

South Australia



**ADMINISTRATIVE DECISIONS (EFFECT OF INTERNATIONAL
INSTRUMENTS) ACT 1995**

No. 81 of 1995

SUMMARY OF PROVISIONS

1. **Short title**
2. **Interpretation**
3. **Effect of international instruments**



ANNO QUADRAGESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1995

No. 81 of 1995

An Act relating to the effect of international instruments on the making of administrative decisions.

[Assented to 30 November 1995]

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Administrative Decisions (Effect of International Instruments) Act 1995*.

Interpretation

2. In this Act—

"international instrument" means—

- (a) a treaty, convention, protocol, agreement or other instrument that is binding in international law; or
- (b) a part of such a treaty, convention, protocol, agreement or other instrument.

Effect of international instruments

3. (1) An international instrument (even though binding in international law on Australia) affects administrative decisions and procedures under the law of the State only to the extent the instrument has the force of domestic law under an Act of the Parliament of the Commonwealth or the State.

(2) It follows that an international instrument that does not have the force of domestic law under an Act of the Parliament of the Commonwealth or the State cannot give rise to any legitimate expectation that—

- (a) administrative decisions will conform with the terms of the instrument; or
- (b) an opportunity will be given to present a case against a proposed administrative decision that is contrary to the terms of the instrument.

(3) However, this Act does not prevent a decision-maker from having regard to an international instrument if the instrument is relevant to the decision.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor