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K Woodward
Chief Parliamentary Counsel
Dated 6 February 2025



TASMANIA

JUDICIAL REVIEW ACT 2000

No. 54 of 2000

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JUDICIAL REVIEW ACT 2000

No. 54 of 2000

An Act relating to the review on questions of law of certain administrative decisions

[Royal Assent 14 July 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Judicial Review Act 2000*.

2. Commencement

This Act commences on a day to be proclaimed.

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3. Interpretation

In this Act, unless the contrary intention appears –

commercial activities means activities conducted on a commercial basis;

Court means the Supreme Court;

duty includes a duty imposed on a person in the person's capacity as a servant of the Crown;

enactment means an Act or statutory rule, and includes a part of an Act or statutory rule;

judge means a judge of the Supreme Court;

order of review means an order on an application made –

- (a) under section 17 relating to a decision; or
- (b) under section 18 relating to conduct engaged in for the purpose of making a decision; or
- (c) under section 19 relating to a failure to make a decision;

reasons means –

- (a) findings on material questions of fact relating to a decision; and

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- (b) a reference to the evidence or other material on which any such findings were based –

as well as the reasons for the decision;

review, in Part 2, includes a review by way of –

- (a) reconsideration, re-hearing or appeal; or
- (b) the grant of an injunction or a prerogative writ or statutory order; or
- (c) the making of a declaratory or other order;

reviewable matter means –

- (a) a decision; or
- (b) conduct, including conduct engaged in for the purpose of making a decision; or
- (c) a failure to make a decision or to perform a duty according to law;

rules of court means the rules of court of the Supreme Court;

statutory authority means an incorporated or unincorporated body which is established, constituted or continued by or under an Act or under the royal prerogative, being a body which, or of

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which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister of the Crown or another statutory authority;

statutory rule means a statutory rule within the meaning of the *Rules Publication Act 1953*.

4. Meaning of *decision to which this Act applies*

(1) In this Act,

decision to which this Act applies means a decision of an administrative character made, proposed to be made, or required to be made, under an enactment (whether or not in the exercise of a discretion).

(2) In this Act,

decision to which this Act applies does not include a decision included in a class of decisions set out in Schedule 1.

5. Meaning of *making of a decision and failure to make a decision*

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; or

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- (b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission; or
 - (c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument; or
 - (d) imposing a condition or restriction; or
 - (e) making a declaration, demand or requirement; or
 - (f) retaining, or refusing to deliver up, an article; or
 - (g) doing or refusing to do anything else –

and a reference to a failure to make a decision is to be construed accordingly.

6. Making of report or recommendation is making of a decision

If provision is made by an enactment for the making of a report or recommendation before a decision is made, the making of the report or recommendation is itself taken, for the purposes of this Act, to be the making of a decision.

7. Meaning of *person aggrieved*

- (1) In this Act, a reference to a person aggrieved by a decision is taken to be a reference to –

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- (a) a person whose interests are adversely affected by the decision; or
- (b) in the case of a decision by way of the making of a report or recommendation, a person whose interests would be adversely affected if a decision were, or were not, made in accordance with the report or recommendation.

(2) In this Act –

- (a) 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
- (b) a reference to a person aggrieved by a failure to make a decision –

is taken to be a reference to a person whose interests are, or would be, adversely affected by the conduct or failure.

8. Conduct engaged in for making decision – preparatory acts

A reference in this Act to conduct engaged in for the purpose of making a decision is taken to include a reference to the doing of anything preparatory to the making of the decision, including –

- (a) the taking of evidence; or
- (b) the holding of an inquiry or investigation.

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9. Crown to be bound

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

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Part 2 – Application of this Act

PART 2 – APPLICATION OF THIS ACT

10. Rights conferred by Act additional to other review rights

The rights conferred by this Act on a person to make an application to the Court relating to a reviewable matter are in addition to any other rights that the person has to seek a review of the matter (whether by the Court or another court or a tribunal, authority or person).

11. When application for other review may be dismissed

Despite section 10 but without limiting section 38, the Court or another court may, in a proceeding instituted otherwise than under this Act, dismiss an application for review of a reviewable matter because an application has been made to the Court under section 17, 18 or 19 relating to the matter.

12. When application for order of review may be dismissed

Despite section 10, but without limiting section 38, the Court may dismiss an application under section 17, 18 or 19 that was made to the Court relating to a reviewable matter because –

- (a) the applicant has sought a review of the matter by the Court or another court, otherwise than under this Act; or

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- (b) adequate provision is made by a law, other than this Act, under which the applicant is entitled to seek a review of the matter by the Court or another court or a tribunal, an authority or a person.

13. When application for order of review concerning initial proceeding must be dismissed

Despite section 10, but without limiting section 38, if –

- (a) an application under section 17, 18 or 19 is made to the Court relating to a reviewable matter made or engaged in by a tribunal, authority or person in the course of a proceeding (the *initial proceeding*) before the tribunal, authority or person (the *decision maker*); and
- (b) review of the matter is available by virtue of a provision made by a law (including this Act) under which the applicant is entitled to seek a review by the Court, another court, or another tribunal, authority or person, of any decision of the decision maker at the end of the initial proceeding; and
- (c) the Court considers that it is desirable to dismiss the application in order to avoid interference with the due and orderly conduct of the initial proceeding because, in all the circumstances, the balance of convenience (including the interests of the applicant, another party or another

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person, the public interest and the consequences of delay in the initial proceeding) so requires; and

- (d) the Court is satisfied having regard to the interests of justice that it should dismiss the application –

the Court must dismiss the application.

14. Exercise of powers under this Part

- (1) A power under this Part to dismiss an application –
 - (a) must be exercised by order; and
 - (b) may be exercised at any time in the relevant proceeding –

but the Court must try to ensure that any exercise of the power happens at the earliest appropriate time.

- (2) The Court may make an order under this Part –
 - (a) of its own motion; or
 - (b) on an application by a party to the proceeding.
- (3) The Court may receive evidence on the hearing of an application for an order under this Part.
- (4) An appeal may be brought from an order of the Court under this Part only with the leave of the Court.

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- (5) An appeal from an order of the Court under this Part lies to the Full Court of the Supreme Court.

15. Operation of other laws

- (1) This Act has effect despite any law in force at its commencement.
- (2) This Act does not affect the operation of an enactment mentioned in Schedule 2.

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Part 3 – Jurisdiction

PART 3 – JURISDICTION

16. Jurisdiction of Supreme Court

The Court has jurisdiction to hear and determine applications to it under this Act.

PART 4 – ORDERS OF REVIEW

17. Application for review of decision

- (1) A person who is aggrieved by a decision to which this Act applies may apply to the Court for an order of review relating to the decision.
- (2) The application may be made on any one or more of the following grounds:
 - (a) that a breach of the rules of natural justice happened relating to the making of the decision;
 - (b) that procedures that were required by law to be observed relating to 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 authorised by the enactment under 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 under 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);

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- (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;
 - (i) that the decision was otherwise contrary to law.
- (3) This section applies only to a decision made after the commencement of this Act.

18. Application for review of conduct related to making of decision

- (1) If a person has engaged, is engaging, or proposes to engage, in conduct for the purpose of making a decision to which this Act applies (whether by that person or by another person), a person who is aggrieved by the conduct may apply to the Court for an order of review relating to the conduct.
- (2) An application may be made on any one or more of the following grounds:
 - (a) that a breach of the rules of natural justice has happened, is happening, or is likely to happen, relating to the conduct;
 - (b) that procedures that are required by law to be observed relating to the conduct have not been, are not being, or are likely not to be, observed;

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- (c) that the person proposing to make the decision does not have jurisdiction to make the proposed decision;
- (d) that the enactment under which the decision is proposed to be made does not authorise 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 under which the decision is proposed to be made;
- (f) that an error of law –
 - (i) has been, is being, or is likely to be, committed in the course of the conduct; or
 - (ii) 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;
- (i) that the making of the proposed decision would be otherwise contrary to law.

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- (3) This section applies only to conduct engaged in, or proposed to be engaged in, after the commencement of this Act.

19. Application relating to failure to make decision

(1) If –

- (a) a person has a duty to make a decision to which this Act applies; and
- (b) there is no law that fixes a period within which the person is required to make the decision; and
- (c) the person has failed to make the decision –

a person who is aggrieved by the failure of the person to make the decision may apply to the Court for an order of review relating to the failure to make the decision on the ground that there has been unreasonable delay in making the decision.

(2) If –

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

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a person who is aggrieved by the failure of the person to make the decision within the period may apply to the Court for an order of review relating to the failure to make the decision within the period on the ground that the person has a duty to make the decision despite the end of the period.

- (3) This section applies only to a decision required to be made after the commencement of this Act.

20. Meaning of *improper exercise of power*

In section 17(2)(e) and section 18(2)(e), a reference to an improper exercise of a power is taken to include –

- (a) taking an irrelevant consideration into account in the exercise of a power; and
- (b) failing to take a relevant consideration into account in the exercise of a power; and
- (c) an exercise of a power for a purpose other than a purpose for which the power is conferred; and
- (d) an exercise of a discretionary power in bad faith; and
- (e) an exercise of a personal discretionary power at the direction of another person; and

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- (f) an exercise of a discretionary power in accordance with a rule without regard to the merits of the particular case; and
- (g) an exercise of a power that is so unreasonable that no reasonable person could so exercise the power; and
- (h) an exercise of a power in such a way that the result of the exercise of the power is uncertain; and
- (i) any other exercise of a power in a way that is an abuse of the power.

21. Decisions without justification – establishing ground

The ground mentioned in section 17(2)(h) and section 18(2)(h) is taken not to be made out –

- (a) unless –
 - (i) the person who made, or proposed to make, the decision was required by law to reach the decision only if a particular matter was or is established; and
 - (ii) there was no evidence or other material (including facts of which the person was or is entitled to take notice) from which the person could or can reasonably be satisfied that the matter was or is established; or

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- (b) unless –
 - (i) the person who made, or proposes to make, the decision based, or proposes to base, the decision on the existence of a particular fact; and
 - (ii) the fact did not or does not exist.

22. Manner of making application

An application for an order of review –

- (a) is to be made in the way prescribed by rules of court; and
- (b) is to set out the grounds of the application; and
- (c) is to be lodged with a registry of the Court.

23. Period within which application must be made

- (1) An application to the Court for an order of review relating to a decision that has been made and the terms of which were set out in a document that was given to the applicant (including a decision that a person purported to make after the end of the period within which it was required to be made) must be made within –
 - (a) 28 days after the relevant day; or

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(b) such further time as the Court (whether before or after the end of that required period) allows.

(2) If –

(a) in relation to a particular decision, no person was given a document setting out the terms of the decision as provided in subsection (1); or

(b) in relation to a particular decision, a particular person was not given a document setting out the terms of the decision as provided in subsection (1) –

the Court may take either of the following actions if it is of the opinion that the application was not made within a reasonable time after the decision was made:

(c) if paragraph (a) applies, refuse to consider an application for an order of review relating to the decision;

(d) if paragraph (b) applies, refuse to consider an application by the person for an order of review relating to the decision.

(3) In forming an opinion for the purposes of subsection (2), the Court –

(a) must have regard to –

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- (i) the time when the applicant became aware of the decision; and
 - (ii) if subsection (2)(b) applies, the period provided by this section for the making by another person of an application for an order of review relating to the decision; and
- (b) may have regard to such other matters as it considers relevant.
- (4) In subsection (1)(a),

relevant day means –

- (a) if the document setting out the terms of the decision includes, or is accompanied by, a statement giving the reasons for the decision, the day on which the document is given to the applicant; or
- (b) if paragraph (a) does not apply and a written statement giving the reasons for the decision is given to the applicant (otherwise than because of a request under section 29) not later than 28 days after the day on which a document setting out the terms of the decision is given to the applicant, the day on which the statement is given; or

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- (c) if paragraph (a) does not apply and the applicant requests the person who made the decision to give a statement under section 29, the day on which –
 - (i) the statement is given; or
 - (ii) the applicant is notified under section 30(2) that the applicant was not entitled to make the request; or
 - (iii) the applicant is notified under section 30(5) or section 34 that the statement will not be given; or
 - (iv) the Court makes an order under section 36 declaring that the applicant was not entitled to make the request; or
- (d) in any other case, the day on which a document setting out the terms of the decision is given to the applicant.

24. Applicant not limited to grounds in application

If an applicant for an order of review wishes to rely on a ground not set out in the application,

the Court may direct that the application be amended to specify the ground.

25. Application to be made party to proceeding

(1) If –

(a) a person is aggrieved by –

(i) a decision; or

(ii) conduct (including conduct that has been, is being, or is proposed to be, engaged in for the purpose of making a decision); or

(iii) a failure to make a decision or perform a duty according to law; and

(b) an application has been made to the Court under this Act relating to the decision, conduct or failure –

the person may apply to the Court to be made a party to the application.

