consultative Council;
  - (o) decisions under the *Defence Force Discipline Act 1982*;
  - (p) decisions under section 42 of the *Customs Act 1901* to require and take securities in respect of duty that may be payable under the *Customs Tariff (Anti-Dumping) Act 1975*;
  - (q) decisions under subsection 25(1) or Part IIIA of the *Commonwealth Electoral Act 1918*;
  - (qa) decisions under section 176 or 248 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*;
  - (r) decisions under the *Extradition Act 1988*;
  - (s) determinations made by the Child Support Registrar under Part 6A of the *Child Support (Assessment) Act 1989*;
  - (t) decisions under an enactment of Qantas Airways Limited or a company that is a subsidiary of that company;
  - (u) decisions of Snowy Mountains Engineering Corporation Limited or a body corporate that is a subsidiary of that body corporate;
  - (v) decisions of CSL Limited or a company that is a subsidiary of that company;
  - (va) decisions of Telstra Corporation Limited or a company that is a subsidiary of that company;
  - (w) decisions under the *Witness Protection Act 1994*;
-

- (wa) decisions under section 34B or 34D of the *Australian Crime Commission Act 2002*;
- (x) decisions under subsection 60A(2B) of the *Australian Federal Police Act 1979*;
- (xa) decisions to prosecute persons for any offence against a law of the Commonwealth, a State or a Territory;
  - Note: An application under this Act in relation to other criminal justice process decisions cannot be heard or determined in certain circumstances: see section 9A.
- (xb) decisions of the Attorney-General under Part II or III of the *Transfer of Prisoners Act 1983* refusing applications or requests, or refusing to give consent, on the ground that, or on grounds that include the ground that, refusal is necessary in the interests of security (within the meaning of that Act);
- (xc) decisions of the Attorney-General under Part IV of the *Transfer of Prisoners Act 1983*;
- (y) decisions of the Administrative Appeals Tribunal (other than decisions made on review of decisions of the Australian Archives) made on a review that is required by the *Administrative Appeals Tribunal Act 1975* to be conducted by the Security Appeals Division of that Tribunal;
- (ya) decisions of the DPP or an approved examiner under Part 3-1 of the *Proceeds of Crime Act 2002*;
- (yb) decisions of the DPP to apply for an order under the *Proceeds of Crime Act 2002*;
- (za) decisions under Part VIII B of the *Judiciary Act 1903* (which relates to the Australian Government Solicitor);
- (zb) decisions of Snowy Hydro Limited or a body corporate that is a subsidiary of Snowy Hydro Limited;
- (zc) a nomination under section 3A or a decision under section 3C or 7 of the *Commonwealth Radioactive Waste Management Act 2005*;
- (zd) the following decisions under the *Family Law Act 1975*:
  - (i) decisions of the Chief Judge or the Deputy Chief Judge in the exercise of, or in assisting in the exercise of, the functions or powers mentioned in subsection 21B(1A) of that Act;

- (ii) decisions of the Chief Judge or the Attorney-General whether to consent as mentioned in paragraph 22(2AAA)(a) of that Act;
- (ze) the following decisions under the *Federal Court of Australia Act 1976*:
  - (i) decisions of the Chief Justice in the exercise of the functions or powers mentioned in subsection 15(1AA) of that Act;
  - (ii) decisions of the Chief Justice or the Attorney-General whether to consent as mentioned in paragraph 6(3)(a) of that Act;
- (zf) decisions of the Chief Federal Magistrate in the exercise of the functions or powers mentioned in subsection 12(3) or (4) of the *Federal Magistrates Act 1999*.

## **Schedule 2—Classes of decisions that are not decisions to which section 13 applies**

### Section 13

- (a) decisions in connection with, or made in the course of, redress of grievances, or redress of wrongs, with respect to members of the Defence Force;
- (b) decisions in connection with personnel management (including recruitment, training, promotion and organization) with respect to the Defence Force, including decisions relating to particular persons;
- (c) decisions under any of the following Acts:
  - Consular Privileges and Immunities Act 1972*
  - Diplomatic Privileges and Immunities Act 1967*
  - International Organisations (Privileges and Immunities) Act 1963*;
- (d) decisions under the *Migration Act 1958*, being:
  - (i) decisions under section 11Q, other than:
    - (A) a decision relating to a person who, at the time of the decision, was, within the meaning of that Act, the holder of a valid visa; or
    - (B) a decision relating to a person who, having entered Australia within the meaning of that Act, was in Australia at the time of the decision;
  - (ii) decisions in connection with the issue or cancellation of visas;
  - (iii) decisions whether a person is a person referred to in paragraph (b) of the definition of ***exempt non-citizen*** in subsection 5(1) of that Act; or
  - (iv) decisions relating to a person who, having entered Australia as a diplomatic or consular representative of another country, a member of the staff of such a representative or the spouse, de facto partner or a dependent relative of such a representative, was in Australia at the time of the decision (for the purposes of this subparagraph, ***enter Australia***,

*spouse, de facto partner* and relative have the same meanings as in that Act);

- (da) decisions of the Attorney-General to give:
    - (i) notice under section 6A of the *National Security Information (Criminal and Civil Proceedings) Act 2004*; or
    - (ii) a certificate under section 26, 28, 38F or 38H of that Act;
  - (db) decisions of the Minister appointed by the Attorney-General under section 6A of the *National Security Information (Criminal and Civil Proceedings) Act 2004* to give:
    - (i) notice under section 6A of that Act; or
    - (ii) a certificate under section 38F or 38H of that Act;
  - (dc) decisions under subsection 8(4) or 9(4) of the *Parliamentary Joint Committee on Law Enforcement Act 2010*;
  - (e) decisions relating to the administration of criminal justice, and, in particular:
    - (i) decisions in connection with the investigation, committal for trial or prosecution of persons for any offences against a law of the Commonwealth or of a Territory;
    - (ii) decisions in connection with the appointment of investigators or inspectors for the purposes of such investigations;
    - (iii) decisions in connection with the issue of warrants, including search warrants and seizure warrants, under a law of the Commonwealth or of a Territory;
    - (iv) decisions under a law of the Commonwealth or of a Territory requiring the production of documents, the giving of information or the summoning of persons as witnesses;
    - (v) decisions in connection with an appeal (including an application for a new trial or a proceeding to review or call in question the proceedings, decision or jurisdiction of a court or judge) arising out of the prosecution of persons for any offences against a law of the Commonwealth or of a Territory;
  - (eaa) decisions under the *Law Enforcement Integrity Commissioner Act 2006* being:
    - (i) decisions in connection with a corruption investigation (within the meaning of that Act); or
    - (ii) decisions in connection with a public inquiry (within the meaning of that Act);
-



- (ea) decisions under the *Australian Crime Commission Act 2002* being:
    - (i) decisions in connection with intelligence operations; or
    - (ii) decisions in connection with investigations of State offences that have a federal aspect;
  - (f) decisions in connection with the institution or conduct of proceedings in a civil court, including decisions that relate to, or may result in, the bringing of such proceedings for the recovery of pecuniary penalties arising from contraventions of enactments, and, in particular:
    - (i) decisions in connection with the investigation of persons for such contraventions;
    - (ii) decisions in connection with the appointment of investigators or inspectors for the purposes of such investigations;
    - (iii) decisions in connection with the issue of search warrants or seizure warrants issued under Division 1 of Part XII of the *Customs Act 1901* under enactments; and
    - (iv) decisions under enactments requiring the production of documents, the giving of information or the summoning of persons as witnesses;
  - (g) decisions of the Finance Minister to issue sums out of the Consolidated Revenue Fund under an Act to appropriate moneys out of that Fund for the service of, or for expenditure in respect of, any year;
  - (h) decisions under section 27 of the *Financial Management and Accountability Act 1997*;
  - (i) decisions of the Commonwealth Grants Commission relating to the allocation of funds;
  - (j) decisions of any of the following Tribunals:
    - Academic Salaries Tribunal
    - Defence Force Remuneration Tribunal
    - Federal Police Arbitral Tribunal
    - Remuneration Tribunal;
  - (k) decisions of any of the following authorities in respect of their commercial activities:
    - Australian Honey Board
    - Australian Meat and Live-stock Corporation
    - Australian Wheat Board
-

Australian Wool Corporation  
Canberra Commercial Development Authority  
Christmas Island Phosphate Commission  
Indigenous Business Australia;

- (l) decisions of the Reserve Bank in connection with its banking operations (including individual open market operations and foreign exchange dealings);
  - (m) decisions in connection with the enforcement of judgments or orders for the recovery of moneys by the Commonwealth or by an officer of the Commonwealth;
  - (o) decisions of the National Director of the Commonwealth Employment Service made on behalf of that Service to refer, or not to refer, particular clients to particular employers;
  - (p) decisions under the *Civil Aviation Act 1988* that:
    - (i) relate to aircraft design, the construction or maintenance of aircraft or the safe operation of aircraft or otherwise relate to aviation safety; and
    - (ii) arise out of findings on material questions of fact based on evidence, or other material:
      - (A) that was supplied in confidence; or
      - (B) the publication of which would reveal information that is a trade secret;
  - (q) decisions in connection with personnel management (including recruitment, training, promotion and organization) with respect to the Australian Public Service or any other Service established by an enactment or the staff of a Commonwealth authority, other than a decision relating to, and having regard to the particular characteristics of, or other circumstances relating to, a particular person;
  - (r) decisions relating to assignment of duties, voluntary moves between Agencies, compulsory moves between Agencies, promotions or decisions of Promotion Review Committees, of or by individual APS employees;
  - (t) decisions relating to:
    - (i) the making of appointments in the Australian Public Service or any other Service established by an enactment or to the staff of a Commonwealth authority;
-

- (ii) the engagement of persons as employees under the *Public Service Act 1999* or under any other enactment that establishes a Service or by a Commonwealth authority; or
  - (iii) the making of appointments under an enactment or to an office established by, or under, an enactment;
- (u) decisions in connection with industrial matters, in respect of the Australian Public Service or any other Service established by an enactment or the staff of a Commonwealth authority;
- (w) decisions relating to the making or terminating of appointments of Secretaries under the *Public Service Act 1999*;
- (y) decisions relating to:
  - (i) engaging, or terminating engagements of, consultants; or
  - (ii) employing, or terminating the employment of, staff; under the *Members of Parliament (Staff) Act 1984*;
- (z) decisions under section 28, 40F or 40H of the *Australian Federal Police Act 1979*;
- (zb) decisions relating to the activities of the Export Finance and Insurance Corporation under Part 4 or 5 of the *Export Finance and Insurance Corporation Act 1991*;
- (zc) decisions of the Minister for Foreign Affairs under Part 8B of the *Broadcasting Services Act 1992* (for this purpose, **Minister for Foreign Affairs** has the same meaning as in that Act).

