

Serial 92  
Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction  
Amendments) (No. 2) Bill 2014  
Mr Elferink

A Bill for an Act to amend various laws to confer jurisdiction on the Northern  
Territory Civil and Administrative Tribunal



**NORTHERN TERRITORY OF AUSTRALIA**

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

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**Act No. [ ] of 2014**

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2014

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

[Assented to [ ] 2014]  
[Second reading [ ] 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

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

### 2 Commencement

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

## Part 2 Amendment of Building Act

### 3 Act amended

This Part amends the *Building Act*.

**4            Section 4 amended**

Section 4, definition ***Tribunal***

*omit, insert*

***Tribunal*** means the Civil and Administrative Tribunal.

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

**5            Regulations amended**

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

**6            Regulation 4 amended**

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

*omit*

**7            Regulation 12 amended**

Regulation 12(4)

*omit, insert*

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

**8            Regulation 13 replaced**

Regulation 13

*repeal, insert*

**13            Decision to reject mediation or conciliation application**

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

**9            Regulation 16 amended**

Regulation 16(4)

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

**10           Regulation 17 replaced**

Regulation 17

*repeal, insert*

**17           Decision to reject technical inspection application**

The Commissioner may decide to reject a technical inspection application.

**11           Regulation 21 replaced**

Regulation 21

*repeal, insert*

**21           Decision to reject consumer guarantee dispute application**

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

**12           Regulation 32 amended**

Regulation 32(4)

*omit*

**13           Regulation 35 amended**

Regulation 35(2), note

*omit*

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

*insert*

*a review of the dispute decision*

**14            Regulation 36 repealed**

Regulation 36

*repeal*

**15            Regulation 37 amended**

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

*omit, insert*

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

**16            Regulation 74 amended**

Regulation 74(1)

*omit, insert*

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

**17            Regulations 75 to 79 and Part 3.2 repealed**

Regulations 75 to 79 and Part 3.2

*repeal*

**18            Regulation 92 amended**

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

*omit*

appealed against

*insert*

applied for a review of

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

**19            Regulation 94**

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

**20            Chapter 6 inserted**

- After regulation 98
- insert*

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

**99            Definitions**

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

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

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

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

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

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

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

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

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

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



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

**101 Commissioner's decision made after commencement**

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

**102 Referrals to former Tribunal**

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

**21 Schedule 2 replaced**

Schedule 2

*repeal, insert*

**Schedule 2 Reviewable decisions and affected persons**

regulation 74

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

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

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## **Part 4 Amendment of Caravan Parks Act**

### **22 Act amended**

This Part amends the *Caravan Parks Act*.

### **23 Section 4 amended**

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

*omit*

- (2) Section 4

*insert (in alphabetical order)*

***Tribunal*** means the Civil and Administrative Tribunal.

### **24 Section 36 amended**

- (1) Section 36, heading

*omit*

**Commissioner may prepare**

*insert*

**Application to Tribunal for**

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

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

**25 Section 53 amended**

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

(2) Section 53(1)  
*omit*  
Commissioner  
*insert*

Tribunal

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

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

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

**26 Section 125 amended**

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

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**27 Parts 14 and 15 replaced**

Parts 14 and 15

*repeal, insert*

**Part 15 Tribunal****174 Jurisdiction**

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

(a) section 141;

(b) section 145.

**28 Part 18, heading amended**

Part 18, heading

*omit*

**and other provisions**

*insert*

**matters**

**29 Part 18, Division 1 heading amended**

Part 18, Division 1 heading

*omit*

**Transitional provisions for**

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**30 Part 18, Divisions 2, 3 and 4 replaced**

Part 18, Divisions 2, 3 and 4

*repeal, insert*

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

In this Division:

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

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

***decision*** includes an order and a determination.

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

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

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

**188 Appeal against Commissioner's decision made before commencement**

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

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

**189 Appeal against court's decision made before commencement**

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

**190 Commissioner's decision made after commencement**

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

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

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

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

**192 Appeals before Local Court**

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

**31 Act further amended**

Schedule 1 has effect.

**Part 5 Amendment of Control of Roads Act**

**32 Act amended**

This Part amends the *Control of Roads Act*.

**33 Section 31A amended**

- (1) Section 31A(5)

*omit*

- (2) Section 31A(6)

*omit*

However for

*insert*

In relation to

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

*omit, insert*

***Tribunal*** means the Civil and Administrative Tribunal.



**34 Part 7 inserted**

After section 62

*insert*

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

**63 Application before former Tribunal**

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

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

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

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

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

**Part 6 Amendment of Energy Pipelines Act**

**35 Act amended**

This Part amends the *Energy Pipelines Act*.

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**36 Section 3 amended**

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

*omit, insert*

***Tribunal*** means the Civil and Administrative Tribunal.

**37 Section 26 amended**

Section 26(3) to (5)

*omit*

Supreme Court

*insert*

Tribunal

**38 Section 56 amended**

Section 56(1) to (4)

*omit (all references)*

Supreme Court

*insert*

Tribunal

**39 Part VII inserted**

After section 68

*insert*

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

In this Part:

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

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

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

## **70 Action or application to Supreme Court before commencement**

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

## **71 Application to Tribunal before commencement**

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

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

## **Part 7 Amendment of Geothermal Energy Act**

### **40 Act amended**

This Part amends the *Geothermal Energy Act*.

**41 Section 123 amended**

Section 123(1)(a)

*omit*

all words from "Lands" to "Act"

*insert*

Civil and Administrative Tribunal

**Part 8 Amendment of Geothermal Energy Regulations**

**42 Regulations amended**

This Part amends the *Geothermal Energy Regulations*.

**43 Regulation 3 amended**

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

*omit*

- (2) Regulation 3

*insert (in alphabetical order)*

**reviewable decision**, see regulation 25(1).

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

**Tribunal** means the Civil and Administrative Tribunal.

**44 Part 5 replaced**

Part 5

*repeal, insert*

**Part 5 Tribunal**

**24 Jurisdiction**

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

**25 Reviewable decision**

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

**26 Recommendation of Tribunal and subsequent decision**

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

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**45 Part 7 inserted**

After regulation 37

*insert*

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

In this Part:

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

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

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

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

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

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

**39 Review of Minister's decision notified before commencement**

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

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

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

#### **40 Minister's decision made after commencement**

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

#### **41 Applications to former Tribunal**

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

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

### 46           Act amended

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

### 47           Section 6 amended

(1)           Section 6(1)

*omit*

all words from "Health Professional" to "Act"

*insert*

Civil and Administrative Tribunal

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

*omit, insert*

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

## Part 10                   Amendment of Health Practitioners Act

### 48           Act amended

This Part amends the *Health Practitioners Act*.

### 49           Section 4 amended

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

*omit*

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

*omit, insert*

***Tribunal*** means the Civil and Administrative Tribunal.



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**50 Part 3 replaced**

Part 3

*repeal, insert*

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

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

(3) In this section:

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

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

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

## 64 Functions of Tribunal

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

*Note for section 64*

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

## 65 Additional notifications

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

## 66 Medical examinations

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

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

**51 Part 7 repealed**

Part 7

*repeal*

**52 Section 106 amended**

Section 106(2)

*omit*

**53 Section 108 amended**

(1) Section 108(1)

*omit, insert*

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

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

(2) Section 108(2)

*omit*

or the Tribunal

**54 Section 110 amended**

(1) Section 110(1)

*omit, insert*

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

Maximum penalty: 50 penalty units.

(2) Section 110(2)

*omit*

**55 Section 112 amended**

Section 112(1)

*omit, insert*

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

**56 Section 120 amended**

(1) Section 120(1)

*omit*

(1)

(2) Section 120(2)

*omit*

**57 Section 121 amended**

Section 121(a) to (d)

*omit*

or the Tribunal

---

**58 Part 13 inserted**

After section 153

*insert*

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

In this Part:

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

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

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

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

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

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

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

**155 Appellable decision notified before commencement**

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

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

**156 Appellable decision made after commencement**

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

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**157 Appeals and matters before former Tribunal**

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

**158 Decision to refer matter to former Tribunal**

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

**59 Schedules 4, 5 and 6 repealed**

Schedules 4, 5 and 6

*repeal*

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

This Part amends the *Heritage Act*.

**61 Section 4 amended**

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

## (2) Section 4

*insert (in alphabetical order)*

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

**Tribunal** means the Civil and Administrative Tribunal.

**62 Section 81 amended**

## (1) After section 81(1)

*insert*

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

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

## (2) Section 81, note

*omit*

**63 Sections 91 and 92 replaced**

Sections 91 and 92

*repeal, insert*

**91 Application to Tribunal for review**

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



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**64 Part 8.2, Division 1 heading inserted**

Before section 151, in Part 8.2

*insert*

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

After section 162

*insert*

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

In this Division:

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

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

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

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

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

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

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

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

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

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

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

**166 Applications before former Tribunal**

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

**Part 12 Amendment of Lands Acquisition Act**

**66 Act amended**

This Part amends the *Lands Acquisition Act*.

