

South Australia

Administrative Decisions (Effect of International Instruments) Act 1995

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

Contents

- 1 Short title
- 2 Interpretation
- 3 Effect of international instruments

Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

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

2—Interpretation

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.

3—Effect of international instruments

- (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.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act

Year	No	Title	Assent	Commencement
1995	81	<i>Administrative Decisions (Effect of International Instruments) Act 1995</i>	30.11.1995	30.11.1995