

NORTHERN TERRITORY OF AUSTRALIA
NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL ACT
AMENDMENT ACT 2018

Act No. 24 of 2018

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 24 of 2018

An Act to amend the *Northern Territory Civil and Administrative Tribunal Act*

[Assented to 8 November 2018]

[Introduced 10 May 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Northern Territory Civil and Administrative Tribunal Amendment Act 2018*.

2 Commencement

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

3 Act amended

This Act amends the *Northern Territory Civil and Administrative Tribunal Act*.

4 Section 80 amended (Tribunal may reopen proceeding)

After section 80(1)(a)

insert

(ab) a default decision was made in the proceeding under section 101A; or

5 Section 101A inserted

After section 101

insert

101A Default decisions

- (1) If a party does not respond to an application for the recovery of a debt or other fixed sum of money owed, the Tribunal may make a decision against the party and order payment of the debt or sum.
- (2) A decision must not be made under subsection (1) unless:
 - (a) the applicant files an unattested declaration declaring, to the best of the applicant's knowledge, information and belief:
 - (i) the amount of the debt or other fixed sum of money that remains due and owing as at the date of the declaration; and
 - (ii) the amounts and dates of any payments made in relation to the amount due and owing since the date of the application; and
 - (b) the Tribunal is satisfied that the application set out the claim in terms that were reasonably clear.

6 Section 132 amended (Tribunal may make costs orders)

After section 132(2)(b)

insert

- (ba) the expectation that a party who has substantially succeeded against another party would normally recover:
 - (i) any fee paid by the successful party that was required under this Act; and
 - (ii) any fee paid by the successful party to serve documents, conduct a search or obtain a similar service, if it was necessary and reasonable to make or respond to an application; and

7 Section 154 amended (Seal)

After section 154(3)

insert

- (4) The seal of the Tribunal may be affixed to a document manually or electronically.

8 Part 8 heading replaced

Part 8, heading

omit, insert

Part 8 Transitional matters

Division 1 Justice Legislation Amendment Act 2015

9 Part 8, Division 2 inserted

After section 156

insert

Division 2 Northern Territory Civil and Administrative Tribunal Amendment Act 2018

157 Default decisions made before commencement

Section 101A(1), as inserted by section 5 of the *Northern Territory Civil and Administrative Tribunal Amendment Act 2018*, does not apply to any proceeding commenced before the commencement of that section.

10 Repeal of Act

This Act is repealed on the day after it commences.