**67 Section 4 amended**

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

*omit, insert*

***Tribunal*** means the Civil and Administrative Tribunal.

**68 Section 37 amended**

Section 37(5)(b)

*omit*

all words from "under" to "Act"

**69 Section 38 amended**

- (1) Section 38, before "At"

*insert*

- (1)

---

(2) Section 38, at the end

*insert*

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

## **70 Part IX repealed**

Part IX

*repeal*

## **71 Part XI inserted**

After section 95

*insert*

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

### **96 Applications before former Tribunal**

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

***application*** includes a referral or objection.

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

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

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

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

## Part 13                      Amendment of Mineral Titles Act

### 72                      Act amended

This Part amends the *Mineral Titles Act*.

### 73                      Section 8 amended

Section 8, definition **Tribunal**

*omit, insert*

**Tribunal** means the Civil and Administrative Tribunal.

### 74                      Section 78 amended

After section 78(5)

*insert*

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

### 75                      Section 110 amended

Section 110(4)(b)

*omit*

all words from "under" to "Act"

**76 Section 161 amended**

(1) Section 161(1)

*omit**Lands, Planning and Mining Tribunal Act**insert**Northern Territory Civil and Administrative Tribunal Act*

(2) Section 161(2)

*omit**under the Lands, Planning and Mining Tribunal Act***77 Section 162 amended**

Section 162(b)

*omit**Lands, Planning and Mining Tribunal Act**insert**Northern Territory Civil and Administrative Tribunal Act***78 Part 12 and Part 12, Division 1 headings replaced**

Part 12 and Part 12, Division 1 headings

*omit, insert***Part 12 Repeals and transitional matters****Division 1 Mineral Titles Act 2010****Subdivision 1 Preliminary matters****79 Part 12, Division 2 heading amended**

Part 12, Division 2, heading

*omit***Division***insert*

**Subdivision****80 Part 12, Division 3 heading amended**

Part 12, Division 3, heading

*omit*

**Division**

*insert*

**Subdivision****81 Part 12, Division 4 heading amended**

Part 12, Division 4, heading

*omit*

**Division**

*insert*

**Subdivision****82 Part 12, Division 5 heading amended**

Part 12, Division 5, heading

*omit*

**Division**

*insert*

**Subdivision****83 Part 12, Division 6 heading amended**

Part 12, Division 6, heading

*omit*

**Division**

*insert*

**Subdivision**

---

**84 Part 12, Division 7 heading amended**

Part 12, Division 7, heading

*omit*

**Division**

*insert*

**Subdivision**

**85 Part 12, Division 2 inserted**

After section 214

*insert*

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

**215 Application made to former Tribunal**

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

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

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

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

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



*Civil and Administrative Tribunal Act.*

## **Part 14 Amendment of Mineral Titles Regulations**

### **86 Regulations amended**

This Part amends the *Mineral Titles Regulations*.

### **87 Regulation 3 amended**

(1) Regulation 3, definition ***review notice***

*omit*

(2) Regulation 3, definition ***reviewable decision***

*omit*

117

*insert*

114(2)

### **88 Part 10 replaced**

Part 10

*repeal, insert*

## **Part 10 Applications to Tribunal and other matters**

### **114 Application for review of reviewable decision**

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

### **115 Recommendation of Tribunal and subsequent decision**

- (1) Within 2 months after conducting a proceeding relating to a review of a reviewable decision, the Tribunal must:
  - (a) make a recommendation about the decision; and
  - (b) give the parties to the proceeding a written notice of the Tribunal's recommendation and the reasons for making it.

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

### **116 General applications**

- (1) A person may apply to the Tribunal for a decision about a dispute relating to preliminary exploration, a mineral title, a title area, a proposed title area or fossicking.
- (2) Without limiting subregulation (1), the dispute may relate to any of the following:
  - (a) the area, dimensions and boundaries of land being surveyed for a proposed title area or title area;
  - (b) the entry onto land to conduct preliminary exploration or fossicking, to conduct authorised activities under a mineral title or to construct, maintain and use infrastructure under an access authority;
  - (c) the use of a landowner's water by a person who is conducting preliminary exploration or fossicking or by the holder of a mineral title;
  - (d) the entry onto a title area by a person other than the holder of the title;
  - (e) contractual obligations relating to mineral titles;
  - (f) mineral rights interests.
- (3) This regulation does not apply in relation to an application mentioned in section 161(1) or (2) of the Act.

### **89 Part 12, Division 1 heading replaced**

Part 12, Division 1 heading

*omit, insert*

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**Division 1 Mineral Titles Act 2010****Subdivision 1 Existing applications****90 Part 12, Division 2 heading amended**

Part 12, Division 2, heading

*omit*

**Division**

*insert*

**Subdivision**

**91 Part 12, Division 3 heading amended**

Part 12, Division 3, heading

*omit*

**Division**

*insert*

**Subdivision**

**92 Part 12, Division 2 inserted**

After regulation 142

*insert*

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

In this Division:

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

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

(a) these Regulations;

(b) the *Lands, Planning and Mining Tribunal Act*.

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

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

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

#### **144 Review of Minister's decision notified before commencement**

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

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

**145 Minister's decision made after commencement**

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

**146 Application made to former Tribunal**

- (1) This regulation applies if, before the commencement:
  - (a) a person had made an application to the former Tribunal under the former legislation; and
  - (b) the former Tribunal had not decided the application.
- (2) The former Tribunal must continue to deal with the application in accordance with the former legislation.
- (3) The person may appeal to the Supreme Court against the decision of the Tribunal only on a question of law.

**Part 15 Amendment of Pastoral Land Act****93 Act amended**

This Part amends the *Pastoral Land Act*.

**94 Section 3 amended**

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

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

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

***registered native title claimant*** has the meaning given in

---

section 253 of the NTA or, if the claimant is replaced under section 66B of the NTA, means the person who replaced the claimant.

**registered native title rights and interests** means:

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

**Tribunal** means the Civil and Administrative Tribunal.

**95 Section 112 repealed**

Section 112

*repeal*

**96 Part 9 heading amended**

Part 9, heading

*omit*

**Appeals and review**

*insert*

**Jurisdiction of Tribunal**

**97 Part 9, Division 1 repealed**

Part 9, Division 1

*repeal*

**98 Part 9, Division 2 heading omitted**

Part 9, Division 2 heading

*omit*

**99 Sections 117 and 118 inserted**

Before section 119, in Part 9

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*insert*

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

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

**118 Jurisdiction of Tribunal for decisions under Part 8**

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

**100 Section 119 amended**

(1) Section 119, heading

*omit*

**Appeal against certain**

*insert*

**Jurisdiction of Tribunal for other**

(2) Section 119(1)

*omit*

appeal to the Appeal Tribunal against

*insert*

apply to the Tribunal for a review of

(3) Section 119(2)

*omit*

appeal

*insert*

application

(4) Section 119(3)

*omit*

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

*insert*

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

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

*omit*

**101 Section 120 repealed**

Section 120

*repeal*

**102 Section 122 amended**

Section 122(d)

*omit*

Appeal

**Part 16 Amendment of Pastoral Land Regulations**

**103 Regulations amended**

This Part amends the *Pastoral Land Regulations*.

**104 Part 7 repealed**

Part 7

*repeal*

**105 Regulation 30 amended**

Regulation 30

*omit*

against which a right of appeal lies

*insert*

the action or decision may be reviewed by the Tribunal



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## Part 17                    Amendment of Petroleum Act

### 106            Act amended

This Part amends the *Petroleum Act*.

### 107            Section 5 amended

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

*omit, insert*

***Tribunal*** means the Civil and Administrative Tribunal.

### 108            Section 57H amended

Section 57H(5)

*omit*

all words from "under" to "Act"

### 109            Section 57J amended

(1)            Section 57J, before "At"

*insert*

(1)

(2)            Section 57J, at the end

*insert*

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

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

### 110            Section 103 amended

(1)            Section 103, heading

*omit*

**Appeals**

---

*insert*

**Applications**

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

*omit*

Supreme Court

*insert*

Tribunal

**111 Part VII heading replaced**

Part VII heading

*omit, insert*

**Part VII Transitional matters**

**Division 1 Petroleum Amendment and Related Matters Act 2010**

**112 Part VIII heading replaced**

Part VIII heading

*omit, insert*

**Division 2 Petroleum Amendment Act 2013**

**113 Part VII, Division 3 inserted**

After section 124

*insert*

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

**125 Application or referral before former Tribunal**

(1) This section applies if, before the commencement:

(a) one of the following circumstances applied:

(i) a person had made an application to the former Tribunal;

(ii) the Minister had referred a matter to the former Tribunal;

---

and

- (b) the former Tribunal had not decided the application or matter.
- (2) The former Tribunal must continue to deal with the application or matter in accordance with the former legislation.
- (3) In this section:

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

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

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

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

## Part 18                      Amendment of Planning Act

### 114                      Act amended

This Part amends the *Planning Act*.

