



New South Wales

# Civil and Administrative Legislation (Repeal and Amendment) Bill 2013

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2013*



New South Wales

## **Civil and Administrative Legislation (Repeal and Amendment) Bill 2013**

Act No      , 2013

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An Act to repeal and amend certain legislation consequent on the establishment of the Civil and Administrative Tribunal of New South Wales.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013*.

**2 Commencement**

- (1) This Act commences on the establishment day within the meaning of the *Civil and Administrative Tribunal Act 2013*, except as provided by subsection (2).
- (2) An amendment made by this Act to a provision of an Act (as inserted by another Act) commences on the day on which the provision is inserted if that day occurs after the establishment day.

**3 Repeal of legislation concerning Consumer, Trader and Tenancy Tribunal**

Each of the following is repealed:

- (a) the *Consumer, Trader and Tenancy Tribunal Act 2001* No 82,
- (b) the *Consumer, Trader and Tenancy Tribunal Regulation 2009*.

## **Schedule 1      Amendment of legislation concerning Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal**

### **1.1 Aboriginal Land Rights Act 1983 No 42**

#### **[1] Section 4 Definitions**

Omit the definition of *Pecuniary Interest and Disciplinary Tribunal* from section 4 (1).

#### **[2] Section 78B Certain persons must not be employed as chief executive officers**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 78B (1) (h).

Insert instead “former Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal or the Civil and Administrative Tribunal”.

#### **[3] Section 138A Certain persons must not be employed as Chief Executive Officer**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 138A (1) (h).

Insert instead “former Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal or the Civil and Administrative Tribunal”.

#### **[4] Part 10, Division 3**

Omit the Division.

#### **[5] Section 181H Appeals against suspension**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 181H (1).

Insert instead “Civil and Administrative Tribunal”.

#### **[6] Section 181H (1)**

Insert at the end of the subsection:

**Note.** An appeal under this section is an external appeal to the Civil and Administrative Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

#### **[7] Section 181H (7)**

Omit the subsection.

#### **[8] Section 181J Appeals against action against members of staff**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 181J (1).

Insert instead “Civil and Administrative Tribunal”.

#### **[9] Section 181J (1)**

Insert at the end of the subsection:

**Note.** An appeal under this section is an external appeal to the Civil and Administrative Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

#### **[10] Section 181J (6)**

Omit the subsection.

#### **[11] Section 181K Referral of matters to NCAT**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 181K (1).

Insert instead “Civil and Administrative Tribunal”.

- [12] **Section 181K (5)**  
Omit the subsection.
- [13] **Section 181L Alternatives to suspension or referral to NCAT**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 181L (3).  
Insert instead “Civil and Administrative Tribunal”.
- [14] **Section 181N Reasons to be given**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 181N (1) (b).  
Insert instead “Civil and Administrative Tribunal”.
- [15] **Section 194 NCAT to be notified of inquiries**  
Omit “Pecuniary Interest and Disciplinary Tribunal”.  
Insert instead “Civil and Administrative Tribunal”.
- [16] **Section 197 Presentation of reports to NCAT**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [17] **Part 10, Division 6, heading**  
Omit “**the Pecuniary Interest and Disciplinary Tribunal**”.  
Insert instead “**NCAT**”.
- [18] **Section 198 NCAT to decide whether or not to conduct proceedings into a complaint**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring in section 198 (1)  
and (2).  
Insert instead “Civil and Administrative Tribunal”.
- [19] **Section 198 (3)**  
Omit the subsection.
- [20] **Section 199 Circumstances in which NCAT may dispense with hearing**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 199 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [21] **Section 199 (2)**  
Omit the subsection (including the note to the subsection).
- [22] **Section 199A NCAT to decide whether or not to conduct proceedings into a referred matter relating to misbehaviour**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [23] **Section 199A (3)**  
Omit the subsection.

- [24] Section 199B Circumstances in which NCAT may dispense with hearing**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 199B (1).  
Insert instead “Civil and Administrative Tribunal”.
- [25] Section 199B (2)**  
Omit the subsection (including the note to the subsection).
- [26] Section 200 General conduct of proceedings**  
Omit the section.
- [27] Section 201 Private and public hearings**  
Omit the section.
- [28] Section 202 Representation at hearings**  
Omit the section.
- [29] Section 203 Presentation of cases at hearings**  
Omit the section.
- [30] Section 204 Power to summon witnesses and take evidence at hearings**  
Omit the section.
- [31] Section 205 Power to obtain documents**  
Omit the section.
- [32] Section 206 Privilege concerning answers and documents**  
Omit the section.
- [33] Section 207 Additional complaints**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [34] Section 208 Adjournments**  
Omit the section.
- [35] Section 209 Release of information**  
Omit the section.
- [36] Section 210 Witnesses’ expenses**  
Omit the section.
- [37] Section 211 Decision of NCAT—interest matters**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [38] Section 211A Decision of NCAT—misbehaviour matters**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 211A (1).  
Insert instead “Civil and Administrative Tribunal”.

**[39] Section 212 Standard of proof**

Omit the section.

**[40] Section 213 Pecuniary Interest and Disciplinary Tribunal to provide details of its decisions**

Omit the section.

**[41] Section 214 Appeals to Supreme Court**

Omit the section.

**[42] Section 215 Referral of matters by NCAT**

Omit "Pecuniary Interest and Disciplinary Tribunal may refer a matter before it".

Insert instead "Civil and Administrative Tribunal may refer a matter before it under this Act".

**[43] Section 215A**

Insert after section 215:

**215A Exclusive jurisdiction of NCAT over Division 4 contraventions**

- (1) The Civil and Administrative Tribunal has exclusive jurisdiction at first instance to decide allegations of contraventions of Division 4.
- (2) Accordingly, proceedings at first instance to decide allegations of contraventions of Division 4 may not be brought before, or entertained by, any other tribunal or any court.

**[44] Schedule 2 Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal**

Omit the Schedule.

## **1.2 Aboriginal Land Rights Regulation 2002**

**[1] Clause 25G Training requirements for Board members**

Omit "Pecuniary Interests and Disciplinary Tribunal" from clause 25G (1) (e).

Insert instead "Civil and Administrative Tribunal".

**[2] Clause 92 Training requirements for councillors**

Omit "Pecuniary Interests and Disciplinary Tribunal" from clause 92 (1) (e).

Insert instead "Civil and Administrative Tribunal".

## **1.3 Defamation Act 2005 No 77**

**[1] Schedule 1 Additional publications to which absolute privilege applies**

Omit clause 31.

**[2] Schedule 2 Additional kinds of public documents**

Omit clause 6.

**[3] Schedule 3 Additional proceedings of public concern**

Omit clause 16.

## **1.4 Government Information (Public Access) Regulation 2009**

### **Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to the Aboriginal Land Councils Pecuniary Interest and  
Disciplinary Tribunal.



## **Schedule 2      Amendment of legislation concerning Administrative Decisions Tribunal**

### **2.1 Aboriginal Land Rights Act 1983 No 42**

**[1] Sections 69 (1), 71 and 137**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 69 (2)**

Omit the subsection.

**[3] Section 70 Appeals to Land and Environment Court against order**

Omit the section.

**[4] Section 71 Effect of order declaring vacancy**

Omit “to the Land and Environment Court is made” from section 71 (a).

Insert instead “is made under the *Civil and Administrative Tribunal Act 2013*”.

**[5] Section 135 NCAT may declare particular offices of New South Wales Aboriginal Land Council vacant**

Omit “Administrative Decisions Tribunal” from section 135 (1).

Insert instead “Civil and Administrative Tribunal”.

**[6] Section 135 (2)**

Omit the subsection.

**[7] Section 136 Appeals to Land and Environment Court against order**

Omit the section.

**[8] Section 137 Effect of order declaring vacancy**

Omit “to the Land and Environment Court is made” from section 137 (a).

Insert instead “is made under the *Civil and Administrative Tribunal Act 2013*”.

**[9] Section 181M Expenses to be borne by Aboriginal Land Councils**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 181M (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **2.2 Adoption Act 2000 No 75**

**[1] Chapter 10 Review of decisions**

Omit “Administrative Decisions Tribunal” from the Introduction to the Chapter.

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 189 Reviewable decisions**

Omit the definition of *reviewable decision*. Insert instead:

*reviewable decision* means:

- (a) a decision of the relevant decision maker that may be the subject of an application to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* for the purposes of section 28 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, or

**Note.** Section 193 sets out the decisions of the Director-General and other relevant decision makers under this Act that are administratively reviewable by the Civil and Administrative Tribunal for the purposes of section 28 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

- (b) any decision made under or for the purposes of this Act by the relevant decision maker that is a decision within a class of decisions prescribed by the regulations for the purposes of this definition.

**[3] Section 190 Duty of relevant decision maker to give reasons in request**

Omit “Division 2 of Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 190 (4).

Insert instead “Division 2 of Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[4] Section 192 Internal review**

Omit “reviewed by the Administrative Decisions Tribunal” from section 192 (8) (b).

Insert instead “administratively reviewed by the Civil and Administrative Tribunal”.

**[5] Section 192 (13)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[6] Section 193 Decisions that are administratively reviewable by Civil and Administrative Tribunal**

Omit “For the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, any of the following decisions made by the relevant decision maker are reviewable by the Administrative Decisions Tribunal:” from section 193 (1).

Insert instead “Each of the following decisions when made by the relevant decision maker is an administratively reviewable decision for the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*:”.

**2.3 Agricultural Livestock (Disease Control Funding) Act 1998 No 139**

**[1] Part 5A, heading**

Omit the heading. Insert instead:

**Part 5A Administrative review of funding decisions by Civil and Administrative Tribunal**

**[2] Section 25 Administrative review of industry levy based funding decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 25 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 25 (2)**

Omit “review under this section”.

Insert instead “administrative review in an application under this section”.

**[4] Section 25A Administrative review of transaction based contribution funding decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 25 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.4 Agricultural Livestock (Disease Control Funding) Regulation 2011**

**Clause 6 Industry levy records**

Omit “review by the Administrative Decisions Tribunal” from clause 6 (4).

Insert instead “administrative review by the Civil and Administrative Tribunal”.

**2.5 Air Transport Act 1964 No 36**

**Section 10A**

Omit the section. Insert instead:

**10A Administrative review by Civil and Administrative Tribunal**

- (1) An applicant for a licence may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of any decision made by the Director-General with respect to the application.
- (2) A person whose licence has been varied or revoked by the Director-General may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the Director-General’s decision to vary or revoke the licence.

**2.6 Animal Research Act 1985 No 123**

**[1] Section 20 Determination of applications**

Omit “application for review by the Administrative Decisions Tribunal” from section 20 (4).

Insert instead “application to the Civil and Administrative Tribunal for an administrative review”.

**[2] Section 24 Determination of complaints**

Omit “any order made by the Administrative Decisions Tribunal under Division 2 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 24 (4).

Insert instead “any order made by the Civil and Administrative Tribunal under Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[3] Section 25A Application to Director-General**

Omit “application for review to the Administrative Decisions Tribunal” from section 25 (5).

Insert instead “application to the Civil and Administrative Tribunal for an administrative review”.

**[4] Section 28B Determination of complaints**

Omit “any order made by the Administrative Decisions Tribunal under Division 2 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 28B (4).

Insert instead “any order made by the Civil and Administrative Tribunal under Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[5] Section 39 Determination of applications**

Omit “application for review to the Administrative Decisions Tribunal” from section 39 (4).

Insert instead “application to the Civil and Administrative Tribunal for an administrative review”.

**[6] Part 4, Division 6**

Omit the Division. Insert instead:

**Division 6      Administrative reviews by Civil and Administrative Tribunal**

**45 Applications to Civil and Administrative Tribunal for administrative review of determination**

- (1) Any person who is dissatisfied with a determination of the Director-General under this Part that affects the person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the determination.
- (2) An application to the Tribunal is to be made within 28 days after written notice of the determination of the Director-General is served on the person or, if the application relates to a failure to determine an application under this Part within 90 days after the application was made, within 28 days after the expiration of that 90 day period.

**2.7 Anti-Discrimination Act 1977 No 48**

**[1] Section 4 Definitions**

Omit the definitions of *Registrar* and *Tribunal* from section 4 (1).

Insert in alphabetical order:

*Tribunal* means the Civil and Administrative Tribunal.

- [2] **Part 9, Division 3, heading**  
Omit “**Administrative Decisions Tribunal**”. Insert instead “**Tribunal**”.
- [3] **Section 95 Referral of complaints to Tribunal**  
Omit section 95 (3).
- [4] **Section 96 Leave of Tribunal required for inquiry into certain matters**  
Omit “section 73 (Procedure of the Tribunal generally) of the *Administrative Decisions Tribunal Act 1997*” from section 96 (3).  
Insert instead “section 38 (Procedure of Tribunal generally) of the *Civil and Administrative Tribunal Act 2013*”.
- [5] **Section 96 (4)**  
Omit the subsection.
- [6] **Section 97 Parties to proceedings before Tribunal**  
Omit the section.
- [7] **Section 105 Interim orders**  
Omit “Section 89 of the *Administrative Decisions Tribunal Act 1997*” and “an original decision” from section 105 (2).  
Insert instead “For the avoidance of doubt, section 62 of the *Civil and Administrative Tribunal Act 2013*” and “a general decision”, respectively.
- [8] **Section 106 Appeals against interim orders**  
Omit the section.
- [9] **Section 110 Tribunal may award costs**  
Omit the section.
- [10] **Section 111 Compliance with order of Tribunal**  
Omit the section.
- [11] **Section 114 Enforcement of non-monetary orders**  
Omit “the Registrar” wherever occurring in section 114 (2) and (3).  
Insert instead “a registrar of the Tribunal”.
- [12] **Section 114 (4)**  
Omit “section 82 or 82A of the *Administrative Decisions Tribunal Act 1997*”.  
Insert instead “section 78 of the *Civil and Administrative Tribunal Act 2013*”.
- [13] **Section 115 Appeals to Appeal Panel against decisions of Tribunal**  
Omit the section.
- [14] **Section 116 Relationship between this Division and NCAT legislation**  
Omit “*Administrative Decisions Tribunal Act 1997*”.  
Insert instead “*Administrative Decisions Review Act 1997* and the *Civil and Administrative Tribunal Act 2013*”.

