

# **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Attorney-General and Minister for Justice**

## **Title of the Bill**

Drug Legislation Amendment Bill 2005

## **Objectives of the Amendments**

The amendments clarify which review mechanism applies in relation to decisions of the Small Claims Tribunals.

## **Achievement of the Objectives**

The objective is achieved by inserting a new declaratory provision to ensure that section 19 of the *Small Claims Tribunals Act 1973* is and has been listed in schedule 1, part 1 of the *Judicial Review Act 1991* at all times after the commencement of the *Statute Law (Miscellaneous Provisions) Act 2000*.

## **Notes on Provisions**

Part 5 Amendment of Judicial Review Act 1991

Clause 72 provides that this Part amends the *Judicial Review Act 1991*.

Clause 73 replaces Part 7 (Transitional provision) and inserts a new Part 7 (Declarations). This contains section 58, which relates to the reference to the *Small Claims Tribunals Act 1973*, section 19. By the *Statute Law (Miscellaneous Provisions) Act 2000*, schedule, it is possible that the reference to section 19 of the *Small Claims Tribunals Act 1973* was inadvertently omitted from schedule 1, part 1 of the *Judicial Review Act 1991*. However, it was never intended to alter the review rights available from decisions of the Small Claims Tribunals. The amendment therefore declares that the amendment never had any effect to omit this item.

Clause 74 makes technical amendments to schedule 1, part 1, consequent upon the declaration inserted by clause 73.

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