

NORTHERN TERRITORY OF AUSTRALIA

STATUTE LAW AMENDMENT (NTCAT CONFERRAL OF JURISDICTION)
ACT 2023

Act No. 24 of 2023

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 24 of 2023

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

[Assented to 21 September 2023]

[Introduced 26 July 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 24 July 2025, it commences on that day.

Part 2 Amendment of Agents Licensing Act 1979

3 Act amended

This Part amends the *Agents Licensing Act 1979*.

4 Section 5 amended (Interpretation)

Section 5(2)(c)

omit

the Schedule.

insert

Schedule 1.

5 Section 5A replaced

Section 5A

repeal, insert

5A Exemptions

- (1) Subject to the regulations, the Board may exempt a person, or a class of persons, from compliance with all or any of the provisions of this Act if the Board considers it appropriate to do so.
- (2) The Board may grant an exemption under subsection (1):
 - (a) subject to any conditions that the Board considers appropriate; and
 - (b) on the Board's own initiative or on an application made under subsection (3).
- (3) A person may apply to the Board for an exemption under subsection (1).

6 Section 7 amended (Appointment of members and tenure)

After section 7(1A)

insert

- (1B) For the purposes of considering an application for an auctioneer's licence under the *Auctioneers Act 1935* or any other matter related to auctioneers, the Board is to consist of the members appointed under subsection (1).

7 Section 25 amended (Licence of company or firm)

(1) Section 25

omit

where

insert

if

(2) Section 25(b)

omit, insert

(b) each person who is proposed to be appointed by the company or firm as a business manager is a licensed agent; and

8 Section 27 amended (Applications by companies or firms)

After section 27(1)(a)(ii)

insert

(iii) in which the applicant identifies each person who is proposed to be appointed as a business manager of the company or firm; and

9 Section 31 amended (Issue of licences)

(1) Section 31(1) and (5)

omit, insert

(1) If the Board grants an application for a licence (including a provisional licence or restricted licence), the Registrar must issue the licence to the applicant.

(2) A licence issued under subsection (1) must:

(a) be in the approved form; and

(b) specify the place or places at which its holder is licensed to carry on business; and

(c) in the case of a restricted licence – set out the functions of an agent which its holder is entitled to perform and any conditions specified by the Board under section 25A(2); and

- (d) if the holder of the licence is a company or firm – specify the name of each business manager of the company or firm.
 - (3) A company or firm that holds a licence may apply to the Board for approval to:
 - (a) substitute a business manager specified in the licence with a different business manager; or
 - (b) add a new business manager to the licence.
 - (4) On an application under subsection (3), the Board may approve, or refuse to approve, the substitution or addition of a business manager for the company or firm.
- (2) Section 31(6)
- omit*
- all words from "Where," to "shall,"
- insert*
- If the Board gives approval under subsection (4), the Registrar must,
- (3) Section 31(7)
- omit*
- all words from "shall take" to "continue"
- insert*
- takes effect from the date on which it is issued and continues
- (4) Section 31(7)
- omit*
- (5)
- insert*
- (4)

10 Section 32 amended (Duration and renewal)

- (1) Section 32(3)
omit
shall renew a licence where
insert
must renew a licence if
- (2) Section 32(3C)
omit, insert
- (3C) After holding an inquiry, the Board must:
- (a) approve the renewal of the licence; or
 - (b) refuse to approve the renewal of the licence.
- (3D) If the Board refuses to approve the renewal of the licence, the Board must give the holder of the licence a written statement of the reasons for its decision.
- (3) Section 32(4)
omit
where
insert
if

11 Section 44B amended (Powers of Board after inquiry)

- (1) Section 44B(1), (4) and (5)
omit
Where
insert
If

- (2) Section 44B(2)(a)
omit
where
insert
if
- (3) Section 44B(1)(b), (c) and (d)
omit
notice in writing
insert
written notice
- (4) Section 44B(1)(d)
omit
he or she may
insert
the person is eligible to
- (5) After section 44B(5)
insert
- (6) The Board must give a written statement of the reasons for its decision on the inquiry to:
- (a) the agent's representative; and
 - (b) if the inquiry was held by the Board because of an application made under section 44(2), (3) or (4) – the person who made the application.

12 Section 69 amended (Powers of Board after inquiry)

- (1) Section 69(1), (2), (3), (5), (6) and (7)
omit
Where

insert

If

- (2) Section 69(1)(b), (c) and (d) and (3)

omit

notice in writing,

insert

written notice,

- (3) Section 69(1)

omit

pursuant to

insert

under

- (4) Section 69(1A), (2), (5) and (7)

omit (all references)

shall

insert

must

- (5) Section 69(3)

omit

shall in that notice specify.

insert

specifies in the notice.

- (6) Section 69(8)

omit, insert

- (8) The Board must give a written statement of the reasons for its decision on the inquiry to:

- (a) the licensed agent; and

- (b) if the inquiry was held by the Board because of an application made under section 68(1), (2) or (3) – the person who made the application.

13 Part X replaced

Part X

repeal, insert

Part X Review of decisions

85 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) specified in Schedule 2.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 2 for the decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 85

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

14 Section 101 repealed (Review of Registrar's determinations)

Section 101

repeal

15 Section 125 amended (Cancelled registration and revoked licences)

- (1) Section 125(1)

omit

Where:

insert

If:

(2) Section 125(1)

omit

shall

insert

must

(3) Section 125(2)

omit, insert

(2) If the Board's decision to cancel the registration of the agent's representative is set aside by NTCAT on a review of the decision under section 85, the Registrar must return the certificate of registration to the agent's representative.

(3) If the Board's decision to revoke the licence of the agent is set aside by NTCAT on a review of the decision under section 85, the Registrar must return the licence to the agent.

16 Part XVI inserted

After section 131

insert

Part XVI Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023

132 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 2 of the amending Act.

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

133 NTCAT review limited to decisions made after commencement

Section 85, as inserted by section 13 of the amending Act, applies only in relation to a reviewable decision that is made after the commencement.

134 Appeals not commenced before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Local Court against a decision of the Board under section 85 of the former Act; and
 - (b) had not yet commenced an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with section 85 of the former Act, as if section 13 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with section 85 of the former Act, as if section 13 of the amending Act had not commenced.

135 Appeals not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was commenced by a person under section 85 of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with section 85 of the former Act, as if section 13 of the amending Act had not commenced.

136 Applications not made before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to make an application to the Local Court under section 101 of the former Act in respect of a determination of the Registrar; and
 - (b) had not yet made an application in respect of the determination.

-
- (2) The person may make an application to the Local Court in respect of the determination in accordance with section 101 of the former Act, as if section 14 of the amending Act had not commenced.
 - (3) The Local Court must hear and determine the person's application in accordance with section 101 of the former Act, as if section 14 of the amending Act had not commenced.

137 Applications not determined before commencement

- (1) Subsection (2) applies in relation to an application to the Local Court that:
 - (a) was made by a person under section 101 of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's application in accordance with section 101 of the former Act, as if section 14 of the amending Act had not commenced.

17 Schedule heading amended (Functions of conveyancing agent)

Schedule, heading, after "**Schedule**"

insert

1

18 Schedule 2 inserted

After the Schedule

insert

Schedule 2 Reviewable decisions

section 85

Item	Reviewable decision	Affected person
1	A decision of the Board under section 5A(1) to refuse a person's application for an exemption	The person

2	A decision of the Board under section 29(1) to grant an application for a licence, or to refuse an application for the grant of a licence	The applicant If a person made an objection under the section 28(1), (2) or (3) – the person who made the objection
3	A decision of the Board under section 30(2) to reject an objection made under section 28(3)	The person who made the objection
4	A decision of the Board under section 31(4) to refuse to approve the substitution or addition of a business manager of a company or firm	The applicant under section 31(3)
5	A decision of the Board under section 31A to refuse to authorise the endorsement of a conveyancing agent's licence in relation to a service specified in section 31A(1)	The applicant for, or the holder of, the licence
6	A decision of the Board under section 32(3C) to approve, or to refuse to approve, the renewal of a licence	The holder of the licence The Registrar
7	A decision of the Board under section 41A(1) to direct the Registrar to issue a certificate of restricted registration	The applicant for registration
8	A decision of the Board under section 42(7) to reject an objection made under section 42(3)	The person who made the objection
9	A decision of the Board under section 42(8) to register, or to refuse to register, a person as an agent's representative	The applicant for registration If a person made an objection under section 42(1), (2) or (3) – the person who made the objection
10	A decision of the Board under section 44(6) to reject an application made under section 44(4)	The applicant

11	A decision of the Board under section 44A(1) to suspend the registration of an agent's representative	The agent's representative
12	A decision of the Board under section 44B(1) to take, or to not take, disciplinary action against an agent's representative	The agent's representative If an application for disciplinary action to be taken was made under section 44(2), (3) or (4) – the applicant
13	A decision of the Board under section 66 to refuse to grant permission to a licensed agent to surrender the agent's licence	The licensed agent
14	A decision of the Board under section 68(5) to reject an application made under section 68(1), (2) or (3)	The applicant
15	A decision of the Board under section 68A(1) to suspend a licence of a licensed agent	The licensed agent
16	A decision of the Board under section 69(1) to take, or to not take, disciplinary action against a licensed agent, including a decision to take action under section 69A(1)	The licensed agent If an application for disciplinary action to be taken was made under section 68(1), (2) or (3) – the applicant
17	A determination of the Registrar under section 100(1)(a) or (b) in relation to an application for compensation	The applicant
18	A decision of the Registrar under section 104(3) and (4) in relation to an agent's application for compensation	The agent
19	A decision of the Registrar under section 111(1) to refuse to grant an approval to a licensed agent, or to grant an approval to a licensed agent subject to conditions	The licensed agent

Part 3 Amendment of Associations Act 2003

19 Act amended

This Part amends the *Associations Act 2003*.

20 Section 40 amended (Disqualified person)

(1) Section 40(4)(a)(ii) and (iii)

omit, insert

- (ii) the person may, within 21 days after the day on which the notice is given to the person, make an application to NTCAT under section 40A in relation to the declaration; and

(2) Section 40(5)

omit

The declaration is

insert

Subject to any order made by NTCAT under section 40A(8), the declaration remains

21 Section 40A inserted

After section 40, in Part 4, Division 3

insert

40A Application to NTCAT by disqualified person

- (1) A disqualified person may apply to NTCAT for an order revoking the declaration made under section 40 in respect of the person.
- (2) An application under subsection (1):
- (a) is a matter within NTCAT's original jurisdiction; and
- (b) must be made within 21 days after the day on which the notice of the declaration is given to the person under section 40(3).
- (3) NTCAT may, at any time, extend the time allowed under subsection (2)(b) for making an application.
- (4) The Commissioner of Police and the Director are parties to a proceeding commenced under this section.

- (5) On an application under subsection (1), NTCAT must determine whether the applicant is a fit and proper person to be an officer of an incorporated association.
- (6) NTCAT may make its determination only on the evidence given by a party to the proceeding.
- (7) The Commissioner of Police cannot be compelled to give evidence in the proceeding relating to the issue of the certificate or the basis upon which the certificate was given to the Director under section 40.
- (8) If NTCAT is satisfied that the applicant is a fit and proper person to be an officer of an incorporated association, NTCAT must, by order, revoke the declaration.
- (9) If NTCAT is not satisfied that the applicant is a fit and proper person to be an officer of an incorporated association, NTCAT must dismiss the application.
- (10) In addition to any order made under subsection (8) or (9), NTCAT may make any consequential or ancillary orders that NTCAT considers appropriate in the circumstances.

22 Section 68 amended (CEO may sell vested property)

- (1) Section 68(1)

omit

him or her

insert

the CEO

- (2) Section 68(6)

omit

him or her

insert

the Treasurer

- (3) Section 68(7)

omit

all words after "apply to"

insert

the Treasurer for the amount to be paid to the person.

(4) Section 68(8)

omit, insert

- (8) On an application under subsection (7), if the Treasurer is satisfied that the applicant is entitled to an amount of money paid to the Treasurer under this section, the Treasurer must authorise the payment of that amount to the applicant.
- (8A) An amount authorised to be paid to the applicant under subsection (8) may be paid in any way the Treasurer considers appropriate.

23 Section 71 replaced

Section 71

repeal, insert

71 Reinstatement of dissolved incorporated association by NTCAT

- (1) A person who is aggrieved by the dissolution of an incorporated association under section 65 may apply to NTCAT for the reinstatement of the association.
- (2) An application under subsection (1):
- (a) is a matter within NTCAT's original jurisdiction; and
 - (b) must be made within 5 years after the dissolution of the incorporated association.
- (3) The Director and the CEO are parties to a proceeding commenced under this section.
- (4) On an application under subsection (1), the applicant has the burden of proving that the incorporated association was, at the time of its dissolution, carrying out its objects or in operation.
- (5) If NTCAT is satisfied that the incorporated association was, at the time of its dissolution, carrying out its objects or in operation, NTCAT may order the Director to reinstate the association.
- (6) In making an order for the reinstatement of the incorporated association under subsection (5), NTCAT may give any directions that it considers appropriate for placing the association and all other

persons in the same position (to the extent it is practicable to do so) as if the association had not been dissolved.

- (7) Without limiting subsection (6), NTCAT may give directions in relation to:
- (a) the transfer to the incorporated association of any property vested in the CEO under section 67 that has not been sold or otherwise disposed of under section 68; and
 - (b) the payment to the association of any money received by the CEO in the exercise of a function under section 68 and paid to the Treasurer under that section.
- (8) If NTCAT makes an order for the reinstatement of the incorporated association under subsection (5), the Director must, by *Gazette* notice, reinstate the association.
- (9) On the reinstatement of the incorporated association under subsection (8), the association is taken to have continued in existence as if it had not been dissolved.
- (10) Without limiting subsection (9), proceedings that might have been taken if the incorporated association had not been dissolved may be taken.

24 Section 109 amended (Oppressive or unreasonable acts)

- (1) Section 109(1)

omit

the Local Court or

insert

NTCAT, the Local Court or the

- (2) Section 109(3)

omit

the Court may make the orders the Court

insert

NTCAT, the Local Court or the Supreme Court may make the orders it

- (3) Section 109(4) and (6)

omit

Court

insert

Supreme Court

- (4) Section 109(5)

omit

The

insert

NTCAT and the

- (5) Section 109(7) and (10)

omit

the Court

insert

NTCAT, the Local Court or the Supreme Court

25 Sections 114 and 115 replaced

Sections 114 and 115

repeal, insert

114 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) specified in Schedule 2.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 2 for the decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 114

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

26 Section 121 amended (Repeal)

Section 121

omit

the Schedule

insert

Schedule 1

27 Part 15 inserted

After section 138

insert

**Part 15 Transitional matters for Statute Law
Amendment (NTCAT Conferral of Jurisdiction)
Act 2023****139 Definitions**

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 3 of the amending Act.

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

**140 Applications to NTCAT by disqualified persons limited to
declarations made after commencement**

Section 40A applies only in relation to a declaration that is made under section 40 after the commencement.

141 Appeals not commenced by disqualified persons before commencement

- (1) This section applies to a disqualified person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Local Court against the making of the declaration in respect of the person under section 114 of the former Act; and
 - (b) had not yet commenced an appeal against the making of the declaration.
- (2) The disqualified person may appeal to the Local Court against the making of the declaration in accordance with section 114 of the former Act, as if section 25 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the disqualified person's appeal in accordance with section 114 of the former Act, as if section 25 of the amending Act had not commenced.

142 Appeals by disqualified persons not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was commenced by a disqualified person under section 114 of the former Act; and
 - (b) had not yet been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the disqualified person's appeal in accordance with section 114 of the former Act, as if section 25 of the amending Act had not commenced.

143 Review by NTCAT limited to decisions made after commencement

Section 114, as inserted by section 25 of the amending Act, applies only in relation to a reviewable decision that is made after the commencement.

144 Other appeals not commenced before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Local Court against a decision of the Director under section 115 of the former Act; and
 - (b) had not yet commenced an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with section 115 of the former Act, as if section 25 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with section 115 of the former Act, as if section 25 of the amending Act had not commenced.

145 Other appeals not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was commenced by a person under section 115 of the former Act; and
 - (b) had not yet been finally determined by the Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with section 115 of the former Act, as if section 25 of the amending Act had not commenced.

146 Applications relating to dissolved incorporated associations not determined before commencement

- (1) Subsection (2) applies in relation to an application to the Supreme Court that:
 - (a) was made by a person under section 68(7) or 71 of the former Act; and
 - (b) had not yet been finally determined by the Court before the commencement.
- (2) The Supreme Court must continue to hear and determine the person's application in accordance with section 68(7) or 71 of the former Act, as if sections 22 and 23 of the amending Act had not commenced.

147 Applications to Treasurer and NTCAT regarding incorporated associations dissolved before commencement

- (1) An application may be made to the Treasurer under section 68, as amended by section 22 of the amending Act, in relation to an amount paid to the Treasurer under that section even if the amount was paid before the commencement.
- (2) An application may be made to NTCAT under section 71, as inserted by section 23 of the amending Act, for the reinstatement of a dissolved incorporated association even if the dissolution of the incorporated association occurred before the commencement.

28 Schedule heading amended (Repealed Acts)

Schedule, heading, after "**Schedule**"

insert

1

29 Schedule 2 inserted

After the Schedule

insert

Schedule 2 Reviewable decisions

section 114

Item	Reviewable decision	Affected person
1	A decision of the Director under section 5(1) to refuse to grant an extension or exemption to an applicant under section 5(1A)(b)	The applicant
2	A decision of the Director under section 5(3) to revoke or vary an extension or exemption granted to an incorporated association or an officer of an incorporated association	The incorporated association or the officer
3	A decision of the Director under section 9 to refuse to issue a certificate of incorporation	The applicant under section 8

4	A decision of the Director under section 17(1) to refuse to issue to an incorporated association a certificate of incorporation in a new name	The public officer of the incorporated association
5	A decision of the Director under section 23(5) to refuse to approve an alteration of the objects or purposes of an incorporated association	The public officer of the incorporated association
6	A decision of the Treasurer under section 68(8) in relation to an application for the payment of an amount of money	The applicant
7	A decision of the Director under section 78(1) to appoint a statutory manager to administer the affairs of an incorporated association	A member of the incorporated association
8	A decision of the Director under section 80(2) to revoke the appointment of a statutory manager	The statutory manager

Part 4 Amendment of Auctioneers Act 1935

30 Act amended

This Part amends the *Auctioneers Act 1935*.

31 Section 8 replaced

Section 8

repeal, insert

8 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) of the Board specified in the Schedule.
- (2) An **affected person**, for a reviewable decision, is a person specified in the Schedule for the decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 8

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

32 Section 8F amended (Board may grant or refuse clerk's licence)

Section 8F(2)

omit

he

insert

the Board

33 Schedule inserted

After section 20

insert

Schedule Reviewable decisions

section 8

Item	Reviewable decision	Affected person
1	A decision under section 7(1) to refuse to grant an auctioneer's licence or a renewal of an auctioneer's licence	The applicant for the licence or renewal
2	A decision under section 8F(1) to refuse to grant a clerk's licence	The person who applied for the grant of the clerk's licence or the person in respect of whom the application is made
3	A decision under section 8HB(7) to reject an application for disciplinary action to be taken against a licence holder	The applicant under section 8HB(2), (3) or (4)
4	A decision under section 8HC(1) to suspend a licence holder's licence	The licence holder
5	A decision under section 8J to take, or to not take, disciplinary action against a licence holder	The licence holder If an application for disciplinary action to be taken against the licence holder was made under section 8HB(2), (3)

or (4) – the applicant

Part 5 Amendment of Bushfires Management Act 2016

34 Act amended

This Part amends the *Bushfires Management Act 2016*.

35 Section 93 amended (Contents of firebreak notices or flammable material notices)

Section 93(3)(b)

omit

all words after "after"

insert

the day on which it is served, make an application to NTCAT for review of the decision to serve the notice.

36 Section 94 replaced

Section 94

repeal, insert

94 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision of the executive director to serve a firebreak notice or a flammable material notice on a person under section 92(4).
- (2) The person on whom the notice is served may apply to NTCAT for review of the decision.
- (3) An application under subsection (2) must be made within 7 days after the day on which the notice is served on the person.
- (4) On an application for review under this section, NTCAT must, by order:
 - (a) confirm the notice; or
 - (b) vary the terms of the notice; or
 - (c) set aside the notice.

- (5) In making an order under subsection (4)(a) or (b), NTCAT must specify the time within which the act specified in the notice, as confirmed or varied, is to be completed by the applicant.

Note for section 94

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

37 Section 95 amended (Offence not to comply with notice)

- (1) Section 95(1)(a)

omit

a request is not made under section 94(1)

insert

an application for review is not made under section 94(2)

- (2) Section 95(1)(b)

omit, insert

- (b) if an application for review is made under section 94(2) and NTCAT confirms or varies the terms of the notice – the time specified by NTCAT under section 94(5).

38 Part 7, Division 3 inserted

After section 110, in Part 7

insert

Division 3 Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023

111 Definitions

In this Division:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 5 of the amending Act.

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

112 Review by NTCAT limited to notices served after commencement

Section 94, as inserted by section 36 of the amending Act, applies only in relation to a firebreak notice or flammable material notice that is served on a person by the executive director after the commencement.

113 Reviews not requested before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to make a request under section 94 of the former Act for the Minister to review the terms of a firebreak notice or flammable material notice served on the person; and
 - (b) had not yet made a request for review of the notice.
- (2) The person may request the Minister to review the terms of the notice under section 94 of the former Act, as if Part 5 of the amending Act had not commenced.
- (3) The Minister must determine the person's request in accordance with section 94 of the former Act, as if Part 5 of the amending Act had not commenced.
- (4) Section 95 of the former Act continues to apply after the commencement in relation to the Minister's decision on the person's request.

114 Reviews not determined before commencement

- (1) This section applies in relation to a request to the Minister to review the terms of a firebreak notice or flammable material notice that:
 - (a) was made by a person under section 94 of the former Act; and
 - (b) had not been finally determined by the Minister before the commencement.
- (2) The Minister must continue to determine the person's request in accordance with section 94 of the former Act, as if Part 5 of the amending Act had not commenced.
- (3) Section 95 of the former Act continues to apply after the commencement in relation to the Minister's decision on the person's request.

115 Compliance with notices served before commencement

Section 95 of the former Act continues to apply after the commencement in relation to a firebreak notice or flammable material notice that was:

- (a) served on a person before the commencement; or
- (b) confirmed or varied by the Minister under section 94 of the former Act before the commencement.

Part 6 Amendment of commercial and private agents licensing legislation

Division 1 Amendment of Commercial and Private Agents Licensing Act 1979

39 Act amended

This Division amends the *Commercial and Private Agents Licensing Act 1979*.

40 Section 3 amended (Interpretation)

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

omit

- (2) Section 3(1)

insert

affected person, see section 35(2).

reviewable decision, see section 35(1).

41 Section 4 amended (Application)

Section 4(1)(g)

omit (all references)

Court

insert

court

42 Section 16 amended (Notification of Director's decision, appeal etc.)

(1) Section 16(1)(b)

omit

refuses

insert

has refused

(2) Section 16(2)(b)

omit

person to whom the licence is to be granted

insert

applicant

(3) Section 16(3)

omit

he or she

insert

the Director

(4) Section 16(4)

omit, insert

(4) A notice under subsection (1)(b) must:

(a) set out the Director's reasons for the decision; and

(b) state that the applicant may make an application to NTCAT for review of the decision under section 35.

43 Section 17 repealed (Right of appeal against refusal to grant licence)

Section 17

repeal

44 Section 17E amended (Agent's manager to be approved by Director)

Section 17E(2)(j)

omit

45 Section 17M amended (Result of inquiry)

(1) Section 17M(1) and (2)

omit

his or her

insert

the Director's

(2) Section 17M(2)

omit

he or she

insert

the Director

(3) Section 17M(2)(d)

omit

all words after "period of"

insert

suspension; and

(4) Section 17M(2)(e)

omit, insert

(e) stating the agent may make an application to NTCAT for review of the Director's decision under section 35.

46 Section 17N repealed (Appeal)

Section 17N

repeal

47 Section 17P amended (Disqualification resulting from cancellation of suspension of licence)

(1) Section 17P(1)

omit

on appeal, the Court upheld the suspension,

insert

on review, NTCAT confirmed the Director's decision,

(2) Section 17P(2)

omit

on appeal, the Court upheld the cancellation,

insert

on review, NTCAT confirmed the Director's decision,

48 Section 33 amended (Rights and powers of private bailiff)

Section 33(1A)

omit

Court

insert

Local Court

49 Section 35 inserted

After section 34

insert

35 Review by NTCAT

(1) A ***reviewable decision*** is:

(a) a decision of the Director specified in the Schedule; or

(b) a decision made under the Regulations that is prescribed by regulation to be a reviewable decision for this section.

- (2) An **affected person** is:
- (a) for a reviewable decision referred to in subsection (1)(a) – a person specified in the Schedule for the decision; or
 - (b) for a reviewable decision referred to in subsection (1)(b) – a person prescribed by regulation to be an affected person for the decision.
- (3) NTCAT has jurisdiction to review a reviewable decision.
- (4) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 35

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

50 Part 11 and Schedule inserted

After section 57

insert

Part 11 Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023

58 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 6 of the amending Act.

former appeal provisions means:

- (a) sections 17 and 17N, as in force immediately before the commencement; and
- (b) regulation 10 of the Regulations, as in force immediately before the commencement.

new review provisions means:

- (a) section 35, as inserted by section 49 of the amending Act; and

- (b) regulation 10 of the Regulations, as inserted by section 54 of the amending Act.

59 NTCAT review limited to decisions made after commencement

The new review provisions apply only in relation to a reviewable decision that is made after the commencement.

60 Appeals not instituted before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
- (a) was entitled to appeal to the Local Court against a decision of the Director under the former appeal provisions; and
 - (b) had not yet instituted an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with the former appeal provisions, as if Part 6 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 6 of the amending Act had not commenced.

61 Appeals not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
- (a) was instituted by a person under the former appeal provisions; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 6 of the amending Act had not commenced.

Schedule Reviewable decisions

section 35

Item	Reviewable decision	Affected person
1	A decision under section 11 or 12 to refuse to grant a licence	The applicant for the licence

Part 6	Amendment of commercial and private agents licensing legislation
Division 1	Amendment of Commercial and Private Agents Licensing Act 1979
Division 2	Amendment of Commercial and Private Agents Licensing Regulations 2001

2	A decision under section 11 or 12, and with reference to section 17D(3), to refuse to renew a licence	The applicant for the renewal of the licence
3	A decision to exercise a power conferred by section 17K(1) in relation to an agent	The agent

Division 2 Amendment of Commercial and Private Agents Licensing Regulations 2001

51 Regulations amended

This Division amends the *Commercial and Private Agents Licensing Regulations 2001*.

52 Regulation 7 amended (Approval of manager)

Regulation 7(3)

omit, insert

- (3) A notice under subregulation (2)(b) must:
- (a) set out the Director's reasons for the decision; and
 - (b) state that the applicant may make an application to NTCAT for review of the decision under section 35 of the Act.

53 Regulation 9 amended (Revocation of approval)

Regulation 9(3)(c)

omit, insert

- (c) state that the person whose approval is revoked may make an application to NTCAT for review of the decision under section 35 of the Act.

54 Regulation 10 replaced

Regulation 10

repeal, insert

10 Prescribed reviewable decisions and affected persons

(1) For section 35(1)(b) of the Act, each of the following decisions of the Director is prescribed to be a **reviewable decision**:

- (a) a decision under regulation 6 to refuse to approve a person as a manager;
- (b) a decision under regulation 9(1) to revoke the approval of a person as manager.

(2) For section 35(2)(b) of the Act, each of the following persons is prescribed to be an **affected person** for the reviewable decisions specified in subregulation (1):

- (a) for a decision specified in subregulation (1)(a) – the applicant under regulation 4;
- (b) for a decision specified in subregulation (1)(b) – the person whose approval is revoked by the Director.

**Part 7 Amendment of Community Housing Providers
(National Uniform Legislation) Act 2013**

55 Act amended

This Part amends the *Community Housing Providers (National Uniform Legislation) Act 2013*.

56 Section 11 amended (Meaning of generic terms)

Section 11, definition **Appeal Tribunal**

omit

the Local Court.

insert

NTCAT.

57 Section 17A inserted

After section 17

insert

17A Matters relating to conferral of jurisdiction on Appeal Tribunal

- (1) An appeal to the Appeal Tribunal under section 25(1) of the *Community Housing Providers National Law (NT)* against a decision of a Registrar referred to in that section is:
 - (a) to be conducted by way of review of the Registrar's decision;
and
 - (b) a matter within NTCAT's review jurisdiction.
- (2) For section 25(4) of the *Community Housing Providers National Law (NT)*, definition **relevant appeal period**, the period for making an appeal is 28 days.

58 Part 5 inserted

After section 18

insert

**Part 5 Transitional matters for Statute Law
Amendment (NTCAT Conferral of Jurisdiction)
Act 2023**

19 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 7 of the amending Act.

former appeal provisions means section 25 of the *Community Housing Providers National Law (NT)*, as modified by the former local application provisions.

former local application provisions means the local application provisions of this Act, as in force immediately before the commencement.

new local application provisions means the local application provisions of this Act, as amended by Part 7 of the amending Act.

20 Appeals to NTCAT limited to decisions made after commencement

Section 25 of the *Community Housing Providers National Law (NT)*, as modified by the new local application provisions, applies only in relation to a decision of the Registrar that is made after the commencement.

21 Appeals not instituted before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Local Court against a decision of the Registrar under the former appeal provisions; and
 - (b) had not yet instituted an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with the former appeal provisions, as if Part 7 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance the former appeal provisions, as if Part 7 of the amending Act had not commenced.

22 Appeals not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was instituted by a person under the former appeal provisions; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 7 of the amending Act had not commenced.

Part 8 Amendment of Consumer Affairs and Fair Trading Act 1990

59 Act amended

This Part amends the *Consumer Affairs and Fair Trading Act 1990*.

60 Section 116 amended (Procedures in respect of prescribed reports)

- (1) Section 116(1), (2) and (3)

omit

shall

insert

must

- (2) Section 116(1), (2) and (3), penalty provision

omit, insert

Maximum penalty: 200 penalty units.

- (3) Section 116(2)(b)

omit

where

insert

if

- (4) After section 116(3)

insert

- (4) Subsection (5) applies to a reporting agency or trader upon whom a notice of objection is served by a person under section 119.

- (5) If the reporting agency or trader provides a prescribed report in relation to the person before the agency or trader has determined the matters raised by the person's objection, the agency or trader must include in the report a statement to the effect that those matters are subject to an objection under section 119.

Maximum penalty: 200 penalty units.

-
- (6) Subsection (7) applies to a reporting agency or trader who is a respondent to an application to NTCAT made by a person under section 119A.
- (7) If the reporting agency or trader provides a prescribed report in relation to the person before NTCAT has determined the matters raised by the person's application, the agency or trader must include in the report a statement to the effect that those matters are subject to an application under section 119A.

Maximum penalty: 200 penalty units.

61 Section 119 amended (Correction of errors)

- (1) Section 119(1)

omit

notice in writing

insert

written notice

- (2) Section 119(2)

omit

all words from "Where" to "shall,"

insert

If a person serves a notice of objection on a reporting agency or trader under subsection (1), the reporting agency or trader must,

- (3) Section 119(2) and (4), penalty provision

omit, insert

Maximum penalty: 200 penalty units.

(4) Section 119(3)

omit, insert

(3) A reporting agency or trader who is served a notice of objection under subsection (1) must, within 30 days after service of the notice, give the person who made the objection a written response stating:

(a) whether the agency or trader has made any alteration to the information relating to the person by amendment or supplementation to, or deletion from, the information; and

(b) if an alteration to the information has been made by the agency or trader – the nature of the alteration.

Maximum penalty: 200 penalty units.

(5) Section 119(4)

omit

Where

insert

If

(6) Section 119(4)(a)

omit

all words from "where" to "writing"

insert

if the alteration is made by a reporting agency – the agency must give written notice

(7) Section 119(4)(b)

omit

all words from "where" to "writing"

insert

if the alteration is made by a trader – the trader must give written notice

(8) Section 119(5) to (7)

omit

62 Sections 119A and 119B inserted

After section 119

insert

119A Application to NTCAT for alteration to disputed information

- (1) A person (an **aggrieved person**) who has served a notice of objection on a reporting agency or trader (the **respondent**) under section 119(1) may make an application under subsection (2) if the aggrieved person:
- (a) does not receive a response from the respondent to the objection within the period specified in section 119(3); or
 - (b) is dissatisfied with any alteration to the information relating to the person that was made or not made by the respondent in response to the objection.
- (2) An aggrieved person may apply to NTCAT for an order requiring the respondent to make an alteration to the information relating to the aggrieved person (the **disputed information**).
- (3) An application under subsection (2) is a matter within NTCAT's original jurisdiction.
- (4) On an application under subsection (2), if NTCAT is satisfied that the disputed information is inaccurate or incomplete, NTCAT may:
- (a) order the respondent to alter the disputed information by amendment, supplementation or deletion; and
 - (b) order the respondent to give written notice of the alteration to the disputed information to:
 - (i) any person to whom the respondent has provided a prescribed report based on the information; or
 - (ii) any other person specified by NTCAT in the order; and
 - (c) make any other order that NTCAT considers appropriate to ensure that the respondent complies with this Part.
- (5) Part 5, Division 1 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply to a decision made by NTCAT under this section.

119B Claims of privilege under this Part

- (1) In a proceeding before NTCAT on an application under section 119A(2):
 - (a) sections 71 and 72 of the *Northern Territory Civil and Administrative Tribunal Act 2014* do not apply; and
 - (b) a person is not excused from giving evidence or producing evidentiary material to NTCAT on the ground that the evidence or evidentiary material may tend to incriminate the person in relation to an offence against this Part.
- (2) Any evidence given, or evidentiary material produced, by a person in the proceeding which may tend to incriminate the person in relation to an offence against this Part is not admissible as evidence against the person in a criminal proceeding for an offence against this Part.

63 Section 121 amended (Offences)

- (1) Section 121(b)
omit
of the Local Court under section 119(6); or
insert
made by NTCAT under section 119A(4); or
- (2) Section 121, penalty provision
omit, insert
Maximum penalty: 200 penalty units.

64 Section 138 amended (Grant of licence)

- (1) Section 138(1)
omit
shall,
insert
must,

- (2) Section 138(2)
omit
shall authorise the
insert
authorises its
- (3) Section 138(2)
omit
where it specifies 2 or more places, shall
insert
if it specifies 2 or more places, the licence must
- (4) Section 138(3)
omit
The
insert
Subject to subsection (4), the
- (5) Section 138(3)
omit
shall
insert
must
- (6) After section 138(3)
insert
- (4) If the Director proposes to grant a licence to an applicant subject to terms or conditions under subsection (3), the Director must first:
- (a) give the applicant a written notice setting out the terms or conditions that are proposed to be imposed by the Director;
and

- (b) give the applicant an opportunity to make submissions regarding the proposed terms or conditions.

65 Section 139 replaced

Section 139

repeal, insert

139 Notification of Director's decision

- (1) The Director must give the applicant a written notice setting out the Director's decision on the application.
- (2) If the Director decides to refuse the application, or to grant a licence to the applicant subject to terms or conditions, the notice under subsection (1) must include a statement of the fact that the applicant may apply to NTCAT under section 329A(3) for review of the decision.

66 Section 150 amended (Result of inquiry)

- (1) Section 150(1) and (2)

omit

Where

insert

If

- (2) Section 150(1)

omit

shall

insert

must

- (3) Section 150(2)

omit

shall do so by notice in writing

insert

must do so by giving written notice

(4) Section 150(2)(b)

omit, insert

(b) include a statement of the fact that the holder of the licence may apply to NTCAT under section 329A(3) for review of the decision; and

(5) Section 150(2)(c)

omit

where

insert

if

67 Section 151 repealed (Appeals)

Section 151

repeal

68 Section 177 amended (Disqualifications resulting from revocation, cancellation or suspension of licence)

(1) Section 177(1) and (3)

omit

Where

insert

If

(2) Section 177(2)

omit

if the revocation is set aside on appeal.

insert

or suspended by a notice under section 150(2) if the Director's decision to revoke or suspend the licence is set aside by NTCAT on review of the decision.

69 Section 259 amended (Grant of licences)

Section 259

omit

is not to grant a licence unless

insert

may grant a licence if

70 Section 260 amended (Renewal of licences)

(1) Section 260

omit

is not to renew a licence unless

insert

may renew a licence if

(2) Section 260(c)

omit, insert

(c) that no application to NTCAT for review of a decision made under this Part is pending in respect of the licensee.

71 Part 14, Division 2, Subdivision 3 repealed

Part 14, Division 2, Subdivision 3

repeal

72 Section 329A inserted

Before section 330A, in Part 15

insert

329A Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) specified in Schedule 1.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 1 for the decision.

-
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.
- (4) Subsection (5) applies in relation to an application made by an affected person for review of a decision made by the Director under Part 14, Division 2.
- (5) If the affected person has been or is charged with an offence referred to in section 259(m), NTCAT may adjourn the review of the decision until any proceedings in respect of the charge have been finally determined.

Note for section 329A

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

73 Schedule 1 inserted

After section 340

insert

Schedule 1 Reviewable decisions

section 329A

Item	Reviewable decision	Affected person
1	A decision of the Director under section 136 or 137 to refuse an application for a licence	The applicant
2	A decision of the Director under section 138(1) to grant a licence if a person objected to the grant of the licence under section 134(2) or (2A)	The person who objected
3	A decision of the Director under section 138(1) and (3) to grant a licence subject to terms or conditions	The applicant for the licence If a person objected to the grant of the licence under section 134(2) or (2A) – the person who objected
4	A decision of the Director under section 150(1) to take no further action in relation to a holder of a licence if a notice of objection was lodged under	The Commissioner of Police

	section 147(3)	
5	A decision of the Director under section 150(2) to exercise a power conferred by section 145 to revoke or suspend a licence, or to vary a term or condition of a licence	The holder of the licence If the Director gave a notice to a person other than the holder of the licence under section 149(3) – the person If a notice of objection was lodged under section 147(3) – the Commissioner of Police
6	A decision of the Director under section 152 to refuse an application	The applicant
7	A decision of the Director under section 259 to refuse to grant a licence	The applicant for the licence
8	A decision of the Director under section 259 to grant a licence, including any decision made by the Director:	The applicant for the licence
	(a) under section 263(1) as to the premises to which the licence is, or is not, to apply; or	If a person objected to the grant of the licence under section 252(2) or (2A) or 258 – the person who objected
	(b) under section 264(1) to grant the licence subject to conditions or restrictions; or	
	(c) under section 266 as to the period for which the licence is granted	
9	A decision of the Director under section 260 to refuse to renew a licence	The licensee
10	A decision of the Director under section 260 to renew a licence, including any decision made by the Director:	The applicant
	(a) under section 263(1) as to the premises to which the renewed licence is, or is not, to apply; or	If a person objected to the renewal of the licence under section 258 – the person who objected
	(b) under section 264(1) to renew the licence subject to conditions or restrictions; or	

	(c) under section 266 as to the period for which the licence is renewed	
11	A decision of the Director under section 264(3) to:	The person who holds the licence
	(a) make an existing licence subject to a new condition or restriction; or	
	(b) change or remove a condition or restriction to which an existing licence is subject	
12	A decision of the Director under section 267(1) to suspend or revoke a person's licence, or to disqualify a person from holding a licence	The person

74 Schedule 3 amended (Savings and transitional provisions)

Schedule 3, at the end

insert

Part 5 Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023

1 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 8 of the amending Act.

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

former appeal provisions means section 139, 151 or 269 of the former Act.

2 Fair reporting objections and orders made before commencement

- (1) Section 119 of the former Act continues to apply after the commencement in relation to a notice of objection served on a reporting agency or trader by a person under section 119(1) of the former Act before the commencement.

- (2) Section 121 of the former Act continues to apply after the commencement in relation to an order made by the Local Court under section 119(6) of the former Act before the commencement.

3 Fair reporting appeals not commenced before commencement

- (1) This paragraph applies to a person if, immediately before the commencement, the person:
- (a) was entitled to appeal to the Local Court under section 119(5) of the former Act; and
 - (b) had not yet commenced an appeal.
- (2) The person may appeal to the Local Court under section 119(5) of the former Act, as if Part 8 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with section 119(5) and (6) of the former Act, as if Part 8 of the amending Act had not commenced.
- (4) Section 119(7) of the former Act continues to apply after the commencement in relation to the person's appeal.
- (5) Section 121 of the former Act continues to apply after the commencement in relation to any order that is made by the Local Court under section 119(6) of the former Act on the person's appeal.

4 Fair reporting appeals not determined before commencement

- (1) This paragraph applies in relation to an appeal to the Local Court that:
- (a) was commenced by a person under section 119(5) of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with section 119(5) and (6) of the former Act, as if Part 8 of the amending Act had not commenced.
- (3) Section 119(7) of the former Act continues to apply after the commencement in relation to the person's appeal.

- (4) Section 121 of the former Act continues to apply after the commencement in relation to any order that is made by the Local Court under section 119(6) of the former Act on the person's appeal.

5 NTCAT review limited to decisions made after commencement

Section 329A applies only in relation to a reviewable decision that is made after the commencement.

6 Other appeals not commenced before commencement

- (1) This paragraph applies to a person if, immediately before the commencement, the person:
- (a) was entitled to appeal to the Local Court against a decision under the former appeal provisions; and
 - (b) had not yet commenced an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with the former appeal provisions, as if Part 8 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 8 of the amending Act had not commenced.

7 Other appeals not determined before commencement

- (1) Subparagraph (2) applies in relation to an appeal to the Local Court that:
- (a) was commenced by a person under the former appeal provisions; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with the former appeal provisions, as if Part 8 of the amending Act had not commenced.

Part 9 Amendment of firearms legislation

Division 1 Amendment of Firearms Act 1997

75 Act amended

This Division amends the *Firearms Act 1997*.

76 Section 3 amended (Interpretation)

- (1) Section 3(1), definitions ***affected person***, ***reviewable decision*** and ***Tribunal***

omit

- (2) Section 3(1)

insert

affected person:

- (a) for Part 8A – see section 49L(2); or
(b) otherwise – see section 50(2).

reviewable decision:

- (a) for Part 8A – see section 49L(1); or
(b) otherwise – see section 50(1).