**Schedule 3** State, ACT and NT Acts, and parts of such Acts, that are enactments for the purposes of this Act

---

## **Schedule 3—State, ACT and NT Acts, and parts of such Acts, that are enactments for the purposes of this Act**

Note: See paragraphs (ca) and (cb) of the definition of *enactment* in subsection 3(1).

### **1 What this Schedule does**

This Schedule describes Acts of the States, the Australian Capital Territory and the Northern Territory, and parts of such Acts, that are enactments for the purposes of this Act.

Note: This Schedule can be amended by the regulations (see section 19B).

### **2 State, ACT and NT Acts, and parts of such Acts, that are enactments**

The following are enactments for the purposes of this Act:

- (a) an Act of a State, the Australian Capital Territory or the Northern Territory that applies, as a law of the State or Territory, the Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* of the Commonwealth;
- (d) the National Gas Law set out in the Schedule to the *National Gas (South Australia) Act 2008* of South Australia as in force from time to time, as that Law applies as a law of South Australia;
- (daa) if an Act of another State or of the Australian Capital Territory or the Northern Territory applies the National Gas Law set out in the Schedule to the *National Gas (South Australia) Act 2008* of South Australia, as in force from time to time, as a law of that other State or of that Territory—the National Gas Law as so applied;
- (dab) the National Gas Access (Western Australia) Law (within the meaning of the *National Gas Access (WA) Act 2009* of Western Australia) as in force from time to time, as that Law applies as a law of Western Australia;
- (da) the *National Electricity (South Australia) Act 1996* of South Australia, or an Act of another State or of the Australian

- Capital Territory or the Northern Territory that applies the Schedule to that South Australian Act as a law of that other State or of that Territory;
- (e) an Act of a State, the Australian Capital Territory or the Northern Territory that applies, as a law of the State or Territory, the text set out in Part 1 of Schedule 1 to the *Competition and Consumer Act 2010* of the Commonwealth (which forms part of what is commonly known as the Competition Code);
  - (fa) an Act of a State, the Australian Capital Territory or the Northern Territory that applies Schedule 2 to the *Competition and Consumer Act 2010* as a law of the State or Territory;
  - (g) the *Petroleum (Submerged Lands) Act 1982* of Victoria;
  - (h) the *Petroleum (Submerged Lands) Act 1982* of Queensland;
  - (ha) the *Petroleum (Submerged Lands) Act 1982* of Western Australia;
  - (i) the *Petroleum (Submerged Lands) Act 1982* of Tasmania;
  - (j) the *Petroleum (Submerged Lands) Act* of the Northern Territory.



**Table of Acts****Notes to the *Administrative Decisions (Judicial Review) Act 1977*****Note 1**

The *Administrative Decisions (Judicial Review) Act 1977* as shown in this compilation comprises Act No. 59, 1977 amended as indicated in the Tables below.

The operation of the *Administrative Decisions (Judicial Review) Act 1977* is affected by section 40 of the *Archives Act 1983*.

The *Administrative Decisions (Judicial Review) Act 1977* was amended by the *Administrative Decisions (Judicial Review) Regulations (Statutory Rules 1981 No. 274)*. These Regulations were disallowed by the Senate on 23 March 1982.

The *Administrative Decisions (Judicial Review) Act 1977* was amended by the *Public Employment (Consequential and Transitional) Regulations 1999* (Statutory Rules 1999 No. 301 as amended by Statutory Rules 2000 No. 332) and the *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1)* (SLI 2006 No. 50). The amendments are incorporated in this compilation.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, see Act No. 55, 2001.

All relevant information pertaining to application, saving or transitional provisions prior to 22 September 1999 is not included in this compilation. For subsequent information see Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Administrative Decisions (Judicial Review) Act 1977</i>	59, 1977	16 June 1977	1 Oct 1980 (see <i>Gazette</i> 1980, No. S210)	
<i>Administrative Decisions (Judicial Review) Amendment Act 1978</i>	66, 1978	22 June 1978	1 Oct 1980 (see s. 2 and <i>Gazette</i> 1980, No. S210)	—
<i>Administrative Decisions (Judicial Review) Amendment Act 1980</i>	111, 1980	1 Sept 1980	1 Oct 1980 (see s. 2 and <i>Gazette</i> 1980, No. S210)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Public Service Acts Amendment Act 1982</i>	111, 1982	5 Nov 1982	S. 89: 22 Dec 1984 (see <i>Gazette</i> 1984, No. S539) (a)	—
<i>Customs Tariff (Miscellaneous Amendments) Act 1982</i>	115, 1982	22 Nov 1982	Ss. 1, 2, 7 and 8(1): Royal Assent Remainder: 1 Jan 1983 (see s. 2(2) and <i>Gazette</i> 1982, No. S274, p. 3)	S. 4(2)
<i>Taxation (Unpaid Company Tax) (Consequential Amendments) Act 1982</i>	122, 1982	13 Dec 1982	13 Dec 1982 (see s. 2)	—
<i>Customs Securities (Anti-Dumping) Amendment Act 1982</i>	137, 1982	23 Dec 1982	24 Nov 1982	S. 6(2)
<i>Administrative Decisions (Judicial Review) Amendment Act 1982</i>	140, 1982	31 Dec 1982	31 Dec 1982 (see s. 2)	—
<i>Defence Force (Miscellaneous Provisions) Act 1982</i>	153, 1982	31 Dec 1982	3 July 1985 (see s. 2 and <i>Gazette</i> 1985, No. S255)	S. 95
<i>Ombudsman (Miscellaneous Amendments) Act 1983</i>	62, 1983	12 Oct 1983	Part IV (ss. 30, 31): 5 Dec 1983 (see s. 2(2) and <i>Gazette</i> 1983, No. S305) Remainder: 12 Oct 1983 (see s. 2(1))	—
<i>Commonwealth Electoral Legislation Amendment Act 1983</i>	144, 1983	22 Dec 1983	21 Feb 1984 (see <i>Gazette</i> 1984, No. S62)	—
<i>Commonwealth Banks Amendment Act 1984</i>	76, 1984	25 June 1984	29 June 1984 (see <i>Gazette</i> 1984, No. S241)	—
<i>Egg Export Legislation Repeal Act 1984</i>	159, 1984	25 Oct 1984	1 Jan 1985	—
<i>Defence Legislation Amendment Act 1984</i>	164, 1984	25 Oct 1984	Part XIV (ss. 115, 116): Royal Assent (b)	—
<i>Trust Recoupment Tax (Consequential Amendments) Act 1985</i>	4, 1985	29 Mar 1985	5 Apr 1985 (see s. 2)	—
<i>Sales Tax Laws Amendment Act 1985</i>	47, 1985	30 May 1985	Ss. 3, 4(2), 11, 12 and Part XI (ss. 54–56): 21 Aug 1981 Ss. 5, 18, 20, 22, 24, 28(2), 39, 40, 45, 48, 50, 51 and 53: 10 May 1985 (see s. 2(3)) Remainder: Royal Assent	S. 2(4) and (5)



**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: (c)	—
<i>Fringe Benefits Tax (Miscellaneous Provisions) Act 1986</i>	41, 1986	24 June 1986	24 June 1986 (see s. 2(1))	S. 2(2)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1986</i>	76, 1986	24 June 1986	S. 3: Royal Assent (d)	S. 9
<i>Intelligence and Security (Consequential Amendments) Act 1986</i>	102, 1986	17 Oct 1986	1 Feb 1987 (see s. 2 and <i>Gazette</i> 1987, No. S13)	—
<i>Taxation Laws Amendment Act (No. 3) 1986</i>	112, 1986	4 Nov 1986	4 Nov 1986	S. 4(2)
<i>Public Service Legislation (Streamlining) Act 1986</i>	153, 1986	18 Dec 1986	Ss. 1–3, 103, 126, 130, 132 and 134: Royal Assent Ss. 20, 22(2), 36, 38–41, 44, 45(1), (3), 46, 102, 105, 110 and 112: 14 June 1987 (see <i>Gazette</i> 1987, No. S125) Ss. 43, 45(2), 70–76, 78, 87, 113, 115, 116, 122(2), 123, 125, 129 and 131: 20 July 1987 (see <i>Gazette</i> 1987, No. S178) Remainder: 15 Jan 1987	—
<i>Taxation Laws Amendment Act (No. 2) 1987</i>	62, 1987	5 June 1987	S. 56: 1 July 1987 (see <i>Gazette</i> 1987, No. S131) (e)	—
<i>Customs Tariff (Miscellaneous Amendments) Act 1987</i>	76, 1987	5 June 1987	1 Jan 1988 (see s. 2 and <i>Gazette</i> 1987, No. S351)	S. 10(1)
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: Royal Assent (f)	S. 5(1)
<i>Petroleum Resource Rent Tax (Miscellaneous Provisions) Act 1987</i>	145, 1987	18 Dec 1988	15 Jan 1988 (see s. 2)	—
<i>Extradition (Repeal and Consequential Provisions) Act 1988</i>	5, 1988	9 Mar 1988	1 Dec 1988 (see s. 2(1) and <i>Gazette</i> 1988, No. S366)	S. 7(1)

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Family Court of Australia (Additional Jurisdiction and Exercise of Powers) Act 1988</i>	8, 1988	5 Apr 1988	Ss. 1–11, 12(b), (c), (e), (f), 13–21, 27, 29 and 30: Royal Assent S. 12(a) and (d): 1 Jan 1990 Remainder: 1 July 1988 (see <i>Gazette</i> 1988, No. S191)	—
<b>as amended by</b>				
<i>Law and Justice Legislation Amendment Act 1988</i>	120, 1988	14 Dec 1988	Part XI (ss. 34, 35): 5 Apr 1988 (g)	—
<i>Civil Aviation Act 1988</i>	63, 1988	15 June 1988	Part III (ss. 17–32), s. 98, Part IX (s. 99) and Part X (ss. 100–103): 1 July 1988 (see <i>Gazette</i> 1988, No. S189) Remainder: Royal Assent	Ss. 100(1)–(3) and 102(1)
<i>Industrial Relations (Consequential Provisions) Act 1988</i>	87, 1988	8 Nov 1988	Ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s. 2(2) and <i>Gazette</i> 1989, No. S53)	—
<i>A.C.T. Self-Government (Consequential Provisions) Act 1988</i>	109, 1988	6 Dec 1988	S. 32: 11 May 1989 (see <i>Gazette</i> 1989, No. S164) (h)	S. 26
<i>Primary Industries and Energy Legislation Amendment Act 1988</i>	111, 1988	12 Dec 1988	S. 3: 1 Jan 1989 (i)	—
<i>ANL (Conversion into Public Company) Act 1988</i>	127, 1988	14 Dec 1988	S. 11: 1 July 1989 (see <i>Gazette</i> 1989, No. S210) (j)	—
<i>Foreign Takeovers Amendment Act 1989</i>	14, 1989	13 Apr 1989	1 Aug 1989 (see <i>Gazette</i> 1989, No. S240)	S. 32(1)
<i>Taxation Laws Amendment Act (No. 3) 1989</i>	107, 1989	30 June 1989	Part 6 (ss. 29, 30): 24 Nov 1988 (see s. 2(2)) Remainder: Royal Assent	—
<i>Aboriginal and Torres Strait Islander Commission Act 1989</i>	150, 1989	27 Nov 1989	5 Mar 1990 (see <i>Gazette</i> 1990, No. S48)	—
<i>Australian Federal Police Legislation Amendment Act (No. 2) 1989</i>	153, 1989	17 Dec 1989	S. 72: 1 Jan 1990 (see <i>Gazette</i> 1989, No. S397) (k)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Migration Legislation Amendment (Consequential Amendments) Act 1989</i>	159, 1989	18 Dec 1989	S. 4: 19 Dec 1989 (l)	—
<i>Training Guarantee (Administration) Act 1990</i>	60, 1990	16 June 1990	S. 43 and Part 10 (ss. 88–95): 31 Oct 1990 (see <i>Gazette</i> 1990, No. S272) Remainder: 1 July 1990	—
<i>Commonwealth Serum Laboratories (Conversion into Public Company) Act 1990</i>	77, 1990	22 Oct 1990	S. 17: 1 Apr 1991 (see <i>Gazette</i> 1991, No. S75) (m)	—
<i>Commonwealth Banks Restructuring Act 1990</i>	118, 1990	28 Dec 1990	S. 62 (in part): 17 Apr 1991 (see <i>Gazette</i> 1991, No. S72) (n)	—
<i>Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991</i>	149, 1991	21 Oct 1991	1 Nov 1991	—
<i>Taxation Laws Amendment Act (No. 3) 1991</i>	216, 1991	24 Dec 1991	S. 113: 1 Mar 1992 (see <i>Gazette</i> 1992, No. GN7) (o)	—
<i>Superannuation Guarantee (Consequential Amendments) Act 1992</i>	92, 1992	30 June 1992	1 July 1992	—
<i>Child Support Legislation Amendment Act (No. 2) 1992</i>	151, 1992	11 Dec 1992	Ss. 6, 7, 10, 11 and 14–20: 1 July 1993 Ss. 34, 36 and 41: 1 Jan 1993 Ss. 37 and 39: 1 June 1988 Remainder: Royal Assent	—
<i>Qantas Sale Act 1992</i>	196, 1992	21 Dec 1992	Schedule (Part 2): 10 Mar 1993 (see <i>Gazette</i> 1993, No. GN17) (p)	S. 2(6) (am. by 60, 1993, s. 4; 168, 1994, Sch. [item 17])
<b>as amended by</b>				
<i>Qantas Sale Amendment Act 1993</i>	60, 1993	3 Nov 1993	10 Mar 1993	—
<i>Qantas Sale Amendment Act 1994</i>	168, 1994	16 Dec 1993	Schedule (item 17): Royal Assent (q)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Insolvency (Tax Priorities) Legislation Amendment Act 1993</i>	32, 1993	16 June 1993	Ss. 6, 7, 9, 11, 13, 15 and Part 5 (ss. 29, 30): 1 June 1993 Part 4 (ss. 20–28): 1 July 1993 Remainder: Royal Assent	—
<i>Snowy Mountains Engineering Corporation Limited Sale Act 1993</i>	54, 1993	27 Oct 1993	S. 44: 9 Nov 1993 (see <i>Gazette</i> 1993, No. S334) (r)	—
<i>CSL Sale Act 1993</i>	88, 1993	30 Nov 1993	Part 1 (ss. 1–4), ss. 7 and 47: Royal Assent Ss. 5 and 6: 22 Feb 1991 Remainder: 3 June 1994 (see <i>Gazette</i> 1994, No. S209)	—
<i>Witness Protection Act 1994</i>	124, 1994	18 Oct 1994	18 Apr 1995	—
<i>Customs, Excise and Bounty Legislation Amendment Act 1995</i>	85, 1995	1 July 1995	S. 20: Royal Assent Schedule 10 (items 1, 2): 1 July 1995 (s)	S. 20
<i>ANL Sale Act 1995</i>	136, 1995	5 Dec 1995	(t)	—
<i>Commonwealth Bank Sale Act 1995</i>	161, 1995	16 Dec 1995	Schedule (item 1): (u)	—
<i>Law and Justice Legislation Amendment Act (No. 1) 1995</i>	175, 1995	16 Dec 1995	16 Dec 1995	—
<i>Customs Tariff (Miscellaneous Amendments) Act 1996</i>	15, 1996	24 June 1996	1 July 1996 (v)	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 2 (items 8–13): (w) Schedule 5 (items 7–9): Royal Assent (w)	—
<i>Bankruptcy Legislation Amendment Act 1996</i>	44, 1996	25 Oct 1996	Schedule 1 (item 1): 16 Dec 1996 (see <i>Gazette</i> 1996, No. GN49) (x)	—
<i>Workplace Relations and Other Legislation Amendment Act 1996</i>	60, 1996	25 Nov 1996	Schedule 19 (item 3): Royal Assent (y)	—
<i>Income Tax (Consequential Amendments) Act 1997</i>	39, 1997	17 Apr 1997	1 July 1997	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<b>as amended by</b>				
<i>Taxation Laws Amendment Act (No. 1) 1998</i>	16, 1998	16 Apr 1998	Schedule 8 (item 3): (z)	—
<i>AIDC Sale Act 1997</i>	67, 1997	5 June 1997	Schedule 2 (item 1): 22 Apr 2011 (see F2011L00637) (za)	—
<i>Australian National Railways Commission Sale Act 1997</i>	96, 1997	30 June 1997	Schedule 4 (item 1): 1 Nov 2000 (see <i>Gazette</i> 2000, No. S562) (zb)	—
<i>Foreign Affairs and Trade Legislation Amendment Act 1997</i>	150, 1997	17 Oct 1997	Schedule 2 (item 1): Royal Assent (zc)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (item 141): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (zd)	—
<i>Snowy Hydro Corporatisation (Consequential Amendments) Act 1997</i>	177, 1997	21 Nov 1997	28 June 2002 (see s. 2 and <i>Gazette</i> 2002, No. S216)	—
<i>Judiciary Amendment Act 1999</i>	7, 1999	31 Mar 1999	Schedules 1–3: 1 Sept 1999 (see <i>Gazette</i> 1999, No. S395) Remainder: Royal Assent	—
<i>Statute Stocktake Act 1999</i>	118, 1999	22 Sept 1999	22 Sept 1999	Sch. 2 (item 20) [see Table A]
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 50–53): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (ze)	—
<i>Australian Security Intelligence Organisation Legislation Amendment Act 1999</i>	161, 1999	10 Dec 1999	Schedule 3 (items 1, 16): (zf)	—
<i>A New Tax System (Indirect Tax and Consequential Amendments) Act 1999</i>	176, 1999	22 Dec 1999	Schedule 8 (items 1, 2): (zg)	—
<b>as amended by</b>				
<i>Taxation Laws Amendment Act (No. 8) 2000</i>	156, 2000	21 Dec 2000	Schedule 7 (item 8): (zh)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Federal Magistrates (Consequential Amendments) Act 1999</i>	194, 1999	23 Dec 1999	Schedule 4: 23 Dec 1999 ( <i>zi</i> )	Sch. 4 (item 72) [see Table A]
<i>Australian Federal Police Legislation Amendment Act 2000</i>	9, 2000	7 Mar 2000	2 July 2000 (see <i>Gazette</i> 2000, No. S328)	Sch. 3 (items 20, 21, 34, 35) [see Table A]
<i>Jurisdiction of Courts Legislation Amendment Act 2000</i>	57, 2000	30 May 2000	Schedule 1 (items 3–27): 1 July 2000 (see <i>Gazette</i> 2000, No. GN25) ( <i>zj</i> ) Schedule 2 (items 1–5, 16): Royal Assent ( <i>zj</i> )	Sch. 1 (item 27) and Sch. 2 (item 16) [see Table A]
<i>Jurisdiction of Courts (Miscellaneous Amendments) Act 2000</i>	161, 2000	21 Dec 2000	21 Dec 2000	Sch. 1 (items 16, 17) [see Table A]
<i>Broadcasting Services Amendment Act 2000</i>	172, 2000	21 Dec 2000	Schedule 1 (item 1): Royal Assent ( <i>zk</i> )	—
<i>Corporations (Repeals, Consequentials and Transitionals) Act 2001</i>	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (items 13–15): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) ( <i>zl</i> )	Ss. 4–14 [see Note 1]
<i>Financial Services Reform (Consequential Provisions) Act 2001</i>	123, 2001	27 Sept 2001	Schedule 1 (item 1): 11 Mar 2002 (see <i>Gazette</i> 2001, No. GN42) ( <i>zm</i> )	—
<i>Migration Legislation Amendment (Judicial Review) Act 2001</i>	134, 2001	27 Sept 2001	Schedule 1: 2 Oct 2001 (see <i>Gazette</i> 2001, No. S406) Remainder: Royal Assent	Sch. 1 (item 8(1)–(3)) [see Table A]
<i>Intelligence Services (Consequential Provisions) Act 2001</i>	153, 2001	1 Oct 2001	29 Oct 2001 (see s. 2)	S. 4 [see Table A]
<i>Jurisdiction of the Federal Magistrates Service Legislation Amendment Act 2001</i>	157, 2001	1 Oct 2001	Schedule 2 (items 2–5, 6(2)): Royal Assent ( <i>zn</i> )	Sch. 2 (item 6(2)) [see Table A]
<i>Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002</i>	86, 2002	11 Oct 2002	Ss. 1–3: Royal Assent Remainder: 1 Jan 2003 (see s. 2(1) and <i>Gazette</i> 2002, No. GN44)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Workplace Relations Legislation Amendment Act 2002</i>	127, 2002	11 Dec 2002	Schedule 2 (item 17): Royal Assent	—
<i>Dairy Industry Service Reform Act 2003</i>	32, 2003	15 Apr 2003	Schedule 1: 1 July 2003 (see <i>Gazette</i> 2003, No. S228) Remainder: Royal Assent	Sch. 1 (items 127–129) [see Table A]
<i>Australian Crime Commission Amendment Act 2004</i>	30, 2004	2 Apr 2004	Schedule 2 (item 1): Royal Assent	—
<i>Communications Legislation Amendment Act (No. 1) 2004</i>	35, 2004	20 Apr 2004	21 Apr 2004	—
<i>Law and Justice Legislation Amendment Act 2004</i>	62, 2004	26 May 2004	Schedule 1 (item 2): (zo) Schedule 1 (items 3, 4): 27 May 2004	—
<i>Trade Practices Amendment (Australian Energy Market) Act 2004</i>	108, 2004	30 June 2004	Schedules 1 and 2: 23 May 2005 (see F2005L01121) Remainder: Royal Assent	—
<i>Anti-terrorism Act (No. 2) 2004</i>	124, 2004	16 Aug 2004	Schedule 3: 17 Aug 2004 Remainder: Royal Assent	—
<i>National Security Information (Criminal Proceedings) (Consequential Amendments) Act 2004</i>	151, 2004	14 Dec 2004	Schedules 1 and 2: (zp) Remainder: Royal Assent	—
<i>National Security Information Legislation Amendment Act 2005</i>	89, 2005	6 July 2005	Schedule 1: 3 Aug 2005 Remainder: Royal Assent	—
<i>Statute Law Revision Act 2005</i>	100, 2005	6 July 2005	Schedule 1 (item 1): Royal Assent	—
<i>Human Services Legislation Amendment Act 2005</i>	111, 2005	6 Sept 2005	Schedule 2 (items 80, 728): 1 Oct 2005	Sch. 2 (item 728) [see Table A]
<i>Building and Construction Industry Improvement (Consequential and Transitional) Act 2005</i>	112, 2005	12 Sept 2005	Schedule 2 (item 1): Royal Assent	—
<i>Telstra (Transition to Full Private Ownership) Act 2005</i>	118, 2005	23 Sept 2005	S. 3: Royal Assent Schedule 1 (item 41): 24 Nov 2006 (see s. 3(1) and F2006L03997)	S. 3 [see Table A]

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Migration Litigation Reform Act 2005</i>	137, 2005	15 Nov 2005	Schedule 1: 1 Dec 2005 (see F2005L03684) Remainder: Royal Assent	Sch. 1 (items 40–42) [see Table A]
<i>Anti-Terrorism Act (No. 2) 2005</i>	144, 2005	14 Dec 2005	S. 4: Royal Assent Schedule 4 (item 25): 15 Dec 2005	S. 4 [see Table A]
<i>Commonwealth Radioactive Waste Management (Related Amendments) Act 2005</i>	146, 2005	14 Dec 2005	Schedule 1 (item 1): 15 Dec 2005 (see s. 2(1))	—
<i>Australian Sports Anti-Doping Authority (Consequential and Transitional Provisions) Act 2006</i>	7, 2006	7 Mar 2006	Schedule 1 (item 1): 13 Mar 2006 (see s. 2(1) and F2006L00764)	—
<i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i>	17, 2006	29 Mar 2006	Schedule 2 (item 1): 1 July 2008 (see s. 2(1) and F2008L02273)	—
<i>Telecommunications (Interception) Amendment Act 2006</i>	40, 2006	3 May 2006	Schedule 1 (item 10): 13 June 2006 (see F2006L01623)	—
<i>Energy Legislation Amendment Act 2006</i>	60, 2006	22 June 2006	Schedule 2 (item 1): (zq)	—
<i>Fuel Tax (Consequential and Transitional Provisions) Act 2006</i>	73, 2006	26 June 2006	Schedule 5 (items 1, 63): 1 July 2006 (see s. 2(1))	—
<i>Excise Laws Amendment (Fuel Tax Reform and Other Measures) Act 2006</i>	74, 2006	26 June 2006	Schedule 1 (item 1): 1 July 2006	—
<i>Law Enforcement (AFP Professional Standards and Related Measures) Act 2006</i>	84, 2006	30 June 2006	Schedule 3 (item 1): 30 Dec 2006 (see s. 2(1))	—
<i>Law Enforcement Integrity Commissioner (Consequential Amendments) Act 2006</i>	86, 2006	30 June 2006	Schedule 1 (item 1): 30 Dec 2006 (see s. 2(1))	—
<i>Renewable Energy (Electricity) Amendment Act 2006</i>	90, 2006	30 June 2006	Schedule 1: 11 Sept 2006 (see F2006L02947) Remainder: Royal Assent	Sch. 1 (item 192) [see Table A]
<i>Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006</i>	101, 2006	14 Sept 2006	Schedule 5 (items 2–5) and Schedule 6 (items 5–11): Royal Assent	Sch. 6 (items 5–11) [see Table A]



**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Commonwealth Radioactive Waste Management Legislation Amendment Act 2006</i>	161, 2006	11 Dec 2006	11 Dec 2006	—
<i>Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006</i>	170, 2006	12 Dec 2006	Schedule 1 (item 1): 13 Dec 2006 (see s. 2(1))	—
<i>Statute Law Revision Act 2007</i>	8, 2007	15 Mar 2007	Schedule 3 (items 18, 19): Royal Assent	—
<i>Australian Energy Market Amendment (Gas Legislation) Act 2007</i>	45, 2007	10 Apr 2007	Schedule 1 (item 1): 1 July 2008 (see F2008L02164)	—
<i>Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2007</i>	52, 2007	12 Apr 2007	Schedule 1 (items 1, 65): 13 Apr 2007	Sch. 1 (item 65) [see Table A]
<i>Tax Laws Amendment (2007 Measures No. 1) Act 2007</i>	56, 2007	12 April 2007	12 Apr 2007	Sch. 1 (item 5) [see Table A]
<i>Australian Energy Market Amendment (Minor Amendments) Act 2008</i>	60, 2008	30 June 2008	Schedule 1: (zr)	—
<i>Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Act 2008</i>	105, 2008	17 Oct 2008	Schedule 1 (item 53): (zs)	—
<i>Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008</i>	144, 2008	9 Dec 2008	Schedule 2 (items 2, 3): 1 July 2009	Sch. 2 (item 3) [see Table A]
<i>Australian Energy Market Amendment (AEMO and Other Measures) Act 2009</i>	17, 2009	26 Mar 2009	Schedule 1 (item 1): 27 Mar 2009	—
<i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i>	55, 2009	25 June 2009	Schedule 17 (item 18): 1 July 2009	—
<i>Tax Laws Amendment (2009 Measures No. 4) Act 2009</i>	88, 2009	18 Sept 2009	Schedule 5 (item 244): Royal Assent	—
<i>Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Act 2009</i>	102, 2009	8 Oct 2009	Schedule 1 (item 52): 9 Oct 2009	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Access to Justice (Civil Litigation Reforms) Amendment Act 2009</i>	117, 2009	4 Dec 2009	Schedule 3 (item 15): 1 Jan 2010	—
<i>Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010</i>	4, 2010	19 Feb 2010	Schedule 1 (items 210, 211) and Schedule 7 (item 23): 20 Feb 2010	Sch. 1 (item 211) [see Table A]
<i>Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010</i>	44, 2010	14 Apr 2010	Schedule 4 (item 1): 1 July 2010	—
<i>Tax Laws Amendment (Transfer of Provisions) Act 2010</i>	79, 2010	29 June 2010	Schedule 1 (items 11, 12): 1 July 2010	—
<i>Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010</i>	103, 2010	13 July 2010	Schedule 6 (items 1, 2, 150): 1 Jan 2011	—
<i>National Security Legislation Amendment Act 2010</i>	127, 2010	24 Nov 2010	Schedule 10 (item 1): 25 Nov 2010	—
<i>Tax Laws Amendment (Confidentiality of Taxpayer Information) Act 2010</i>	145, 2010	16 Dec 2010	Schedule 2 (item 1): 17 Dec 2010	—
<i>Statute Law Revision Act 2011</i>	5, 2011	22 Mar 2011	Schedule 1 (item 2): Royal Assent Schedule 5 (items 1, 2): 19 Apr 2011	—

