

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL
(CONFERRAL OF JURISDICTION AMENDMENTS) (NO. 2) ACT 2014

Act No. 35 of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 35 of 2014

An Act to amend various laws to confer jurisdiction on the Northern Territory Civil and Administrative Tribunal

[Assented to 13 November 2014]

[Second reading 27 August 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Building Act

3 Act amended

This Part amends the *Building Act*.

4 Section 4 amended

Section 4, definition ***Tribunal***

omit, insert

Tribunal means the Civil and Administrative Tribunal.

Part 3 Amendment of Building (Resolution of Residential Building Work Disputes) Regulations

5 Regulations amended

This Part amends the *Building (Resolution of Residential Building Work Disputes) Regulations*.

6 Regulation 4 amended

Regulation 4, definition ***review notice***

omit

7 Regulation 12 amended

Regulation 12(4)

omit, insert

- (4) If the Commissioner decides to accept the application, the Commissioner must follow the relevant procedures specified in regulation 40.

8 Regulation 13 replaced

Regulation 13

repeal, insert

13 Decision to reject mediation or conciliation application

The Commissioner may decide to reject a mediation or conciliation application.

9 Regulation 16 amended

Regulation 16(4)

- (4) If the Commissioner decides to accept the application, the Commissioner must follow the relevant procedures specified in regulation 55.

10 Regulation 17 replaced

Regulation 17

repeal, insert

17 Decision to reject technical inspection application

The Commissioner may decide to reject a technical inspection application.

11 Regulation 21 replaced

Regulation 21

repeal, insert

21 Decision to reject consumer guarantee dispute application

The Commissioner may decide to reject a consumer guarantee dispute application.

12 Regulation 32 amended

Regulation 32(4)

omit

13 Regulation 35 amended

Regulation 35(2), note

omit

an appeal against the dispute decision under regulation 80(1)

insert

a review of the dispute decision

14 Regulation 36 repealed

Regulation 36

repeal

15 Regulation 37 amended

Regulation 37(1)(a) and (b)

omit, insert

- (a) if the period for applying for a review of the decision has expired and no application has been made – after the expiry of that period; or
- (b) if an application for a review of the decision has been made – after the Tribunal has decided the application.

16 Regulation 74 amended

Regulation 74(1)

omit, insert

- (1) The Tribunal has review jurisdiction in relation to a decision (a ***reviewable decision***) mentioned in Schedule 2.

17 Regulations 75 to 79 and Part 3.2 repealed

Regulations 75 to 79 and Part 3.2

repeal

18 Regulation 92 amended

- (1) Regulation 92(3)(a)

omit

appealed against

insert

applied for a review of

- (2) Regulation 92(3)(b)
- omit*
- appealed
- insert*
- made an application for a review

19 Regulation 94

- Regulation 94(1)
- omit*
- under Chapter 3

20 Chapter 6 inserted

- After regulation 98
- insert*

**Chapter 6 Transitional matters for Northern Territory Civil
and Administrative Tribunal (Conferral of
Jurisdiction Amendments) (No. 2) Act 2014**

99 Definitions

commencement means the commencement of Part 3 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) the Act and these Regulations;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

new legislation means the following as in force after the commencement:

- (a) the Act and these Regulations;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

100 Review of or appeal against Commissioner's decision notified before commencement

- (1) This regulation applies if:
 - (a) before the commencement, the Commissioner had given a person a relevant notice for a decision; and
 - (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the review or appeal period had not expired and the person had not applied for a review of, or appeal against, the decision;
 - (ii) before the commencement, the person had applied for a review of, or appealed against, the decision within the review or appeal period and the proceeding for the review or appeal had not been decided by the former Tribunal.
- (2) If the circumstance mentioned in subregulation (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of the person to apply for a review or, or to appeal against, the decision within the review or appeal period.
- (3) The former legislation continues to apply in relation to the functions and powers of the former Tribunal in conducting and deciding a proceeding for the review or appeal regardless of whether the proceeding:
 - (a) was being conducted before the commencement; or
 - (b) is started after the commencement within the review period.
- (4) In this regulation:

relevant notice, for a decision, means one of the following:

 - (a) a review notice;
 - (b) a notice of a dispute decision given under regulation 32(4).

review or appeal period means the period within which a person given a relevant notice is entitled to apply for a review of, or to appeal against, the decision mentioned in the notice.

101 Commissioner's decision made after commencement

- (1) This regulation applies if:
- (a) a person had made an application to the Commissioner before the commencement; and
 - (b) the Commissioner decides the application after the commencement.
- (2) The new legislation applies in relation to:
- (a) giving notice of the decision; and
 - (b) a person's entitlement to apply for a review of the decision.

102 Referrals to former Tribunal

- (1) This regulation applies if, before the commencement:
- (a) the Commissioner had referred a matter to the former Tribunal; and
 - (b) the former Tribunal had not decided the matter.
- (2) The former Tribunal must continue to deal with the matter in accordance with the former legislation.

21 Schedule 2 replaced

Schedule 2

repeal, insert

Schedule 2 Reviewable decisions and affected persons

regulation 74

Reviewable decision	Affected person
Decision under regulation 13 to reject mediation or conciliation application	The person who made the application

Decision under regulation 17 to reject technical inspection application	The person who made the application
Decision under regulation 21 to reject consumer guarantee dispute application	The person who made the application
Decision under regulation 29(3) to dismiss consumer guarantee dispute application because of absence of applicant	The person who made the application
Dispute decision under regulation 32(1)	A party to a consumer guarantee dispute application

Part 4 Amendment of Caravan Parks Act

22 Act amended

This Part amends the *Caravan Parks Act*.

23 Section 4 amended

- (1) Section 4, definitions ***application***, ***conference***, ***court*** and ***proceedings***

omit

- (2) Section 4

insert (in alphabetical order)

Tribunal means the Civil and Administrative Tribunal.

24 Section 36 amended

- (1) Section 36, heading

omit

Commissioner may prepare

insert

Application to Tribunal for

(2) Section 36(2)
omit
Commissioner to prepare
insert
Tribunal for

(3) Section 36(3)
omit
Commissioner may
insert
Tribunal may request the Commissioner to

25 Section 53 amended

(1) Section 53, heading
omit
Commissioner may
insert
Tribunal may request Commissioner to

(2) Section 53(1)
omit
Commissioner
insert

Tribunal

(3) Section 53(2)
omit
all words from "Commissioner" to "may"
insert

Tribunal considers it appropriate to do so, it may request the Commissioner to

- (4) Section 53(3)
omit
Commissioner's discretion, the Commissioner
insert
Tribunal's discretion, the Tribunal
- (5) Section 53(3)(a)
omit
his or her
insert
the applicant's

26 Section 125 amended

- (1) Section 125(6)
omit
Commissioner to prepare
insert
Tribunal for
- (2) Section 125(7)
omit
Commissioner may
insert
Tribunal may request the Commissioner to

27 Parts 14 and 15 replaced

Parts 14 and 15

repeal, insert

Part 15 Tribunal**174 Jurisdiction**

A person affected by an order of the Commissioner made under the following sections may apply to the Tribunal for a review of the decision:

(a) section 141;

(b) section 145.