77 Section 40 amended (Revocation of licence, permit or registration)

Section 40(4)

omit

all words after "subsection"

insert

(2), (2A), or (3) takes effect when the notice is served on the holder or on a later date specified in the notice, irrespective of whether the holder applies to NTCAT under section 50 for review of the Commissioner's decision.

78 Section 44 amended (Disposal of firearms)

(1) Section 44(1)

omit

Where

insert

If

(2) Section 44(1)

omit

all words from "he" to "action."

insert

the person applies to NTCAT under section 50 for review of the Commissioner's decision.

(3) Section 44(2)

omit

all words from "A" to "54"

insert

If a person sells or disposes of a firearm under this section or in accordance with a decision made by NTCAT on review of the Commissioner's decision, the person

79 Section 45 inserted

After section 44, in Part 6

insert

45 Delivery of firearms to Commissioner for safekeeping

(1) Subsection (2) applies to a person if:

(a) the Commissioner:

(i) revokes the person's licence, permit or certificate of registration under section 40; and

- (ii) allows the person time to sell or otherwise dispose of a firearm in the notice of revocation; and
 - (b) the person applies to NTCAT under section 50 for review of the Commissioner's decision to revoke the licence, permit or certificate.
- (2) The person must deliver to the Commissioner for safe keeping all firearms that the person would be required to sell or otherwise dispose of in accordance with section 44 if the application to NTCAT had not been made.

Maximum penalty: 50 penalty units or imprisonment for 12 months.

80 Part 8A, Division 3, note amended

Part 8A, Division 3, note

omit, insert

Notes for Division 3

- 1 *The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.*
- 2 *The application of section 22 of the Northern Territory Civil and Administrative Tribunal Act 2014 in relation to reviews of decisions under this Division is modified by section 51 of this Act.*

81 Section 49L amended (Review by NTCAT)

Section 49L, heading

omit

NTCAT

insert

NTCAT – firearm prohibition orders

82 Part 9 replaced

Part 9

repeal, insert

Part 9 Review of decisions

50 Review by NTCAT – general

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) specified in Schedule 7.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 7 for the decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Notes for section 50

- 1 *The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.*
- 2 *For an application to NTCAT for review of a decision made by the Commissioner under section 40, see section 45 in relation to an affected person's obligations regarding the delivery to the Commissioner of all firearms that the person is required to sell or otherwise dispose of.*

51 Constitution of NTCAT for review proceedings

- (1) Despite section 22(1) of the *Northern Territory Civil and Administrative Tribunal Act 2014*, NTCAT is to be constituted by 3 members for a proceeding for review of a decision on an application under section 49L, 49M or 50.
- (2) In nominating the members to constitute NTCAT under section 22(1) of the *Northern Territory Civil and Administrative Tribunal Act 2014* for the proceeding, the President of NTCAT must nominate:
 - (a) at least one member who the President considers has suitable knowledge or experience in relation to policing; and
 - (b) at least one member who the President considers has suitable knowledge or experience in relation to firearms.
- (3) Any failure to nominate a member who has the knowledge or experience referred to in subsection (2)(a) or (b) to constitute NTCAT for the proceeding does not affect the validity of any decision made in the proceeding.

83 Part 13, Division 3 inserted

After section 114

insert

**Division 3 Transitional matters for Statute Law Amendment
(NTCAT Conferral of Jurisdiction) Act 2023**

115 Definitions

In this Division:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 9 of the amending Act.

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

former Tribunal means the Firearms Appeal Tribunal established by section 50 of the former Act.

116 Review of decisions and actions before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the former Tribunal against a decision or action of the Commissioner (an ***appealable decision or action***) under section 51 of the former Act; and
 - (b) had not yet instituted an appeal to the former Tribunal against the appealable decision or action.
- (2) The person cannot institute an appeal to the former Tribunal against the appealable decision or action after the commencement, but the person may apply to NTCAT for review of the appealable decision or action.
- (3) NTCAT has jurisdiction to review an appealable decision or action on an application made by the person under subsection (2).
- (4) An application under subsection (2) must be made within 28 days after the date of the appealable decision or action.

117 Pending proceeding before former Tribunal

- (1) This section applies in relation to an appeal to the former Tribunal (a ***pending proceeding***) that:
 - (a) was instituted by a person under section 51 of the former Act; and
 - (b) had not been finally determined by the former Tribunal before the commencement.
- (2) Despite the repeal of Part 9 of the former Act by section 82 of the amending Act:
 - (a) the former Tribunal continues in existence for the purpose of enabling it to determine any pending proceeding before it; and
 - (b) a person who was a member of the former Tribunal immediately before the commencement continues to be a member of the former Tribunal for the purpose of enabling it to determine the pending proceeding; and
 - (c) the former Tribunal must continue to hear and determine the pending proceeding in accordance with the former Act, as if Part 9 of the amending Act had not commenced; and
 - (d) Part 9 and Schedule 7 of the former Act continue to apply after the commencement in relation to the pending proceeding.
- (3) A party to a pending proceeding may appeal to the Supreme Court against a decision made by the former Tribunal in the pending proceeding in accordance with section 54C of the former Act, as if Part 9 of the amending Act had not commenced.
- (4) Subject to section 120, the Supreme Court must hear and determine the party's appeal in accordance with section 54C of the former Act, as if Part 9 of the amending Act had not commenced.

118 Appeals against decisions of former Tribunal not instituted before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Supreme Court against a decision of the former Tribunal under section 54C of the former Act; and
 - (b) had not yet instituted an appeal against the decision.

- (2) The person may appeal to the Supreme Court against the decision in accordance with section 54C of the former Act, as if Part 9 of the amending Act had not commenced.
- (3) Subject to section 120, the Supreme Court must hear and determine the person's appeal in accordance with section 54C of the former Act, as if Part 9 of the amending Act had not commenced.

119 Appeals against decisions of former Tribunal not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Supreme Court against a decision of the former Tribunal that:
 - (a) was instituted by a person under section 54C of the former Act; and
 - (b) had not been finally determined by the Court before the commencement.
- (2) Subject to section 120, the Supreme Court must continue to hear and determine the person's appeal in accordance with section 54C of the former Act, as if Part 9 of the amending Act had not commenced.

120 Remittal of matters to NTCAT on appeals determined after commencement

- (1) If the decision of the Supreme Court on an appeal referred to in section 117(4), 118(3) or 119(2) would require the matter that is the subject of the appeal to be remitted to the former Tribunal to be determined again in accordance with the Court's directions, the Court:
 - (a) must instead remit the matter to NTCAT for determination; and
 - (b) may make any orders and give any directions that it considers appropriate to facilitate the remittal of the matter to NTCAT instead of the former Tribunal.
- (2) Subject to subsection (3), NTCAT must hear and determine the remitted matter as if it had originally been commenced in NTCAT by way of application for review of the decision or action of the Commissioner that was the subject of the appeal to the former Tribunal.

- (3) For the determination of the remitted matter, NTCAT may make any decision or order under Part 9 of the former Act that could have been made by the former Tribunal in accordance with the Court's directions if the matter had been remitted to it.

84 Schedule 7 replaced

Schedule 7

repeal, insert

Schedule 7 Reviewable decisions

section 50

Item	Reviewable decision	Affected person
1	A decision of the Commissioner under section 10 to refuse to grant a licence, other than a refusal on the grounds mentioned in section 10(8A)	The applicant for the licence
2	A decision of the Commissioner under sections 10 and 13(2)(b) to grant a licence subject to conditions specified by the Commissioner	The applicant for the licence
3	A decision of the Commissioner under section 31 to refuse to grant a permit, other than a refusal on the grounds mentioned in section 33(3A)	The applicant for the permit
4	A decision of the Commissioner under sections 31 and 34(1)(b) to grant a permit subject to conditions specified by the Commissioner	The applicant for the permit
5	A decision of the Commissioner under section 34(3) to suspend or revoke a permit, other than a revocation on the grounds mentioned in section 40A(1)	The holder of the permit
6	A decision of the Commissioner under section 36 to refuse to register a firearm	The applicant for registration
7	A decision of the Commissioner under section 40(2), (2A) or (3) to revoke a licence, permit or certificate of registration	The holder of the licence, permit or certificate

8	A decision of a police officer under section 42(1) to suspend a licence, permit or certificate of registration	The holder of the licence, permit or certificate
9	A decision of the Commissioner under section 42(1A) to suspend a licence, permit or certificate of registration	The holder of the licence, permit or certificate
10	A decision of the Commissioner under section 49(2) to refuse to approve premises	The applicant for the approval
11	A decision of the Commissioner under section 49(6) to suspend or revoke an approval given under section 49	The holder of the approval
12	A decision of the Commissioner under section 49A(3) to refuse an application for an approval for the use of premises as a paintball range	The applicant
13	A decision of the Commissioner under section 49A(3) and (6) to approve an application for an approval for the use of premises as a paintball range subject to conditions imposed by the Commissioner	The applicant
14	A decision of the Commissioner under section 49ZA(2)(a) to direct an owner of a firearm or firearm related item to sell or otherwise dispose of the firearm or firearm related item	The owner of the firearm or firearm related item

Division 2 Amendment of Firearms Regulations 1997

85 Regulations amended

This Division amends the *Firearms Regulations 1997*.

86 Regulation 31 repealed (Notice of appeal)

Regulation 31

repeal

87 Schedule 1 repealed

Schedule 1

repeal

Part 10 Amendment of Meat Industries Act 1996

88 Act amended

This Part amends the *Meat Industries Act 1996*.

89 Part 7 replaced

Part 7

repeal, insert

Part 7 Review of decisions

67 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) of the Chief Inspector specified in Schedule 2.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 2 for the reviewable decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.

Note for section 67

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

90 Section 75 amended (Repeal)

Section 75

omit

the Schedule

insert

Schedule 1

91 Part 10 inserted

After section 76

insert

**Part 10 Transitional matters for Statute Law
Amendment (NTCAT Conferral of Jurisdiction)
Act 2023****77 Definitions**

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 10 of the amending Act.

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

78 NTCAT review limited to decisions made after commencement

Part 7, as inserted by section 89 of the amending Act, applies only in relation to a reviewable decision that is made after the commencement.

79 Appeals not commenced before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Local Court against a decision of the Chief Inspector under Part 7 of the former Act; and
 - (b) had not yet commenced an appeal against the decision.
- (2) The person may appeal to the Local Court against the decision in accordance with Part 7 of the former Act, as if Part 10 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with Part 7 of the former Act, as if Part 10 of the amending Act had not commenced.

80 Appeals not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
- (a) was commenced by a person under Part 7 of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with Part 7 of the former Act, as if Part 10 of the amending Act had not commenced.