(2) The Court may grant or refuse the application.

26. Stay of decision

(1) The making of an application to the Court under section 17 relating to a decision does not –

(a) affect the operation of the decision; or

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- (b) prevent the taking of action to implement the decision.
- (2) Despite subsection (1), the Court or a judge –
 - (a) may, by order, suspend the operation of the decision; and
 - (b) may order a stay of any proceeding under the decision.
- (3) The Court or judge may make the order –
 - (a) of the Court's or judge's own motion; or
 - (b) on the application of the person who made the application.

27. Powers of Court relating to applications for order of review

- (1) On an application for an order of review relating to a decision, the Court may 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 –
 - (i) the day of the making of the order; or
 - (ii) if the Court specifies the day of effect, the day specified by the Court (which may be before or after the day of the making of the order);

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- (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 (including the setting of time limits for the further consideration, and for preparatory steps in the further consideration) as the Court determines;
 - (c) an order declaring the rights of the parties relating to any matter to which the decision relates;
 - (d) an order directing any of the parties to do, or to refrain from doing, anything that the Court considers necessary to do justice between the parties.
- (2) On an application for an order of review relating to conduct that has been, is being, or is proposed to be, engaged in for the purpose of the making of a decision, the Court may make either or both of the following orders:
- (a) an order declaring the rights of the parties relating to any matter to which the conduct relates;
 - (b) an order directing any of the parties to do, or to refrain from doing, anything that the Court considers necessary to do justice between the parties.
- (3) On an application for an order of review relating to a failure to make a decision, or relating to a failure to make a decision within the period within which the decision was required to be

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made, the Court may make all or any of the following orders:

- (a) an order directing the making of the decision or the doing of anything necessary to enable the making of a decision;
 - (b) an order declaring the rights of the parties relating to the making of the decision;
 - (c) an order directing any of the parties to do, or to refrain from doing, anything that the Court considers necessary to do justice between the parties.
- (4) The Court may, at any time, of its own motion or on the application of a party, revoke, vary or suspend the operation of an order made by it under this section.

PART 5 – REASONS FOR DECISION

28. Decision to which this Part applies

In this Part,

decision to which this Part applies means a decision that is a decision to which this Act applies, but does not include –

- (a) a decision that includes, or is accompanied by, a statement giving the reasons for the decision; or
- (b) a decision included in a class of decisions set out in Schedule 3.

29. Request for statement of reasons

- (1) If a person makes a decision to which this Part applies, a person who is entitled to make an application to the Court under section 17 relating to the decision may request the person to provide a written statement relating to the decision.
- (2) The request must be made by written notice given to –
 - (a) if the decision was made by the Governor-in-Council or by Cabinet, the Minister responsible for the administration of the enactment; or
 - (b) in any other case, the person who made the decision.

30. Decision maker must comply with request except in certain circumstances

- (1) Subject to this section, a person to whom a request is made under section 29 (the *decision maker*) must, as soon as practicable, and, in any event, within 28 days after receiving the request, provide the statement to the person who made the request (the *requester*).
- (2) If the decision maker is of the opinion that the requester was not entitled to make the request, the decision maker may, within 28 days after receiving the request –
 - (a) give to the requester written notice of the decision maker’s opinion; or
 - (b) apply to the Court under section 36 for an order declaring that the requester was not entitled to make the request.
- (3) If the decision maker gives a notice under subsection (2) or applies to the Court under section 36, the decision maker is not required to comply with the request unless –
 - (a) the Court, on an application under section 35, orders the decision maker to give the statement; or
 - (b) the decision maker has applied to the Court under section 36 for an order declaring that the requester was not entitled to make the request and the Court refuses the application.

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- (4) The decision maker may refuse to prepare and give 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 given to the requester, the relevant request was not made within 28 days after the day on which the document was given; or
 - (b) in any other case, the relevant request was not made within a reasonable time after the decision was made.
- (5) If subsection (4)(a) or (b) applies to the decision maker, the decision maker must give to the requester, within 14 days after receiving the relevant request, written notice stating –
- (a) that the statement will not be given to the requester; and
 - (b) the reasons why it will not be given.
- (6) For the purposes of subsection (4)(b), a request for a statement relating to a decision is taken to have been made within a reasonable time after the decision was made if the Court, on application by the requester, declares that the request was made within a reasonable time after the decision was made.

