

NORTHERN TERRITORY OF AUSTRALIA

NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL
(CONFERRAL OF JURISDICTION AMENDMENTS) ACT 2014

Act No. 34 of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 34 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 20 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) Act 2014*.

2 Commencement

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

Part 2 Amendment of Births, Deaths and Marriages Registration Act

3 Act amended

This Part amends the *Births, Deaths and Marriages Registration Act*.

4 Section 20 amended

Section 20(3)(c)

omit

Court

insert

Civil and Administrative Tribunal

5 Section 48 replaced

Section 48

repeal, insert

48 Review

A person who is aggrieved by a decision of the Registrar made in the performance or purported performance of functions under this Act may apply to the Civil and Administrative Tribunal for a review of the decision.

6 Part 10 and Part 10, Division 1 headings inserted

After section 55

insert

Part 10 Transitional matters**Division 1 Births, Deaths and Marriages Registration Act**

7 Part 10, Division 2 inserted

After section 56

insert

Division 2 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014**57 Definitions**

In this Division:

commencement means the day on which Part 2 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014* commences.

58 Review of Registrar's decision made before commencement

Section 48, as in force immediately before the commencement, continues to apply in relation to a review of a decision of the Registrar if the decision was made before the commencement.

59 Review of Registrar's decision made after commencement

Section 48, as in force after the commencement, applies in relation to a review of a decision of the Registrar if:

- (a) an application for the decision was made before commencement; and
- (b) the decision was made after the commencement.

Part 3 Amendment of Fences Act**8 Act amended**

This Part amends the *Fences Act*.

9 Section 5 amended

- (1) Section 5(1), definition **court**

omit

(2) Section 5(1)

insert (in alphabetical order)

Tribunal means the Civil and Administrative Tribunal.

10 Sections 17 and 18 repealed

Sections 17 and 18

repeal

11 Section 19 repealed

Section 19

repeal

12 Section 25 inserted

After section 24

25 Transitional matters for *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014*

- (1) This section applies if, before the commencement of this section, the court had not decided an application made to it under this Act.
- (2) The application is to be determined by the court under this Act as in force immediately before the commencement of this section.

13 Act further amended

Schedule 1 has effect.

Part 4 Amendment of Interpretation Act

14 Act amended

This Part amends the *Interpretation Act*.

15 Section 17 amended

Section 17

insert (in alphabetical order)

Civil and Administrative Tribunal means the Northern Territory Civil and Administrative Tribunal established under the *Northern Territory Civil and Administrative Tribunal Act*.

Part 5 Amendment of Victims of Crime Assistance Act**16 Act amended**

This Part amends the *Victims of Crime Assistance Act*.

17 Section 4 amended

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

omit

(2) Section 4

insert (in alphabetical order)

Tribunal means the Civil and Administrative Tribunal.

18 Section 31 amended

Section 31(4)

omit

19 Section 44 amended

(1) Section 44(2)(f)

omit, insert

(f) the fact that the applicant has a right to have the decision reviewed by the Tribunal;

(2) Section 44(4)(c)

omit, insert

(c) the fact that the applicant has a right to have the decision reviewed by the Tribunal;

20 Section 46 amended

Section 46(7)(c)

omit, insert

- (c) the fact that the applicant has a right to have the decision reviewed by the Tribunal.

21 Section 47 amended

Section 47(2)(d)

omit, insert

- (d) the fact that the applicant has a right to have the decision reviewed by the Tribunal.

22 Part 4, Division 6, heading amended

Part 4, Division 6, heading

omit

Appeals

insert

Review

23 Section 48 amended

- (1) Section 48, heading

omit

appealed

insert

reviewed

- (2) Section 48(1), (2) and (3)

omit

appeal against

insert

apply to the Tribunal for review of

(3) Section 48(4)

omit

24 Sections 49 to 53 repealed

Sections 49 to 53

repeal

25 Section 55 amended

(1) Section 55, heading

omit

Appeals

insert

Review

(2) Section 55(1)

omit

(3) Section 55(2) and (3)

omit

an appeal

insert

a review proceeding

(4) Section 55(3)(a)

omit

appellant's

insert

applicant's

(5) Section 55(3)(b)

omit

Court

insert

Tribunal

26 Section 64 amended

Section 64(3)(a)

omit, insert

(a) a proceeding for the review of a decision;

27 Part 9, Division 3 inserted

After section 77

insert

Division 3 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014

78 Definitions

In this Division:

commencement means the day on which Part 7 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) Act 2014* commences.

79 Review of decision notified before commencement

- (1) This section applies if, before the commencement:
- (a) the Director or an assessor had given an appeal notice to an applicant; and
 - (b) the appeal period for the decision had not expired.
- (2) This Act, as in force immediately before the commencement, continues to apply in relation to the following:
- (a) the right of the applicant given the appeal notice to appeal to the Local Court within the appeal period for the decision; and
 - (b) the functions and powers of the Local Court in conducting and deciding a proceeding for the appeal regardless of whether the proceeding:
 - (i) was being conducted before the commencement; or

-
- (ii) is started after the commencement by a person mentioned in paragraph (a);
 - (c) the right to legal representation;
 - (d) the provisions relating to costs and disbursements;
 - (e) a decision by an assessor following a referral to the assessor by the Local Court.
- (3) In this section:

appeal notice means a notice of a decision mentioned in section 48 as in force immediately before the commencement.

appeal period means the period during which a person given an appeal notice has a right to appeal to the Local Court.

80 Review of Director's or assessor's decision made after commencement

- (1) The new legislation applies in relation to a review of a decision of the Director or an assessor if:
- (a) an application for the decision was made before commencement; and
 - (b) the decision was made after commencement.
- (2) In this section:

new legislation means:

- (a) this Act and the Regulations as in force after the commencement; and
- (b) the *Northern Territory Civil and Administrative Tribunal Act*.

Part 6 Amendment of Regulations

28 Regulations amended

Schedule 2 amends the regulations mentioned in it.

Part 7 Expiry of Act

29 Expiry of Act

This Act expires on the day after it commences.

Schedule 1 Fences Act further amended

section 13

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Fences Act</i>		
sections 6(2), 8(2), (3) and (6), 9, 10(1) and (2), 13(a), 14(2) and 15(7)	court (<i>all references</i>)	Tribunal

Schedule 2 Regulations amended

section 28

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Victims of Crime Assistance Regulations</i>		
regulation 25, heading	appellant's	applicant's
regulation 25	appellant Court (<i>all references</i>)	applicant Tribunal
regulation 25(a), (b) and (d)	appeal against	application for review of
regulation 25(c)	appeal for an increased award	application for review of a decision to increase an award