**[15] Section 120A Codes of practice**

Omit “or the *Administrative Decisions Tribunal Act 1997*” from section 120A (4).

Insert instead “, the *Administrative Decisions Review Act 1997* or the *Civil and Administrative Tribunal Act 2013*”.

**[16] Section 124 Obstruction**

Omit “a member of the Tribunal, the Registrar,”.

**[17] Section 126 Granting of exemptions by President**

Omit “may apply to the Tribunal for a review” from section 126 (9).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[18] Section 126 (11)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[19] Section 126A Exemption for special needs programs and activities**

Omit “may apply to the Tribunal for a review” from section 126A (6).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[20] Schedule 1 Savings and transitional provisions**

Insert after clause 1:

**1A References to Tribunal before establishment of NCAT**

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*) is a reference to the former Administrative Decisions Tribunal.

**2.8 Apiaries Act 1985 No 16**

**[1] Part 6**

Omit the Part. Insert instead:

**Part 6 Administrative reviews by the Civil and Administrative Tribunal**

**35 Applications for review**

- (1) A person aggrieved by any of the following decisions may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the decision:
  - (a) a decision of the Director-General in refusing an application by that person for registration as a beekeeper,
  - (b) a decision of the Director-General in refusing an application for the renewal of that person’s registration as a beekeeper,
  - (c) a decision of the Director-General under section 11 to cancel that person’s registration,

- (d) a decision of the Director-General under section 10 to suspend that person's registration,
  - (e) any direction given or action taken by an inspector under section 17 or 24 (5) or (6),
  - (f) the action of an inspector in seizing and detaining bees, beehives, apiary products or appliances under a provision of Division 2 of Part 4, and seeking the return of those bees, beehives, apiary products or appliances,
  - (g) in relation to Part 5:
    - (i) a decision of the Director-General to refuse a claim for compensation under Part 5, or
    - (ii) a decision of the Director-General to award compensation under that Part on the ground that the amount of compensation awarded is inadequate, or
    - (iii) a determination of the market value of any queen bees made for the purpose of section 31 (1) on the ground that the value concerned is less than the true market value of the bees.
- (2) A person who is the occupier of, or otherwise has an interest in, premises in respect of which the Director-General has made an order under section 18 who is aggrieved by that order may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of that order.

**Note.** Generally, the making of an application to the Civil and Administrative Tribunal will not affect the operation of the decision concerned (or prevent the taking of action to implement the decision) pending the review of the decision. However, the Tribunal can make orders staying or otherwise affecting the operation of the decision, but only on the application of a party to the proceedings and only if the Tribunal considers it desirable to do so after taking various matters (such as the public interest) into account. See section 60 of the *Administrative Decisions Review Act 1997*.

**[2] Section 38 General powers of inspection**

Omit section 38 (9) (a). Insert instead:

- (a) no application for an administrative review by the Civil and Administrative Tribunal of a seizure of bees, beehives, apiary products or appliances carried out in accordance with a provision of this Act is made under section 35 within the period prescribed by or under the *Civil and Administrative Tribunal Act 2013* for making applications under that section, or

**[3] Section 38 (9) (f)**

Omit "Administrative Decisions Tribunal".

Insert instead "Civil and Administrative Tribunal".

## **2.9 Apprenticeship and Traineeship Regulation 2010**

**[1] Clause 6 Witnesses' expenses**

Omit "proceedings under the *Administrative Decisions Tribunal Act 1997*".

Insert instead "proceedings before the Civil and Administrative Tribunal".

**[2] Clause 6, note**

Omit the note.

## 2.10 Architects Act 2003 No 89

### [1] Section 4 Definitions

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### [2] Section 16 Qualifications for registration

Omit “may apply to the Tribunal for a review” from section 16 (3).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 31 Tribunal may administratively review certain registration decisions

Omit “may apply to the Tribunal for a review” from section 31 (1).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [4] Section 31 (2)

Omit “a review”. Insert instead “an administrative review”.

### [5] Section 37 Power to dismiss certain complaints

Omit “may apply to the Tribunal for a review” from section 37 (5).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [6] Section 44 Person may apply to Tribunal for administrative review of disciplinary finding of Board

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [7] Section 48 Tribunal may award costs

Omit the section.

### [8] Section 51 Statement of reasons of Tribunal need not contain confidential information

Omit the section.

### [9] Section 58 General

Omit section 58 (1). Insert instead:

- (1) The provisions of this Division are subject to any order made by the Tribunal under section 64 of the *Civil and Administrative Tribunal Act 2013*.

**Note.** Section 64 of the *Civil and Administrative Tribunal Act 2013* allows the Tribunal to make an order prohibiting or restricting the disclosure of information.

### [10] Part 4A Appeals against decisions of Tribunal

Omit the Part.

### [11] Schedule 3 Savings, transitional and other provisions

Omit “Tribunal” from clause 11 (1). Insert instead “Administrative Decisions Tribunal”.



## 2.11 Associations Incorporation Act 2009 No 7

### [1] Section 76 Director-General may cancel registration

Omit “Administrative Decisions Tribunal” from section 76 (2) (b).

Insert instead “Civil and Administrative Tribunal”.

### [2] Section 104 Review of decisions of Director-General

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 104 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 104 (2)

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## 2.12 Biofuels Act 2007 No 23

### [1] Section 23 Registration of volume fuel sellers

Omit section 23 (1) (f). Insert instead:

- (f) the making of applications to the Civil and Administrative Tribunal for administrative reviews under the *Administrative Decisions Review Act 1997* of decisions made in respect of registration.

### [2] Section 23 (3)

Insert after section 23 (2):

- (3) The Minister is not to recommend the making of a regulation containing provisions for the purposes of section 23 (1) (f) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## 2.13 Births, Deaths and Marriages Registration Act 1995 No 62

### [1] Section 31J Administrative review by Civil and Administrative Tribunal of certain decisions under this Part

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [2] Section 31L Protection of security sensitive information

Omit “In determining an application for a review of any decision to which this section applies, the Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*)” from section 31L (3).

Insert instead “In determining an application for an administrative review of any decision to which this section applies, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*)”.

**[3] Section 31L (3) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

**[4] Section 56 Administrative review by the Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 56 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[5] Section 56 (2)**

Omit “review”. Insert instead “administrative review”.

## **2.14 Boarding Houses Act 2012 No 74**

### **Section 87 Applications for administrative reviews by the Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 87 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.15 Building and Construction Industry Security of Payment Act 1999 No 46**

### **Section 28 Nominating authorities**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 28 (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.16 Building Legislation Amendment (Quality of Construction) Act 2002 No 134**

### **Schedule 2 Amendment of home building legislation**

Omit “Administrative Decisions Tribunal” from proposed section 40 (4B) in Schedule 2.1 [4].

Insert instead “Civil and Administrative Tribunal”.

## **2.17 Building Professionals Act 2005 No 115**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 18 Administrative review of decisions of Board under this Part**

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 33 Person may apply to Tribunal for administrative review of disciplinary finding of Board**

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 35 Tribunal may award costs**

Omit the section.

**[5] Section 37 Confidential information in statement of reasons**

Omit the section.

**[6] Section 43 General**

Omit section 43 (1). Insert instead:

- (1) The provisions of this Division are subject to any order made by the Tribunal under section 64 of the *Civil and Administrative Tribunal Act 2013*.

**Note.** Section 64 of the *Civil and Administrative Tribunal Act 2013* allows the Tribunal to make an order prohibiting or restricting the disclosure of information.

**[7] Part 3A Appeals against decisions of Tribunal**

Omit the Part.

**[8] Schedule 2 Savings, transitional and other provisions**

Insert after clause 1:

**1A References to Tribunal before establishment of NCAT**

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*) is a reference to the former Administrative Decisions Tribunal.

## **2.18 Business Names (Commonwealth Powers) Act 2011 No 44**

**Schedule 1 Savings, transitional and other provisions**

Insert before clause 9 in Division 4 of Part 2:

**8A Effect of abolition of Administrative Decisions Tribunal**

- (1) The functions of the Administrative Decisions Tribunal under this Division become, on and from the establishment day, the functions of the Civil and Administrative Tribunal.
- (2) Accordingly, a reference in another provision of this Division that confers or imposes a function on the Administrative Decisions Tribunal is to be read, on and after the establishment day, as being a reference to the Civil and Administrative Tribunal.
- (3) The provisions of this clause are in addition to, and do not derogate from, the provisions of Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013*.
- (4) In this clause:  
*establishment day* has the same meaning as in the *Civil and Administrative Tribunal Act 2013*.

## 2.19 Cemeteries and Crematoria Act 2013

### [1] Section 33 Issue of improvement notice by the Cemeteries Agency

Insert at the end of section 33 (5):

**Note.** An appeal under this subsection is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

### [2] Dictionary

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

## 2.20 Charitable Fundraising Act 1991 No 69

### [1] Part 4, heading

Omit the heading. Insert instead:

## **Part 4 Administrative reviews by Civil and Administrative Tribunal**

### [2] Section 42 Administrative review of refusal to grant authority or against conditions imposed on authority

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 43 Administrative review of revocation of authority

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [4] Section 44 Administrative review of variation of authority

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [5] Section 45 Determination by Civil and Administrative Tribunal of applications

Omit “Administrative Decisions Tribunal, in determining a review under this Act,”.

Insert instead “Civil and Administrative Tribunal, in determining an administrative review for the purposes of this Part,”.

## 2.21 Child Protection (International Measures) Act 2006 No 12

### Section 5 Definitions

Omit paragraph (e) from the definition of *New South Wales court* in section 5 (1).

## 2.22 Child Protection (Offenders Registration) Act 2000 No 42

### Section 16 NCAT may exempt persons from compliance with reporting obligations

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

## 2.23 Child Protection (Working with Children) Act 2012 No 51

### [1] Section 5 Definitions

Omit the definition of *Tribunal* from section 5 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### [2] Section 27 Applications to Civil and Administrative Tribunal for administrative reviews of clearance decisions

Omit “for a review” wherever occurring in section 27 (1)–(3).

Insert instead “for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 27 (5) and (6)

Omit the subsections.

### [4] Section 27 (7)

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

### [5] Section 28 Orders relating to disqualified and ineligible persons

Omit section 28 (9).

### [6] Section 29 Further review of persons who obtain enabling orders

Omit section 29 (4).

### [7] Section 30 Determination of applications and other matters

Omit the note to section 30 (2). Insert instead:

**Note.** Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997* enables a decision the subject of an application under section 27 of this Act for an administrative review under that Act to be stayed by the Tribunal.

### [8] Section 30 (3)

Omit the subsection.

## 2.24 Children (Detention Centres) Regulation 2010

### Clause 3 Definitions

Omit “Administrative Decisions Tribunal” from paragraph (h) of the definition of *exempt body* in clause 3 (1).

Insert instead “Civil and Administrative Tribunal”.

## **2.25 Children (Education and Care Services) Supplementary Provisions Act 2011 No 70**

### **Section 28 Reviewable decisions**

Omit section 28 (2). Insert instead:

- (2) The Minister is not to recommend the making of a regulation containing provisions for the purposes of this section unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## **2.26 Children (Education and Care Services National Law Application) Act 2010 No 104**

### **Section 8 Relevant tribunal or court**

Omit “Administrative Decisions Tribunal” from section 8 (b).

Insert instead “Civil and Administrative Tribunal”.

## **2.27 Children and Young Persons (Care and Protection) Act 1998 No 157**

### **[1] Section 29 Protection of persons who make reports or provide certain information**

Omit “Administrative Decisions Tribunal” from section 29 (1) (d) (iii).

Insert instead “Civil and Administrative Tribunal”.

### **[2] Section 149F Disclosure of high level identification information without consent of authorised carer**

Omit “reviewed by the Administrative Decisions Tribunal” from section 149F (2) (b).

Insert instead “administratively reviewed by the Civil and Administrative Tribunal under the *Administrative Decisions Review Act 1997*”.

### **[3] Section 149G Application for administrative review of decision to disclose high level identification information**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 149G (1) (a).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[4] Section 149G (1) (b)**

Omit “to apply to the Administrative Decisions Tribunal, on behalf of the authorised carer, for a review”.

Insert instead “to apply to the Civil and Administrative Tribunal, on behalf of the authorised carer, for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[5] Section 149G (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[6] Section 149G (3)**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

**[7] Section 149H Modification of Administrative Decisions Review Act 1997**

Omit “ADT Act” and “Chapter 5” wherever occurring in section 149H (1) and (2).

Insert instead “ADR Act” and “Chapter 3”, respectively.

**[8] Section 149H (3)**

Omit the subclause. Insert instead:

- (3) In this section, the *ADR Act* means the *Administrative Decisions Review Act 1997*.

**[9] Section 231F Notification to child or young person and his or her parents**

Omit “Division 2 of Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 231F (2) (a).

Insert instead “Division 2 of Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[10] Section 231F (2) (b)**

Omit the paragraph. Insert instead:

- (b) the decision may be administratively reviewed by the Civil and Administrative Tribunal under the *Administrative Decisions Review Act 1997*, whose decision may be appealed against to an Appeal Panel of that Tribunal, and

**[11] Section 245 Decisions that are administratively reviewable by Civil and Administrative Tribunal**

Omit “For the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, any of the following decisions made under or for the purposes of this Act or the regulations are reviewable by the Administrative Decisions Tribunal:” from section 245 (1).

Insert instead “Each of the following decisions made under or for the purposes of this Act or the regulations is an administratively reviewable decision for the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*:”.

**[12] Section 264 Regulations**

Omit “the review by the Administrative Decisions Tribunal” from section 264 (1A) (i).

Insert instead “an administrative review by the Civil and Administrative Tribunal under the *Administrative Decisions Review Act 1997*”.

**[13] Section 264 (1B)**

Omit the subsection. Insert instead:

- (1B) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (1A) (i) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## 2.28 Children and Young Persons (Care and Protection) Regulation 2012

**[1] Clause 7 Administrative review of decisions of Children’s Guardian by Civil and Administrative Tribunal**

Omit “Pursuant to section 264 (1A) (i) of the Act, the following decisions of the Children’s Guardian are reviewable by the Administrative Decisions Tribunal:”.

Insert instead “A person affected by any of the following decisions of the Children’s Guardian may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the decision:”.

**[2] Clause 7, note**

Omit “reviewable by the Administrative Decisions Tribunal”.

Insert instead “administratively reviewable by the Civil and Administrative Tribunal”.

**[3] Clause 42 Cancellation or suspension of authorisations by designated agencies**

Omit “reviewable by the Administrative Decisions Tribunal” from the note at the end of the clause.

Insert instead “administratively reviewable by the Civil and Administrative Tribunal”.

## 2.29 Coal Industry Act 2001 No 107

**[1] Section 3 Definitions**

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 12 Powers relating to health of mine workers**

Omit “may apply to the Tribunal for a review” from section 12 (3).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 13 Orders of approved company**

Omit “may apply to the Tribunal for a review” from section 13 (7).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 39 Right to apply for administrative review of determination**

Omit “apply to the Tribunal for a review” from section 39 (1).

Insert instead “apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.30 Coal Mine Health and Safety Act 2002 No 129

**[1] Section 196 Regulations may prescribe decisions that are to be administratively reviewable by Civil and Administrative Tribunal**

Omit “apply to the Administrative Decisions Tribunal for a review” from section 196 (1).

Insert instead “apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.



**[2] Section 196 (2)**

Omit “Administrative Decisions Tribunal for a review”.

Insert instead “Civil and Administrative Tribunal for an administrative review”.

**[3] Section 196 (3)**

Omit “*Administrative Decisions Tribunal Act 1997*” and “by the Administrative Decisions Tribunal”.

Insert instead “*Administrative Decisions Review Act 1997*” and “by the Civil and Administrative Tribunal”, respectively.

**[4] Section 196 (4)**

Omit the subsection. Insert instead:

- (4) The Minister is not to recommend the making of any such regulation unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions concerned.

### **2.31 Coal Mine Health and Safety Regulation 2006**

**[1] Clause 178 Ministerial declarations that a person’s competence is not recognised**

Omit “*Administrative Decisions Tribunal Act 1997*” from section 178 (6).

Insert instead “*Administrative Decisions Review Act 1997*”.

**[2] Clause 200 Exemptions for particular people on application**

Omit “the review by the Administrative Decisions Tribunal” from the note at the end of the clause.

Insert instead “the administrative review by the Civil and Administrative Tribunal”.

**[3] Clause 209 Decisions administratively reviewable by the Civil and Administrative Tribunal**

Omit “apply to the Administrative Decisions Tribunal for a review” from clause 209 (1).

Insert instead “apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Clause 209 (2)**

Omit “application for review by the Administrative Decisions Tribunal”.

Insert instead “application for an administrative review by the Civil and Administrative Tribunal”.

### **2.32 Combat Sports Act 2008 No 116**

**[1] Part 7, heading**

Omit the heading. Insert instead:

**Part 7 Administrative review by Civil and Administrative Tribunal**

**[2] Section 59 Administrative review of decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.33 Combat Sports Act 2013**

**[1] Part 5, heading**

Omit the heading. Insert instead:

### **Part 5 Administrative review by Civil and Administrative Tribunal**

**[2] Section 77 Administrative review of decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 77 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 77 (2) and (2A)**

Omit section 77 (2). Insert instead:

(2) The regulations may make provision for applications to be made to the Tribunal for the administrative review under the *Administrative Decisions Review Act 1997* of a decision made, or the failure or refusal to make a decision, under this Act or the regulations of a kind prescribed by the regulations.

(2A) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**[4] Section 77 (3)**

Omit “a review”. Insert instead “an administrative review”.

**[5] Section 78 Administrative reviews of decisions based on security determinations or criminal intelligence**

Omit “In determining an application for a review of a decision that was made on the ground of a determination made, or advice given, by the Commissioner of Police or another police officer, the Administrative Decisions Tribunal (and any Appeal Panel of the Tribunal in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):” from section 78 (1).

Insert instead “In determining an application for an administrative review of a decision that was made on the ground of a determination made, or advice given, by the Commissioner of Police or another police officer, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[6] Section 78 (1) (b), (4) and (5)**

Omit “applicant for review” and “for a review” wherever occurring.

Insert instead “applicant for the administrative review” and “for an administrative review”, respectively.

**[7] Section 78 (1), note**

Omit “Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[8] Section 78 (6)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.34 Combat Sports Regulation 2009**

### **Clause 20 Reissue**

Omit “Administrative Decisions Tribunal” wherever occurring in clause 20 (b) (i) and (c).

Insert instead “Civil and Administrative Tribunal”.

## **2.35 Commercial Agents and Private Inquiry Agents Act 2004 No 70**

**[1] Section 6 Application to master licences of Licensing and Registration (Uniform Procedures) Act 2002**

Omit “Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from the note at the end of the section.

Insert instead “Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[2] Section 12 Application to operator licences of Licensing and Registration (Uniform Procedures) Act 2002**

Omit “Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from the note at the end of the section.

Insert instead “Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[3] Section 20 Commissioner’s determinations administratively reviewable by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 20 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 20 (2)**

Omit “In determining an application for a review of any decision to refuse to grant or cancel a licence under this Act, the Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):”.

Insert instead “In determining an application for an administrative review of any decision to refuse to grant or cancel a licence under this Act, the Civil and Administrative Tribunal (and any Appeal Panel in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

[5] **Section 20 (2) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

**2.36 Community Housing Providers (Adoption of National Law) Act 2012  
No 59**

**Section 6 Meaning of certain terms in Community Housing Providers National Law  
for purposes of this jurisdiction**

Omit “Administrative Decisions Tribunal” from the definition of *Appeal Tribunal*.

Insert instead “Civil and Administrative Tribunal”.

**2.37 Community Services (Complaints, Reviews and Monitoring) Act 1993  
No 2**

[1] **Long title**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

[2] **Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

[3] **Part 5, heading**

Omit “**Review**”. Insert instead “**Administrative review**”.

[4] **Section 28 Applications to Tribunal for administrative reviews of decisions**

Omit “may apply to the Tribunal for a review” from section 28 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

[5] **Section 28 (1) (a) and (b)**

Omit “a reviewable decision” wherever occurring.

Insert instead “an administratively reviewable decision”.

[6] **Section 29 Who may apply to the Tribunal?**

Omit section 29 (6). Insert instead:

- (6) This section applies despite any contrary provisions of the *Civil and Administrative Tribunal Act 2013* or the *Administrative Decisions Review Act 1997*.

[7] **Section 31 Alternatives to Tribunal determining the matter**

Omit section 31 (3). Insert instead:

- (3) The powers conferred on the Tribunal by this section are in addition to any other powers that the Tribunal has under the *Civil and Administrative Tribunal Act 2013* with respect to the use of resolution processes.

**[8] Section 32 Additional powers of Tribunal**

Omit “Division 3 (Powers on review) of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 32 (3).

Insert instead “Division 3 (Powers on administrative review) of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[9] Section 33 Right of appearance**

Omit the section.

**[10] Section 34 Costs**

Omit the section.

**[11] Section 45 Reasons to be given for certain decisions**

Omit “a reviewable decision under the *Administrative Decisions Tribunal Act 1997*” from section 45 (3).

Insert “an administratively reviewable decision under the *Administrative Decisions Review Act 1997*”.

**[12] Section 45 (3) (a)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[13] Section 49 Section 3 does not give rise to or affect a cause of action**

Omit “a review” from section 49 (2). Insert instead “an administrative review”.

## **2.38 Co-operative Housing and Starr-Bowkett Societies Act 1998 No 11**

**[1] Section 27 Administrative review by NCAT of Registrar decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 27 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 27 (3) and (4)**

Omit “*Administrative Decisions Tribunal Act 1997*” wherever occurring.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.39 Co-operatives (Adoption of National Law) Act 2012 No 29**

**Section 7 Designated authority, designated instrument and designated tribunal (Co-operatives National Law s 4)**

Omit “Administrative Decisions Tribunal” from section 7 (3) (b).

Insert instead “Civil and Administrative Tribunal”.

## **2.40 Conveyancers Licensing Act 2003 No 3**

### **[1] Section 29 Employment of disqualified persons**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 29 (3).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[2] Section 141 Administrative review of disciplinary action by NCAT**

Omit “may apply to the Administrative Decisions Tribunal under the *Administrative Decisions Tribunal Act 1997* for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.41 Court Security Act 2005 No 1**

### **Section 4 Definitions**

Omit “Administrative Decisions Tribunal” from paragraph (1) of the definition of *court* in section 4 (1).

Insert instead “Civil and Administrative Tribunal”.

## **2.42 Court Security Regulation 2011**

### **Clause 6 Permissible uses of recording devices**

Omit “Administrative Decisions Tribunal” and “registrar” wherever occurring.

Insert instead “Civil and Administrative Tribunal” and “principal registrar”, respectively.

## **2.43 Crimes (Administration of Sentences) Regulation 2008**

### **[1] Clause 325 Attendance of inmates before courts and court officers**

Omit “Administrative Decisions Tribunal” from clause 325 (2) (b).

Insert instead “Civil and Administrative Tribunal”.

### **[2] Dictionary**

Omit “Administrative Decisions Tribunal” from paragraph (a) of the definition of *exempt body*.

Insert instead “Civil and Administrative Tribunal”.

## **2.44 Dangerous Goods (Road and Rail Transport) Act 2008 No 95**

### **[1] Section 13 Regulation-making powers**

Omit section 13 (2) (y). Insert instead:

- (y) appeals against, and the review of, decisions under this Act, including conferring jurisdiction on:
  - (i) a court or courts to hear appeals against decisions under the regulations, and
  - (ii) the Civil and Administrative Tribunal to conduct administrative reviews under the *Administrative Decisions Review Act 1997* of decisions under the regulations,

**[2] Section 13 (3)**

Insert after section 13 (2):

- (3) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2) (y) (ii) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**2.45 Deer Act 2006 No 113**

**[1] Section 16 Administrative review by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 16, note**

Omit the note.

**2.46 Defamation Act 2005 No 77**

**[1] Schedule 1 Additional publications to which absolute privilege applies**

Omit “Administrative Decisions Tribunal” wherever occurring in clause 9.

Insert instead “Civil and Administrative Tribunal”.

**[2] Schedule 1, clause 30**

Omit the clause.

**[3] Schedule 2 Additional kinds of public documents**

Omit clause 5.

**[4] Schedule 3 Additional proceedings of public concern**

Omit clause 15.

**2.47 Disability Services Act 1993 No 3**

**[1] Part 2, Division 3, heading**

Omit the heading. Insert instead:

**Division 3      Applications for administrative review by Civil and  
Administrative Tribunal**

**[2] Section 20 Decisions that are administratively reviewable by Civil and Administrative Tribunal**

Omit “For the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, any of the following decisions is reviewable by the Administrative Decisions Tribunal:”.

Insert instead “Each of the following decisions is an administratively reviewable decision for the purposes of section 28 (1) (a) of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*:”.

**[3] Section 25 Section 3 and Schedule 1 not to give rise to or affect cause of action**

Omit “Administrative Decisions Tribunal” from section 25 (2).

Insert instead “Civil and Administrative Tribunal”.

## **2.48 Drug and Alcohol Treatment Act 2007 No 7**

### **Section 45**

Omit the section. Insert instead:

#### **45 Appeal to Civil and Administrative Tribunal**

- (1) A person aggrieved by an order or determination of a Magistrate under this Part may appeal against the order or determination to the Civil and Administrative Tribunal.

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- (2) An appeal may be made:
- (a) as of right, on any question of law, or
  - (b) by leave of the Tribunal, on any other grounds.

## **2.49 Education Act 1990 No 8**

### **[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### **[2] Section 51 Determination by Minister of applications for initial registration of new non-government schools etc**

Omit “a review” wherever occurring in section 51 (3).

Insert instead “an administrative review”.

### **[3] Section 56 Renewal of registration by Minister**

Omit “reviewing” from section 56 (1). Insert instead “administratively reviewing”.

### **[4] Section 56 (4)**

Omit “a review” wherever occurring. Insert instead “an administrative review”.

### **[5] Section 59 Cancellation of registration**

Omit “a review” wherever occurring in section 59 (3).

Insert instead “an administrative review”.

### **[6] Section 61 Cancellation of registration of relocated schools**

Omit “a review” wherever occurring in section 61 (4).

Insert instead “an administrative review”.

### **[7] Section 72 Registration for home schooling**

Omit “a review” wherever occurring in section 72 (2) and (4).

Insert instead “an administrative review”.



- [8] **Section 74 Cancellation of registration for home schooling**  
Omit “a review” wherever occurring in section 74 (3).  
Insert instead “an administrative review”.
- [9] **Section 76 Consideration by Board of notice of conscientious objection**  
Omit “Review” from section 76 (4). Insert instead “Administrative review”.
- [10] **Section 77 Acceptance or rejection of conscientious objection**  
Omit “a review” wherever occurring in section 77 (2).  
Insert instead “an administrative review”.
- [11] **Section 82 Cancellation of exemption**  
Omit “Review” from section 82 (2). Insert instead “Administrative review”.
- [12] **Section 82 (3)**  
Omit “a review” wherever occurring. Insert instead “an administrative review”.
- [13] **Section 88 Decision of Board not to accredit school**  
Omit “a review” from section 88 (2) (b). Insert instead “an administrative review”.
- [14] **Section 89 Minister may accredit school**  
Omit “an application to review” from section 89 (1).  
Insert instead “an application for an administrative review of”.
- [15] **Section 91 Cancellation of accreditation**  
Omit “a review” from section 91 (2) (b). Insert instead “an administrative review”.
- [16] **Section 91 (3)**  
Omit “an application to review”.  
Insert instead “an application for an administrative review of”.
- [17] **Part 10, heading**  
Omit “**Review**”. Insert instead “**Administrative review**”.
- [18] **Section 107 Applications for administrative reviews of certain decisions**  
Omit “for a review” from section 107 (1).  
Insert instead “for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [19] **Section 108 Determination of application by the Tribunal**  
Omit “the review” and “of review” wherever occurring in section 108 (1) and (2).  
Insert instead “the administrative review” and “of administrative review”, respectively.
- [20] **Section 108**  
Omit “*Administrative Decisions Tribunal Act 1997*” wherever occurring in section 108 (2) and the note at the end of the section.  
Insert instead “*Administrative Decisions Review Act 1997*”.

**[21] Section 109 Failure of Board to make a recommendation or decision**

Omit “*Administrative Decisions Tribunal Act 1997*” from section 109 (2).

Insert instead “*Administrative Decisions Review Act 1997*”.

**2.50 Education (School Administrative and Support Staff) Act 1987 No 240**

**Section 32M Review of failure to obtain authorisation or of unauthorised status**

Omit “Administrative Decisions Tribunal” from section 32M (1).

Insert instead “Civil and Administrative Tribunal”.

**2.51 Electricity (Consumer Safety) Act 2004 No 4**

**Section 14 Administrative review of certain model approval decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 14 (1) and (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.52 Electricity Supply Act 1995 No 94**

**[1] Section 95A Administrative review of certain decisions concerning licences**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 95A (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 95A (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[3] Section 97I Administrative review by Civil and Administrative Tribunal of decisions about certificates and related matters**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 171 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[5] Schedule 6 Savings, transitional and other provisions**

Omit “(Appeals to Administrative Decisions Tribunal)” from clause 53 (5).

Insert instead “(Administrative reviews by Civil and Administrative Tribunal)”.

## 2.53 Electricity Supply (General) Regulation 2001

### [1] Clause 72 Administrative reviews

Omit the note at the end of the clause. Insert instead:

**Note.** This clause allows the decisions referred to above to be administratively reviewed by the Civil and Administrative Tribunal.

### [2] Clause 112 Decisions administratively reviewable by Civil and Administrative Tribunal

Omit the note at the end of the clause. Insert instead:

**Note.** This clause allows the decisions referred to above to be administratively reviewed by the Civil and Administrative Tribunal.

## 2.54 Entertainment Industry Act 1989 No 230

### [1] Section 23 Notice of refusal

Omit “any application to the Administrative Decisions Tribunal for a review under this Act” from section 23 (3).

Insert instead “any application under this Act to the Civil and Administrative Tribunal for an administrative review”.

### [2] Section 36 Directions by Council to employers and operators of premises

Omit “Reviews by Administrative Decisions Tribunal” from section 36 (5).

Insert instead “Administrative reviews by Civil and Administrative Tribunal”.

### [3] Section 37 Directions by Council to owners of premises

Omit “Reviews by Administrative Decisions Tribunal” from section 37 (4).

Insert instead “Administrative reviews by Civil and Administrative Tribunal”.

### [4] Part 5, heading

Omit the heading. Insert instead:

## **Part 5 Administrative reviews by Civil and Administrative Tribunal**

### [5] Section 42 Right to apply to Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [6] Section 43 Effect of decisions subject to appeal

Omit “order made by the Administrative Decisions Tribunal under Division 2 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “order made by the Civil and Administrative Tribunal under Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

## 2.55 Exhibited Animals Protection Act 1986 No 123

[1] **Part 3, Division 5, heading**

Omit the heading. Insert instead:

**Division 5      Administrative reviews by Civil and Administrative Tribunal**

[2] **Section 32 Applications for administrative review by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 32 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

[3] **Section 32 (2)**

Omit “a review” and “Division 2 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “an administrative review” and “Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”, respectively.

## 2.56 Explosives Act 2003 No 39

[1] **Section 24 Administrative review of decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 24 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

[2] **Section 24 (4), (5) and (7)**

Omit “*Administrative Decisions Tribunal Act 1997*” wherever occurring.

Insert instead “*Administrative Decisions Review Act 1997*”.

[3] **Section 24 (7)**

Omit “applications for review”. Insert instead “applications for administrative review”.

[4] **Section 24 (8)**

Omit “Without limiting section 67 (Parties to proceedings before Tribunal) of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Without limiting section 44 (Parties and intervention) of the *Civil and Administrative Tribunal Act 2013*”.

[5] **Section 24A Disclosure of criminal intelligence information**

Omit “Administrative Decisions Tribunal for a review” from section 24A (1) (a).

Insert instead “Civil and Administrative Tribunal for an administrative review”.

[6] **Section 24A (2)**

Omit “In determining an application for a review of any decision to refuse to grant a licence or security clearance or to suspend or cancel a licence or security clearance that was made

on the ground of a report under section 13 made by the Commissioner of Police, the Administrative Decisions Tribunal:”.

Insert instead “In determining an application for an administrative review of any decision to refuse to grant a licence or security clearance or to suspend or cancel a licence or security clearance that was made on the ground of a report under section 13 made by the Commissioner of Police, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[7] Section 24A (2) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

**[8] Section 24A (2), note**

Omit “Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

## **2.57 Explosives Regulation 2013**

### **Schedule 3 Savings and transitional**

Omit “Administrative Decisions Tribunal” from clause 4 (3).

Insert instead “Civil and Administrative Tribunal”.

## **2.58 Fair Trading Act 1987 No 68**

### **Section 79A Suspension of licences**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 79A (8).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.59 Firearms Act 1996 No 46**

**[1] Part 8, heading**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 75 Administrative reviews by Civil and Administrative Tribunal of certain decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 75 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 75 (1A) (as inserted by the Firearms and Criminal Groups Legislation Amendment Act 2013)**

Omit “a reviewable decision for the purposes of section 53 (Internal reviews) of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “an administratively reviewable decision for the purposes of section 53 (Internal reviews) of the *Administrative Decisions Review Act 1997*”.

**[4] Section 75 (2)**

Omit “a review”. Insert instead “an administrative review”.

**[5] Section 75 (3)**

Omit the subsection. Insert instead:

- (3) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (1) (g) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**[6] Section 75 (4)**

Omit the subsection. Insert instead:

- (4) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application to the Civil and Administrative Tribunal for an administrative review of a decision referred to in subsection (1) (a) or (c) that was made on the grounds referred to in section 11 (5A) or 29 (3A):
- (a) Part 2 of Chapter 3,
  - (b) section 58.

**[7] Section 75 (5)**

Omit “In determining an application for a review of any such decision, the Administrative Decisions Tribunal:”.

Insert instead “In determining an application for an administrative review of any such decision, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[8] Section 75 (5) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

## **2.60 Firearms Regulation 2006**

### **Clause 131 Prescribed decisions for purposes of applications to Civil and Administrative Tribunal under section 75 (1) (g)**

Omit “Administrative Decisions Tribunal” from clause 131 (2).

Insert instead “Civil and Administrative Tribunal”.

## **2.61 First Home Owner Grant (New Homes) Act 2000 No 21**

**[1] Section 26 Powers of Chief Commissioner on objection**

Omit “*Administrative Decisions Tribunal Act 1997*” from section 26 (4).

Insert instead “*Administrative Decisions Review Act 1997*”.

**[2] Section 26 (5)**

Omit “review”. Insert instead “an administrative review”.

**[3] Section 28 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 28 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 28 (2)–(5)**

Omit “review” wherever occurring. Insert instead “an administrative review”.

**[5] Section 28 (5) and (7) (a)**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[6] Section 28 (6)**

Omit the subsection. Insert instead:

(6) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application made under this section:

- (a) Part 2 of Chapter 3,
- (b) section 55 (3)–(6),
- (c) Division 2 of Part 3 of Chapter 3.

**[7] Section 28 (7)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[8] Section 29 Powers of Civil and Administrative Tribunal on administrative review**

Omit “On a review, the Administrative Decisions Tribunal” from section 28 (1).

Insert instead “On an administrative review, the Civil and Administrative Tribunal”.

**[9] Section 29 (2)**

Omit the subsection. Insert instead:

(2) Subsection (1) does not limit the generality of Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

## **2.62 Fisheries Management Act 1994 No 38**

**[1] Part 4, Division 6, heading**

Omit the heading. Insert instead:

**Division 6      Administrative reviews by Civil and Administrative Tribunal**

**[2] Section 126 Applications to Civil and Administrative Tribunal for administrative reviews of certain decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 126 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 146 Issue or refusal of permit**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 146 (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 160 Power to cancel or suspend a permit after a hearing**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 160 (5).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[5] Section 161 Power to declare person to be a disqualified person for the purposes of this Part**

Omit section 161 (7). Insert instead:

- (7) The person concerned may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* for a review of a declaration under this section.

**[6] Section 177 Power of Minister to cancel leases in certain cases**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 177 (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.63 Food Act 2003 No 43**

**[1] Section 4 Definitions**

Omit the definition of *Administrative Decisions Tribunal* from section 4 (1).

**[2] Section 34 Compensation**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 34 (5).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 51 Compensation to be paid in certain circumstances**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 51 (5).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 65 Administrative review of decision to refuse certificate of clearance**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.



**[5] Section 66 Compensation**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 66 (5).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[6] Section 79 Administrative review of decisions relating to approval**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 79 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[7] Section 79 (2)**

Omit “the review” wherever occurring. Insert instead “the administrative review”.

**[8] Section 85 Administrative review of decisions relating to approval**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 85 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[9] Section 85 (2)**

Omit “the review” wherever occurring. Insert instead “the administrative review”.

**[10] Section 91 Administrative review of decisions relating to approval**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 91 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[11] Section 133F Applications for changes to register**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 133F (5).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[12] Section 133F (6)**

Omit “a review”. Insert instead “an administrative review”.

**[13] Section 139 Regulations**

Omit section 139 (2C) and (2D). Insert instead:

(2C) The regulations may provide for an application to be made to the Civil and Administrative Tribunal by a person for an administrative review under the *Administrative Decisions Review Act 1997* of a decision, of a class prescribed by the regulations, that is made under this Act or the regulations.

(2D) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2C) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## 2.64 Food Regulation 2010

### Clause 38 Administrative review of decisions by Civil and Administrative Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.65 Forestry Act 2012 No 96

### [1] Section 89 Administrative review of certain decisions by Civil and Administrative Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 89 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [2] Section 89 (3)

Omit the subsection. Insert instead:

- (3) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (1) (c) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## 2.66 Game and Feral Animal Control Act 2002 No 64

### Section 31 Rights of administrative review

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 31 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.67 Gaming Machines Act 2001 No 127

### [1] Section 131C Administrative review by NCAT of decision by Authority under this Part

Omit “for the review” and “Administrative Decisions Tribunal” from section 131C (1).

Insert instead “for an administrative review under the *Administrative Decisions Review Act 1997*” and “Civil and Administrative Tribunal”, respectively.

### [2] Section 131C (3)

Omit the subsection. Insert instead:

- (3) Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997* does not apply to an application to the Civil and Administrative Tribunal for an administrative review of a decision by the Authority under this Part.

## **2.68 Gas Supply Act 1996 No 38**

### **[1] Section 17A Administrative review of certain decisions concerning authorisations**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 17A (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[2] Section 17A (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

### **[3] Section 45A Administrative review of certain decisions concerning licences**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 45A (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[4] Section 45A (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.69 Government Information (Public Access) Act 2009 No 52**

### **[1] Section 82 Right of internal review**

Omit “review by the ADT under” from section 82 (5).

Insert instead “an administrative review by NCAT as provided by”.

### **[2] Section 98 No review of decisions administratively reviewed by NCAT**

Omit “review by the ADT”.

Insert instead “an administrative review by NCAT”.

### **[3] Section 99 Referral of agency decision to NCAT**

Omit “the ADT for review”. Insert instead “NCAT for an administrative review”.

### **[4] Part 5, Division 4, heading**

Omit the heading. Insert instead:

**Division 4      Administrative review by Civil and Administrative Tribunal**

[5] **Section 100**

Omit the section. Insert instead:

**100 Administrative review of decision by NCAT**

A person who is aggrieved by a reviewable decision of an agency may apply to NCAT for an administrative review under the ADR Act of the decision (referred to in this Division as an *NCAT administrative review*).

**Note.** A reviewable decision does not have to be internally reviewed or reviewed by the Information Commissioner before it can be the subject of an NCAT administrative review.

[6] **Sections 101–112**

Omit each term or expression specified in Column 1 of the following Table wherever occurring (including definitions, headings and notes) and regardless of capitalisation.

Insert instead the term or expression specified in Column 2 opposite the term specified in Column 1 with capitalisation that corresponds to the omitted term or expression:

**Table**

<b>Column 1</b>	<b>Column 2</b>
“ADT Act”	“ADR Act”
“an ADT review”	“an NCAT administrative review”
any other reference to “ADT review”	“NCAT administrative review”
“the ADT” (except where occurring in the expressions “the ADT Act” or “the ADT review”)	“NCAT”
any other reference to “ADT”	“NCAT”

[7] **Section 103 Operation of other ADR Act provisions**

Omit “Chapter 5”. Insert instead “Chapter 3”.

[8] **Section 112A**

Insert after section 112:

**112A Relationship of Division with ADR Act and NCAT Act**

The provisions of this Division are intended to prevail to the extent of any inconsistency with provisions of the ADR Act or the NCAT Act.

[9] **Schedule 4 Interpretative provisions**

Omit the definitions of *ADT* and *ADT Act* from clause 1. Insert in alphabetical order:

*ADR Act* means the *Administrative Decisions Review Act 1997*.

*NCAT* means the Civil and Administrative Tribunal.

*NCAT Act* means the *Civil and Administrative Tribunal Act 2013*.

## 2.70 Government Information (Public Access) Regulation 2009

**Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to the Administrative Decisions Tribunal.

## 2.71 Guardianship Act 1987 No 257

### [1] Section 3 Definitions

Omit the definition of *ADT* from section 3 (1).

### [2] Section 80A Administrative review by Civil and Administrative Tribunal of guardianship decisions of Public Guardian

Omit “application may be made to the ADT for a review” from section 80A (1).

Insert instead “application may be made to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 80A (2) (d)

Omit “ADT”. Insert instead “Civil and Administrative Tribunal”.

## 2.72 Guardianship Regulation 2010

### Clause 17, heading

Omit “Review” and “ADT”.

Insert instead “Administrative review” and “Tribunal”, respectively.

## 2.73 Health Care Complaints Act 1993 No 105

### [1] Section 41C Administrative review by Civil and Administrative Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 41C (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [2] Section 94C Protection from liability for certain publications

Omit “Administrative Decisions Tribunal” from paragraph (a) of the definition of *protected person* in section 94C (2).

Insert instead “Civil and Administrative Tribunal”.

## 2.74 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

### Schedule 1 Modification of Health Practitioner Regulation National Law

Omit “may apply to the Administrative Decisions Tribunal for a review” from clause 13 (1) of Schedule 5F in Schedule 1 [25].

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.75 Health Records and Information Privacy Act 2002 No 71

### [1] Section 4 Definitions

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Part 6, Division 2 Functions of the Tribunal**

Omit the note at the beginning of the Division. Insert instead:

**Note.** The *Civil and Administrative Tribunal Act 2013* contains provisions dealing with the practice and procedure of the Tribunal, including matters concerning parties and their representation.

**[3] Section 53 Relationship to Civil and Administrative Tribunal Act 2013**

Omit “Chapter 6 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Part 4 of the *Civil and Administrative Tribunal Act 2013*”.

**[4] Section 55 Costs**

Omit the section.

**[5] Section 56 Compliance with order of Tribunal**

Omit the section.

**[6] Section 57 Appeals to Appeal Panel against decisions and orders of Tribunal**

Omit the section.

**2.76 Hemp Industry Act 2008 No 58**

**Section 38 Administrative review by NCAT of certain licence decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.77 Higher Education Act 2001 No 102**

**Section 17 Administrative review of decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.78 Home Building Act 1989 No 147**

**[1] Section 20 Issue of contractor licences**

Omit “the Administrative Decisions Tribunal in an application for review” from section 20 (5).

Insert instead “the Tribunal in an application for an administrative review”.

**[2] Section 25 Issue of certificates**

Omit “the Administrative Decisions Tribunal in an application for review” from section 25 (4).

Insert instead “the Tribunal in an application for an administrative review”.

**[3] Section 42A Automatic suspension of licence for failure to comply with order to pay money in relation to building claim**

Omit “the Administrative Decisions Tribunal in an application for review” from section 42A (6).

Insert instead “the Tribunal in an application for an administrative review”.

**[4] Section 67 Enforcement of monetary penalties and payment of costs**

Omit “the Administrative Decisions Tribunal in an application for review” from section 67 (3).

Insert instead “the Tribunal in an application for an administrative review”.

**[5] Part 4A, heading**

Omit the heading. Insert instead:

**Part 4A Administrative reviews by Tribunal**

**[6] Section 83A Definitions**

Omit the definition of *Tribunal*.

**[7] Section 83B Administrative reviews by Tribunal**

Omit “may apply to the Tribunal for a review” wherever occurring in section 83B (1)–(3).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.79 Home Building Regulation 2004**

**[1] Clause 51 Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002**

Omit “Administrative Decisions Tribunal” wherever occurring in clause 51 (c).

Insert instead “Civil and Administrative Tribunal”.

**[2] Clause 81 Administrative review by Civil and Administrative Tribunal**

Omit “review by the Administrative Decisions Tribunal” from the note to clause 81 (1).

Insert instead “the administrative review by the Civil and Administrative Tribunal”.

**2.80 Housing Act 2001 No 52**

**Section 67H Administrative review of certain decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 67H (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.81 Hunter Water Act 1991 No 53**

**[1] Section 17B Administrative review of certain decisions of Tribunal concerning operating licence**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 17B (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 17B (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.82 Impounding Act 1993 No 31**

**[1] Part 6, heading**

Omit “**Administrative Decisions Tribunal**”.

Insert instead “**Civil and Administrative Tribunal**”.

**[2] Section 38 Owner of impounded item can apply to Civil and Administrative Tribunal for administrative review**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 38 (1) and (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 38 (3) and (4)**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[4] Section 39 Time limits for applications**

Omit section 39 (1).

**[5] Section 39 (2)–(4)**

Omit “for review” and “for a review” wherever occurring.

Insert instead “for an administrative review”.

**[6] Section 40 Result of application to Civil and Administrative Tribunal**

Omit “for a review” wherever occurring. Insert instead “for an administrative review”.

## **2.83 Industrial Relations Act 1996 No 17**

**Section 169 Anti-discrimination matters**

Omit “Administrative Decisions Tribunal” from section 169 (2).

Insert instead “Civil and Administrative Tribunal”.



## 2.84 Institute of Teachers Act 2004 No 65

### Section 27 Administrative review by Civil and Administrative Tribunal of accreditation decisions

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 27 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.85 Institute of Teachers Regulation 2010

### Schedule 3 Fees

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

## 2.86 Interpretation Act 1987 No 15

### Section 21 Meanings of commonly used words and expressions

Omit the definition of *Administrative Decisions Tribunal* from section 21 (1).

## 2.87 Judicial Officers Act 1986 No 100

### [1] Section 3 Definitions

Omit paragraph (g) from the definition of *judicial officer* in section 3 (1).

### [2] Section 43 Appropriate authorities to suspend etc

Omit “, the President of the Administrative Decisions Tribunal”.

### [3] Schedule 4A NSW and corresponding courts

Omit “Administrative Decisions Tribunal” from Column 1.

Insert instead “Civil and Administrative Tribunal”.

## 2.88 Legal Profession Act 2004 No 112

### [1] Section 4 Definitions

Omit the definitions of *Legal Services Division* and *Tribunal* from section 4 (1).

Insert in alphabetical order:

*Tribunal* means the Civil and Administrative Tribunal.

### [2] Section 17 Associates who are disqualified or convicted persons

Omit “may apply to the Tribunal for a review” from section 17 (4).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 17 (4)

Omit the note to the subsection.

### [4] Section 20 Council to maintain register of prohibition orders and approvals

Omit section 20 (1)–(3) and (5).

- [5] **Section 70 No decision in required period—suspension of practising certificate and referral to Commissioner**  
Omit “The decision of the Tribunal on the application is an original decision for the purposes of the *Administrative Decisions Tribunal Act 1997*.” from section 70 (3).
- [6] **Section 72 Council to implement decisions under this Division**  
Omit “*Administrative Decisions Tribunal Act 1997*” and “a review” from section 72 (9).  
Insert instead “*Administrative Decisions Review Act 1997*” and “an administrative review”, respectively.
- [7] **Section 75 Administrative review of decisions by Tribunal**  
Omit “may apply to the Tribunal for a review of the decision” from section 75 (1).  
Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [8] **Section 75 (2) and (3)**  
Omit “for review” and “on a review” wherever occurring.  
Insert instead “for an administrative review” and “on an administrative review”, respectively.
- [9] **Section 75 (4)**  
Omit “The Tribunal may make any order it considers appropriate on a review under this section,”.  
Insert instead “Without limiting Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*, the Tribunal may make any order it considers appropriate in proceedings on an application under this section,”.
- [10] **Section 75, note**  
Omit the note at the end of the section.
- [11] **Section 76 Parties to Tribunal proceedings**  
Omit the section.
- [12] **Section 85 Regulation of advertising and other marketing of services**  
Omit section 85 (7) (b).
- [13] **Section 289 Payments from Fund**  
Omit “under section 566 (3) (Costs)” from section 289 (1) (c).  
Insert instead “made under Schedule 5 to the *Civil and Administrative Tribunal Act 2013*”.
- [14] **Section 540 Summary conclusion of complaint procedure by caution, reprimand, compensation order or imposition of conditions**  
Omit “may apply to the Tribunal for a review” from section 540 (5).  
Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [15] **Section 540 (5), note**  
Omit the note.

**[16] Section 544 Reviews**

Omit “for a review” from section 544 (6). Insert instead “for an administrative review”.

**[17] Section 545 Decision of Commissioner on review**

Omit “may apply to the Tribunal for a review” from section 545 (4).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[18] Section 545 (4), note**

Omit the note.

**[19] Section 552 Time for commencing proceedings**

Omit section 552 (5).

**[20] Section 554 Joinder**

Omit “its rules”.

Insert instead “its procedural rules (within the meaning of *Civil and Administrative Tribunal Act 2013*)”.

**[21] Section 558 Rules of evidence**

Omit the section.

**[22] Section 559 Parties**

Omit the section.

**[23] Section 560 Hearings to be conducted in public**

Omit the section.

**[24] Section 566 Costs**

Omit the section.

**[25] Section 573 Making of compensation orders**

Omit “may apply to the Tribunal for a review”, “The review” and “application for review” from section 573 (5).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”, “The administrative review” and “application for administrative review”, respectively.

**[26] Section 573 (5), note**

Omit the note.

**[27] Section 574 Enforcement of compensation orders**

Omit “section 82 of the *Administrative Decisions Tribunal Act 1997*” from the note to section 574 (1).

Insert instead “section 78 of the *Civil and Administrative Tribunal Act 2013*”.

**[28] Section 601 Protection from liability**

Omit “the Registrar” from section 601 (1) (g). Insert instead “a registrar”.

**[29] Section 601 (2), definition of “protected person”**

Omit “the Registrar” from paragraph (d). Insert instead “a registrar”.

**[30] Section 729A Appeals against orders and decisions of Tribunal**

Omit the section.

**[31] Section 738 Regulations**

Omit “for a review” from section 738 (6).

Insert instead “for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[32] Schedule 9 Savings, transitional and other provisions**

Insert after clause 1:

**1A References to Tribunal before establishment of NCAT**

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*) is a reference to the former Administrative Decisions Tribunal.

## **2.89 Licensing and Registration (Uniform Procedures) Act 2002 No 28**

**[1] Section 19 Notice of decision on applications**

Omit “a right of review by the Administrative Decisions Tribunal” from section 19 (4).

Insert instead “a right of administrative review by the Civil and Administrative Tribunal”.

**[2] Section 23 Review of decisions**

Omit “to the Administrative Decisions Tribunal” wherever occurring in section 23 (1) and (2).

Insert “to the Civil and Administrative Tribunal (with the review being an administrative review under the *Administrative Decisions Review Act 1997*)”.

**[3] Section 23 (3)**

Omit the subsection. Insert instead:

- (3) The parties to proceedings before the Civil and Administrative Tribunal on an administrative review arising under subsection (1) (b) or (2) (b) include, in the case of an advertised application in respect of which any objection has been duly made under section 15, any objector who, in accordance with the procedural rules (within the meaning of the *Civil and Administrative Tribunal Act 2013*), gives notice to the Tribunal of the objector’s wish to become a party to the application for the review.

**[4] Section 48 Notice of decision on applications**

Omit “a right of review by the Administrative Decisions Tribunal” from section 48 (4).

Insert instead “a right of administrative review by the Civil and Administrative Tribunal”.

**[5] Section 52 Review of decisions**

Omit “to the Administrative Decisions Tribunal” wherever occurring in section 52 (1) and (2).

Insert “to the Civil and Administrative Tribunal (with the review being an administrative review under the *Administrative Decisions Review Act 1997*)”.

**[6] Section 52 (3)**

Omit the subsection. Insert instead:

- (3) The parties to proceedings before the Civil and Administrative Tribunal on an administrative review arising under subsection (1) (b) or (2) (b) include, in the case of an advertised application in respect of which any submission has been duly made under section 44, any objector who, in accordance with the procedural rules (within the meaning of the *Civil and Administrative Tribunal Act 2013*), gives notice to the Tribunal of the objector’s wish to become a party to the application for the review.

## **2.90 Liquor Act 2007 No 90**

**[1] Section 144**

Omit the section. Insert instead:

**144 Administrative review by NCAT of decisions by Authority under this Part**

- (1) Each of the following persons may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision by the Authority in relation to a complaint under this Part:
  - (a) the person against whom any disciplinary action is taken by the Authority in relation to the complaint,
  - (b) the complainant.
- (2) Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997* does not apply to an application to the Civil and Administrative Tribunal for an administrative review of a decision by the Authority under this Part.
- (3) In determining an application for a review of any decision by the Authority under section 141 (1A) or (1B), the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):
  - (a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose any criminal intelligence without the approval of the Commissioner of Police, and
  - (b) in order to prevent the disclosure of any criminal intelligence, is to receive evidence and hear argument in the absence of the public, the applicant for the administrative review, the applicant’s representative and any other interested party, unless the Commissioner of Police approves otherwise.

**[2] Section 144H Reviews generally**

Omit section 144H (2) and (3). Insert instead:

- (2) An application is to be made:
  - (a) in the case of a decision of the Director-General—to the Authority, and

- (b) in the case of a decision of the Authority—to the Civil and Administrative Tribunal as an application for an administrative review of the decision under the *Administrative Decisions Review Act 1997*.
- (3) Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997* does not apply to an application to the Civil and Administrative Tribunal for an administrative review of a decision by the Authority under this Part.

## **2.91 Local Government Act 1993 No 30**

### **[1] Section 275 Who is disqualified from holding civic office?**

Omit “Administrative Decisions Tribunal” from section 275 (4).

Insert instead “former Administrative Decisions Tribunal or the Civil and Administrative Tribunal”.

### **[2] Section 303 Making of claims for inclusion in the roll**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 303 (3).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[3] Section 303 (4)**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

### **[4] Section 329 Can the holder of a civic office be dismissed?**

Omit “Administrative Decisions Tribunal” from section 329 (1).

Insert instead “Civil and Administrative Tribunal”.

### **[5] Section 329 (6)**

Omit the subsection.

### **[6] Section 330 Appeals to Supreme Court against dismissal order**

Omit the section.

### **[7] Section 331 When does an order of dismissal take effect?**

Omit “to the Supreme Court is made” from section 331 (a).

Insert instead “is made under the *Civil and Administrative Tribunal Act 2013*”.

### **[8] Section 434B Expenses of investigation to be borne by council**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 434B (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[9] Section 434B (5)**

Omit “a review”. Insert instead “an administrative review”.

**[10] Section 437 Applications for administrative review by NCAT**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 437 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[11] Section 437 (2)**

Omit “a review”. Insert instead “an administrative review”.

**[12] Section 438V Expenses of public inquiry to be borne by council in certain circumstances**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 438V (6).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[13] Section 438V (7)**

Omit “a review”. Insert instead “an administrative review”.

**[14] Section 440M Expenses to be borne by council**

Omit “Administrative Decisions Tribunal for a review” from section 440M (4).

Insert instead “Civil and Administrative Tribunal for an administrative review”.

**[15] Section 440M (5)**

Omit “a review”. Insert instead “an administrative review”.

## **2.92 Lotteries and Art Unions Act 1901 No 34**

**[1] Section 22A Minister may issue direction prohibiting conduct of lottery activity**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 22A (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 22AA Minister may prohibit person or organisation from conducting lottery activities**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 22AA (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.93 Marine Pollution Act 2012 No 5**

**Section 244**

Omit the section. Insert instead:

**244 Regulations may prescribe decisions that are administratively reviewable by NCAT**

- (1) The regulations may authorise a person to apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative*

*Decisions Review Act 1997* of a decision, of a class prescribed by the regulations, that is made under this Act or the regulations.

- (2) The Minister is not to recommend the making of any such regulation unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions concerned.

## **2.94 Marine Safety Act 1998 No 121**

### **[1] Section 19 Regulations relating to safety of navigation**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 19 (3).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[2] Part 4, Division 4, heading**

Omit the heading. Insert instead:

#### **Division 4      Administrative review by Civil and Administrative Tribunal**

### **[3] Section 41 Definition**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

### **[4] Section 42 Application for administrative review**

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[5] Section 125H Application to Civil and Administrative Tribunal for stay of prohibition notice**

Omit “Administrative Decisions Tribunal” from section 125H (1).

Insert instead “Civil and Administrative Tribunal”.

### **[6] Section 125I Administrative review by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[7] Section 137 Regulations**

Omit section 137 (3). Insert instead:

- (3) The Minister is not to recommend the making of a regulation containing provisions that provide for an application to be made to the Civil and Administrative Tribunal for the administrative review under the *Administrative Decisions Review Act 1997* of a decision unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.



**[8] Schedule 3 Amendment of other Acts**

Omit proposed section 99C from Schedule 3.7 [15]. Insert instead:

**99C Administrative reviews by NCAT**

- (1) The regulations may provide that a person may apply to the Civil and Administrative Tribunal for the administrative review under the *Administrative Decisions Review Act 1997* of a decision made in respect of the person under the regulations under this Part in relation to matters requiring a licence or other approval from the Minister.
- (2) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**2.95 Mental Health Regulation 2013**

**Schedule 1 Forms**

Omit “Administrative Decisions Tribunal” from Form 2.

Insert instead “Civil and Administrative Tribunal”.

**2.96 Mine Health and Safety Act 2004 No 74**

**Section 167**

Omit the section. Insert instead:

**167 Regulations may prescribe decisions that are administratively reviewable by NCAT**

- (1) The regulations may authorise a person to apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision under this Act or the regulations that is of a class prescribed by the regulations.
- (2) The regulations may require any person who applies to the Civil and Administrative Tribunal for an administrative review of a decision under this Act to notify any person of that application.
- (3) Despite section 60 of the *Administrative Decisions Review Act 1997*, the regulations may make provision for the operation and implementation of a decision under administrative review, or pending administrative review, by the Civil and Administrative Tribunal.
- (4) The Minister is not to recommend the making of any such regulation unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions concerned.

**2.97 Mine Health and Safety Regulation 2007**

**[1] Clause 125 Ministerial declarations that a person’s competence is not recognised**

Omit “*Administrative Decisions Tribunal Act 1997*” from clause 125 (6).

Insert instead “*Administrative Decisions Review Act 1997*”.

**[2] Clause 164 Decisions administratively reviewable by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from clause 164 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Clause 164 (2)**

Omit “an application for review by the Administrative Decisions Tribunal”.

Insert instead “an application for an administrative review by the Civil and Administrative Tribunal”.

**[4] Clause 179 Nomination of employer as operator of mine**

Omit “may apply to the Administrative Decisions Tribunal for a review” from clause 179 (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.98 Motor Accidents Compensation Act 1999 No 41**

**[1] Section 170 Administrative reviews of licensing decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 170 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 170 (2)**

Omit “Division 2 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” and “its review”.

Insert instead “Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*” and “its administrative review”, respectively.

## **2.99 Motor Dealers Act 1974 No 52**

**[1] Section 20F Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 20F (1).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 20F (2)**

Omit “a review” and “Administrative Decisions Tribunal”.

Insert instead “an administrative review” and “Tribunal”, respectively.

**[3] Section 20F (3)**

Omit “In determining an application for a review of any decision to refuse to grant a licence because of section 12 (3A) or to cancel a licence because of section 20E (1C), the

Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):”.

Insert instead “In determining an application for an administrative review of any decision to refuse to grant a licence because of section 12 (3A) or to cancel a licence because of section 20E (1C), the Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[4] Section 20F (3) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

## **2.100 Motor Dealers and Repairers Act 2013**

**[1] Section 176 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 176 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 176 (2)**

Omit “a review” and “Administrative Decisions Tribunal”.

Insert instead “an administrative review” and “Tribunal”, respectively.

**[3] Section 176 (3)**

Omit “In determining an application for a review of any decision to refuse to grant, or to cancel, a licence because of information provided to the Secretary by the Commissioner of Police, the Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):”.

Insert instead “In determining an application for an administrative review of any decision to refuse to grant, or to cancel, a licence because of information provided to the Secretary by the Commissioner of Police, the Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[4] Section 176 (3) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

## **2.101 Motor Vehicle Repairs Act 1980 No 71**

**[1] Section 45 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 45 (1).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 45 (1A)**

Omit “In determining an application for a review of any decision to refuse to grant a licence or certificate on the grounds referred to in section 18 (2A) or 24 (4) or cancel such a licence or certificate under section 44, the Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):”.

Insert instead “In determining an application for administrative review of any decision to refuse to grant a licence or certificate on the grounds referred to in section 18 (2A) or 24 (4) or cancel such a licence or certificate under section 44, the Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”

**[3] Section 45 (1A) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

**[4] Section 45 (2)**

Omit “a review” and “Administrative Decisions Tribunal”.

Insert instead “an administrative review” and “Tribunal”, respectively.

## **2.102 Motor Vehicle Sports (Public Safety) Act 1985 No 24**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Part 3, heading**

Omit “**Reviews**”. Insert instead “**Administrative reviews**”.

**[3] Section 9 Applications for administrative reviews by the Tribunal**

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.103 Mount Panorama Motor Racing Act 1989 No 108**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Part 2A, heading**

Omit “**Reviews**”. Insert instead “**Administrative reviews**”.

**[3] Section 8A Applications for administrative reviews by the Tribunal**

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.104 NSW Trustee and Guardian Act 2009 No 49**

**[1] Section 3 Definitions**

Omit the definition of *ADT* from section 3 (1).

**[2] Section 49 Appeals to Supreme Court against management orders**

Omit “ADT” wherever occurring in section 49 (3).

Insert instead “Civil and Administrative Tribunal”.

**[3] Section 50**

Omit the section. Insert instead:

**50 Appeals to NCAT against estate management orders made by MHRT** (cf PE Act, s 21A)

(1) An appeal may be made by the following persons to the Civil and Administrative Tribunal against an order by the MHRT that the estate of a person be subject to management under this Act:

- (a) the person to whom the order relates, or
- (b) any other person who was a party to the proceedings in which the order was made.

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

(2) An appeal may be made:

- (a) as of right, on any question of law, or
- (b) by leave of the Tribunal, on any other grounds.

(3) If the person to whom the order relates has appealed to the Supreme Court under this Division against the order, the person may not appeal to the Civil and Administrative Tribunal under this section against the same order. However, the person may appeal to the Tribunal under this section if the appeal is withdrawn with the approval of the Court for the purpose of enabling the Tribunal to deal with the matter.

**[4] Section 51 Notice of reasons for orders and appeal rights**

Omit “ADT” from section 51 (2). Insert instead “Civil and Administrative Tribunal”.

**[5] Section 62**

Omit the section. Insert instead:

**62 Administrative review by NCAT of decisions by NSW Trustee under this Division**

(1) An affected person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision of the NSW Trustee that:

- (a) is made in connection with the exercise of the NSW Trustee’s functions under this Division, and
- (b) is of a class of decision prescribed by the regulations for the purposes of this section.

(2) Each of the following is an *affected person*:

- (a) a managed person in respect of whose estate the decision was made,
- (b) the spouse of a managed person in respect of whose estate the decision was made,
- (c) any other person whose interests are, in the opinion of the Civil and Administrative Tribunal, adversely affected by the decision.

(3) Subsection (1) does not apply if the decision of the NSW Trustee was made in accordance with a direction given by the Supreme Court to the NSW Trustee.

**[6] Section 70**

Omit the section. Insert instead:

**70 Administrative review by NCAT of decisions by NSW Trustee in relation to managers**

- (1) Each of the following persons may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision by the NSW Trustee under this Part in relation to the functions of a person appointed as a manager:
  - (a) the person appointed as manager,
  - (b) any other person who, in the opinion of the Civil and Administrative Tribunal, has a genuine interest in the matter to which the NSW Trustee's decision relates.
- (2) Subsection (1) does not apply if the decision by the NSW Trustee was made in accordance with a direction given by the Supreme Court to the NSW Trustee.

**[7] Section 71 Managed person cannot deal with estate**

Omit section 71 (6) and (7). Insert instead:

- (6) Each of the following persons may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* for a review of a decision of the NSW Trustee about whether or not to approve of the giving or withdrawal of an authorisation:
  - (a) the manager,
  - (b) the managed person,
  - (c) the spouse of the managed person,
  - (d) any other person who, in the opinion of the Civil and Administrative Tribunal, has a genuine interest in the matter to which the NSW Trustee's decision relates.

## **2.105 Native Title (New South Wales) Act 1994 No 45**

**[1] Section 32 Object of this Part**

Omit "Administrative Decisions Tribunal" from section 32 (2).

Insert instead "Civil and Administrative Tribunal".

**[2] Section 33 Definitions**

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[3] Sections 34, 36 and 37**

Omit "ADT" wherever occurring in the section headings. Insert instead "NCAT".

**[4] Section 35 Parties to proceedings before NCAT**

Omit section 35 (1) (c) (including the note to the paragraph).

Insert instead:

- (c) any other person who is joined as a party to the proceedings under the *Civil and Administrative Tribunal Act 2013*.

**[5] Section 38**

Omit the section. Insert instead:

**38 Other provisions relating to NCAT's jurisdiction**

- (1) A determination of the Tribunal under this Part may take the form of a recommendation.

**Note.** A determination is a general decision of the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- (2) The Tribunal is required to provide a copy of its determination under this Part to each party to the proceedings and to the Minister.

## **2.106 Non-Indigenous Animals Act 1987 No 166**

**[1] Section 20 Applications for administrative review by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 20 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 20 (2)**

Omit “Division 2 of Part 3 of Chapter 5 of the Administrative Decisions Tribunal Act 1997, if an application for a review”.

Insert instead “Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*, if an application for an administrative review”.

## **2.107 Occupational Licensing (Adoption of National Law) Act 2010 No 100**

**Section 6 Relevant tribunal or court**

Omit “Administrative Decisions Tribunal” from section 6 (a).

Insert instead “Civil and Administrative Tribunal”.

## **2.108 Ombudsman Act 1974 No 68**

**[1] Section 35C Referral of legal question to Civil and Administrative Tribunal for advisory opinion**

Omit “Administrative Decisions Tribunal” where firstly occurring in section 35C (1).

