

- (1) A decision of the Minister or Tribunal under this Act –
- (a) is not subject to prohibition, mandamus, certiorari, injunction, declaration, certiorari or any order of a court having similar effect; and
  - (b) is not otherwise to be challenged, appealed against, quashed or called into question on any account.
- (2) Subsection (1) does not prevent a review of a decision on the ground of lack of procedural fairness or a failure to comply with the principles of natural justice or that the decision –
- (a) was based on a misunderstanding of a critical fact; or
  - (b) was made without any authority conferred by this Act; or
  - (c) is inconsistent with the objects of this Act.

Notes: The reference to court orders having "similar effect" is to cater for the jurisdictions which have abolished most of the old prerogative writs and the "misunderstanding of a critical fact" is inspired by the decision of the Full Federal Court in the NAAV case. Subsection (2)(c) of course assumes that there is an objects clause.