92 Schedule heading amended (Acts repealed)

Schedule, heading, after "**Schedule**"

insert

1

93 Schedule 2 inserted

After the Schedule

insert

Schedule 2 Reviewable decisions

section 67

Item	Reviewable decision	Affected person
1	A decision under section 19 to refuse to grant a licence	The applicant for the licence
2	A decision under sections 19 and 20(b) to grant a licence subject to conditions specified by the Chief Inspector	The applicant for the licence
3	A decision under section 23 to refuse to renew a licence	The applicant for the renewal
4	A decision under section 24(4) to refuse to vary a licence	The licensee

5	A decision under section 24(4) to vary a licence on conditions specified by the Chief Inspector	The licensee
6	A decision under section 25(1) to amend or revoke a condition of a licence, or to include a new condition on a licence	The licensee
7	A decision under section 26(5) to refuse to approve a transfer of a licence	The applicant for the transfer or the person to whom the applicant proposes to transfer the licence
8	A decision under section 27 to suspend or cancel a licence	The licensee
9	A decision under section 36(4) to refuse to exempt a person from section 36(2)(a)	The applicant for the exemption

Part 11 Amendment of the Northern Territory Rates Act 1971

94 Act amended

This Part amends the *Northern Territory Rates Act 1971*.

95 Part II, Division 3 heading amended (Appeals)

Part II, Division 3, heading

omit

Appeals

insert

Application for alteration to rate book

96 Section 16 amended (Appeal regarding entry in rate book)

(1) Section 16, heading

omit

Appeal regarding

insert

Application for alteration to

(2) Section 16

omit

appeal against

insert

apply to the Minister for an alteration to be made to

97 Section 17 amended (Appeal against omission from rate book)

(1) Section 17, heading

omit

Appeal against

insert

Application for alteration regarding

(2) Section 17

omit

appeal against the omission

insert

apply to the Minister for an alteration to be made to the rate book

98 Sections 18 to 22 replaced

Sections 18 to 22

repeal, insert

18 Form of applications

An application under section 16 or 17 must:

(a) be in writing; and

(b) state the nature of the alteration that should, in the applicant's opinion, be made to the rate book.

19 Decision on application

- (1) The Minister must, within 3 months after the day on which the Minister receives an application under section 16 or 17:
 - (a) allow the application; or
 - (b) refuse the application.
- (2) If the Minister allows the application, the Minister must:
 - (a) ensure that the alterations required to give effect to the Minister's decision are made to the rate book; and
 - (b) give the applicant written notice of:
 - (i) the Minister's decision; and
 - (ii) the alteration made to the rate book.
- (3) If the Minister refuses the application, the Minister must give the applicant written notice of the Minister's decision.

20 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision of the Minister under section 19(1)(b) to refuse an application for an alteration to be made to the rate book.
- (2) The applicant under section 16 or 17 may apply to NTCAT for review of the Minister's decision.

Note for section 20

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

21 Liability to pay and recovery of rate not suspended

- (1) Subject to any order made by NTCAT under subsection (2), the fact that an application under section 16 or 17, or an application for review under section 20(2), is pending does not suspend any liability to pay a rate affected by the application, and the rate may be recovered as if no application were pending.
- (2) NTCAT may order the Minister to refrain from levying or recovering a rate affected by an application for review under section 20(2) until NTCAT has determined the review.

-
- (3) If the person's application is successful, the Territory must refund any amount that has been paid by the person to the Territory which was not properly payable by the person.

99 Part VI inserted

After section 63

insert

**Part VI Transitional matters for Statute Law
Amendment (NTCAT Conferral of Jurisdiction)
Act 2023**

64 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 11 of the amending Act.

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

65 Appeals not determined by Minister before commencement

- (1) This section applies in relation to an appeal to the Minister that:
- (a) was instituted by a person under section 16 or 17 of the former Act; and
 - (b) had not been determined by the Minister before the commencement.
- (2) The Minister must continue to determine the person's appeal in accordance with the former Act, as if Part 11 of the amending Act had not commenced.
- (3) If the Minister determines the person's appeal by referring it to the Local Court under section 20 of the former Act, the Local Court must hear and determine the appeal referred to it in accordance with the former Act, as if Part 11 of the amending Act had not commenced.

66 Appeals not determined by Local Court before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was referred to the Local Court by the Minister under section 20 of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the appeal in accordance with the former Act, as if Part 11 of the amending Act had not commenced.

Part 12 Amendment of Notifiable Diseases Act 1981**100 Act amended**

This Part amends the *Notifiable Diseases Act 1981*.

101 Section 12 replaced

Section 12

repeal, insert

12 Review by NTCAT

- (1) NTCAT has jurisdiction to review a decision of a medical officer to serve a notice on a person under section 11(1).
- (2) The person who is served with the notice may apply to NTCAT for review of the medical officer's decision.
- (3) In determining an application for review under this section, NTCAT may, by order:
 - (a) confirm the notice; or
 - (b) vary a direction contained in the notice; or
 - (c) revoke the notice.

- (4) Section 44(2) of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to a proceeding for review of a decision under this section.

Note for section 12

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

102 Section 13 amended (Chief Health Officer may ensure direction complied with)

Section 13(1)

omit, insert

- (1) Subject to any order made by NTCAT under section 12(3), if a person is served with a notice under section 11(1) and the person fails to comply with the notice, the Chief Health Officer may make any order that the Chief Health Officer thinks fit.

103 Section 39 amended (Regulations)

Section 39(2)

omit

all words after "procedures and"

insert

forms for an application to the Local Court to determine an amount of compensation under section 21(2).

104 Part 6 inserted

After section 40

insert

Part 6 Transitional matters for Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023

41 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 12 of the amending Act.

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

42 NTCAT review limited to decisions made after commencement

Sections 12 and 13(1), as inserted by sections 101 and 102 of the amending Act, apply only in relation to a notice that is served on a person by a medical officer after the commencement.

43 Appeals not commenced before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the Local Court against a notice served on the person or a direction contained in the notice under section 12 of the former Act; and
 - (b) had not yet commenced an appeal against the notice or direction.
- (2) The person may appeal to the Local Court against the notice or a direction contained in the notice in accordance with section 12 of the former Act, as if Part 12 of the amending Act had not commenced.
- (3) The Local Court must hear and determine the person's appeal in accordance with section 12 of the former Act, as if Part 12 of the amending Act had not commenced.

44 Appeals not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Local Court that:
 - (a) was commenced by a person under section 12 of the former Act; and
 - (b) had not been finally determined by the Local Court before the commencement.
- (2) The Local Court must continue to hear and determine the person's appeal in accordance with section 12 of the former Act, as if Part 12 of the amending Act had not commenced.

45 Compliance with notices served before commencement

Section 13 of the former Act continues to apply after the commencement in relation to:

- (a) a notice that was served on a person under section 11(1) before the commencement; and
- (b) an order that was made by the Chief Health Officer before the commencement.

Part 13 Amendment of Pastoral Land Act 1992**105 Act amended**

This Part amends the *Pastoral Land Act 1992*.

106 Section 3 amended (Interpretation)

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

omit, insert

Tribunal, for Part 8, see section 92(1).

107 Section 40 amended (Breach of conditions)

- (1) Section 40(1), (4) and (5)

omit

Where

insert

If

- (2) Section 40(6)

omit, insert

- (6) When the Minister's decision under subsection (3)(e) or (4) becomes final, the Minister may, by *Gazette* notice, forfeit the lease.

- (6A) For subsection (6), the Minister's decision becomes final:

- (a) if no application to NTCAT for review of the decision is made under section 117(3) within 28 days after the day on which the Minister gave the lessee the notice of the decision referred to

in subsection (5) (the **relevant period**) – at the end of the relevant period; or

- (b) if an application to NTCAT for review of the decision is made under section 117(3) within the relevant period – when the review has been finally determined and the Minister's decision has been confirmed on the review.

108 Section 72C amended (Compensation)

Section 72C(4)

omit

the Tribunal.

insert

NTCAT.

109 Section 72D inserted

After section 72C, in Part 4, Division 4

insert

72D NTCAT may make recommendations in relation to extension or grant of pastoral lease

NTCAT may hear and make recommendations about an objection by a registered native title claimant or registered native title body corporate to the extension or grant of a pastoral lease under section 49, 61, 62 or 64 in so far as the extension or grant affects the registered native title rights and interests of the claimant and body.

110 Section 85A amended (Non-pastoral use permit)

Section 85A(1)

omit

lessee,

insert

lessee under section 86(1),

111 Section 87 amended (Assessment of application)

- (1) Section 87(1) and (2)(a)

omit

- (2) Section 87(2)

omit

The

insert

In considering an application under section 86(1) for a non-pastoral use permit to use pastoral land for a non-pastoral purpose, the

- (3) After section 87(2)

insert

- (2A) In addition to the matters specified in subsection (2), if the grant of the non-pastoral use permit by the Board would be a future act to which Part 2, Division 3, Subdivision G of the NTA applies, the Board must comply with the requirements of Part 2, Division 3, Subdivision G of the NTA in considering the application.

112 Section 88 replaced

Section 88

repeal, insert

88 Board may impose conditions on non-pastoral use permit

- (1) The Board may grant a non-pastoral use permit under section 85A(1) subject to any conditions the Board considers appropriate.
- (2) A condition imposed by the Board under subsection (1) must be specified in the non-pastoral use permit.

113 Part 9 replaced

Part 9

repeal, insert

Part 9 Review of decisions**117 Review by NTCAT**

- (1) NTCAT has jurisdiction to review a decision (a **reviewable decision**) specified in Schedule 2.
- (2) An **affected person**, for a reviewable decision, is a person specified in Schedule 2 for the decision.
- (3) An affected person for a reviewable decision may apply to NTCAT for review of the decision.
- (4) An application under subsection (3) must be made within 28 days after the day on which the affected person was notified of the reviewable decision.
- (5) On an application under subsection (3) for review of a decision of the Minister or Valuer-General on an objection under section 121(3), the applicant's case is limited to the grounds that were specified in the applicant's objection.

Note for section 117

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

114 Section 122 amended (Validity of determinations, &c.)

- (1) Section 122, heading
omit
determinations, &c.
insert
determinations
- (2) Section 122(a) and (b), at the end
insert
or

(3) Section 122(d)

omit, insert

(d) the making of an application to NTCAT under section 117(3) for review of a decision on an objection to the determination.

