

TASMANIA

**ADMINISTRATIVE APPEALS
(MISCELLANEOUS AMENDMENTS) BILL
2003**

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**ADMINISTRATIVE APPEALS
(MISCELLANEOUS AMENDMENTS) BILL
2003**

*(Brought in by the Minister for Justice and Industrial
Relations, the Honourable Judith Louise Jackson)*

A BILL FOR

**An Act to amend the *Agricultural and Veterinary
Chemicals (Control of Use) Act 1995*, the *Fishing
(Licence Ownership and Interest) Registration Act
2001*, the *Local Government (Highways) Act 1982*, the
Meat Hygiene Act 1985 and the *Teachers
Registration Act 2000***

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *Administrative Appeals
(Miscellaneous Amendments) Act 2003*.

Commencement

2. This Act commences on the day on which this Act
receives the Royal Assent.

s. 3	No.	<i>Administrative Appeals (Miscellaneous Amendments)</i>	2003
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Miscellaneous amendments

3. The Acts specified in Schedule 1 are amended as specified in that Schedule.

SCHEDULE 1 – MISCELLANEOUS AMENDMENTS
Section 3

***Agricultural and Veterinary Chemicals (Control
of Use) Act 1995***

1. Section 57 is amended as follows:

- (a) by omitting from subsection (3) “, within 14 days from the date of the seizure, appeal to a magistrate against the seizure.” and substituting “apply to the Magistrates Court (Administrative Appeals Division) for a review of the seizure.”;
- (b) by omitting from subsection (4) “On an appeal under subsection (3), a magistrate” and substituting “In addition to its powers under the *Magistrates Court (Administrative Appeals Division) Act 2001*, the Magistrates Court (Administrative Appeals Division)”;
- (c) by omitting paragraph (a) from subsection (4);
- (d) by omitting from subsection (6) “power” and substituting “powers”;
- (e) by omitting subsection (7).

***Fishing (Licence Ownership and Interest)
Registration Act 2001***

1. Sections 16 and 17 are repealed and the following section is substituted:

Applications for review

16. (1) A person who holds or claims to hold an interest in a licence may apply to the Magistrates Court (Administrative Appeals Division) for a review of –

- (a) an entry in the register relating to that licence; or
- (b) a refusal to register under section 8(4)(b); or
- (c) the cancellation of an entry in the register relating to that licence; or
- (d) the variation of an entry in the register relating to that licence.

(2) In addition to its powers under the *Magistrates Court (Administrative Appeals Division) Act 2001*, the Magistrates Court (Administrative Appeals Division) may order the Registrar to –

- (a) cancel an entry in the register; or
- (b) make an entry in the register; or
- (c) re-enter a cancelled entry in the register;
or
- (d) make or omit a specified variation of an entry in the register.

Local Government (Highways) Act 1982

1. Section 14 is amended as follows:

- (a) by omitting subsections (6) and (7) and substituting the following subsections:

(6) The corporation is to refer each objection that it is notified of under subsection (5) to the Magistrates Court (Administrative Appeals Division).

(7) The Magistrates Court (Administrative Appeals Division) has power to receive and determine the objection as if it were an application to review the decision relating to the proposed closure or diversion and, in addition to its powers under the *Magistrates Court (Administrative Appeals Division) Act 2001*, the Court may make a local highway order –

- (a) upholding the objection; or
 - (b) authorizing the proposed closure or diversion.
- (b) by omitting from subsection (8) “subsection (7)(a)(ii)” and substituting “subsection (7)(b)”;
- (c) by omitting from subsection (8) “magistrate” and substituting “Magistrates Court (Administrative Appeals Division)”;
- (d) by omitting from subsection (9) “a magistrate makes an order under subsection (7)(a)(ii)” and substituting “the Magistrates Court (Administrative Appeals Division) makes an order under subsection (7)(b)”.

Meat Hygiene Act 1985**1. Section 34 is amended as follows:**

- (a) by omitting subsection (3) and substituting the following subsection:

(3) A person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the Chief Inspector's decision to serve the person with a notice under subsection (2).

- (b) by omitting subsection (4).

Teachers Registration Act 2000**1. Section 29 is repealed and the following section is substituted:****Applications for review**

29. (1) A person may apply to the Magistrates Court (Administrative Appeals Division) for a review of a decision that the person is given notice of under section 28.

(2) In addition to any other order or power it may make or exercise in determining the application, the Magistrates Court (Administrative Appeals Division) may order the Board to take an action under section 18 or 26.