

**JUSTICE MISCELLANEOUS (ADMINISTRATIVE REVIEW TRIBUNAL)  
BILL 2024 (No. 36)**

**Second Reading**

[2.48 p.m.]

**Mr BARNETT** (Lyons - Minister for Justice) - Before I speak on the bill, on indulgence, I congratulate the member for Lyons, Casey Farrell. It was an outstanding presentation. I am very proud to see your family members here and other friends as well. Congratulations from me. I look forward to working with you to make a positive difference.

Honourable Speaker, I move -

That the bill now be read a second time.

In May 2024, the Australian Parliament passed legislation to replace the Administrative Appeals Tribunal with the Administrative Review Tribunal. The legislation that governs the tribunal would also change, with the Commonwealth *Administrative Appeals Tribunal Act 1975* being repealed and the Commonwealth *Administrative Review Tribunal Act 2024* replacing it. The new Commonwealth legislation commenced on 14 October 2024. Transitional provisions within the Commonwealth law mean that the Administrative Review Tribunal is up and running, and Tasmanians can already access it.

The jurisdiction of the Administrative Review Tribunal is nearly identical to that of the previous Administrative Appeals Tribunal, but some changes have been made to the practices and procedures that apply. For example, the new Commonwealth legislation implements recommendations from three recent reviews and inquiries, including changing the appointment process of members to the tribunal, making improvements to procedural fairness and requiring the publication of certain decisions. There are 12 pieces of Tasmanian legislation that currently refer to the Administrative Appeals Tribunal or the Administrative Appeals Tribunal Act. The purpose of this bill is to ensure that all references to the federal tribunal and references to the laws that govern it are up to date in Tasmanian law.

Parts 2 through to 13 of the bill make the necessary consequential amendments to the following pieces of Tasmanian legislation: the *Agricultural and Veterinary Chemicals (Tasmania) Act 1994*, the *Competition Policy Reform (Tasmania) Act 1996*, the *Corporations (Tasmania) Act 1990*, the *Federal Courts (State Jurisdiction) Act 1999*, the *Gene Technology (Tasmania) Act 2012*, the *Human Embryonic Research Regulation Act 2003*, the *Legal Profession (Board of Legal Education) Rules 2021*, the *Marine Safety (Domestic Commercial*

*Vessel National Law Application) Act 2013, the New Tax System Price Exploitation Code (Tasmania) Act 1999, the Terrorism (Preventative Detention) Act 2005, the Therapeutic Goods Act 2001 and the Water Efficiency Labelling and Standards Act 2013.*

Most of the bill's provision simply substitute relevant terms to reflect the new Administrative Review Tribunal and its governing legislation. The only amendment that changes the operation of Tasmanian law is contained within clause 30 of the bill. That clause amends Section 51 of the *Terrorism (Preventative Detention) Act 2005* to remove the requirement for the annual report prepared under the act by the Attorney-General and Minister for Justice to include the number of preventative detention orders and prohibited contact orders that the tribunal has declared to be void.

This reflects that the new Administrative Review Tribunal no longer has the power to declare such orders void. Given the serious nature of these orders, it is appropriate for these decisions to only be made by a court through judicial review and not by a tribunal through administrative review.

Clause 2 of the bill provides for the bill to commence on the day on which the Commonwealth's *Administrative Review Tribunal Act 2024* commences, even if the Commonwealth act commences before this bill receives royal assent. This clause ensures that the technical changes to Tasmanian legislation will apply retrospectively and our laws will operate from 14 October 2024.

The changes that the bill makes are minor and consequential in nature and they do not affect the policy that underlines any of the Tasmanian legislation that is proposed to be amended.

Honourable Speaker, I commend the bill to the House.