**Act Notes**

- 
- (a) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 89 only of the *Public Service Acts Amendment Act 1982*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such date as is, or on such respective dates as are, fixed by Proclamation.
- (b) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Part XIV (sections 115 and 116) only of the *Defence Legislation Amendment Act 1984*, subsection 2(2) of which provides as follows:
- (2) Section 1, this section and sections 16, 17, 18, 19 and 120 and Part XIV shall come into operation on the day on which this Act receives the Royal Assent.
- (c) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(3) of which provides as follows:
- (3) The amendment of the *Administrative Decisions (Judicial Review) Act 1977* made by this Act shall come into operation, or be deemed to have come into operation as the case requires, immediately after the commencement of the *Defence Force (Miscellaneous Provisions) Act 1982*.
- The *Defence Force (Miscellaneous Provisions) Act 1982* came into operation on 3 July 1985.
- (d) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (e) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 56 only of the *Taxation Laws Amendment Act (No. 2) 1987*, subsection 2(6) of which provides as follows:
- (6) Subject to subsection (7), Part VII shall come into operation on the commencement of Part VIII of the *Cheques and Payment Orders Act 1986*.
- (f) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (g) The *Family Court of Australia (Additional Jurisdiction and Exercise of Powers) Act 1988* was amended by Part XI (sections 34 and 35) only of the *Law and Justice Legislation Amendment Act 1988*, subsection 2(6) of which provides as follows:
- (6) Part XI shall be taken to have commenced on 5 April 1988.
- (h) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 32 only of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, subsection 2(3) of which provides as follows:
- (3) The remaining provisions of this Act (including the amendments made by Schedule 5) commence on a day or days to be fixed by Proclamation.
- (i) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 3 only of the *Primary Industries and Energy Legislation Amendment Act 1988*, subsection 2(3) of which provides as follows:
- (3) The remaining provisions of Part III, and the amendments of the *Administrative Decisions (Judicial Review) Act 1977*, commence on 1 January 1989.
- (j) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 11 only of the *ANL (Conversion into Public Company) Act 1988*, subsection 2(3) of which provides as follows:
- (3) Section 6, subsection 7(2) and sections 9 and 11 commence on a day to be fixed by Proclamation.
-

## Act Notes

---

- (k) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 72 only of the *Australian Federal Police Legislation Amendment Act (No. 2) 1989*, subsection 2(4) of which provides as follows:
- (4) Subject to subsection (5), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.
- (l) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 4 only of the *Migration Legislation Amendment (Consequential Amendments) Act 1989*, subsection 2(2) of which provides as follows:
- (2) Section 4 commences on the commencement of section 4 of the *Migration Legislation Amendment Act 1989*.
- (m) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 17 only of the *Commonwealth Serum Laboratories (Conversion into Public Company) Act 1990*, subsection 2(5) of which provides as follows:
- (5) Subject to subsection (6), sections 6, 10, 13 and 17 commence on a day to be fixed by Proclamation for the purposes of this section.
- (n) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 62 (in part) only of the *Commonwealth Banks Restructuring Act 1990*, subsection 2(3) of which provides as follows:
- (3) Each of the remaining provisions of this Act commences on a day, or at a time, fixed by Proclamation in relation to the provisions concerned.
- (o) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 113 only of the *Taxation Laws Amendment Act (No. 3) 1991*, subsection 2(10) of which provides as follows:
- (10) Subject to subsection (11), sections 112 to 117 (inclusive) commence on a day to be fixed by Proclamation.
- (p) The *Administrative Decisions (Judicial Review) Act 1977* was amended by the Schedule (Part 2) only of the *Qantas Sale Act 1992*, paragraph 2(3)(a) of which provides as follows:
- (3) A Proclamation may fix a day that is earlier than the day on which the Proclamation is published in the *Gazette* but only if:
- (a) in the case of sections 30, 31, 35, 37, 39, 43 and 50 and Parts 1 and 2 of the Schedule—the day is not earlier than the substantial minority sale day.
- (q) The *Qantas Sale Act 1992* was amended by the Schedule (item 17) only of the *Qantas Sale Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (r) The *Administrative Decisions (Judicial Review) Act 1977* was amended by section 44 only of the *Snowy Mountains Engineering Corporation Limited Sale Act 1993*, subsection 2(2) of which provides as follows:
- (2) Sections 5 to 36 (inclusive) and 39 to 44 (inclusive) commence on the sale day.
- (s) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 10 (items 1 and 2) only of the *Customs, Excise and Bounty Legislation Amendment Act 1995*, subsection 2(5) of which provides as follows:
- (5) Schedules 2 and 3, items 1, 26 to 45, 49 to 53 and 56 and 67 of Schedule 4, Schedule 6, items 6 to 11 of Schedule 7 and Schedules 8 and 10 commence on 1 July 1995.
- (t) The *ANL Sale Act 1995* was repealed by section 79 of that Act before coming into operation.
- (u) The *Administrative Decisions (Judicial Review) Act 1977* was amended by the Schedule (item 1) only of the *Commonwealth Bank Sale Act 1995*, subsection 2(6) of which provides as follows:
- (6) Items 1 and 48 of the Schedule commence on the 10th anniversary of the day on which the transfer time occurs.
- The transfer time occurred on 19 July 1996.
-

**Act Notes**

- 
- (v) Section 2 of the *Customs Tariff (Miscellaneous Amendments) Act 1996* provides as follows:
- 2 This Act commences on 1 July 1996 immediately after the commencement of the *Customs Tariff Act 1995*.
- (w) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 2 (items 8–13) and Schedule 5 (items 7–9) only of the *Statute Law Revision Act 1996*, subsections 2(1) and (2) of which provide as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (2) Each item in Schedule 2 commences or is taken to have commenced (as the case requires) at the time specified in the note at the end of the item.
- Schedule 2 (items 8–13) commenced on the day on which this Act received the Royal Assent.
- (x) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 1 (item 1) only of the *Bankruptcy Legislation Amendment Act 1996*, subsection 2(2) of which provides as follows:
- (2) Subject to subsection (3), Schedule 1 commences on a day to be fixed by Proclamation.
- (y) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 19 (item 3) only of the *Workplace Relations and Other Legislation Amendment Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (z) The *Income Tax (Consequential Amendments) Act 1997* was amended by Schedule 8 (item 3) of the *Taxation Laws Amendment Act (No. 1) 1998*, subsection 2(2) of which provides as follows:
- (2) Schedule 8 is taken to have commenced immediately before 1 July 1997.
- (za) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 2 (item 1) only of the *AIDC Sale Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedule 2 commences on a day to be fixed by Proclamation. The day must not be earlier than the day on which the Minister gives the Governor-General a written certificate stating that the Minister is satisfied that the Australian Industry Development Corporation has no assets and no liabilities.
- (zb) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 4 (item 1) only of the *Australian National Railways Commission Sale Act 1997*, subsection 2(5) of which provides as follows:
- (5) The remaining items of Schedule 3 and Schedule 4 commence on a day to be fixed by Proclamation. The day must not be earlier than the later of the day proclaimed for the purposes of subsection (2) and the day proclaimed for the purposes of subsection (3).
- (zc) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 2 (item 1) only of the *Foreign Affairs and Trade Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (zd) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 2 (item 141) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (ze) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 1 (items 50–53) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
-

## Act Notes

---

- (2) Subject to this section, this Act commences at the commencing time.
- (zf) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 3 (items 1 and 16) only of the *Australian Security Intelligence Organisation Legislation Amendment Act 1999*, subsection 2(2) of which provides as follows:
- (2) Subject to subsections (3) to (6), Schedule 3 commences immediately after the commencement of the other Schedules to this Act.
- The other Schedules commenced on Royal Assent.
- (zg) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 8 (items 1 and 2) only of the *A New Tax System (Indirect Tax and Consequential Amendments) Act 1999*, subsection 2(17) of which provides as follows:
- (17) Schedule 8 commences immediately after the commencement of the *A New Tax System (Goods and Services Tax) Act 1999*.
- The *A New Tax System (Goods and Services Tax) Act 1999* came into operation on 1 July 2000.
- (zh) The *A New Tax System (Indirect Tax and Consequential Amendments) Act 1999* was amended by Schedule 7 (item 8) only of the *Taxation Laws Amendment Act (No. 8) 2000*, subsection 2(4) of which provides as follows:
- (4) Item 8 of Schedule 7 is taken to have commenced immediately after the *A New Tax System (Indirect Tax and Consequential Amendments) Act 1999* received the Royal Assent.
- (zi) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 4 only of the *Federal Magistrates (Consequential Amendments) Act 1999*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the commencement of the *Federal Magistrates Act 1999*.
- (zj) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 1 (items 3–26) and Schedule 2 (items 1–5) only of the *Jurisdiction of Courts Legislation Amendment Act 2000*, subsections 2(1) and (2) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (2) The items in Schedule 1, other than items 77 to 90, commence on a day or days to be fixed by Proclamation.
- (zk) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 1 (item 1) only of the *Broadcasting Services Amendment Act 2000*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (zl) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 3 (items 13–15) only of the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, subsection 2(3) of which provides as follows:
- (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.
- (zm) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 1 (item 1) only of the *Financial Services Reform (Consequential Provisions) Act 2001*, subsections 2(1) and (6) of which provide as follows:
- (1) In this section:
- FSR commencement** means the commencement of item 1 of Schedule 1 to the *Financial Services Reform Act 2001*.
- (6) Subject to subsections (7) to (17), the other items of Schedule 1 commence on the FSR commencement.
- (zn) The *Administrative Decisions (Judicial Review) Act 1977* was amended by Schedule 2 (items 2–5) only of the *Jurisdiction of the Federal Magistrates Service Legislation Amendment Act 2001*, subsection 2(1) of which provides as follows:
-

**Act Notes**

- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (zo) Subsection 2(1) (item 3) of the *Law and Justice Legislation Amendment Act 2004* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

**Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
3. Schedule 1, item 2	Immediately after the commencement of item 1 of Schedule 6 to the <i>Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002</i> .	1 January 2003

- (zp) Subsection 2(1) (item 2) of the *National Security Information (Criminal Proceedings) (Consequential Amendments) Act 2004* provides as follows:

- (1) Each provision of this Act 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.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
2. Schedules 1 and 2	Immediately after the commencement of sections 3 to 49 of the <i>National Security Information (Criminal Proceedings) Act 2004</i> .	1 March 2005

- (zq) Subsection 2(1) (item 3) of the *Energy Legislation Amendment Act 2006* provides as follows:

- (1) Each provision of this Act 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.