28 Part 18, heading amended

Part 18, heading

omit

and other provisions

insert

matters

29 Part 18, Division 1 heading amended

Part 18, Division 1 heading

omit

Transitional provisions for

30 Part 18, Divisions 2, 3 and 4 replaced

Part 18, Divisions 2, 3 and 4

repeal, insert

Division 2 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**187 Definitions**

In this Division:

appeal period means the period within which a person is entitled to appeal against the decision made by the Commissioner.

commencement means the commencement of Part 4 the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

decision includes an order and a determination.

former Act means this Act as in force immediately before the commencement.

new legislation means the following as in force after the commencement:

- (a) this Act;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

188 Appeal against Commissioner's decision made before commencement

- (1) This section applies if:
 - (a) before the commencement, the Commissioner had made a decision under this Act; and
 - (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the appeal period for the decision had not expired and no proceeding for an appeal had been started;
 - (ii) before the commencement, a proceeding for an appeal had been started but not decided.

- (2) If the circumstance mentioned in subsection (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of a person to appeal against the decision within the appeal period.
- (3) The former Act continues to apply in relation to the functions and powers of the Local Court in conducting and deciding a proceeding for the appeal regardless of whether the proceeding:
 - (a) was being conducted before the commencement; or
 - (b) is started after the commencement within the review period.

189 Appeal against court's decision made before commencement

- (1) This section applies if, before the commencement, the Local Court had made a decision under the Act and the appeal period had not expired.
- (2) The former Act continues to apply in relation to the right of the person to appeal against the decision.

190 Commissioner's decision made after commencement

- (1) This section applies if:
 - (a) a person had made an application to the Commissioner under section 141 or 145 before the commencement; and
 - (b) the Commissioner decides the application after the commencement.
- (2) The new legislation applies in relation to:
 - (a) giving notice of the decision; and
 - (b) a person's entitlement to apply for a review of the decision.

191 Commissioner's or Local Court's decision made after commencement

- (1) This section applies if:
 - (a) a person had made an application to the Commissioner or the Local Court before the commencement (other than an application to the Commissioner under section 141 or 145); and
 - (b) the Commissioner or the Local Court decides the application after the commencement.

- (2) The Commissioner or the Local Court must continue to deal with the application in accordance with the former Act.

192 Appeals before Local Court

- (1) This section applies if, before the commencement:
- (a) a person had made an application to the Local Court appealing against the Commissioner's decision; and
 - (b) the Local Court had not decided the matter.
- (2) The Local Court must continue to deal with the matter in accordance with the former Act.

31 Act further amended

Schedule 1 has effect.

Part 5 Amendment of Control of Roads Act

32 Act amended

This Part amends the *Control of Roads Act*.

33 Section 31A amended

- (1) Section 31A(5)

omit

- (2) Section 31A(6)

omit

However for

insert

In relation to

- (3) Section 31A(9), definition ***Tribunal***

omit, insert

Tribunal means the Civil and Administrative Tribunal.

34 Part 7 inserted

After section 62

insert

Part 7 Transitional matters for Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014

63 Application before former Tribunal

- (1) This section applies if, before the commencement:
 - (a) a person had made an application under section 31A to the former Tribunal; and
 - (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the matter in accordance with the former legislation.
- (3) In this section:

commencement means the commencement of Part 5 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

Part 6 Amendment of Energy Pipelines Act

35 Act amended

This Part amends the *Energy Pipelines Act*.

36 Section 3 amended

Section 3(1), definition ***Tribunal***

omit, insert

Tribunal means the Civil and Administrative Tribunal.

37 Section 26 amended

Section 26(3) to (5)

omit

Supreme Court

insert

Tribunal

38 Section 56 amended

Section 56(1) to (4)

omit (all references)

Supreme Court

insert

Tribunal

39 Part VII inserted

After section 68

insert

Part VII Transitional matters for Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**69 Definitions**

In this Part:

commencement means the commencement of Part 6 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

70 Action or application to Supreme Court before commencement

- (1) This section applies if, before the commencement:
 - (a) a person had brought an action or made an application to the Supreme Court under this Act; and
 - (b) the Supreme Court had not decided the matter.
- (2) The Supreme Court must continue to deal with the matter in accordance with the former legislation.

71 Application to Tribunal before commencement

- (1) This section applies if, before the commencement:
 - (a) a person had made an application to the former Tribunal; and
 - (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the application in accordance with the former legislation.
- (3) In this section:

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

Part 7 Amendment of Geothermal Energy Act

40 Act amended

This Part amends the *Geothermal Energy Act*.

41 Section 123 amended

Section 123(1)(a)

omit

all words from "Lands" to "Act"

insert

Civil and Administrative Tribunal

Part 8 Amendment of Geothermal Energy Regulations**42 Regulations amended**

This Part amends the *Geothermal Energy Regulations*.

43 Regulation 3 amended

- (1) Regulation 3, definitions ***reviewable decision***, ***reviewable decision notice***, ***Tribunal*** and ***Tribunal Act***

omit

- (2) Regulation 3

insert (in alphabetical order)

reviewable decision, see regulation 25(1).

reviewable decision notice means a notice given under section 34 of the *Northern Territory Civil and Administrative Tribunal Act*.

Tribunal means the Civil and Administrative Tribunal.

44 Part 5 replaced

Part 5

repeal, insert

Part 5 Tribunal**24 Jurisdiction**

A person aggrieved by a reviewable decision may apply to the Tribunal for a review of the decision.

25 Reviewable decision

- (1) A decision that is required by these Regulations to be notified by a reviewable decision notice is a ***reviewable decision***.
- (2) A decision mentioned in subregulation (1) includes:
 - (a) an action taken to implement the decision; and
 - (b) a refusal to approve something that is the subject of an application; and
 - (c) a refusal to take an action that is the subject of an application.

26 Recommendation of Tribunal and subsequent decision

- (1) Within 2 months after conducting a proceeding for a reviewable decision the Tribunal must:
 - (a) make a recommendation about the decision; and
 - (b) give the parties to the proceeding a written notice of the recommendation and the reasons for making it.
- (2) After considering the recommendation and reasons for making it, the Minister must decide to:
 - (a) reverse or vary the reviewable decision (as applicable); or
 - (b) confirm the reviewable decision.
- (3) In making the decision under subregulation (2), the Minister is not required to follow the recommendation.
- (4) Within 28 days after receiving the recommendation, the Minister must give the applicant for the review a notice of the decision under subregulation (2) and the reasons for the decision.

45 Part 7 inserted

After regulation 37

insert

Part 7 Transitional matters for Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**38 Definitions**

In this Part:

commencement means the commencement of Part 8 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) the Act and these Regulations;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

new legislation means the following as in force after the commencement:

- (a) the Act and these Regulations;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

39 Review of Minister's decision notified before commencement

- (1) This regulation applies if:
 - (a) before the commencement, the Minister had given a person a reviewable decision notice for a reviewable decision; and
 - (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the review period for the decision had not expired and the person had not applied for a review of the decision;

- (ii) before the commencement, the person had applied for a review of the decision and the proceeding for the review had not been decided.
- (2) If the circumstance mentioned in subregulation (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of the person to apply for a review or the decision within the review period.
- (3) The former legislation continues to apply in relation to the functions and powers of the former Tribunal in conducting and deciding a proceeding for the review regardless of whether the proceeding:
 - (a) was being conducted before the commencement; or
 - (b) is started after the commencement within the review period.
- (4) In this regulation:

review period means the period within which a person given a reviewable decision notice is entitled to apply for a review of the decision mentioned in the notice.

40 Minister's decision made after commencement

- (1) This regulation applies if:
 - (a) a person had made an application to the Minister before the commencement; and
 - (b) the Minister decides the application after the commencement.
- (2) The new legislation applies in relation to:
 - (a) giving notice of the decision; and
 - (b) a person's entitlement to apply for a review of the decision.

41 Applications to former Tribunal

- (1) This regulation applies if, before the commencement:
 - (a) a person had made an application to the former Tribunal; and
 - (b) the former Tribunal had not decided the matter.
- (2) The former Tribunal must continue to deal with the matter in accordance with the former legislation.

Part 9 Amendment of Health Practitioner Regulation (National Uniform Legislation) Act

46 Act amended

This Part amends the *Health Practitioner Regulation (National Uniform Legislation) Act*.

47 Section 6 amended

(1) Section 6(1)

omit

all words from "Health Professional" to "Act"

insert

Civil and Administrative Tribunal

(2) Section 6(4), definition ***President of the Tribunal***

omit, insert

President of the Tribunal means the President as defined in the *Northern Territory Civil and Administrative Tribunal Act*.

Part 10 Amendment of Health Practitioners Act

48 Act amended

This Part amends the *Health Practitioners Act*.

49 Section 4 amended

(1) Section 4, definition ***inquiry***

omit

(2) Section 4, definition ***Tribunal***

omit, insert

Tribunal means the Civil and Administrative Tribunal.

50 Part 3 replaced

Part 3

repeal, insert

Part 3 Tribunal**63 Constitution of Tribunal for matters under the Law**

- (1) For each matter for which the Tribunal has functions under this Act or the *Health Practitioner Regulation National Law (NT)* (including, for example, a matter referred to it about a registered health practitioner, or an appeal against a decision not to register a person), the Tribunal consists of:
- (a) a member who is a lawyer with at least 5 years' experience as a legal practitioner; and
 - (b) a member who:
 - (i) is a registered health practitioner in the health profession to which the matter relates; and
 - (ii) has no conditions or undertakings on his or her registration; and
 - (iii) has skills, knowledge or experience relevant to the matter; and
 - (c) a member who is not engaged in the health profession to which the matter relates, but who is:
 - (i) familiar with the interests of persons dealing with persons engaged in the health profession; or
 - (ii) has knowledge or experience enabling the member to understand those interests.
- (2) Subsection (1) does not apply in relation to the following:
- (a) a hearing at which the Tribunal makes a decision other than a final decision;
 - (b) a hearing at which the Tribunal makes a final decision with the consent of the parties;
 - (c) a compulsory conference or mediation under the *Northern Territory Civil and Administrative Tribunal Act*.

(3) In this section:

condition has the same meaning as in the *Health Practitioner Regulation National Law (NT)*.

registered health practitioner means a person who is registered under the *Health Practitioner Regulation National Law (NT)* to practise a health profession, other than as a student.

undertaking has the same meaning as in the *Health Practitioner Regulation National Law (NT)*.

64 Functions of Tribunal

The Tribunal must hear each matter for which it has functions under the *Health Practitioner Regulation National Law (NT)*.

Note for section 64

See section 6 of the Health Practitioner Regulation (National Uniform Legislation) Act.

65 Additional notifications

- (1) The Tribunal may deal with one or more notifications about a health practitioner in its proceedings.
- (2) If, during proceedings for a notification (the **first notification**) relating to a health practitioner, the Tribunal considers that an additional notification could have been made about the health practitioner, the Tribunal may:
 - (a) take the additional notification to have been referred to the Tribunal; and
 - (b) deal with the additional notification in the proceedings for the first notification.
- (3) The Tribunal may deal with the additional notification:
 - (a) instead of, or in addition to, the first notification; and
 - (b) whether or not the additional notification could have been made by the same entity that made the first notification.

66 Medical examinations

- (1) The Tribunal may, by written notice, require the person who is the subject of a matter for which the Tribunal has functions to have one or more medical examinations at the expense of the National Board for the health profession to which the matter relates.

-
- (2) The Tribunal must not require a person to have a medical examination under subsection (1) unless it is reasonable to do so for the proceeding for the matter.
 - (3) A notice under subsection (1) must specify:
 - (a) the name of the health practitioner who is to carry out the medical examination; and
 - (b) the date, time and place of the medical examination.
 - (4) The date, time and place specified for a medical examination must be reasonable.
 - (5) The health practitioner who carries out the medical examination must provide the Tribunal, and the person examined, with a written report of the results of the examination.
 - (6) In this section:

medical examination includes an examination of the physical, psychological and mental capacities of a person.

51 Part 7 repealed

Part 7

repeal

52 Section 106 amended

Section 106(2)

omit

53 Section 108 amended

(1) Section 108(1)

omit, insert

- (1) A person must not, without reasonable excuse, fail to assist an inspector in relation to an investigation being carried out by the inspector.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(2) Section 108(2)

omit

or the Tribunal

54 Section 110 amended

(1) Section 110(1)

omit, insert

- (1) A person must not fail to leave any proceedings of the Pharmacy Committee when ordered to do so by the Pharmacy Committee.

Maximum penalty: 50 penalty units.

(2) Section 110(2)

omit

55 Section 112 amended

Section 112(1)

omit, insert

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in providing the Pharmacy Committee with information.

56 Section 120 amended

(1) Section 120(1)

omit

(1)

(2) Section 120(2)

omit

57 Section 121 amended

Section 121(a) to (d)

omit

or the Tribunal

58 Part 13 inserted

After section 153

insert

Part 13 Transitional matters for Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**154 Definitions**

In this Part:

appellable decision means an appellable decision as defined in section 199(1) of the *Health Practitioner Regulation National Law (NT)*.

commencement means the commencement of Part 10 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Health Practitioner Regulation (National Uniform Legislation) Act*.

former Tribunal means the Health Professional Review Tribunal as in existence under this Act immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

new legislation means the following as in force after the commencement:

- (a) this Act;
- (b) the *Health Practitioner Regulation (National Uniform Legislation) Act*;
- (c) the *Northern Territory Civil and Administrative Tribunal Act*.

155 Appellable decision notified before commencement

- (1) This section applies if:
 - (a) before the commencement, a National Board or a panel had made an appellable decision; and
 - (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the appeal period for the decision had not expired and no proceeding for an appeal had been started;
 - (ii) before the commencement, a proceeding for an appeal had been started but not decided.
- (2) If the circumstance mentioned in subsection (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of a person to appeal against the decision within the appeal period.
- (3) The former legislation continues to apply in relation to the functions and powers of the former Tribunal in conducting and deciding a proceeding for the appeal regardless of whether the proceeding:
 - (a) was being conducted before the commencement; or
 - (b) is started after the commencement within the appeal period.
- (4) In this section:

appeal period means the period within which a person is entitled to appeal an appellable decision.

156 Appellable decision made after commencement

- (1) This section applies if:
 - (a) before the commencement, a person or the National Board started the process to initiate the making of an appellable decision by the National Board or panel; and
 - (b) the National Board or panel makes the appellable decision after the commencement.
- (2) The new legislation applies in relation to:
 - (a) giving notice of the appellable decision; and
 - (b) a person's entitlement to appeal against the appellable decision.

157 Appeals and matters before former Tribunal

- (1) This section applies if, before the commencement:
 - (a) one of the following circumstances applied:
 - (i) a person had appealed against an appellable decision of the former Tribunal;
 - (ii) the National Board had referred a matter to the former Tribunal under section 193 of the *Health Practitioner Regulation National Law (NT)*.
- (2) The former Tribunal must continue to deal with the appeal or matter in accordance with the former legislation.

158 Decision to refer matter to former Tribunal

- (1) This section applies if, before the commencement, the National Board had decided to refer a matter to the former Tribunal under section 193 of the of the *Health Practitioner Regulation National Law (NT)* but had not done so.
- (2) The former legislation continues to apply in relation to:
 - (a) the referral of the matter by the National Board to the former Tribunal; and
 - (b) the functions and powers of the former Tribunal in dealing with the matter.

59 Schedules 4, 5 and 6 repealed

Schedules 4, 5 and 6

repeal

Part 11 Amendment of Heritage Act**60 Act amended**

This Part amends the *Heritage Act*.

61 Section 4 amended

- (1) Section 4, definitions *review notice* and *Tribunal*
omit

(2) Section 4

insert (in alphabetical order)

review notice means a notice given under section 34 of the *Northern Territory Civil and Administrative Tribunal Act*.

Tribunal means the Civil and Administrative Tribunal.

62 Section 81 amended

(1) After section 81(1)

insert

(1A) The following persons are parties to a proceeding for an application for the confirmation of a stop work order:

- (a) the Territory;
- (b) each interested person for the heritage place or object to which the application relates.

(2) Section 81, note

omit

63 Sections 91 and 92 replaced

Sections 91 and 92

repeal, insert

91 Application to Tribunal for review

- (1) An affected person may apply to the Tribunal for a review of a reviewable decision.
- (2) The following persons are parties to a proceeding for an application to review a reviewable decision:
 - (a) the applicant;
 - (b) the Territory.

64 Part 8.2, Division 1 heading inserted

Before section 151, in Part 8.2

insert

Division 1 Heritage Act 2011**65 Part 8.2, Division 2 inserted**

After section 162

insert

Division 2 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**163 Definitions**

In this Division:

commencement means the commencement of Part 11 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

new legislation means the following as in force after the commencement:

- (a) this Act;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

164 Review of Council's or Minister's decision made before commencement

- (1) This section applies if:
- (a) before the commencement, the Council or Minister had given a person a review notice for a reviewable decision; and
 - (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the review period for the decision had not expired and the person had not applied for a review of the decision;
 - (ii) before the commencement, the person had applied for a review of the decision and the proceeding for the review had not been decided.
- (2) If the circumstance mentioned in subsection (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of the person to apply for a review of the decision within the review period.
- (3) The former legislation continues to apply in relation to the functions and powers of the former Tribunal in conducting and deciding a proceeding for the review regardless of whether the proceeding:
- (a) was being conducted before the commencement; or
 - (b) is started after the commencement within the review period.
- (4) In this section:
- review period*** means the period within which a person given a review notice is entitled to apply for a review of the reviewable decision mentioned in the notice.

165 Council's or Minister's decision made after commencement

- (1) This section applies if:
- (a) a person had made an application to the Council or Minister before the commencement; and
 - (b) the Council or Minister makes a reviewable decision for the application after the commencement.
- (2) The new legislation applies in relation to:
- (a) giving a review notice for the decision; and

-
- (b) a person's entitlement to apply for a review of the decision.

166 Applications before former Tribunal

- (1) This section applies if, before the commencement:
- (a) a person had made an application to the former Tribunal for the review of the merits of a reviewable decision; and
- (b) the former Tribunal had not completed the review.
- (2) The former Tribunal must continue to deal with the review in accordance with the former legislation.

Part 12 Amendment of Lands Acquisition Act

66 Act amended

This Part amends the *Lands Acquisition Act*.

67 Section 4 amended

Section 4(1), definition ***Tribunal***

omit, insert

Tribunal means the Civil and Administrative Tribunal.

68 Section 37 amended

Section 37(5)(b)

omit

all words from "under" to "Act"

69 Section 38 amended

- (1) Section 38, before "At"

insert

- (1)

(2) Section 38, at the end

insert

- (2) The Tribunal must not proceed to hear and make recommendations about the objection unless the parties to the proceeding have complied with sections 36, 37 and 38.
- (3) For subsection (2), the non-participation in the consultation process by the party objecting to the acquisition is not a ground for refusal by the Tribunal to hear and make recommendations about the objection.

70 Part IX repealed

Part IX

repeal

71 Part XI inserted

After section 95

insert

Part XI Transitional matters for Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014

96 Applications before former Tribunal

- (1) This section applies if, before the commencement:
- (a) a person had made an application to the former Tribunal; and
- (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the application in accordance with the former legislation.
- (3) In this section:

application includes a referral or objection.

commencement means the commencement of Part 12 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

Part 13 Amendment of Mineral Titles Act

72 Act amended

This Part amends the *Mineral Titles Act*.

73 Section 8 amended

Section 8, definition **Tribunal**

omit, insert

Tribunal means the Civil and Administrative Tribunal.

74 Section 78 amended

After section 78(5)

insert

- (6) The following persons are parties to a hearing mentioned in subsection (2)(d):
 - (a) the person who applied for the grant of the mineral title; and
 - (b) any person objecting to the grant of the mineral title.

75 Section 110 amended

Section 110(4)(b)

omit

all words from "under" to "Act"

76 Section 161 amended

(1) Section 161(1)

omit

Lands, Planning and Mining Tribunal Act

insert

Northern Territory Civil and Administrative Tribunal Act

(2) Section 161(2)

omit

under the *Lands, Planning and Mining Tribunal Act*

77 Section 162 amended

Section 162(b)

omit

Lands, Planning and Mining Tribunal Act

insert

Northern Territory Civil and Administrative Tribunal Act

78 Part 12 and Part 12, Division 1 headings replaced

Part 12 and Part 12, Division 1 headings

omit, insert

Part 12 Repeals and transitional matters

Division 1 Mineral Titles Act 2010

Subdivision 1 Preliminary matters

79 Part 12, Division 2 heading amended

Part 12, Division 2, heading

omit

Division

insert

Subdivision

80 Part 12, Division 3 heading amended

Part 12, Division 3, heading

omit

Division

insert

Subdivision

81 Part 12, Division 4 heading amended

Part 12, Division 4, heading

omit

Division

insert

Subdivision

82 Part 12, Division 5 heading amended

Part 12, Division 5, heading

omit

Division

insert

Subdivision

83 Part 12, Division 6 heading amended

Part 12, Division 6, heading

omit

Division

insert

Subdivision

84 Part 12, Division 7 heading amended

Part 12, Division 7, heading

omit

Division

insert

Subdivision

85 Part 12, Division 2 inserted

After section 214

insert

Division 2 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014

215 Application made to former Tribunal

- (1) This section applies if, before the commencement:
 - (a) a person had made an application to the former Tribunal under section 161(1) or (2); and
 - (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the application in accordance with the former legislation.
- (3) In this section:

commencement means the commencement of Part 13 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

Part 14 Amendment of Mineral Titles Regulations

86 Regulations amended

This Part amends the *Mineral Titles Regulations*.

87 Regulation 3 amended

- (1) Regulation 3, definition **review notice**
omit
- (2) Regulation 3, definition **reviewable decision**
omit
117
insert
114(2)

88 Part 10 replaced

Part 10
repeal, insert

Part 10 Applications to Tribunal and other matters

114 Application for review of reviewable decision

- (1) A person may apply to the Tribunal for a review of a reviewable decision.
- (2) A **reviewable decision** is a decision made by the Minister mentioned in Schedule 2.

115 Recommendation of Tribunal and subsequent decision

- (1) Within 2 months after conducting a proceeding relating to a review of a reviewable decision, the Tribunal must:
 - (a) make a recommendation about the decision; and
 - (b) give the parties to the proceeding a written notice of the Tribunal's recommendation and the reasons for making it.
- (2) After considering the recommendation and reasons for making it, the Minister must decide to:
 - (a) reverse or vary the reviewable decision; or
 - (b) confirm the reviewable decision.
- (3) In making the decision under subregulation (2), the Minister is not required to follow the recommendation.
- (4) Within 28 days after receiving the recommendation, the Minister must give the applicant for the review a notice of the decision under subregulation (2) and the reasons for the decision.

116 General applications

- (1) A person may apply to the Tribunal for a decision about a dispute relating to preliminary exploration, a mineral title, a title area, a proposed title area or fossicking.
- (2) Without limiting subregulation (1), the dispute may relate to any of the following:
 - (a) the area, dimensions and boundaries of land being surveyed for a proposed title area or title area;
 - (b) the entry onto land to conduct preliminary exploration or fossicking, to conduct authorised activities under a mineral title or to construct, maintain and use infrastructure under an access authority;
 - (c) the use of a landowner's water by a person who is conducting preliminary exploration or fossicking or by the holder of a mineral title;
 - (d) the entry onto a title area by a person other than the holder of the title;
 - (e) contractual obligations relating to mineral titles;
 - (f) mineral rights interests.

- (3) This regulation does not apply in relation to an application mentioned in section 161(1) or (2) of the Act.

89 Part 12, Division 1 heading replaced

Part 12, Division 1 heading

omit, insert

Division 1 Mineral Titles Act 2010

Subdivision 1 Existing applications

90 Part 12, Division 2 heading amended

Part 12, Division 2, heading

omit

Division

insert

Subdivision

91 Part 12, Division 3 heading amended

Part 12, Division 3, heading

omit

Division

insert

Subdivision

92 Part 12, Division 2 inserted

After regulation 142

insert

Division 2 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**143 Definitions**

In this Division:

commencement means the commencement of Part 14 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) these Regulations;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

new legislation means the following as in force after the commencement:

- (a) these Regulations;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

144 Review of Minister's decision notified before commencement

- (1) This regulation applies if:
 - (a) before the commencement, the Minister had given a person a review notice for a reviewable decision; and
 - (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the review period for the decision had not expired and the person had not applied for a review of the decision;

- (ii) before the commencement, the person had applied for a review of the decision and the proceeding for the review had not been decided.
- (2) If the circumstance mentioned in subregulation (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of the person to apply for a review of the decision within the review period.
 - (3) The former legislation continues to apply in relation to the functions and powers of the former Tribunal in conducting and deciding a proceeding for the review regardless of whether the proceeding:
 - (a) was being conducted before the commencement; or
 - (b) is started after the commencement within the review period.
 - (4) In this regulation:

review period means the period within which a person given a review notice is entitled to apply for a review of, or to appeal against, the reviewable decision mentioned in the notice.

145 Minister's decision made after commencement

- (1) This regulation applies if:
 - (a) a person had made an application to the Minister for a reviewable decision before the commencement; and
 - (b) the Minister decides the application after the commencement.
- (2) The new legislation applies in relation to:
 - (a) giving notice of the reviewable decision; and
 - (b) a person's entitlement to apply for a review of the decision.

146 Application made to former Tribunal

- (1) This regulation applies if, before the commencement:
 - (a) a person had made an application to the former Tribunal under the former legislation; and
 - (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the application in accordance with the former legislation.

-
- (3) The person may appeal to the Supreme Court against the decision of the Tribunal only on a question of law.

Part 15 Amendment of Pastoral Land Act

93 Act amended

This Part amends the *Pastoral Land Act*.

94 Section 3 amended

- (1) Section 3(1), definition ***Appeal Tribunal***

omit

- (2) Section 3(1)

insert (in alphabetical order)

registered native title body corporate has the meaning given in section 253 of the NTA.

registered native title claimant has the meaning given in section 253 of the NTA or, if the claimant is replaced under section 66B of the NTA, means the person who replaced the claimant.

registered native title rights and interests means:

- (a) in relation to a registered native title claimant – the native title rights and interests of the claimant described in the relevant entry on the Register of Native Title Claims, established and maintained in accordance with Part 7 of the NTA; and
- (b) in relation to a registered native title body corporate – the native title rights and interests of the body corporate described in the relevant entry on the National Native Title Register established and maintained under Part 8 of the NTA.

Tribunal means the Civil and Administrative Tribunal.

95 Section 112 repealed

Section 112

repeal

96 Part 9 heading amended

Part 9, heading

omit

Appeals and review

insert

Jurisdiction of Tribunal

97 Part 9, Division 1 repealed

Part 9, Division 1

repeal

98 Part 9, Division 2 heading omitted

Part 9, Division 2 heading

omit

99 Sections 117 and 118 inserted

Before section 119, in Part 9

insert

117 Jurisdiction of Tribunal in relation to extension or grant of pastoral lease

The Tribunal may hear and make recommendations about objections by registered native title claimants and registered native title bodies corporate to the extension or grant of a pastoral lease under section 49, 61, 62 or 64 of the Act so far as it affects the registered native title rights and interests of the claimants and bodies.

118 Jurisdiction of Tribunal for decisions under Part 8

A person who is aggrieved by a decision of the Minister under Part 8 may apply to the Tribunal for a review of the decision.

100 Section 119 amended

- (1) Section 119, heading

omit

Appeal against certain

insert

Jurisdiction of Tribunal for other

- (2) Section 119(1)

omit

appeal to the Appeal Tribunal against

insert

apply to the Tribunal for a review of

- (3) Section 119(2)

omit

appeal

insert

application

- (4) Section 119(3)

omit

an appeal under subsection (1)(b) the appellant

insert

a review under subsection (1)(b) the applicant

- (5) Section 119(4) to (6)

omit

101 Section 120 repealed

Section 120

repeal

102 Section 122 amended

Section 122(d)

omit

Appeal

Part 16 Amendment of Pastoral Land Regulations

103 Regulations amended

This Part amends the *Pastoral Land Regulations*.

104 Part 7 repealed

Part 7

repeal

105 Regulation 30 amended

Regulation 30

omit

against which a right of appeal lies

insert

the action or decision may be reviewed by the Tribunal

Part 17 Amendment of Petroleum Act

106 Act amended

This Part amends the *Petroleum Act*.

107 Section 5 amended

Section 5(1), definition ***Tribunal***

omit, insert

Tribunal means the Civil and Administrative Tribunal.

108 Section 57H amended

Section 57H(5)(b)

omit

all words from "under" to "Act"

109 Section 57J amended

(1) Section 57J, before "At"

insert

(1)

(2) Section 57J, at the end

insert

(2) The Tribunal must not proceed to hear and make recommendations about objections unless the parties to the proceeding have complied with subsection (1) and sections 57G and 57H.

(3) For subsection (2), non-participation in the consultation process by the party objecting to the prescribed petroleum act is not a ground for refusal by the Tribunal to hear and make recommendations about the objections.

110 Section 103 amended

(1) Section 103, heading

omit

Appeals

insert

Applications

(2) Section 103(1) to (4)

omit

Supreme Court

insert

Tribunal

111 Part VII heading replaced

Part VII heading

omit, insert

Part VII Transitional matters**Division 1 Petroleum Amendment and Related Matters Act 2010****112 Part VIII heading replaced**

Part VIII heading

omit, insert

Division 2 Petroleum Amendment Act 2013**113 Part VII, Division 3 inserted**

After section 124

insert

Division 3 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**125 Application or referral before former Tribunal**

- (1) This section applies if, before the commencement:
 - (a) one of the following circumstances applied:
 - (i) a person had made an application to the former Tribunal;
 - (ii) the Minister had referred a matter to the former Tribunal;and
 - (b) the former Tribunal had not decided the application or matter.
- (2) The former Tribunal must continue to deal with the application or matter in accordance with the former legislation.
- (3) In this section:

commencement means the commencement of Part 17 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

Part 18 Amendment of Planning Act

114 Act amended

This Part amends the *Planning Act*.

115 Section 3 amended

- (1) Section 3(1), definitions **Appeals Tribunal**, **appellant** and **notice of appeal**

omit

- (2) Section 3(1)

insert (in alphabetical order)

Tribunal means the Civil and Administrative Tribunal.

- (3) Section 3(1), definition **party**

omit

an appeal

insert

a review

- (4) Section 3(1), definition **Registrar**

omit

Lands, Planning and Mining Tribunal Act

insert

Northern Territory Civil and Administrative Tribunal Act

116 Part 9, Division 1 replaced

Part 9, Division 1

*repeal, insert***Division 1 Jurisdiction of Tribunal****108 Jurisdiction**

The Tribunal has the jurisdiction specified in this Division.

117 Part 9, Division 2 heading omitted

Part 9, Division 2, heading

*omit***118 Section 118 repealed**

Section 118

*repeal***119 Part 9, Division 4 repealed**

Part 9, Division 4

*repeal***120 Part 9, Division 5 heading omitted**

Part 9, Division 5, heading

*omit***121 Sections 127 to 129 and 131 to 133 repealed**

Sections 127 to 129 and 131 to 133

repeal

122 Part 12 and Part 12, Division 1 headings replaced

Part 12 and Part 12, Division 1 headings

omit, insert

Part 12 Other transitional matters

Division 1 Planning Amendment Act 2005

Subdivision 1 Preliminary matters

123 Part 12, Division 2 heading amended

Part 12, Division 2, heading

omit

Division

insert

Subdivision

124 Part 12, Division 3 heading amended

Part 12, Division 3, heading

omit

Division

insert

Subdivision

125 Part 12, Division 4 heading amended

Part 12, Division 4, heading

omit

Division

insert

Subdivision

126 Part 12, Division 5 heading amended

Part 12, Division 5, heading

omit

Division

insert

Subdivision

127 Part 12, Division 6 heading amended

Part 12, Division 6, heading

omit

Division

insert

Subdivision

128 Part 12, Division 7 heading amended

Part 12, Division 7, heading

omit

Division

insert

Subdivision

129 Part 13 heading amended

Part 13, heading

omit, insert

Division 2 Land Title and Related Legislation Amendment Act 2008

130 Part 12, Division 3 inserted

After section 202

insert

Division 3 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**203 Definitions**

In this Division:

commencement means the commencement of Part 18 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act*.

former legislation means the following as in force immediately before the commencement:

- (a) this Act;
- (b) the *Lands, Planning and Mining Tribunal Act*.

former Tribunal means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act*.

new legislation means the following as in force after the commencement:

- (a) this Act;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

204 Appeal relating to consent authority's or service authority's determination

- (1) This section applies if, before the commencement, a person had a right of appeal under an appeal provision in relation to a determination.
- (2) If, before the commencement, the person had not started a proceeding for an appeal and the appeal period under the relevant appeal provision had not expired:
 - (a) the person may appeal to the former Tribunal against the decision; and

- (b) the former legislation applies in relation to the appeal.
- (3) If, before the commencement, a person had started a proceeding for an appeal and the former Tribunal had not decided the proceeding, the former legislation applies in relation to the appeal.
- (4) In this section:

appeal period means the period within which a person had the right to appeal in relation to a determination as specified in the relevant appeal provision.

appeal provision means sections 111 to 117 as in force immediately before the commencement.

determination includes a failure to give notice of a determination as specified in the relevant appeal provision.

205 Consent authority's or service authority's determination made after commencement

- (1) This section applies if:
- (a) a person had made an application to the consent authority or a service authority before the commencement; and
- (b) the consent authority or the service authority determines the application after the commencement.
- (2) The new legislation applies in relation to:
- (a) giving notice of the decision; and
- (b) a person's entitlement to apply for a review of the decision.

206 Application before former Tribunal

- (1) This section applies if, before the commencement:
- (a) a person had made an application under this Act to the former Tribunal; and
- (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the application in accordance with the former legislation.

131 Act further amended

Schedule 2 has effect.

Part 19 Amendment of Residential Tenancies Act

132 Act amended

This Part amends the *Residential Tenancies Act*.

133 Section 4 amended

(1) Section 4, definition ***court***

omit

(2) Section 4

insert (in alphabetical order)

Tribunal means the Civil and Administrative Tribunal.

134 Section 27 amended

(1) Section 27, heading

omit

Commissioner may prepare

insert

Application to Tribunal for

(2) Section 27(1)

omit

Commissioner to prepare

insert

Tribunal for

(3) Section 27(2)

omit

all words from "Commissioner" to "subsection (1),"

insert

Tribunal may, on receipt of an application under subsection (1), request the Commissioner to

-
- (4) Section 27(3)
omit
by the Commissioner
insert
for the Tribunal

135 Section 42A amended

- (1) Section 42A, heading
omit
Commissioner may
insert
Tribunal may request Commissioner to
- (2) Section 42A(1)
omit
Commissioner
insert
Tribunal
- (3) Section 42A(2)
omit
all words from "Commissioner considers" to "may"
insert
Tribunal considers it appropriate to do so, the Tribunal may request the Commissioner to
- (4) Section 42A(3)
omit
Commissioner's discretion, the Commissioner
insert
Tribunal's discretion, the Tribunal

136 Section 110 amended

(1) Section 110(6)

omit

Commissioner

insert

Tribunal

(2) Section 110(7)

omit

all words from "Commissioner may" to "subsection (6),"

insert

Tribunal may, on receipt of an application under subsection (6), request the Commissioner to

137 Parts 14 and 15 repealed

Parts 14 and 15

repeal

138 Part 18 heading replaced

Part 18, heading

omit, insert

Part 18 Transitional matters**Division 1 Application of former Tenancy Act****139 Part 20 heading replaced**

Part 20, heading

omit, insert

Division 2 Residential Tenancies Amendment Act 2010

140 Part 21 heading replaced

Part 21, heading

omit, insert

Division 3 Caravan Parks Act 2012**141 Part 18, Division 4 inserted**

After section 166

insert

Division 4 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014**167 Definitions**

In this Division:

appeal period means the period within which a person is entitled to appeal against the decision made by the Commissioner.

commencement means the commencement of Part 19 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

decision includes an order or determination.

former Act means this Act as in force immediately before the commencement.

new legislation means the following as in force after the commencement:

- (a) this Act;
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

168 Appeal against Commissioner's decision made before commencement

(1) This section applies if:

- (a) before the commencement, the Commissioner had made a decision under this Act; and

- (b) one of the following circumstances applies:
 - (i) immediately before the commencement, the appeal period for the decision had not expired and no proceeding for an appeal had been started;
 - (ii) before the commencement, a proceeding for an appeal had been started but not decided.

(2) If the circumstance mentioned in subsection (1)(b)(i) applies, the former legislation continues to apply in relation to the entitlement of a person to appeal against the decision within the appeal period.

(3) The former Act continues to apply in relation to the functions and powers of the Local Court in conducting and deciding a proceeding for the appeal regardless of whether the proceeding:

- (a) was being conducted before the commencement; or
- (b) is started after the commencement within the review period.

169 Appeal against court's decision made before commencement

- (1) This section applies if, before the commencement, the Local Court had made a decision under the Act and the appeal period had not expired.
- (2) The former legislation continues to apply in relation to the right of the person to appeal against the decision.

170 Commissioner's or Local Court's decision made after commencement

- (1) This section applies if:
 - (a) a person had made an application to the Commissioner or the Local Court before the commencement (other than an application to the Commissioner under section 141 or 145); and
 - (b) the Commissioner or the Local Court decides the application after the commencement.
- (2) The Commissioner or the Local Court must continue to deal with the application in accordance with the former legislation.

171 Appeals before Local Court

- (1) This section applies if, before the commencement:
 - (a) a person had made an application to the Local Court appealing against the Commissioner's decision; and
 - (b) the Local Court had not decided the matter.
- (2) The Local Court must continue to deal with the matter in accordance with the former legislation.

142 Act further amended

Schedule 3 has effect.

Part 20 Amendment of other laws**143 Other laws amended**

Schedule 4 amends the laws mentioned in it.

Part 21 Expiry of Act**144 Expiry of Act**

This Act expires on the day after it commences.

Schedule 1 Caravan Parks Act further amended

section 31

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 12(1)(b)	Commissioner or a court	Tribunal
section 18(1)(c)	all words from "agreements" to "Act"	agreements;
section 27(4)	Commissioner or a court	Tribunal
section 30(1)	a court the court	the Tribunal the Tribunal
section 30(2)	court	Tribunal
sections 37(1) and 44(3)(a)	Commissioner	Tribunal
section 52, heading	Commissioner	Tribunal
section 52(1) and (2)	Commissioner	Tribunal
section 52(2)	he or she	it
section 52(3)	all words from "Commissioner" to "she"	Tribunal may only make the declaration if it
section 52(4)	all words from "Commissioner" to "she"	Tribunal declares the rent payable is excessive, it
sections 52(6) and 54(4)	Commissioner may, as he or she	Tribunal may, as it
section 56, heading	Commissioner	Tribunal
section 56(1) to (3)	Commissioner	Tribunal
section 64(4)	Commissioner or a court	Tribunal

section 74(4)	Commissioner	Tribunal
section 76, heading	Commissioner	Tribunal
section 76(1)	Commissioner	Tribunal
section 90, heading	Commissioner	Tribunal
section 90(1)	Commissioner, he or she	Tribunal, it
section 95(a)	, the Commissioner or a court	or the Tribunal
section 95(c)	Commissioner or a court	Tribunal
section 97, heading	Commissioner	Tribunal
section 97(1), (3) and (4)	Commissioner	Tribunal
section 108(2)(e)	Commissioner or a court	Tribunal
section 108(4)(b)	Commissioner	Tribunal
sections 109(2)(e) and 110(2)(e)	Commissioner or a court	Tribunal
Part 10, Division 5, heading	Commissioner or court	Tribunal
section 111(1)	A court the court	The Tribunal the Tribunal
section 111(2) and (3)	court (<i>all references</i>)	Tribunal
sections 112 and 113(1)	a court the Court	the Tribunal the Tribunal
section 113(2)	court	Tribunal
section 114(1)	a court the court	the Tribunal the Tribunal
section 114(2) and (3)	court (<i>all references</i>)	Tribunal

section 115(1) and (2)	Commissioner or a court	Tribunal
	Commissioner or the court	Tribunal
section 116(1)(b)	Commissioner	Tribunal
section 116(2)	as mentioned in section 150(3), the Commissioner	, the Tribunal
section 116(3)	all words from ", after" to "she"	the Tribunal
section 116(3)(a) and (b), (4) and (5)	Commissioner (<i>all references</i>)	Tribunal
section 116(4)	he or she	it
section 120, heading	Commissioner or court	Tribunal
section 120(1)	Commissioner or a court	Tribunal
section 120(2)	Commissioner or the court (<i>all references</i>)	Tribunal
section 121, heading	Commissioner or court	Tribunal
section 121(1)	Commissioner or a court	Tribunal
	Commissioner or the court	Tribunal
section 121(2)	Commissioner or a court	Tribunal
section 121(3)	Commissioner or the court	Tribunal
	Commissioner or court	Tribunal
section 122(1)(b)	Commissioner or a court	Tribunal
section 123(1)	a court	the Tribunal

section 123(3)	court before which proceedings for possession of the property are brought	Tribunal
section 123(4)	court	Tribunal
sections 124(3) and 126	Commissioner <i>(all references)</i>	Tribunal
section 127(4)(g) and (6)(d)	Commissioner or a court	Tribunal
section 127(8)(a) and (b) and (9)(a)	Commissioner <i>(all references)</i>	Tribunal
section 128, heading	Commissioner	Tribunal
sections 128(1) and (2) and 131(2) and (3)	Commissioner <i>(all references)</i>	Tribunal
section 134, heading	Commissioner	Tribunal
sections 134(1) and (2), 136(2) and 137(1) and (3)	Commissioner <i>(all references)</i>	Tribunal
section 137(4)	or another court	, another court or the Tribunal
section 137(5)	Commissioner	Tribunal

Schedule 2 Planning Act further amended

section 131

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 2A(2)(g)	appeals	review
sections 30R(3)(a) and 30U(2)(b)(i)	appeals	applications
section 30X(1)(b)(ii)	appeal	review
section 30X(3)(c)(i) and (ii)	appeal against	apply for review of
section 30Y(1)(b)(ii) and (3)(c)(ii)	appeal	review
sections 30Y(3)(c)(i) and 30Z(3)(c)	appeal against	apply for review of
section 30ZA(1)(b)	Appeals	
section 46(5)	whole subsection	
sections 53A(1)(b) and (3)(c), 53B(1)(b) and (3)(c) and 53C(2)(c)	appeal (<i>all references</i>)	review
section 54(2)(a)	appeals Appeals	applies
section 54(2)(b)	appeals appeal	applies application
section 81W(2), after "against,"		reviewed,
Part 9, heading	Appeals	Tribunal
section 111, heading	Appeal against refusal	Review of refusal
section 111(1AA) and (1)	appeal to the Appeals Tribunal against	apply to the Tribunal for a review of

section 111(2)	appeal	application
section 112, heading	Appeal	Review
section 112(1AA), (1) and (2)	appeal to the Appeals Tribunal	apply to the Tribunal for a review
section 112(3)	appeal	application
section 112(4)	appeals	applies
section 112(5)	Appeals Tribunal determines the person's appeal	Tribunal determines the person's application
section 112(6)(a)	appeal	application to the Tribunal
section 112(6)(b)	appeal	application
section 112(6)(c)	appeal against	apply for a review of
section 112(6)(d)	whole paragraph	(d) the Tribunal may, for any subsequent application for a review, admit any evidence provided in respect of the lapsed application that is admissible in relation to the subsequent application.
section 113, heading	Appeal against	Review of
section 113(1)	appeal to the Appeals Tribunal against	apply to the Tribunal for a review of
section 113(2)	appeal	application
section 114, heading	Appeal against	Review of
section 114(1AA) and (1)	appeal to the Appeals Tribunal against	apply to the Tribunal for a review of
section 114(2)	appeal	application
section 115, heading	Appeal against	Review of

section 115(1)	appeal to the Appeals Tribunal against	apply to the Tribunal for a review of
section 115(2)	appeal	application
section 115(3)(b)	appeal to the Appeals Tribunal	apply to the Tribunal for a review
section 115(4)	Appeals Tribunal determines the person's appeal made under subsection (3)(b)	Tribunal determines the person's review application
section 115(5)(a)	appeal under subsection (3)(b)	review application
section 115(5)(b)	appeal	application
section 115(5)(c)	appeal	apply
section 115(5)(d)	whole paragraph	(d) the Tribunal may, in any subsequent application for a review, admit any evidence provided in respect of the lapsed review application that is admissible in relation to the subsequent application.
section 116, heading	Appeal against	Review of
section 116(1)	appeal to the Appeals Tribunal against	apply to the Tribunal for review of a
section 116(2)	appeal	application
section 117, heading	Appeals by third parties	Applications by third parties for review
section 117(1AA) and (1)	appeal to the Appeals Tribunal against	apply to the Tribunal for review of
section 117(2)	appeal	application
section 117(3)	appeal	apply

section 117(4)	of appeal	to apply
section 117, note	<i>of appeal</i>	<i>to apply</i>
Part 9, Division 2A, heading	all words after "Determinations"	for which Tribunal has no jurisdiction
section 117A, heading	No appeal against	No review jurisdiction for
section 117A(1)	There is no right of appeal to the Appeals Tribunal against	The Tribunal has no jurisdiction to review
section 117A(2)	that a right of appeal against	the Tribunal has no jurisdiction to review
Part 9, Division 3, heading	Beginning an appeal	Procedures
section 118A, heading	appeal	application for review
section 118A	appeal	application for a review
section 118A(a)	appeal (the <i>appellant</i>)	application (the <i>applicant</i>)
section 118A(b)	in any appeal appeal	for an application application
section 118A(c)	in an appeal appeal	for an application application
section 118A(d)	in an appeal	for an application
section 119, heading	appeal lodged	application for review made
section 119	a notice of appeal is lodged under section 118 the appeal	an application for a review is made the application
section 120(1)	a notice of appeal, other than in relation to an appeal the appeal	an application, other than an application the application

section 120(2)	a notice of appeal in relation to an appeal the appellant the appeal	an application the applicant the application
section 130, heading	appeals	application for review
section 130(1)	whole subsection	
section 130(2)	an appeal, except an appeal under section 113 or 115, the Appeals	an application for a review, except an application under section 113 or 115, the
section 130(3)	Appeals Tribunal must not determine an appeal	Tribunal must not determine an application for review of a decision
section 130(4), (5) and (7)	Appeals (<i>all references</i>)	
section 130(4)	an appeal against	an application for a review of
section 130(4)(b) and (5)	an appeal	an application
section 130(5)(a) and (b)	appellant	applicant
section 130(6)	appeal by the Appeals	application by the
section 134(b)	of appeal	to apply for review

Schedule 3 Residential Tenancies Act further amended

section 142

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 8(b)	a court	the Tribunal
section 13(3)(c)	whole paragraph	(c) providing information to the public about this Act and residential tenancies;
section 22(1)	A court	The Tribunal
section 22(2)	court	Tribunal
sections 26(3)(c) and (4), 28(1) and 33(3)(a)	Commissioner	Tribunal
section 42, heading	Commissioner	Tribunal
section 42(1) and (2)	Commissioner	Tribunal
section 42(2)	he or she	it
section 42(2)(b) and (3)	Commissioner (<i>all references</i>)	Tribunal
section 42(4)	all words from "Commissioner" to "she"	Tribunal makes a declaration under subsection (1), it
sections 42(5) and 43(3)	Commissioner (<i>all references</i>)	Tribunal
section 45, heading	Commissioner	Tribunal
section 45(1) to (3)	Commissioner	Tribunal
section 51(4)	, the Commissioner or a court	or the Tribunal
section 61(3)(c) and (4)	Commissioner	Tribunal

section 63, heading	Commissioner	Tribunal
section 63(1)	Commissioner	Tribunal
section 77, heading	Commissioner	Tribunal
sections 77(1), 79(4) and 81(2)	Commissioner	Tribunal
section 82(1)(b)	a court or the Commissioner	the Tribunal
section 82(1)(d)	Commissioner or a court	Tribunal
section 84, heading	Commissioner	Tribunal
section 84	Commissioner	Tribunal
section 96A(2)(e)	Commissioner or a court	Tribunal
section 96A(4)(b)	Commissioner	Tribunal
sections 96B(2)(e) and 96C(2)(e)	Commissioner or a court	Tribunal
Part 11, Division 4, heading	court or Commissioner	Tribunal
sections 97(1) and (2), 98 and 99(1)	A court	The Tribunal
section 99(2)	court	Tribunal
section 99A(1) and (2)	A court	The Tribunal
section 99A(3)(a) and (b)	court (<i>all references</i>)	Tribunal
section 100(1)	A court	The Tribunal
section 100(2) and (3)	court (<i>all references</i>)	Tribunal
section 100A(1) and (2)	Commissioner or a court	Tribunal
section 104, heading	Commissioner or court	Tribunal

section 104(1)	Commissioner or a court	Tribunal
section 104(2)	Commissioner or the court (<i>all references</i>)	Tribunal
section 105, heading	Commissioner or court	Tribunal
section 105(1) and (2)	Commissioner or a court	Tribunal
section 105(1) and (3)	Commissioner or the court (<i>all references</i>)	Tribunal
section 106(b)	Commissioner or a court	Tribunal
section 107(1)	a court	the Tribunal
section 107(3)	a court before which proceedings for possession of the premises are brought	the Tribunal
section 107(4)	court	Tribunal
sections 108(2), 109(10) and 111	Commissioner	Tribunal
section 112(3)(g) and (5)(d)	Commissioner or a court	Tribunal
section 112(7)(a) and (b) and (8)(a)	Commissioner (<i>all references</i>)	Tribunal
section 113, heading	Commissioner	Tribunal
sections 113(1) and (2) and 116(3)	Commissioner (<i>all references</i>)	Tribunal
section 116(4)	Commissioner or the court	Tribunal
section 119, heading	Commissioner	Tribunal
sections 119 and 121(2)	Commissioner (<i>all references</i>)	Tribunal

section 122(4)	or another court	, another court or the Tribunal
section 122(5)	Commissioner	Tribunal

Schedule 4 Other laws amended

section 143

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Lands Acquisition Regulations</i>		
regulation 4(d)	whole paragraph	
Form 3	Lands Acquisition Tribunal	Civil and Administrative Tribunal
	Chairman	President
Form 4	whole form	
Forms 5, 9 and 10	Lands Acquisition Tribunal	Civil and Administrative Tribunal
<i>Planning Regulations</i>		
Part 4, heading	appeals	application for review
regulation 14, heading	appeal	application for review
regulation 14(1) to (3)	appeal	review
regulation 15, heading	appeal	application for review
regulation 15(1) to (3)	appeal	review