31. Content of statement

The statement must contain the reasons for the decision.

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Part 5 – Reasons for Decision

32. Exception for information relating to personal or business affairs

- (1) This section applies to information that a statement provided under section 30 would be required to contain if the information –
 - (a) relates to the personal affairs or business affairs of a person, other than the person making the request; and
 - (b) is of a confidential nature.
- (2) For the purposes of subsection (1), information is taken to be of a confidential nature if the information is information –
 - (a) that was supplied in confidence and continues to retain its confidential character; or
 - (b) the publication of which would reveal a trade secret; or
 - (c) the publication of which would, or could reasonably be expected to, adversely affect a statutory authority or council relating to its commercial activities; or
 - (d) that was given under a duty imposed by an enactment; or
 - (e) the giving of which under the request would be in contravention of an enactment that expressly imposes on the person to whom the request is made a

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duty not to divulge or communicate information of that kind –

- (i) to a person; or
- (ii) to a person, other than a person included in a class of persons prescribed by regulation; or
- (iii) except in circumstances prescribed by regulation.

- (3) Section 34 specifies the consequences of this section applying to information.

33. Exception for information covered by Attorney-General's certificate

- (1) This section applies to information relating to a matter if the Attorney-General certifies, by signed writing, that the disclosure of information relating to the matter would be contrary to the public interest –
 - (a) because it would involve the disclosure of deliberations or a decision of Cabinet or a committee of Cabinet; or
 - (b) for any other specified reason that could form the basis for a claim in a judicial proceeding that the information should not be disclosed.
- (2) Section 34 specifies the consequences of this section applying to information.

34. Consequences of section 32 or 33 applying to information

- (1) If a person has been requested under section 29 to give a statement to a person –
 - (a) the person to whom the request is made is not required to include in the statement any information to which section 32 or 33 applies; and
 - (b) if the statement would be false or misleading if it did not include the information, the person is not required to give the statement.
- (2) If, under subsection (1) –
 - (a) information is not included in a statement given by a person; or
 - (b) a statement is not given by a person –the person must give written notice to the person who made the request.
- (3) The notice must state –
 - (a) if subsection (1)(a) applies –
 - (i) that the information is not included; and
 - (ii) the reason for not giving the statement; or
 - (b) if subsection (1)(b) applies –

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- (i) that the statement will not be given; and
 - (ii) the reason for not giving the statement.
- (4) The notice must be given –
- (a) if subsection (1)(a) applies, at the time the statement is given; or
 - (b) if subsection (1)(b) applies, as soon as practicable and, in any event, within 28 days after receiving the request.
- (5) Nothing in this section affects the power of the Court –
- (a) to make an order for the discovery of documents; or
 - (b) to require the giving of evidence or the production of documents to the Court.

35. Application for order to comply

- (1) If –
- (a) a person (the *requester*) makes a request under section 29 to a person (the *decision maker*) for a written statement relating to a decision; and
 - (b) the decision maker does not comply with the request, or apply to the Court under section 36 relating to the request, within 28 days after receiving the request –

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the requester may apply to the Court for an order under this section.

- (2) If the Court considers that the requester was entitled to make the request, the Court may order the decision maker to give the statement within a specified period.

36. Application for order that person not entitled to statement

- (1) If –
 - (a) a person (the *decision maker*) receives a request under section 29 from a person (the *requester*) for a written statement relating to a decision; and
 - (b) the decision maker is of the opinion that the requester is not entitled to make the request –

the decision maker may apply to the Court for an order under this section declaring that the requester was not entitled to make the request.

- (2) If the Court considers that the requester was not entitled to make the request, the Court may, by order, declare accordingly, but otherwise the Court must refuse the application.
- (3) If the Court refuses the application, the decision maker must –
 - (a) prepare the statement to which the request relates; and

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- (b) give it to the requester within 28 days after the Court's decision.

37. Application for further statement

- (1) A person to whom a statement has been given under section 30 (the *requester*) may apply to the Court for an order under this section against the person who gave the statement (the *decision maker*).
- (2) If the Court considers that the statement does not contain adequate particulars of the reasons for the decision, the Court may order the decision maker to give to the requester, within a specified period, an additional statement containing further and better particulars relating to specified matters or a further statement under section 30.