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 35C (1)**

Omit “a reviewable decision within the meaning of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “an administratively reviewable decision within the meaning of the *Administrative Decisions Review Act 1997*”.

**[3] Section 35C (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Civil and Administrative Tribunal Act 2013*”.

## **2.109 Passenger Transport Act 1990 No 39**

**[1] Sections 9B (4), 31D (4), 32F (4), 33D (4), 34D (4), 38D (4), 39F (4) and 40D (4)**

Omit “(Reviews by Administrative Decisions Tribunal)” wherever occurring.

Insert instead “(Administrative reviews by Civil and Administrative Tribunal)”.

**[2] Section 47 Effect of notification of decisions of TfNSW or RMS**

Omit “the application with the Administrative Decisions Tribunal for a review” from section 47 (1).

Insert instead “the application with the Civil and Administrative Tribunal for an administrative review”.

**[3] Section 47 (1) (a) and (3)**

Omit “*Administrative Decisions Tribunal Act 1997*” wherever occurring.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[4] Section 47 (2)**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

**[5] Part 5, Division 3, heading**

Omit the heading. Insert instead:

**Division 3      Administrative reviews by Civil and Administrative Tribunal**

**[6] Section 52 Applications to Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 52 (1) and (3).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[7] Section 52 (2)**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

## **2.110 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

**[1] Section 39 Administrative reviews of decisions of Director-General**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 39 (1) and (2).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 39 (1A) and (2)**

Omit “Administrative Decisions Tribunal” and “a review” wherever occurring.

Insert instead “Tribunal” and “an administrative review”, respectively.



**[3] Section 39 (1B)**

Omit “In determining an application for review of any decision of the Director-General to refuse to grant a licence to a person because the person is disqualified under section 8A (2A) or revoking a licence because the person has become disqualified under section 36 (1A), the Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):”.

Insert instead “In determining an application for an administrative review of any decision of the Director-General to refuse to grant a licence to a person because the person is disqualified under section 8A (2A) or revoking a licence because the person has become disqualified under section 36 (1A), the Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[4] Section 39 (1B) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

## **2.111 Payroll Tax Rebate Scheme (Disability Employment) Act 2011 No 54**

**[1] Section 30 Notice of determination of objection**

Omit “*Administrative Decisions Tribunal Act 1997*” from section 30 (3).

Insert instead “*Administrative Decisions Review Act 1997*”.

**[2] Section 31 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 31 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 31 (2)–(5)**

Omit “review” wherever occurring. Insert instead “an administrative review”.

**[4] Section 31 (5) and (7) (a)**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[5] Section 31 (6)**

Omit the subsection. Insert instead:

(6) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application made under this section:

- (a) Part 2 of Chapter 3,
- (b) section 55 (3)–(6),
- (c) Division 2 of Part 3 of Chapter 3.

**[6] Section 31 (7)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[7] Section 32 Powers of Civil and Administrative Tribunal on administrative review**

Omit “On a review, the Administrative Decisions Tribunal” from section 32 (1).

Insert instead “On an administrative review, the Civil and Administrative Tribunal”.

**[8] Section 32 (2)**

Omit the subsection. Insert instead:

- (2) Subsection (1) does not limit the generality of Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*’.

## **2.112 Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011 No 19**

**[1] Section 40 Notice of determination of objection**

Omit “*Administrative Decisions Tribunal Act 1997*” from section 30 (3).

Insert instead “*Administrative Decisions Review Act 1997*”.

**[2] Section 41 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 41 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 41 (2), (3), (4) and (5)**

Omit “review” wherever occurring. Insert instead “an administrative review”.

**[4] Section 41 (5) and (7) (a)**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[5] Section 41 (6)**

Omit the subsection. Insert instead:

- (6) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application made under this section:

- (a) Part 2 of Chapter 3,
- (b) section 55 (3)–(6),
- (c) Division 2 of Part 3 of Chapter 3.

**[6] Section 41 (7)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[7] Section 42 Powers of Civil and Administrative Tribunal on administrative review**

Omit “On a review, the Administrative Decisions Tribunal” from section 32 (1).

Insert instead “On an administrative review, the Civil and Administrative Tribunal”.

**[8] Section 42 (2)**

Omit the subsection. Insert instead:

- (2) Subsection (1) does not limit the generality of Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*.

**2.113 Personal Property Securities (Commonwealth Powers) Act 2009  
No 35**

**Schedule 1 Savings, transitional and other provisions consequent on enactment of  
Personal Property Securities Act 2009 of the Commonwealth**

Insert after clause 3:

**3A Effect of abolition of Administrative Decisions Tribunal**

- (1) The functions of the Administrative Decisions Tribunal under this Division become, on and from the establishment day, the functions of the Civil and Administrative Tribunal.
- (2) Accordingly, a reference in another provision of this Division that confers or imposes a function on the Administrative Decisions Tribunal is to be read, on and after the establishment day, as being a reference to the Civil and Administrative Tribunal.
- (3) The provisions of this clause are in addition to, and do not derogate from, the provisions of Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013*.
- (4) In this clause:  
*establishment day* has the same meaning as in the *Civil and Administrative Tribunal Act 2013*.

**2.114 Pesticides Act 1999 No 80**

**Section 62 Application to Civil and Administrative Tribunal for administrative review  
of certain decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 62 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.115 Photo Card Act 2005 No 20**

**Section 13 Administrative review of decision to refuse or cancel Photo Card**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.116 Plant Diseases Act 1924 No 38

### [1] Section 21 Power to destroy plants in an abandoned orchard or nursery

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 21 (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [2] Section 21 (3)

Omit the subsection.

### [3] Section 21 (4)

Omit “the period prescribed by or under the *Administrative Decisions Tribunal Act 1997*” and “for a review”.

Insert instead “the period prescribed by the procedural rules under the *Civil and Administrative Tribunal Act 2013*” and “for an administrative review”, respectively.

### [4] Section 28 Regulations

Omit section 28 (1) (g). Insert instead:

- (g) the conferring on a person liable to pay fees under this Act of a right to apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision in respect of the withdrawal of credit facilities from, or the refusal to extend such facilities to, that person in relation to the payment of those fees.

### [5] Section 28 (1B)

Insert after section 28 (1A):

- (1B) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (1) (g) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## 2.117 Police Act 1990 No 47

### Section 211C Administrative reviews of certain decisions under Act by Civil and Administrative Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.118 Privacy and Personal Information Protection Act 1998 No 133

### [1] Section 3 Definitions

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

- [2] Section 52 Application of Part**  
Omit “*Administrative Decisions Tribunal Act 1997*” from section 52 (4).  
Insert instead “*Administrative Decisions Review Act 1997*”.
- [3] Section 53 Internal review by public sector agencies**  
Omit “reviewed” from the note to section 53 (1A).  
Insert instead “administratively reviewed”.
- [4] Section 53 (6)**  
Omit “a review”. Insert instead “an administrative review”.
- [5] Section 53 (8) (c)**  
Omit “reviewed”. Insert instead “administratively reviewed”.
- [6] Section 55 Administrative review of conduct by Tribunal**  
Omit “may apply to the Tribunal for a review” wherever occurring in section 55 (1) and (1A).  
Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [7] Section 55 (3)**  
Omit “Division 3 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.  
Insert instead “Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.
- [8] Section 55 (5) and (6)**  
Omit “a review under this section” wherever occurring.  
Insert instead “an administrative review”.
- [9] Section 56 Appeals to Appeal Panel against decisions and orders of Tribunal**  
Omit the section.
- [10] Schedule 4 Savings, transitional and other provisions**  
Omit “Tribunal” where secondly occurring in clause 6 (4).  
Insert instead “Administrative Decisions Tribunal”.
- 2.119 Private Health Facilities Act 2007 No 9**
- [1] Section 31 Cancellation of licence with notice**  
Omit “any order made by the Administrative Decisions Tribunal under Division 2 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 31 (4).  
Insert instead “any order made by the Civil and Administrative Tribunal under Division 2 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[2] Section 32 Right to apply to Civil and Administrative Tribunal for administrative review**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 32 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 52 Improvement notices**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 52 (5).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[4] Section 52 (6)**

Omit “application for review” and “Administrative Decisions Tribunal”.

Insert instead “application for an administrative review” and “Civil and Administrative Tribunal”, respectively.

## **2.120 Property, Stock and Business Agents Act 2002 No 66**

**[1] Section 27 Administrative review by NCAT**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 200 Administrative review of disciplinary action by NCAT**

Omit “may apply to the Administrative Decisions Tribunal under the *Administrative Decisions Tribunal Act 1997* for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.121 Public Health Act 2010 No 127**

**[1] Section 7 Power to deal with public health risks generally**

Omit “may be made to the Administrative Decisions Tribunal for a review” from section 7 (7).

Insert instead “may be made to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 48 Administrative review of decision to refuse certificate of clearance**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 49 Compensation**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 49 (6).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

- [4] **Section 64 NCAT may confirm public health orders relating to Category 5 conditions**  
Omit “Administrative Decisions Tribunal” where firstly occurring in section 64 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [5] **Section 64 (1), note**  
Omit “*Administrative Decisions Tribunal Act 1997*”.  
Insert instead “*Civil and Administrative Tribunal Act 2013*”.
- [6] **Section 64 (2), (3), (5) and (6)**  
Omit “Administrative Decisions Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [7] **Section 64 (7)**  
Omit the subsection.
- [8] **Section 65 NCAT may continue public health order**  
Omit “Administrative Decisions Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [9] **Section 66 NCAT may administratively review public health orders relating to Category 4 conditions**  
Omit “may be made to the Administrative Decisions Tribunal for a review”.  
Insert instead “may be made to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [10] **Section 66, note**  
Omit “*Administrative Decisions Tribunal Act 1997*”.  
Insert instead “*Administrative Decisions Review Act 1997*”.
- [11] **Section 67 Revocation of public health order by authorised medical practitioner**  
Omit “Administrative Decisions Tribunal”.  
Insert instead “Civil and Administrative Tribunal”.
- [12] **Section 69 Inspection of medical records**  
Omit “Administrative Decisions Tribunal” from section 69 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [13] **Section 71 Arrest of persons who contravene public health orders**  
Omit “Administrative Decisions Tribunal” from section 71 (4).  
Insert instead “Civil and Administrative Tribunal”.
- [14] **Section 73 Action following arrest or surrender**  
Omit “Administrative Decisions” wherever occurring in section 73 (1)–(3).  
Insert instead “Civil and Administrative”.

**[15] Section 76 Restrictions on publication of proceedings**

Omit the section.

**2.122 Public Lotteries Act 1996 No 86**

**Section 79A Administrative review by Civil and Administrative Tribunal of certain decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**2.123 Public Notaries Act 1997 No 98**

**Section 7 Roll of public notaries**

Omit “Administrative Decisions Tribunal” from section 7 (5) (b).

Insert instead “Civil and Administrative Tribunal”.

**2.124 Racing Administration Act 1998 No 114**

**[1] Section 33D Appeals to Minister**

Omit the note to section 33D (7). Insert instead:

**Note.** As the decision of the Minister in an appeal under this section is a decision that is administratively reviewable by the Civil and Administrative Tribunal in an application made under section 33E, section 48 of the *Administrative Decisions Review Act 1997* requires the Minister to give the appellant and respondent in the appeal written notice of the decision on the appeal. Division 2 of Part 2 of Chapter 3 of that Act enables the appellant and respondent to request written reasons for the Minister’s decision.

**[2] Section 33E Administrative review by Civil and Administrative Tribunal of Minister’s decision on appeal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 33E (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 33E (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**2.125 Rail Safety (Adoption of National Law) Act 2012 No 82**

**Schedule 1 New South Wales changes and additions to Rail Safety National Law**

Omit “Administrative Decisions Tribunal” from section 4 (3A) (b) in Schedule 1 [4].

Insert instead ‘Civil and Administrative Tribunal’.

**2.126 Regional Relocation (Home Buyers Grant) Act 2011 No 26**

**[1] Section 44 Notice of determination of objection**

Omit “*Administrative Decisions Tribunal Act 1997*” from section 44 (3).

Insert instead “*Administrative Decisions Review Act 1997*”.



**[2] Section 45 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 45 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 45 (2)–(5)**

Omit “review” wherever occurring. Insert instead “an administrative review”.

**[4] Section 45 (5) and (7) (a)**

Omit “Administrative Decisions Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[5] Section 45 (6)**

Omit the subsection. Insert instead:

(6) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application made under this section:

- (a) Part 2 of Chapter 3,
- (b) section 55 (3)–(6),
- (c) Division 2 of Part 3 of Chapter 3.

**[6] Section 45 (7)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[7] Section 46 Powers of Civil and Administrative Tribunal on administrative review**

Omit “On a review, the Administrative Decisions Tribunal” from section 46 (1).

Insert instead “On an administrative review, the Civil and Administrative Tribunal”.

**[8] Section 46 (2)**

Omit the subsection. Insert instead:

(2) Subsection (1) does not limit the generality of Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

## **2.127 Registered Clubs Act 1976 No 31**

### **Section 57L**

Omit the section. Insert instead:

**57L Administrative review by NCAT of decision by Authority under this Part**

(1) Each of the following persons may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision by the Authority in relation to a complaint under this Part:

- (a) the registered club or person against whom any disciplinary action is taken by the Authority in relation to the complaint,
- (b) the complainant.

- (2) Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997* does not apply to an application to the Civil and Administrative Tribunal for an administrative review of a decision by the Authority under this Part.

## 2.128 Relationships Register Act 2010 No 19

### Section 18

Omit the section. Insert instead:

#### 18 Applications to Civil and Administrative Tribunal for administrative review

A person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision of the Registrar made in the exercise or purported exercise of functions under this Act.