### 115                      Section 3 amended

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

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

**Tribunal** means the Civil and Administrative Tribunal.

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

*omit*

an appeal

*insert*

a review

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

*omit*

*Lands, Planning and Mining Tribunal Act*

*insert*

*Northern Territory Civil and Administrative Tribunal Act*

**116 Part 9, Division 1 replaced**

Part 9, Division 1

*repeal, insert*

**Division 1 Jurisdiction of Tribunal**

**108 Jurisdiction**

The Tribunal has the jurisdiction specified in this Division.

**117 Part 9, Division 2 heading omitted**

Part 9, Division 2, heading

*omit*

**118 Section 118 repealed**

Section 118

*repeal*

**119 Part 9, Division 4 repealed**

Part 9, Division 4

*repeal*

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

Part 9, Division 5, heading

*omit*

---

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

Sections 127 to 129 and 131 to 133

*repeal*

**122 Part 12 and Part 12, Division 1 headings replaced**

Part 12 and Part 12, Division 1 headings

*omit, insert*

**Part 12 Other transitional matters**

**Division 1 Planning Amendment Act 2005**

**Subdivision 1 Preliminary matters**

**123 Part 12, Division 2 heading amended**

Part 12, Division 2, heading

*omit*

**Division**

*insert*

**Subdivision**

**124 Part 12, Division 3 heading amended**

Part 12, Division 3, heading

*omit*

**Division**

*insert*

**Subdivision**

**125 Part 12, Division 4 heading amended**

Part 12, Division 4, heading

*omit*

**Division**

*insert*

**Subdivision****126 Part 12, Division 5 heading amended**

Part 12, Division 5, heading

*omit***Division***insert***Subdivision****127 Part 12, Division 6 heading amended**

Part 12, Division 6, heading

*omit***Division***insert***Subdivision****128 Part 12, Division 7 heading amended**

Part 12, Division 7, heading

*omit***Division***insert***Subdivision****129 Part 13 heading amended**

Part 13, heading

*omit, insert***Division 2 Land Title and Related Legislation Amendment Act 2008**

---

**130 Part 12, Division 3 inserted**

After section 202

*insert*

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

In this Division:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **206 Application before former Tribunal**

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

## **131 Act further amended**

Schedule 2 has effect.



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## Part 19                      Amendment of Residential Tenancies Act

### 132            Act amended

This Part amends the *Residential Tenancies Act*.

### 133            Section 4 amended

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

*omit*

(2)            Section 4

*insert (in alphabetical order)*

***Tribunal*** means the Civil and Administrative Tribunal.

### 134            Section 27 amended

(1)            Section 27, heading

*omit*

**Commissioner may prepare**

*insert*

**Application to Tribunal for**

(2)            Section 27(1)

*omit*

Commissioner

*insert*

Tribunal

(3)            Section 27(2)

*omit*

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

*insert*

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

---

(4) Section 27(3)

*omit*

Commissioner

*insert*

Tribunal

**135 Section 42A amended**

(1) Section 42A, heading

*omit*

**Commissioner may**

*insert*

**Tribunal may request Commissioner to**

(2) Section 42A(1)

*omit*

Commissioner

*insert*

Tribunal

(3) Section 42A(2)

*omit*

all words from "Commissioner considers" to "may"

*insert*

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

(4) Section 42A(3)

*omit*

Commissioner's discretion, the Commissioner

*insert*

Tribunal's discretion, the Tribunal

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**136 Section 110 amended**

(1) Section 110(6)

*omit*

Commissioner

*insert*

Tribunal

(2) Section 110(7)

*omit*

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

*insert*

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

**137 Parts 14 and 15 repealed**

Parts 14 and 15

*repeal*

**138 Part 18 heading replaced**

Part 18, heading

*omit, insert*

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

Part 20, heading

*omit, insert*

**Division 2 Residential Tenancies Amendment Act 2010****140 Part 21 heading replaced**

Part 21, heading

*omit, insert*

---

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

After section 166

*insert*

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

In this Division:

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

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

***decision*** includes an order or determination.

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

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

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

**168 Appeal against Commissioner's decision made before commencement**

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

had been started but not decided.

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

**169 Appeal against court's decision made before commencement**

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

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

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

**171 Appeals before Local Court**

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

**142 Act further amended**

Schedule 3 has effect.

**Part 20 Amendment of other laws**

**143 Other laws amended**

Schedule 4 amends the laws mentioned in it.

**Part 21 Expiry of Act**

**144 Expiry of Act**

This Act expires on the day after it commences

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## Schedule 1 Caravan Parks Act further amended

section 31

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

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



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

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

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## Schedule 2 Planning Act further amended

section 131

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

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

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

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

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

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## Schedule 3 Residential Tenancies Act further amended

section 142

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



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

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

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

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## Schedule 4 Other laws amended

section 143

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