<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
3. Schedule 2, item 1	Immediately after the commencement of Schedules 1 and 2 to the <i>Trade Practices Amendment (Australian Energy Market) Act 2004</i> .	23 May 2005

- (zr) Subsection 2(1) (item 2) of the *Australian Energy Market Amendment (Minor Amendments) Act 2008* provides as follows:

- (1) Each provision of this Act 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.

## Act Notes

Provision(s)	Commencement	Date/Details
2. Schedules 1 and 2	Immediately after the commencement of Schedule 1 to the <i>Australian Energy Market Amendment (Gas Legislation) Act 2007</i> .	1 July 2008 (see F2008L02164)

(zs) Subsection 2(1) (items 2 and 3) of the *Financial System Legislation Amendment (Financial Claims Scheme and Other Measures) Act 2008* provides as follows:

- (1) Each provision of this Act 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.

Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the provision(s) covered by table item 3.	18 October 2008
3. Schedules 2 to 5	The day after this Act receives the Royal Assent.	18 October 2008



**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 3 .....	am. No. 66, 1978; No. 111, 1980; No. 153, 1982; Nos. 8 and 109, 1988; No. 196, 1992; No. 43, 1996; No. 194, 1999; Nos. 57 and 161, 2000; No. 55, 2001; No. 5, 2011
S. 3A .....	ad. No. 109, 1988 am. No. 57, 2000
S. 4 .....	am. No. 66, 1978
Ss. 5, 6 .....	am. No. 43, 1996; No. 194, 1999; No. 157, 2001
S. 7 .....	am. No. 66, 1978; No. 194, 1999; No. 157, 2001
Heading to s. 8 .....	am. No. 194, 1999
S. 8 .....	am. No. 194, 1999
Note to s. 8.....	ad. No. 161, 2000
S. 9 .....	am. No. 111, 1980; No. 44, 1996; No. 57, 2000
Note to s. 9(1) .....	ad. No. 57, 2000 am. No. 55, 2001
S. 9A.....	ad. No. 57, 2000 am. No. 151, 2004; No. 89, 2005
S. 9B.....	ad. No. 89, 2005
S. 10 .....	am. No. 66, 1978; No. 62, 1983; No. 194, 1999; No. 84, 2006
S. 11 .....	am. No. 111, 1980; No. 43, 1996; No. 194, 1999
S. 12 .....	am. No. 194, 1999
S. 13 .....	am. No. 111, 1980; No. 43, 1996; No. 194, 1999; No. 157, 2001
S. 13A .....	ad. No. 111, 1980 am. No. 194, 1999
S. 14 .....	am. No. 111, 1980; No. 43, 1996; No. 194, 1999
Heading to s. 15 .....	am. No. 194, 1999
S. 15 .....	am. No. 43, 1996; No. 194, 1999
S. 15A .....	ad. No. 194, 1999
Heading to s. 16 .....	am. No. 194, 1999
S. 16 .....	am. No. 194, 1999
S. 17 .....	am. No. 111, 1980; No. 43, 1996; No. 194, 1999; No. 57, 2000
S. 18 .....	am. No. 43, 1996; No. 194, 1999
S. 18A .....	ad. No. 8, 1988 am. No. 194, 1999
S. 19 .....	am. No. 194, 1999
S. 19A .....	ad. No. 66, 1978
Note to s. 19A(1).....	ad. No. 57, 2000
S. 19B .....	ad. No. 57, 2000

## Table of Amendments

---

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
Schedule 1 .....	ad. No. 111, 1980 am. Nos. 115, 122, 137, 140 and 153, 1982; No. 144, 1983; Nos. 4, 47 and 65, 1985; Nos. 41, 76, 102 and 112, 1986; Nos. 62, 76 and 145, 1987; Nos. 5 and 87, 1988; Nos. 14 and 107, 1989; Nos. 60 and 118, 1990; No. 216, 1991; Nos. 92, 151 and 196, 1992; Nos. 32, 54 and 88, 1993; No. 124, 1994; Nos. 161 and 175, 1995; Nos. 15, 43 and 60, 1996; Nos. 39 and 177, 1997; Nos. 7, 118 and 161, 1999; No. 176, 1999 (as am. by No. 156, 2000); No. 57, 2000; Nos. 123, 134 and 153, 2001; Nos. 86 and 127, 2002; Nos. 35, 62 and 124, 2004; Nos. 100, 112, 118, 137, 144 and 146, 2005; Nos. 40, 73, 74, 90, 101, 161 and 170, 2006; Nos. 8, 52 and 56, 2007; No. 105, 2008; Nos. 55, 88 and 117, 2009; Nos. 4, 79 and 145, 2010
Schedule 2 .....	ad. No. 111, 1980 am. No. 111, 1982; No. 144, 1983; Nos. 76, 159 and 164, 1984; No. 153, 1986; No. 141, 1987; Nos. 5, 63, 111 and 127, 1988; Nos. 150, 153 and 159, 1989; Nos. 77 and 118, 1990; No. 149, 1991; No. 196, 1992; No. 85, 1995; Nos. 67, 96, 150 and 152, 1997; No. 146, 1999; Statutory Rules 1999 No. 301 (as am. by Statutory Rules 2000 No. 332); Nos. 9, 57 and 172, 2000; No. 32, 2003; Nos. 30, 62 and 151, 2004; Nos. 89 and 111, 2005; SLI 2006 No. 50; No. 86, 2006; No. 144, 2008; No. 127, 2010; No. 5, 2011
Schedule 3.....	ad. No. 57, 2000 am. No. 55, 2001; No. 108, 2004; Nos. 7, 17 and 60, 2006; No. 45, 2007; No. 60, 2008; Nos. 17 and 102, 2009; Nos. 44 and 103, 2010; No. 5, 2011

**Table A**

**Application, saving or transitional provisions**

*Statute Stocktake Act 1999* (No. 118, 1999)

**Schedule 2**

**20 Saving provision**

The amendments made by items 17, 18 and 19 do not allow a decision made under the *Estate Duty Assessment Act 1914*, the *Gift Duty Assessment Act 1941* or the *Taxation (Unpaid Company Tax) Assessment Act 1982* to be reviewed under the *Administrative Decisions (Judicial Review) Act 1977*.

---

*Federal Magistrates (Consequential Amendments) Act 1999*  
(No. 194, 1999)

**Schedule 4**

**72 Transitional—section 19 of the *Administrative Decisions (Judicial Review) Act 1977***

Regulations in force for the purposes of subsection 19(1) of the *Administrative Decisions (Judicial Review) Act 1977* immediately before the commencement of this item have effect, after the commencement of this item, as if:

- (a) they had been made for the purposes of subsection 19(1) of the *Administrative Decisions (Judicial Review) Act 1977* as amended by this Act; and
  - (b) each reference in those regulations to the Federal Court included a reference to the Federal Magistrates Court.
-

---

**Table A**

---

*Australian Federal Police Legislation Amendment Act 2000* (No. 9, 2000)

**Schedule 3**

**20 Definition**

In this Part:

*commencing time* means the time when this Part commences.

**21 Amendment of the *Administrative Decisions (Judicial Review) Act 1977***

The amendment of the *Administrative Decisions (Judicial Review) Act 1977* made by Schedule 2 to this Act applies to decisions under the *Australian Federal Police Act 1979* made at or after the commencing time.

**34 Warrants or writs etc. may continue to be executed**

If, immediately before the commencing time, any warrant, writ, order, permission or other instrument (the *authority*) issued under a law of the Commonwealth, a State or a Territory could be executed by a person who was at that time a member, staff member or special member of the Australian Federal Police, the authority continues to be able to be executed at and after the commencing time by the person in his or her capacity as:

- (a) the Commissioner of the Australian Federal Police; or
- (b) a Deputy Commissioner of the Australian Federal Police; or
- (c) an AFP employee; or
- (d) a special member of the Australian Federal Police;

(all within the meaning of the *Australian Federal Police Act 1979* as in force at and after the commencing time).

Note: A person who is a member or staff member of the Australian Federal Police immediately before the commencing time is taken to be engaged as an AFP employee. Similarly, a person who is a special member of the Australian Federal Police immediately before the commencing time is taken to be appointed as a special member. See item 2 of this Schedule.

---

**35 Regulations dealing with matters of a transitional or saving nature**

- (1) The Governor-General may make regulations, not inconsistent with any other provision of this Schedule, prescribing matters of a transitional or saving nature in relation to the amendments made by Schedule 1 or 2.
- (2) Regulations made under this item within one year after the commencement of this item may commence on a day earlier than the day on which they are made, but not earlier than the commencement of this item.

---

*Jurisdiction of Courts Legislation Amendment Act 2000* (No. 57, 2000)

**Schedule 1**

**27 Effect of amendments in relation to reviewable State and Territory decisions**

*Definitions*

- (1) In this item:

***amended Act*** means the *Administrative Decisions (Judicial Review) Act 1977* as in force after the commencement.

***commencement*** means the commencement of the amendments of the *Administrative Decisions (Judicial Review) Act 1977* made by this Schedule.

***reviewable State decision*** means a decision:

- (a) to which the amended Act applies because of the application of paragraph (b) of the definition of ***decision to which this Act applies*** in subsection 3(1) of that Act; and
- (b) that was made under a law of a State.

***reviewable Territory decision*** means a decision:

- (a) to which the amended Act applies because of the application of paragraph (b) of the definition of ***decision to which this Act applies*** in subsection 3(1) of that Act; and
- (b) that was made under a law of the Australian Capital Territory or the Northern Territory.

**Table A**

---

*Reviewable State decisions made before the commencement—  
situations in which period for seeking review under amended Act  
is extended*

- (2) In each of the following situations, the amended Act applies in relation to a person and a reviewable State decision as if the prescribed period for the purposes of paragraph 11(1)(c) of that Act began on the commencement and ended on the later of the 28th day after the commencement and the day on which that prescribed period would, apart from this subitem, have ended:
- (a) the first situation—the decision was made during the period starting on 20 May 1999 and ending immediately before the commencement;
  - (b) the second situation—before 17 June 1999, the Federal Court of Australia, purporting to act under the *Administrative Decisions (Judicial Review) Act 1977* as purportedly applied as a law of a State, made an order allowing the person further time to make an application for an order of review of the decision and that period of time had not expired by 17 June 1999;
  - (c) the third situation—immediately before 17 June 1999, proceedings by way of an application by the person for an order of review of the decision were before the Federal Court of Australia under the *Administrative Decisions (Judicial Review) Act 1977* as purportedly applied as a law of a State.

Note: The power under paragraph 11(1)(c) of the amended Act to extend the time for applying for judicial review of a decision is available even if the decision is a reviewable State decision and the 28 day time limit that would otherwise apply expired before the commencement.

*Reviewable Territory decisions—ACT and NT laws no longer  
operate to apply the AD(JR) Act*

- (3) A law of the Australian Capital Territory or the Northern Territory that provides for the application of the *Administrative Decisions (Judicial Review) Act 1977* as a law of that Territory is of no effect at any time after the commencement so far as that law purports to apply that Act in relation to a reviewable Territory decision (whenever it was made).

Note: The amended Act applies to these decisions.

**Table A***Reviewable Territory decisions—review proceedings continue after the commencement under the amended Act*

- (4) If, immediately before the commencement, proceedings in relation to a reviewable Territory decision were before a court under the *Administrative Decisions (Judicial Review) Act 1977* as applying as a law of the Australian Capital Territory or the Northern Territory, then, on and after the commencement, those proceedings continue as if they had been commenced in that court under the amended Act.

*Reviewable Territory decisions—continued effect of orders made before the commencement*

- (5) An order made by a court before the commencement under the *Administrative Decisions (Judicial Review) Act 1977* as applying as a law of the Australian Capital Territory or the Northern Territory has effect, on and after the commencement, as if it had been made by that court under the amended Act.

**Schedule 2****16 Application of amendments**

- (1) In this item:
- commencement** means the commencement of the amendments of the *Administrative Decisions (Judicial Review) Act 1977*, the *Corporations Act 1989* and the *Judiciary Act 1903* made by Part 1 of this Schedule.
- related criminal justice process decision**, in relation to an offence, has the same meaning as in the following provisions (as amended by Part 1 of this Schedule):
- (a) section 9A of the *Administrative Decisions (Judicial Review) Act 1977*;
  - (b) section 51AA of the *Corporations Act 1989*;
  - (c) section 39B of the *Judiciary Act 1903*.
- (2) The amendments of the *Administrative Decisions (Judicial Review) Act 1977*, the *Corporations Act 1989* and the *Judiciary Act 1903* made by Part 1 of this Schedule apply in relation to:
- (a) a decision made on or after the commencement to prosecute a person for an offence, even if the conduct alleged to give rise to the offence occurred before the commencement; or

**Table A**

---

- (b) a related criminal justice process decision made on or after the commencement in relation to an offence, even if either or both of the following apply:
    - (i) the conduct alleged to give rise to the offence occurred before the commencement;
    - (ii) the prosecution of the offence, or an appeal arising out of the prosecution, was commenced before the commencement.
- (3) The amendments of the *Administrative Decisions (Judicial Review) Act 1977*, the *Corporations Act 1989* and the *Judiciary Act 1903* made by Part 1 of this Schedule also apply in relation to:
  - (a) a decision made before the commencement to prosecute a person for an offence, unless that decision is the subject of an application that is before a court at 13 April 2000; or
  - (b) a related criminal justice process decision made before the commencement in relation to an offence, unless the decision is the subject of an application that is before a court at 13 April 2000.

---

*Jurisdiction of Courts (Miscellaneous Amendments) Act 2000*  
(No. 161, 2000)

**Schedule 1**

**16 Pre-commencement jurisdiction of the Federal Magistrates Court**

The enactment of this Schedule does not imply that the Parliament did not intend that the Federal Magistrates Court was to have jurisdiction, at a time before the commencement of this item, to hear and determine:

- (a) a proceeding arising under the *Administrative Decisions (Judicial Review) Act 1977* that was transferred to the Federal Magistrates Court under section 32AB of the *Federal Court of Australia Act 1976*; or
- (b) a proceeding arising under the *Family Law Act 1975* that was transferred to the Federal Magistrates Court under section 33B of the *Family Law Act 1975*.



## 17 Pre-commencement jurisdiction of the Federal Court

The enactment of this Schedule does not imply that the Parliament did not intend that the Federal Court was to have jurisdiction, at a time before the commencement of this item, to hear and determine a proceeding arising under the *Administrative Decisions (Judicial Review) Act 1977* that was transferred to the Federal Court under Part 5 of the *Federal Magistrates Act 1999*.

---

*Migration Legislation Amendment (Judicial Review) Act 2001*

(No. 134, 2001)

## Schedule 1

### 8 Application

- (1) If an application for judicial review of a decision under the *Migration Act 1958* is lodged before the commencement of this Schedule, the *Migration Act 1958*, the *Administrative Appeals Tribunal Act 1975* and the *Administrative Decisions (Judicial Review) Act 1977*, as in force immediately before that commencement, apply in respect of the application, and in respect of the review, as if this Schedule had not been enacted.
- (2) The *Migration Act 1958* and the *Administrative Decisions (Judicial Review) Act 1977*, as amended by this Schedule, apply in respect of judicial review of a decision under the *Migration Act 1958* if:
  - (a) the decision was made on or after the commencement of this Schedule; or
  - (b) the decision:
    - (i) was made before the commencement of this Schedule; and
    - (ii) as at that commencement, an application for judicial review of the decision had not been lodged.
- (3) A reference in subitem (1) or (2) to an application for judicial review of a decision is a reference to:
  - (a) an application for review of the decision under:
    - (i) section 44 of the *Administrative Appeals Tribunal Act 1975*; or
    - (ii) Part 8 of the *Migration Act 1958*; or

**Table A**

---

- (iii) the *Administrative Decisions (Judicial Review) Act 1977*; or
- (b) an application for a writ of mandamus, prohibition or certiorari or an injunction or a declaration in respect of the decision under:
  - (i) section 75 of the Constitution; or
  - (ii) section 39B or 67C of the *Judiciary Act 1903*.

---

*Intelligence Services (Consequential Provisions) Act 2001* (No. 153, 2001)

**4 Regulations**

The Governor-General may make regulations providing for matters of a transitional nature (including any saving or application provision) arising out of the enactment of the *Intelligence Services Act 2001*, or the amendments made by this Act.

---

*Jurisdiction of the Federal Magistrates Service Legislation Amendment Act 2001* (No. 157, 2001)

**Schedule 2**

**6 Application of amendments**

- (2) The amendments of the *Administrative Decisions (Judicial Review) Act 1977* made by items 2, 3, 4 and 5 apply in relation to a decision made on or after the commencement of this item.

---

*Dairy Industry Service Reform Act 2003* (No. 32, 2003)

**Schedule 1**

**127 Dairy produce**

A product that is dairy produce, immediately before the commencement of this item, under paragraph (c) of the definition of *dairy produce* in subsection 3(1) of the *Dairy Produce Act 1986* is taken, after the commencement of this item, to continue to be dairy produce under that paragraph.

**128 Continuation of secrecy obligations**

Section 119 of the *Dairy Produce Act 1986* as in force before the commencement of this item continues to apply after the commencement of this item to a person who, immediately before the commencement of this item, was a person to whom that section applied as if the amendments to that section made by this Schedule had not been made.

**129 Final annual reports**

- (1) For the final reporting period, the directors of Dairy Australia Limited must, in relation to the Australian Dairy Corporation and the Dairy Research and Development Corporation, prepare the report referred to in section 9 of the *Commonwealth Authorities and Companies Act 1997*. The report may include such other matters as the directors consider appropriate.
- (2) For the purposes of this item, the final reporting period is to be treated as a financial year.
- (3) In this item:  
*final reporting period* means the period that:
  - (a) started on 1 July 2002; and
  - (b) ends at the commencement of this item.

---

*Human Services Legislation Amendment Act 2005* (No. 111, 2005)

**Schedule 2**

**728 Operation of the *Administrative Decisions (Judicial Review) Act 1977***

Despite the amendment made by item 80, the *Administrative Decisions (Judicial Review) Act 1977* has effect in relation to decisions made before the commencement time as if that amendment had not been made.

---

**Table A**

---

*Telstra (Transition to Full Private Ownership) Act 2005* (No. 118, 2005)

**3 Designated day**

- (1) If, in the opinion of the Minister, a particular day is the first day after the commencement of Part 1 of Schedule 1 on which a majority of the voting shares in Telstra are held by a person, or persons, other than the Commonwealth, the Minister must, by written instrument, declare the day to be the *designated day* for Telstra.
- (2) The declaration has effect accordingly.

*Future Fund and Communications Fund*

- (3) For the purposes of this section, if a share in Telstra is an investment of the Future Fund or the Communications Fund, the share is taken to be held by a person other than the Commonwealth.

*Securities lending arrangements*

- (4) For the purposes of this section, if, under an agreement of the kind known as a securities lending arrangement:
  - (a) at a particular time (the *disposal time*), the Commonwealth disposed of a share in Telstra (the *borrowed share*) to another person (the *borrower*); and
  - (b) the Commonwealth may come under an obligation to:
    - (i) re-acquire the borrowed share from the borrower at a later time; or
    - (ii) acquire an identical share from the borrower at a later time;the borrowed share is taken to be held by the Commonwealth during the period:
  - (c) beginning at the disposal time; and
  - (d) ending when the obligation mentioned in paragraph (b) is discharged or can no longer arise.

**Table A**

---

*Declaration*

- (5) The declaration under subsection (1) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*, but section 42 of that Act does not apply to the declaration.
- (6) The designated day may be earlier than the day on which the declaration under subsection (1) is registered under the *Legislative Instruments Act 2003*.

*Definitions*

- (7) In this section:

**category A hybrid-security issuer company** has the same meaning as in the *Telstra Corporation Act 1991*.

**Communications Fund** has the same meaning as in the *Telstra Corporation Act 1991*.

**Future Fund** has the same meaning as in the *Telstra Corporation Act 1991*.

**Telstra** has the same meaning as in the *Telstra Corporation Act 1991*.

**the Commonwealth** includes a category A hybrid-security issuer company.

**voting share** has the same meaning as in the *Telstra Corporation Act 1991*.

---

*Migration Litigation Reform Act 2005* (No. 137, 2005)

**Schedule 1**

**40 Definitions**

In this Part:

**commencement day** means the day on which this Schedule commences.

**migration decision** has the same meaning as in the *Migration Act 1958*, as amended by Part 1 of this Schedule.

---

**Table A**

---

*migration litigation* has the same meaning as in Part 8B of the *Migration Act 1958*, as amended by Part 1 of this Schedule.

*substantive proceedings* has the same meaning as in paragraph 503B(1)(b) of the *Migration Act 1958*.

**41 Application of item 1 and items 11 to 36**

The amendments made by item 1 and items 11 to 36 of this Schedule apply to proceedings in relation to a migration decision that are commenced on or after the commencement day.

**42 Transitional provision—migration decision made before commencement day**

Where proceedings are commenced on or after the commencement day in relation to a migration decision made before the commencement day, and actual notification of the decision is given before the commencement day:

- (a) section 477 of the *Migration Act 1958* applies as if the actual notification of the decision took place on the commencement day; and
- (b) section 477A of that Act applies as if the actual notification of the decision took place on the commencement day; and
- (c) section 486A of that Act applies as if the actual notification of the decision took place on the commencement day.

---

*Anti-Terrorism Act (No. 2) 2005* (No. 144, 2005)

**4 Review of anti-terrorism laws**

- (1) The Council of Australian Governments agreed on 27 September 2005 that the Council would, after 5 years, review the operation of:
    - (a) the amendments made by Schedules 1, 3, 4 and 5; and
    - (b) certain State laws.
  - (2) If a copy of the report in relation to the review is given to the Attorney-General, the Attorney-General must cause a copy of the report to be laid before each House of Parliament within 15 sitting days after the Attorney-General receives the copy of the report.
-

*Renewable Energy (Electricity) Amendment Act 2006* (No. 90, 2006)

## **Schedule 1**

### **192 Application—assessments**

The amendment made by item 1 applies in relation to decisions made after the commencement of that item.

---

*Tax Laws Amendment (Repeal of Inoperative Provisions) Act 2006*  
(No. 101, 2006)

## **Schedule 6**

### **5 Application of Schedule 5 amendments**

The repeals and amendments made by Schedule 5 apply to acts done or omitted to be done, or states of affairs existing, after the commencement of the amendments.

### **6 Object**

The object of this Part is to ensure that, despite the repeals and amendments made by this Act, the full legal and administrative consequences of:

- (a) any act done or omitted to be done; or
- (b) any state of affairs existing; or
- (c) any period ending;

before such a repeal or amendment applies, can continue to arise and be carried out, directly or indirectly through an indefinite number of steps, even if some or all of those steps are taken after the repeal or amendment applies.

### **7 Making and amending assessments, and doing other things, in relation to past matters**

Even though an Act is repealed or amended by this Act, the repeal or amendment is disregarded for the purpose of doing any of the following under any Act or legislative instrument (within the meaning of the *Legislative Instruments Act 2003*):

- (a) making or amending an assessment (including under a provision that is itself repealed or amended);

**Table A**

---

- (b) exercising any right or power, performing any obligation or duty or doing any other thing (including under a provision that is itself repealed or amended);

in relation to any act done or omitted to be done, any state of affairs existing, or any period ending, before the repeal or amendment applies.

Example 1: On 31 July 1999, Greg Ltd lodged its annual return under former section 160ARE of the *Income Tax Assessment Act 1936*. The return stated that the company had a credit on its franking account and that no franking deficit tax was payable for the 1998-99 franking year. Under former section 160ARH of that Act, the Commissioner was taken to have made an assessment consistent with the return.

Following an audit undertaken after the repeal of Part IIIAA of that Act, the Commissioner concludes that Greg Ltd fraudulently overfranked dividends it paid during the 1998-99 franking year, and had a franking account deficit for that franking year. As a result, the Commissioner considers that franking deficit tax and a penalty by way of additional tax are payable.

The Commissioner can amend the assessment under former section 160ARN of that Act, because item 7 of this Schedule disregards the repeal of that section for the purposes of making an assessment in relation to the 1998-99 franking year. Item 7 will also disregard the repeal of Division 11 of former Part IIIAA to the extent necessary for the Commissioner to assess Greg Ltd's liability to a penalty by way of additional tax.

Despite the repeal of sections 160ARU and 160ARV, item 9 will ensure that the general interest charge will accrue on the unpaid franking deficit tax and penalty until they are paid.

Item 7 will also preserve Greg Ltd's right, under former section 160ART of that Act, to object against the Commissioner's amended assessment (including the penalty), since the objection is the exercise of a right in relation to a franking year that ended before the repeal of Part IIIAA.

Example 2: During the 1997-98 income year, Duffy Property Ltd withheld amounts from its employees' wages as required by former Divisions 1AAA and 2 of Part VI of the *Income Tax Assessment Act 1936*. The company failed to notify the Commissioner of those amounts, and failed to remit them to the Commissioner.

Following an audit undertaken after the repeal of those Divisions, the Commissioner discovers that the withheld amounts have not been remitted. The company's records are incomplete and the Commissioner is unable to completely ascertain the extent of its liability for the withheld amounts. Under section 222AGA of that Act, the Commissioner makes an estimate of the liability.

Item 7 will disregard the repeal of section 220AAZA of that Act (which empowered the Commissioner to recover the amount of the estimate). Even though the estimate is made after the repeal, it relates to amounts withheld before the repeal.



---

**8 Saving of provisions about effect of assessments**

If a provision or part of a provision that is repealed or amended by this Act deals with the effect of an assessment, the repeal or amendment is disregarded in relation to assessments made, before or after the repeal or amendment applies, in relation to any act done or omitted to be done, any state of affairs existing, or any period ending, before the repeal or amendment applies.

**9 Saving of provisions about general interest charge, failure to notify penalty or late reconciliation statement penalty**

If:

- (a) a provision or part of a provision that is repealed or amended by this Act provides for the payment of:
  - (i) general interest charge, failure to notify penalty or late reconciliation statement penalty (all within the meaning of the *Income Tax Assessment Act 1936*); or
  - (ii) interest under the *Taxation (Interest on Overpayments and Early Payments) Act 1983*; and
- (b) in a particular case, the period in respect of which the charge, penalty or interest is payable (whether under the provision or under the *Taxation Administration Act 1953*) has not begun, or has begun but not ended, when the provision is repealed or amended;

then, despite the repeal or amendment, the provision or part continues to apply in the particular case until the end of the period.

**10 Repeals disregarded for the purposes of dependent provisions**

If the operation of a provision (the *subject provision*) of any Act or legislative instrument (within the meaning of the *Legislative Instruments Act 2003*) made under any Act depends to any extent on an Act, or a provision of an Act, that is repealed by this Act, the repeal is disregarded so far as it affects the operation of the subject provision.

**11 Schedule does not limit operation of section 8 of the Acts Interpretation Act 1901**

This Schedule does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

**Table A**

---

*Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2007* (No. 52, 2007)

**Schedule 1**

**65 Judicial review of decisions made under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006***

- (1) The amendment of paragraph (qa) of Schedule 1 to the *Administrative Decisions (Judicial Review) Act 1977* made by this Schedule applies in relation to a decision made before, at or after the commencement of this item.
- (2) If, apart from this subitem, the prescribed period for the purposes of the application of paragraph 11(1)(c) of the *Administrative Decisions (Judicial Review) Act 1977* to a decision made under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* before the commencement of this item would end before that commencement, that prescribed period is taken, for those purposes, to be the period:
  - (a) beginning on the day on which the decision was made; and
  - (b) ending on the 28th day after the day on which this item commences.

---

*Tax Laws Amendment (2007 Measures No. 1) Act 2007* (No. 56, 2007)

**Schedule 1**

**5 Application**

The amendments made by this Schedule apply to disclosures of information made on or after the day on which this Act receives the Royal Assent (whenever the information was obtained).

---

---

**Table A**

*Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008* (No. 144, 2008)

**Schedule 2**

**3 Application**

The amendment of the *Administrative Decisions (Judicial Review) Act 1977* made by this Part applies in relation to decisions to which section 13 of that Act applies that are made on or after the commencement of this item.

---

*Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010* (No. 4, 2010)

**Schedule 1**

**211 Application**

The amendment made by item 210 applies in relation to decisions made on or after the commencement of this item.