PART 6 – MISCELLANEOUS

38. Power of Court to stay or dismiss applications in certain circumstances

- (1) The Court may stay or dismiss an application under section 17, 18 or 19 or a claim for relief in such an application if the Court considers that –
 - (a) it would be inappropriate –
 - (i) for proceedings relating to the application or claim to be continued; or
 - (ii) to grant the application or claim; or
 - (b) no reasonable basis for the application or claim is disclosed; or
 - (c) the application or claim is frivolous or vexatious; or
 - (d) the application or claim is an abuse of the process of the Court.
- (2) A power of the Court under this section –
 - (a) must be exercised by order; and
 - (b) may be exercised at any time in the relevant proceeding but, in the case of a power to dismiss an application, the Court must try to ensure that any exercise of the power occurs at the earliest appropriate time.

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- (3) The Court may make an order under this section –
 - (a) of its own motion; or
 - (b) on an application by a party to the proceeding.
- (4) The Court may receive evidence on the hearing of an application for an order under this section.
- (5) An appeal may be brought from an order under this section only with the leave of the Court.
- (6) An appeal from an order of the Court under this Part is to be to the Full Court of the Supreme Court.

39. Intervention by Attorney-General

- (1) The Attorney-General may, on behalf of the Crown, intervene in a proceeding before the Court under this Act.
- (2) If the Attorney-General intervenes in a proceeding –
 - (a) the Attorney-General is taken to be a party to the proceeding; and
 - (b) the Court may, in the proceeding, make such order as to costs against the Crown as the Court considers appropriate.

40. Change in occupancy of office

- (1) If –

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- (a) a person has, in the performance of the functions of an office, made a decision relating to which an application may be made to the Court under this Act; and
- (b) the person no longer holds the office or, for whatever reason, is not performing the functions of the office –

this Act has effect as if the decision had been made by the replacement person.

- (2) The reference in subsection (1) to the replacement person for an office is a reference to –
 - (a) the person for the time being holding or performing the functions of the office; or
 - (b) if there is no person for the time being holding or performing the functions of the office or the office no longer exists, the person specified by –
 - (i) the Minister administering the enactment under which the decision was made; or
 - (ii) a person authorised in writing by the Minister for the purposes of this section.

41. Respondent to applications concerning decisions of Governor-in-Council

In an application for an order of review that relates to a decision of the Governor-in-Council,

the respondent to the application is to be the Minister administering the enactment under which the decision was made.

42. Amendment of documents

The Court may –

- (a) on such terms as it considers appropriate, permit a document lodged with a registry of the Court relating to an application under this Act to be amended; and
- (b) direct that the document be amended in a way specified by the Court.

43. Abolition of prerogative writs

The prerogative writs of *mandamus*, prohibition, *certiorari*, *quo warranto* and *scire facias* are no longer to be issued by the Court.

44. Rules of court

The judges of the Court or a majority of them may make rules of court with respect to –

- (a) the way in which applications under this Act may be made to the Court; or
- (b) service on appropriate persons of copies of documents lodged with a registry of the Court under this Act.

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45. Strict compliance with rules not required

Strict compliance with rules of court made for the purposes of this Act is not required and substantial compliance is sufficient.

46. Regulations

The Governor may make regulations for the purposes of this Act except in respect of any matter for which rules of court may be made under section 44.

47. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Attorney-General; and
- (b) the department responsible to the Attorney-General in relation to the administration of this Act is the Department of Justice and Industrial Relations.

48. *See Schedule 4.*

**SCHEDULE 1 – DECISIONS TO WHICH ACT DOES
NOT APPLY**

Section 4(2)

1. A decision relating to the administration of criminal justice, including a decision relating to –
 - (a) the investigation or prosecution of persons for offences against the law of the State, the Commonwealth, another State, a Territory or foreign country; and
 - (b) the issue of search warrants under a law of the State, including warrants under section 60 of the *Police Offences Act 1935*; and
 - (c) the issue of warrants under the *Listening Devices Act 1991*.
2. A decision made under the *Subordinate Legislation Act 1992*.
3. A decision –
 - (a) making, or forming part of the process of making, or leading up to making, an assessment or a calculation of tax, a charge or a duty; and
 - (b) amending, or refusing to amend, or disallowing an objection to, an

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assessment or a calculation of tax, a charge or a duty –

under any of the following Acts:

- (c) *Duties Act 2001*;
- (d) *Gaming Control Act 1993*;
- (e) *Land Tax Act 2000*;
- (f) *Land Tax Rating Act 2000*;
- (g) *Payroll Tax Act 2008*;
- (h) *Racing Regulation and Integrity Act 2024*;
- (i) *Taxation Administration Act 1997*;
- (j) *TT-Line Gaming Act 1993*;
- (k) *Vehicle and Traffic Act 1999*.
- (l)

4. A decision under the *Government Business Enterprises Act 1995* –

- (a) making, or forming part of the process making, or leading up to making, an assessment or a calculation of tax equivalents; and
- (b) amending, or refusing to amend, or disallowing an objection to, an assessment or a calculation of tax equivalents.

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- 4A. A report of an assessor under section 37 of the *Integrity Commission Act 2009* recommending that a complaint be dismissed under section 36 of that Act.
- 4B. A decision made by the chief executive officer of the Integrity Commission in relation to a determination to dismiss a complaint under section 38 of the *Integrity Commission Act 2009*.
- 5. A decision made under the *Coroners Act 1995*.
- 5A. A decision made under section 20D of the *Police Offences Act 1935*.
- 6. A decision made by the Tasmanian Industrial Commission, or a member of the Tasmanian Industrial Commission, under the *Industrial Relations Act 1984*.
- 7. A decision made by an adjudicator under the *Building and Construction Industry Security of Payment Act 2009*.
- 8. A decision made by the Director of Building Control under section 48 of the *Residential Building Work Contracts and Dispute Resolution Act 2016*.

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**SCHEDULE 2 – ENACTMENTS THAT PROVIDE FOR
NON-REVIEW OR LIMITED REVIEW OF DECISIONS**

Section 15(2)

1AA. *Anti-Discrimination Act 1998*

1. *Associations Incorporation Act 1964*

2. *Electoral Act 2004*

3. *Legislative Council Electoral Boundaries Act
1995*

4. *Magistrates Court (Civil Division) Act 1992*

5. *Magistrates Court (Small Claims Division) Act
1989*

6.

7. *State Policies and Projects Act 1993*

8. *Wellington Park Act 1993*

**SCHEDULE 3 – DECISIONS FOR WHICH REASONS
NEED NOT BE GIVEN**

Section 28

1. Civil proceedings

Decisions relating to the institution or conduct of proceedings in civil courts or tribunals, including –

- (a) decisions that relate to, or may result in, the bringing of such proceedings for the recovery of the proceeds of crime or the recovery of pecuniary penalties arising from contraventions of enactments; and
- (b) decisions relating to the investigation of persons for such contraventions or the recovery of the proceeds of crime; and
- (c) decisions relating to the appointment of investigators or inspectors for the purposes of such investigations; and
- (d) decisions relating to the issue of search warrants under enactments; and
- (e) decisions under enactments requiring –
 - (i) the production of documents or things; or
 - (ii) the giving of information; or
 - (iii) the summoning of persons as witnesses.

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2. Recovery proceedings

Decisions relating to the enforcement of judgments or orders for the recovery of amounts by –

- (a) the State, a statutory authority or a council; or
- (b) an officer or employee of the State, a statutory authority or a council.

3. Personnel management

Decisions relating to personnel management (including recruitment, training, promotion and organisation) relating to –

- (a) the State Service; or
- (b) any other service established by an enactment; or
- (c) the staff of a statutory authority or council –

other than a decision relating to, and having regard to the particular characteristics of, or other circumstances relating to, a particular person.

4. Appointment decisions

Decisions relating to –

- (a) the making of appointments –

- (i) in the State Service; or
 - (ii) in another service established by an enactment; or
 - (iii) to the staff of a statutory authority or council; and
- (b) the engagement of persons as employees –
- (i) under the *State Service Act 2000*; or
 - (ii) under another enactment that establishes a service; or
 - (iii) by a statutory authority or council; and
- (c) the making of appointments under an enactment or to an office established by, or under, an enactment.

5. Decisions of Commissioner for Police

Decisions of the Commissioner for Police relating to –

- (a) the making of an appointment of a junior constable or trainee as defined in the *Police Service Act 2003* or of a police officer or on promotion of a police officer; or
- (b) the making of a selection of a police officer for –

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- (i) a transfer; or
- (ii) the temporary performance of duties; or
- (c) an appeal against a police officer's promotion or selection for the temporary performance of duties.