115 Section 130 amended (Certain leases to be or become perpetual pastoral leases)

Section 130(2) and (3)

omit

the Schedule,

insert

Schedule 1,

116 Schedule heading amended (Pastoral leases for automatic conversion to perpetual pastoral leases)

Schedule, heading, after "**Schedule**"

insert

1

117 Schedule 2 inserted

After the Schedule

insert

Schedule 2 Reviewable decisions

section 117

Item	Reviewable decision	Affected person
1	A decision of the Minister under section 40(3)(e) or (4) to forfeit a pastoral lease	The pastoral lessee
2	A determination of the Agency under section 54(1) of the estimated carrying capacity of pastoral land	The pastoral lessee

3	A decision of the Agency under section 54A(3)(b) to refuse to review a determination of the estimated carrying capacity of pastoral land	The pastoral lessee
4	A decision of the Board under section 76(3)(c) to reject a remedial plan or revised remedial plan submitted by a pastoral lessee	The pastoral lessee
5	A decision of the Board under section 76(8) to refuse to approve a variation to an approved remedial plan	The pastoral lessee
6	A decision of the Board under section 85A(1) to refuse to grant a non-pastoral use permit	The applicant for the permit
7	A decision of the Board under sections 85A(1) and 88(1) to grant a non-pastoral use permit subject to conditions	The applicant for the permit
8	A decision of the Board under section 89A(4)(c) or (7) to refuse an application for an extension of the term of a non-pastoral use permit	The applicant
9	A decision of the Board under section 89B(1) to vary a non-pastoral use permit	The holder of the permit
10	A decision of the Board under section 89C(4)(c) or (7) to refuse an application to vary a non-pastoral use permit	The applicant
11	A decision of the Board under section 89D(1) to suspend a non-pastoral use permit	The holder of the permit
12	A decision of the Board under section 89D(3)(a) to extend the period for which a non-pastoral use permit has been suspended	The holder of the permit
13	A decision of the Board under section 89E(3) to revoke a non-pastoral use permit	The holder of the permit

14	A decision of the Board under section 89F(4)(b) to refuse an application for the suspension or revocation of a non-pastoral use permit	The applicant
15	A decision of the Board under section 91H(2)(b) to refuse to grant a clearing permit	The applicant for the permit
16	A decision of the Board under section 91N(4)(b) to refuse an application for an extension of a clearing period	The applicant
17	A decision of the Board under section 91P(1) to vary a clearing permit	The holder of the permit
18	A decision of the Board under section 91Q(1) to suspend a clearing permit	The holder of the permit
19	A decision of the Board under section 91Q(3)(a) to extend the period for which a clearing permit has been suspended	The holder of the permit
20	A decision of the Board under section 91R(3) to revoke a clearing permit	The holder of the permit
21	A decision of the Board under section 91S(4)(b) to refuse an application for the suspension or revocation of a clearing permit	The applicant
22	A decision of the Minister under section 110(1) to accept in whole or in part, or to reject, a recommendation made by the Tribunal under section 108(1) or 109(1)	A party to the application before the Tribunal
23	A decision of the Minister or the Valuer-General under section 121(3) to disallow an objection or to allow it in part only	The person who made the objection

Part 14 Amendment of taxation administration legislation

Division 1 Amendment of Taxation Administration Act 2007

118 Act amended

This Division amends the *Taxation Administration Act 2007*.

119 Section 3A amended (Taxation law)

(1) Section 3A(1)(c)

omit

1978;

insert

1978.

(2) Section 3A(1)(d)

omit

(3) After section 3A(2)(b)

insert

(ba) the repealed *Property Activation Act 2019*;

120 Section 21 amended (Reassessment)

Section 21(4)(a)

omit

all words after "decision"

insert

on an objection, review or appeal under Part 11 in relation to the initial assessment of liability; or

121 Section 22 amended (Withdrawal of assessment)

Section 22(2)(b)

omit, insert

- (b) if the withdrawn assessment is the subject of an objection, application for review or appeal under Part 11 – interest is to be allowed on the amount of the refund (or credit) on the same basis as would have been applicable if that amount had been required to be refunded as a result of the objection, review or appeal; and

122 Section 25 amended (Valuation of property)

Section 25(5)

omit

objection

insert

objection, review

123 Section 52C amended (Redetermination of amount payable)

Section 52C(4)(a)

omit

all words after "decision"

insert

on an objection, review or appeal under Part 11 in relation to the initial agent determination; or

124 Section 52F amended (Withdrawal of agent determination)

Section 52F(3)(b)

omit, insert

- (b) if the withdrawn agent determination is the subject of an objection, application for review or appeal under Part 11 – interest is to be allowed on the amount of the refund on the same basis as would have been applicable if that amount had been required to be refunded as a result of the objection, review or appeal;

125 Section 88 amended (Authorised investigations)

Section 88(e)

omit

objection

insert

objection, review

126 Part 11 heading amended (Objections and appeals)

Part 11, heading

omit

Objections

insert

Objections, reviews

127 Section 107 amended (Definitions)

Section 107, definitions ***Registrar*** and ***Tribunal***

omit

128 Section 108 amended (Certain decisions not subject to challenge except in proceedings by way of objection or appeal)

(1) Section 108, heading

omit

objection

insert

objection, review

(2) Section 108

omit

objection

insert

objection, review

129 Section 114 amended (Notice of decision)

(1) Section 114(1)

omit

decision to

insert

decision on the objection under section 113 to

(2) Section 114(2)(b)

omit, insert

(b) state that the objector has a right to:

(i) apply to NTCAT for review of the decision; or

(ii) subject to section 115(2), appeal to the Supreme Court against the decision.

130 Part 11, Divisions 3 and 4 replaced

Part 11, Divisions 3 and 4

repeal, insert

Division 3 Right of review or appeal

115 Right of review or appeal

(1) Subject to subsections (2) to (4), if the decision maker decides to disallow the objection or allow it in part only, the objector may:

(a) apply to NTCAT for review of the decision on the objection; or

(b) appeal to the Supreme Court against the decision on the objection.

(2) If the relevant decision that was subject to the objection is a first home owner grant decision, the objector may only apply to NTCAT for review of the decision on the objection.

- (3) If the objector has commenced a proceeding before NTCAT for review of the decision under subsection (1)(a), the objector cannot also appeal to the Supreme Court under subsection (1)(b) against the decision.
- (4) If the objector has appealed to the Supreme Court against the decision under subsection (1)(b), the objector cannot also apply to NTCAT under subsection (1)(a) for review of the decision.

116 Time for making application for review

- (1) An application to NTCAT under section 115(1)(a) must be made by the objector within 60 days after the date on which the decision maker gives notice of the decision to the objector under section 114.
- (2) The objector may apply to NTCAT for an extension of time to apply for review of the decision.
- (3) An application for an extension of time under subsection (2) must state fully and in detail the objector's reasons for failing to apply for review within the 60-day period.
- (4) NTCAT may extend the time for making an application for review of the decision under subsection (1) if NTCAT is satisfied that the objector has a reasonable excuse for not making the application within the 60-day period.

117 Time for commencing appeal

- (1) An appeal to the Supreme Court under section 115(1)(b) must be commenced by the objector within 60 days after the date on which the decision maker gives notice of the decision to the objector under section 114.
- (2) The objector may apply to the Supreme Court for an extension of the time to appeal against the decision.
- (3) An application for an extension of time under subsection (2) must:
 - (a) be made in accordance with the *Supreme Court Rules 1987*; and
 - (b) state fully and in detail the objector's reasons for failing to commence the appeal within the 60-day period.
- (4) The Supreme Court may extend the time for commencing an appeal against the decision under subsection (1) if the Court is satisfied that the objector has a reasonable excuse for not commencing the appeal within the 60-day period.

Division 4 Reviews by NTCAT

Note for Division 4

The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to NTCAT for review and other relevant matters in relation to reviews.

118 Grounds of review and response and onus on review

- (1) An application for review under section 115(1)(a) must state fully and in detail the grounds on which the application is made.
- (2) The applicant's grounds of review are not limited to the grounds on which the objection was made.
- (3) The decision maker's response to the grounds of review is not limited to the decision maker's reasons for disallowing the objection or for allowing it in part only.
- (4) On the review, the applicant has the onus of proving the applicant's case.

119 Transfer of proceedings to Supreme Court

- (1) If the President of NTCAT considers that a proceeding before NTCAT for review of a decision on an objection would more appropriately be dealt with by the Supreme Court because of the complexity of the questions of fact or law (or both) arising in the proceeding, or for any other reason, the President may, by order, transfer the proceeding from NTCAT to the Court.
- (2) The President may make an order under subsection (1) on the application of a party to the proceeding or on the President's own initiative.
- (3) If an order is made under subsection (1), the transferred proceeding is to proceed in the Supreme Court as if it had originally been commenced in the Court by way of appeal against the decision under section 115(1)(b).
- (4) Section 99A of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to a proceeding for review of a decision on an objection.

120 Other modifications to application of Northern Territory Civil and Administrative Tribunal Act 2014

- (1) Section 42 of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to a decision on an objection under section 113.

- (2) Section 44(2) and (3) of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to a proceeding for review of a decision on an objection.
- (3) Section 141(2) of the *Northern Territory Civil and Administrative Tribunal Act 2014* does not apply in relation to an appeal to the Supreme Court against a decision of NTCAT on review of a decision on an objection.

131 Part 11, Division 5, heading amended

Part 11, Division 5, heading

omit

against decision on an objection

132 Section 124 amended (How to commence appeal)

Section 124, after "Court"

insert

under section 115(1)(b)

133 Section 125 amended (Grounds of appeal and response)

- (1) Section 125, heading, after "**response**"

insert

and onus on appeal

- (2) After section 125(2)

insert

- (3) On the appeal, the appellant has the onus of proving the appellant's case.

134 Section 128 amended (Objection or appeal not to suspend recovery of tax etc.)

- (1) Section 128, heading

omit, insert

128 Objection, review or appeal not to suspend recovery of tax

- (2) Section 128
- omit*
- An objection or
- insert*
- An objection, application for review or

- (3) Section 128(a)
- omit*
- the objection
- insert*
- the objection, application for review

135 Section 129 replaced

Section 129

repeal, insert

129 Giving effect to decision on objection, review or appeal

- (1) When a decision on an objection, review or appeal becomes final, the decision maker must, as soon as reasonably practicable, take any action that is necessary to give effect to the decision, including the following actions:
- (a) if the decision affects an assessment of tax liability – making a reassessment to accord with the decision;
 - (b) if the decision affects a determination made under section 52B(3) – making a redetermination under section 52C to accord with the decision;
 - (c) if the decision affects a royalty assessment – making an amendment to the assessment under the MRA to accord with the decision;
 - (d) refunding any amount that is required to be refunded, or paying any other amount that is required to be paid, as a result of the decision.