6. Industrial matters

Decisions relating to the prevention or settlement of industrial disputes, or otherwise relating to industrial matters, relating to –

- (a) the State Service; or
- (b) another service established by an enactment; or
- (c) the staff of a statutory authority or council.

7. Council budgets

Decisions relating to the framing of budgets by councils.

8. Council rates

Decisions relating to the exercise of the power of councils –

- (a) to make and levy rates; or

- (b) to impose fees, charges, fares, rents and dues.

9. Tendering and awarding of contracts

Decisions relating to –

- (a) the selection of a tenderer following the conduct of a competitive tendering process; and
- (b) the awarding of contracts.

10. Commercial activities of Government Business Enterprises and certain statutory authorities

- (1) Decisions of Government Business Enterprises, within the meaning of the *Government Business Enterprises Act 1995*, relating to their commercial activities.
- (2) Decisions of either one of the following statutory authorities relating to its commercial activities:
 - (a) TasTAFE, as continued by the *TasTAFE (Skills and Training Business) Act 2021*;
 - (b) Tourism Tasmania.

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SCHEDULE 4

The amendments effected by Section 48 and this Schedule have been incorporated into the authorised version of the appropriate Acts.

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NOTES

The foregoing text of the *Judicial Review Act 2000* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 February 2025 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>State Service (Consequential and Miscellaneous Amendments) Act 2000</i>	No. 86 of 2000	1.5.2001
<i>Judicial Review Act 2000</i>	No. 54 of 2000	1.12.2001
<i>Police Service (Consequential Amendments) Act 2003</i>	No. 76 of 2003	1.1.2004
<i>Racing Regulation (Transitional and Consequential Provisions) Act 2004</i>	No. 64 of 2004	1.1.2005
<i>Electoral (Consequential Amendments) Act 2004</i>	No. 53 of 2004	16.2.2005
<i>Taxation and Related Legislation (Miscellaneous Amendments) Act 2008</i>	No. 8 of 2008	2.5.2008
<i>Justice and Related Legislation (Miscellaneous Amendments) Act 2008</i>	No. 18 of 2008	26.6.2008
<i>Payroll Tax Act 2008</i>	No. 16 of 2008	1.7.2008
<i>Education and Training (Further Consequential Amendments) Act 2008</i>	No. 45 of 2008	1.1.2009
<i>Building and Construction Industry Security of Payment Act 2009</i>	No. 86 of 2009	17.12.2009
<i>Integrity Commission Act 2009</i>	No. 67 of 2009	1.10.2010
<i>Parliamentary Salaries, Superannuation and Allowances Act 2012</i>	No. 18 of 2012	1.7.2012
<i>Training and Workforce Development (Repeals and Consequential Amendments) Act 2013</i>	No. 11 of 2013	1.7.2013
<i>Anti-Discrimination Amendment Act 2013</i>	No. 42 of 2013	1.1.2014
<i>Residential Building Work Contracts and Dispute Resolution Act 2016</i>	No. 32 of 2016	1.1.2017

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Act	Number and year	Date of commencement
<i>Police Offences Amendment (Consorting) Act 2018</i>	No. 22 of 2018	15.10.2018
<i>TasTAFE (Skills and Training Business) Act 2021</i>	No. 32 of 2021	1.7.2022
<i>Racing Regulation and Integrity (Consequential Amendments) Act 2024</i>	No. 14 of 2024	1.2.2025
<i>Judicial Commissions Act 2024</i>	No. 28 of 2024	not commenced

TABLE OF AMENDMENTS

Provision affected	How affected
Schedule 1	Amended by No. 64 of 2004, Sched. 1, No. 8 of 2008, s. 27, No. 16 of 2008, Sched. 4, No. 18 of 2008, s. 30, No. 67 of 2009, s. 120, No. 86 of 2009, Sched. 1, No. 32 of 2016, Sched. 1, No. 22 of 2018, s. 8 and No. 14 of 2024, s. 21
Schedule 2	Amended by No. 53 of 2004, Sched. 1, No. 18 of 2012, Sched. 7 and No. 42 of 2013, s. 50
Schedule 3	Amended by No. 86 of 2000, Sched. 1, No. 76 of 2003, Sched. 1, No. 45 of 2008, Sched. 1, No. 11 of 2013, Sched. 1 and No. 32 of 2021, Sched. 4