- (2) For a decision on an objection, if no application for review is made, or no appeal is commenced, in respect of the decision within the 60-day period referred to in sections 116 and 117, the decision becomes final at the end of that period for subsection (1).
- (3) For a decision of NTCAT on a review, if no appeal to the Supreme Court against the decision is commenced within a period of 30 days after the day on which the decision is made, the decision becomes final at the end of that period for subsection (1).
- (4) For a decision of the Supreme Court on an appeal, if no further appeal to a court against the decision is commenced within the period allowed for commencing the further appeal, the decision becomes final at the end of that period for subsection (1).
- (5) If an amount is required to be refunded to a person as a result of a decision on an objection, review or appeal under this Part, the person is entitled to be paid the amount with interest.
- (6) For subsection (5), the interest payable on the amount is to be calculated on a daily basis from the date of its payment by the objector to the date of the refund at the market interest rate.

136 Part 12 repealed

Part 12

repeal

137 Section 148 amended (Evidentiary value of notice or certificate)

Section 148(1)

omit

objection

insert

objection, review

138 Part 18 inserted

After section 167

insert

**Part 18 Transitional matters for Statute Law
Amendment (NTCAT Conferral of Jurisdiction)
Act 2023**

168 Definitions

In this Part:

amending Act means the *Statute Law Amendment (NTCAT Conferral of Jurisdiction) Act 2023*.

commencement means the commencement of Part 14 of the amending Act.

former Act means:

- (a) this Act as in force immediately before the commencement; and
- (b) the *Taxation and Royalty Appeals Tribunal Rules 2005*, as in force immediately before the commencement.

former Tribunal means the Taxation and Royalty Appeals Tribunal continued by section 130 of the former Act.

new Act means this Act, as amended by Part 14 of the amending Act.

169 Right of appeal or review for existing objection decisions

- (1) This section applies to a person if, immediately before the commencement, the person:
 - (a) was entitled to appeal to the former Tribunal or the Supreme Court under section 115 of the former Act against a decision on an objection (an ***existing objection decision***); and
 - (b) had not yet commenced an appeal to the former Tribunal or the Supreme Court against the existing objection decision.

- (2) The person:
 - (a) cannot commence an appeal against the existing objection decision to the former Tribunal or the Supreme Court under section 115 of the former Act after the commencement; and
 - (b) may apply to NTCAT for review of, or appeal to the Supreme Court against, the existing objection decision in accordance section 115 of the new Act.
- (3) For subsection (2)(b), an application for review of, or an appeal against, the existing objection decision must be made or commenced by the person within the period specified in section 116 or 117 of the new Act in respect of that decision.

170 Appeals to former Tribunal not determined before commencement

- (1) This section applies in relation to an appeal to the former Tribunal (a ***pending proceeding***) that:
 - (a) was commenced by a person under section 115 of the former Act; and
 - (b) had not been finally determined by the former Tribunal before the commencement.
- (2) Despite the repeal of Part 12 of the former Act by section 136 of the amending Act, the former Tribunal:
 - (a) continues in existence after the commencement for the purpose of enabling it to determine the pending proceeding before it; and
 - (b) must continue to hear and determine the pending proceeding in accordance with the former Act, as if Part 14 of the amending Act had not commenced.
- (3) Sections 128 and 129 of the former Act continue to apply after the commencement in relation to:
 - (a) the pending proceeding; and
 - (b) a decision made by the former Tribunal in the pending proceeding.
- (4) A party to the pending proceeding may appeal to the Supreme Court against the former Tribunal's decision in the pending proceeding in accordance with section 123 of the former Act, as if Part 14 of the amending Act had not commenced.

- (5) Subject to section 174, the Supreme Court must hear and determine the party's appeal in accordance with section 123 of the former Act, as if Part 14 of the amending Act had not commenced.

171 Appeals against objection decisions not determined by Supreme Court before commencement

- (1) This section applies in relation to an appeal (a *pending appeal*) to the Supreme Court that:
- (a) was commenced by a person under section 115 of the former Act; and
 - (b) had not been finally determined by the Court before the commencement.
- (2) The Supreme Court must continue to hear and determine the pending appeal in accordance with Part 11 of the former Act, as if Part 14 of the amending Act had not commenced.
- (3) Sections 128 and 129 of the former Act continue to apply after the commencement in relation to:
- (a) the pending appeal; and
 - (b) a decision made by the Supreme Court in the pending appeal.

172 Appeals against decisions of former Tribunal not commenced before commencement

- (1) This section applies to a person if, immediately before the commencement, the person:
- (a) was entitled to appeal to the Supreme Court against a decision of the former Tribunal under section 123 of the former Act; and
 - (b) had not yet commenced an appeal against the decision.
- (2) The person may appeal to the Supreme Court against the decision of the former Tribunal in accordance with section 123 of the former Act, as if Part 14 of the amending Act had not commenced.
- (3) Subject to section 174, the Supreme Court must hear and determine the person's appeal in accordance with section 123 of the former Act, as if Part 14 of the amending Act had not commenced.

173 Appeals against decisions of former Tribunal not determined before commencement

- (1) Subsection (2) applies in relation to an appeal to the Supreme Court against a decision of the former Tribunal that:
 - (a) was commenced by a person under section 123 of the former Act; and
 - (b) had not been finally determined by the Court before the commencement.
- (2) Subject to section 174, the Supreme Court must continue to hear and determine the person's appeal in accordance with section 123 of the former Act, as if Part 14 of the amending Act had not commenced.

174 Remittal of matters to NTCAT on appeals determined after commencement

- (1) If the Supreme Court's decision on an appeal referred to in section 170(5), 172(3) or 173(2) would require the matter to be remitted to the former Tribunal for reconsideration under section 123(3)(d) of the former Act, the Court:
 - (a) must instead remit the matter to NTCAT for determination in accordance with the Court's directions; and
 - (b) may make any orders and give any directions that it considers appropriate to facilitate the remittal of the matter to NTCAT instead of the former Tribunal.
- (2) Subject to subsection (3), NTCAT must hear and determine the remitted matter as if it had originally been commenced in NTCAT by way of application for review of the decision on the objection that was the subject of the appeal to the former Tribunal.
- (3) For the determination of the remitted matter, NTCAT may make any decision or order under the former Act that could have been made by the former Tribunal in accordance with the Court's directions if the matter had been remitted to it.
- (4) Sections 128 and 129 of the new Act apply in relation to the determination of the remitted matter by NTCAT.

Division 2 Taxation and Royalty Appeals Tribunal Rules 2005

139 Rules repealed

The *Taxation and Royalty Appeals Tribunal Rules 2005* (SL No. 9 of 2005) are repealed.

Part 15 Amendment of unit titles legislation

Division 1 Amendment of Unit Titles Act 1975

140 Act amended

This Division amends the *Unit Titles Act 1975*.

141 Section 106 amended (Resolution of disputes)

(1) Section 106(1)(a), at the end

insert

or

(2) Section 106(1)(b)

omit

all words after "default"

insert

of:

(i) the corporation or the committee, or a delegate of the corporation or committee; or

(ii) another member; or

(3) Section 106(1)(c)

omit

committee

insert

committee, or a delegate of the corporation or committee,

- (4) Section 106(1)(d)
omit
property.
insert
property; or
- (5) After section 106(1)(d)
insert
- (e) if a member claims the corporation or the committee, or a delegate of the corporation or committee, has failed or unreasonably refused to perform a function imposed, or to exercise a power conferred, on the corporation or committee under this Act or the management module that applies to the corporation; or
- (f) in respect of a dispute or claim of a kind prescribed by regulation.
- (6) Section 106(4A)(e)
omit
corporation.
insert
corporation;
- (7) After section 106(4A)(e)
insert
- (f) an order requiring a corporation or committee to perform a function imposed, or to exercise a power conferred, on the corporation or committee under this Act or the management module that applies to the corporation.
- (8) After section 106(4A)
insert
- (4B) In addition to the orders referred to in subsections (4) and (4A), the Tribunal may make an order of a kind prescribed by regulation for resolving a dispute or claim referred to in subsection (1)(f).

(9) Section 106(11)

omit, insert

(11) In this section:

delegate, of a corporation or committee, means a delegate of the corporation or committee under the management module that applies to the corporation.

member, in relation to a corporation, includes a person who is, by section 77, bound by the articles of the corporation.

Division 2 Amendment of Unit Titles Regulations 2002

142 Regulations amended

This Division amends the *Unit Titles Regulations 2002*.

143 Regulation 29A inserted

After regulation 29, in Part 9

insert

29A Prescribed disputes and claims

(1) For section 106(1)(f) of the Act, the following disputes and claims are prescribed:

- (a) a dispute between a corporation and a manager in relation to the administrative services provided by the manager in accordance with the manager's engagement;
- (b) a claim by a corporation that a manager has contravened the code of conduct that applies as a term of the manager's engagement under the management module that applies to the corporation.

(2) In this regulation:

manager means a manager engaged by a corporation in accordance with the management module that applies to the corporation.

Part 16 **Amendment of Unit Title Schemes Act 2009****144** **Act amended**

This Part amends the *Unit Title Schemes Act 2009*.

145 **Section 84 amended (What is a dispute)**

(1) Section 84(1)(b)

omit

all words after "treated"

insert

by:

- (i) the body corporate or committee, or a delegate of the body corporate or committee; or
- (ii) another unit owner or a unit occupier;

(2) Section 84(1)(c)

omit

committee

insert

committee, or a delegate of the body corporate or committee,

(3) After section 84(1)(c)

insert

- (ca) a unit owner claims the body corporate or committee, or a delegate of the body corporate or committee, has failed or unreasonably refused to perform a function imposed, or to exercise a power conferred, on the body corporate or committee under this Act or the management module of the scheme;
- (cb) a dispute has arisen between a body corporate and the body corporate manager in relation to the administrative services provided by the manager in accordance with the manager's engagement;

- (cc) a body corporate claims the body corporate manager has contravened the code of conduct that applies to the manager's engagement;

146 Section 86 amended (Tribunal to resolve dispute)

- (1) Section 86(1A)(d)

omit

by-law.

insert

by-law;

- (2) After section 86(1A)(d)

insert

- (e) an order requiring the body corporate or committee to perform a function imposed, or to exercise a power conferred, on the body corporate or committee under this Act or the management module of the scheme.

Part 17 Consequential amendments

147 Other laws amended

The Schedule amends the laws mentioned in it.

Part 18 Repeal

148 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Other laws amended

section 147

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Court Security Regulations 1998</i>		
regulation 2(2)(c)	whole paragraph	
<i>First Home Owner Grant Act 2000</i>		
section 22	this Act	Part 11 of the <i>Taxation Administration Act 2007</i>
Part 3, Division 1, note, paragraph (c)	<i>objections and appeals against</i>	<i>objections, reviews and appeals in relation to</i>
<i>Mineral Royalty Act 1982</i>		
section 25	proceedings under this Act to review the assessment	objection, review or appeal proceedings under Part 11 of the <i>Taxation Administration Act 2007</i>
Part II, note	<i>objections</i>	<i>objections, reviews</i>