## 2.129 Residential (Land Lease) Communities Act 2013

### Section 175 Review of disciplinary action by NCAT

Omit “may apply to the Administrative Decisions Tribunal under the *Administrative Decisions Tribunal Act 1997* for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.130 Residential Tenancies Act 2010 No 42

### Section 207 Administrative review by Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.131 Retail Leases Act 1994 No 46

### [1] Section 3 Definitions

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### [2] Section 32A Review of current market rent determinations

Omit section 32A (9) (c).

### [3] Part 8, Division 3, heading

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

### [4] Section 71 Lodging of retail tenancy claims with Tribunal

Omit the note at the end of the section.

### [5] Section 74 Tribunal must attempt to conciliate

Omit the section.

**[6] Section 75 Removal of court proceedings to the Tribunal**

Insert after section 75 (6):

- (7) This section applies despite anything in Schedule 4 to the *Civil and Administrative Tribunal Act 2013* concerning the removal of court proceedings to the Tribunal.

**[7] Section 76 Jurisdictional overlap**

Insert after section 76 (4):

- (5) This section applies despite anything in Schedule 4 to the *Civil and Administrative Tribunal Act 2013* concerning jurisdictional overlap between courts and the Tribunal.

**[8] Section 76A Removal of proceedings to Supreme Court**

Insert after section 76A (4):

- (5) This section applies despite anything in Schedule 4 to the *Civil and Administrative Tribunal Act 2013* concerning the transfer of proceedings between courts and the Tribunal.

**[9] Section 77 Appeals**

Omit the section.

**[10] Section 77A Tribunal may award order costs**

Omit the section.

**[11] Section 77B Assessors**

Omit the section.

**[12] Section 77C Right of appearance**

Omit the section.

## **2.132 Retail Trading Act 2008 No 49**

**[1] Section 12 Administrative reviews by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 12 (1), (2) and (4).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 12 (3)**

Omit “Administrative Decisions Tribunal is not required to review”.

Insert instead “Civil and Administrative Tribunal is not required to conduct an administrative review of”.

**[3] Section 14L Administrative reviews of decisions by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 14L (1) and (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.133 Rice Marketing Act 1983 No 176

### Section 51 Appointment of authorised buyers

Omit “may apply to the Administrative Decisions Tribunal for a review” wherever occurring in section 51 (6) and (7).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## 2.134 Security Industry Act 1997 No 157

### [1] Section 29 Right to seek administrative review from Civil and Administrative Tribunal

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 29 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [2] Section 29 (2), note

Omit the note. Insert instead:

**Note.** Under the *Civil and Administrative Tribunal Act 2013*, if the Civil and Administrative Tribunal has reviewed an administratively reviewable decision (such as a decision referred to in the above section), a party to the proceedings may appeal to an Appeal Panel of the Tribunal. An appeal on a question of law may then lie to the Supreme Court.

### [3] Section 29 (3)

Omit “In determining an application for a review of any decision to refuse to grant a licence, to renew a licence or to revoke a licence that was made on the ground of the applicant not being a fit and proper person, the Administrative Decisions Tribunal:”.

Insert instead “In determining an application for an administrative review of any decision to refuse to grant a licence, to renew a licence or to revoke a licence that was made on the ground of the applicant not being a fit and proper person, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

### [4] Section 29 (3) (b)

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

### [5] Section 29 (3), note

Omit “Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

## 2.135 State Water Corporation Act 2004 No 40

### [1] Section 18 Administrative review of certain decisions of Tribunal concerning operating licence

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 18 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 18 (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**2.136 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

**[1] Schedule 1 Public offices**

Omit “President of the Administrative Decisions Tribunal”.

**[2] Schedule 2 Public offices**

Omit the matter relating to a Full-time member or Full-time assessor of the Administrative Decisions Tribunal from Part 1.

**2.137 Supreme Court Act 1970 No 52**

**[1] Section 48 Assignment to the Court of Appeal**

Omit section 48 (1) (a) (v).

**[2] Section 48 (1) (a) (vii) and (viii)**

Omit the subparagraphs. Insert instead:

- (vii) a tribunal or other body (not including the State Parole Authority) that was constituted by one or more judges or members when exercising the functions, or purporting to exercise the functions, to which the proceedings in the Court relate, or
- (viii) the Civil and Administrative Tribunal when exercising functions, or purporting to exercise functions, for the purposes of the *Legal Profession Act 2004* (including as applied by the *Public Notaries Act 1997*).

**[3] Section 48 (1) (b)**

Omit the paragraph. Insert instead:

- (b) In paragraph (a) (vi) and (vii), *judge or member* means:
  - (i) a Judge or associate Judge, or
  - (ii) a judge or member of any body referred to in paragraph (a) (i)–(iv).

**[4] Section 48 (2) (ha)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Civil and Administrative Tribunal Act 2013*”.

**2.138 Surveying and Spatial Information Act 2002 No 83**

**[1] Section 14 Applications to Civil and Administrative Tribunal for administrative reviews of determinations**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 14, note**

Insert at the end of the section:

**Note.** A decision of the Civil and Administrative Tribunal determining an application under this section may be appealed to the Supreme Court directly. See Schedule 5 (Occupational Division) to the *Civil and Administrative Tribunal Act 2013*.

**[3] Part 6A Appeals against decisions of Tribunal**

Omit the Part.

## **2.139 Sydney Water Act 1994 No 88**

**[1] Section 19B Administrative reviews of certain decisions of Tribunal concerning operating licences**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 19B (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 19B (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.140 Sydney Water Catchment Management Act 1998 No 171**

**[1] Section 29B Administrative reviews of certain decisions of Tribunal concerning operating licences**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 29B (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 29B (2)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.141 Tattoo Parlours Act 2012 No 32**

**[1] Section 27 Right to seek administrative review from Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 27 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 27 (2), note**

Omit the note. Insert instead:

**Note.** Under the *Civil and Administrative Tribunal Act 2013*, if the Tribunal has made an administrative review decision (such as when it reviews a decision referred to in subsection (1)), a party to the proceedings may appeal to an Appeal Panel of the Tribunal. An appeal on a question of law may then lie to the Supreme Court.

**[3] Section 27 (3) and (4) (b)**

Omit “applicant for review” and “for a review” wherever occurring.

Insert instead “applicant for the administrative review” and “for an administrative review”, respectively.

**[4] Section 27 (3) (a)**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

**[5] Section 27 (4)**

Omit “In determining an application for a review of any decision to refuse to grant a licence or to suspend or cancel a licence that was made on the ground of an adverse security determination made by the Commissioner about the applicant for review, the Administrative Decisions Tribunal:”.

Insert instead “In determining an application for an administrative review of any decision to refuse to grant a licence or to suspend or cancel a licence that was made on the ground of an adverse security determination made by the Commissioner about the applicant for the administrative review, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[6] Section 27 (4), note**

Omit “Part 2 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Part 2 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[7] Section 27 (5)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

## **2.142 Taxation Administration Act 1996 No 97**

**[1] Section 3 Definitions**

Omit “Administrative Decisions Tribunal” from paragraph (b) of the definition of *assessment* in section 3 (1).

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 3 (1), definition of “review”**

Omit the definition. Insert instead:

*review* means a review by the Supreme Court, or an administrative review by the Civil and Administrative Tribunal, on an application made under Division 2 of Part 10.

**[3] Section 86 Objections**

Omit “section 6 of the *Administrative Decisions Tribunal Act 1997*” from section 86 (1) (b).

Insert instead “the *Administrative Decisions Review Act 1997*”.

**[4] Section 93 Notice of determination**

Omit “Administrative Decisions Tribunal” where firstly occurring in section 93 (2A).

Insert instead “Civil and Administrative Tribunal”.

**[5] Section 93 (2A)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[6] Section 96**

Omit the section. Insert instead:

**96 Review by Civil and Administrative Tribunal**

- (1) A taxpayer may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision of the Chief Commissioner that has been the subject of an objection under Division 1 if:
  - (a) the taxpayer is dissatisfied with the Chief Commissioner’s determination of the taxpayer’s objection, or
  - (b) 90 days (not including any period of suspension under section 92) have passed since the taxpayer’s objection was served on the Chief Commissioner and the Chief Commissioner has not determined the objection.
- (2) However, a taxpayer cannot apply to the Civil and Administrative Tribunal under this section for an administrative review in respect of a decision of a kind prescribed by the regulations as an exempt decision for the purposes of this section.
- (3) A taxpayer who has applied to the Supreme Court under section 97 for a review of a decision cannot apply to the Civil and Administrative Tribunal under this section in respect of the same decision. However, the taxpayer may do so if the earlier application is withdrawn with the approval of the Supreme Court for the purpose of enabling the Civil and Administrative Tribunal to deal with the matter.
- (4) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application made under this section (or any assessment or other decision to which it relates):
  - (a) Part 2 of Chapter 3,
  - (b) section 55 (3)–(6).
- (5) For the purposes of section 58 (1) (a) of the *Administrative Decisions Review Act 1997*:
  - (a) the obligation of the Chief Commissioner under that paragraph to lodge a statement of reasons with the Tribunal in respect of an application is limited to providing the Tribunal with a statement of reasons only in respect of the matters arising from the grounds specified in the application, and
  - (b) if one of the grounds specified in the application relates to a matter raised in an objection determined by the Chief Commissioner—the Chief Commissioner may rely on reasons previously given to the



taxpayer by the Chief Commissioner under section 93 for the determination of the objection in explanation of that part of the assessment or decision to which the objection related.

**Note.** Section 58 of the *Administrative Decisions Review Act 1997* requires an administrator whose decision is the subject of an application for an administrative review to the Tribunal to lodge with the Tribunal certain relevant documents relating to the decision, including statements of reasons.

- (6) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**[7] Section 97 Review by Supreme Court**

Omit section 97 (2). Insert instead:

- (2) A taxpayer who has applied to the Civil and Administrative Tribunal under section 96 for an administrative review in respect of a decision cannot apply to the Supreme Court under this section in respect of the same decision. However, the taxpayer may do so if the earlier application is withdrawn with the approval of the Civil and Administrative Tribunal for the purposes of enabling the Supreme Court to deal with the matter.

**[8] Section 100 Provisions relating to applications for review**

Omit section 110 (4). Insert instead:

- (4) If the applicant or respondent appeals against a decision of the Civil and Administrative Tribunal in an application for review to an Appeal Panel of the Tribunal, the applicant in the application for review continues to bear the onus of proving the applicant's case in the appeal if the Appeal Panel grants leave for the appeal to extend to a review of the merits of the decision.

**[9] Section 101 Powers of court or tribunal on review**

Omit section 101 (2). Insert instead:

- (2) Nothing in this section limits the application of the following provisions in respect of an application for review before the Civil and Administrative Tribunal:
- (a) Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*,
  - (b) section 60 (Costs) of the *Civil and Administrative Tribunal Act 2013*.

## 2.143 Teaching Service Act 1980 No 23

**[1] Section 93V Administrative review of failure to obtain authorisation or of unauthorised status**

Omit "Administrative Decisions Tribunal" from section 93V (1).

Insert instead "Civil and Administrative Tribunal".

**[2] Section 93V (2)**

Omit the subsection.

## 2.144 Thoroughbred Racing Act 1996 No 37

### [1] Section 29K Definition

Omit “Administrative Decisions Tribunal” from the definition of *appeal body*.

Insert instead “Civil and Administrative Tribunal”.

### [2] Section 29M Appeal or review by Racing Appeals Tribunal or NCAT

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 29M (3).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 29N Procedure on appeal or review

Omit “*Administrative Decisions Tribunal Act 1997*” from section 29N (1).

Insert instead “*Administrative Decisions Review Act 1997, the Civil and Administrative Tribunal Act 2013*”.

## 2.145 Tow Truck Industry Act 1998 No 111

### [1] Part 3, Division 5, heading

Omit the heading. Insert instead:

### **Division 5      Administrative review by Civil and Administrative Tribunal**

### [2] Section 45 Application to Civil and Administrative Tribunal for administrative review

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 45 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [3] Section 45 (1A)

Omit “In determining an application for a review of a decision to refuse to grant an application for a licence or a drivers certificate on the grounds referred to in section 18 (2) (e) or 26 (2) (f), respectively, or to cancel a licence or drivers certificate under section 41 (2A), the Administrative Decisions Tribunal (and any Appeal Panel in determining any appeal against such a review under the *Administrative Decisions Tribunal Act 1997*):”.

Insert instead “In determining an application for an administrative review of a decision to refuse to grant an application for a licence or a drivers certificate on the grounds referred to in section 18 (2) (e) or 26 (2) (f), respectively, or to cancel a licence or drivers certificate under section 41 (2A), the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

### [4] Section 45 (1A) (b)

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

## 2.146 Travel Agents Act 1986 No 5

### [1] Section 3 Definitions

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### [2] Part 2, Division 4, heading

Omit the heading. Insert instead:

#### **Division 4 Administrative reviews by Civil and Administrative Tribunal**

### [3] Section 22 Right of administrative review by Tribunal

Omit “for a review” wherever occurring.

Insert instead “for an administrative review under the *Administrative Decisions Review Act 1997*”.

### [4] Section 23 Determination of administrative review of disciplinary action may include fine

Omit “Division 3 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 23 (2).

Insert instead “Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

### [5] Section 24 Determination of administrative review concerning compensation scheme

Omit “review” from section 24 (1). Insert instead “administrative review”.

### [6] Section 24 (2)

Omit “Division 3 of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

### [7] Section 24 (3)

Omit “Chapter 7 of the *Administrative Decisions Tribunal Act 1997*”.

Insert instead “Part 6 of the *Civil and Administrative Tribunal Act 2013*”.

### [8] Section 31 Restraint of unjust conduct

Omit “Penalty: 50 penalty units” wherever occurring in section 31 (1) and (3).

### [9] Section 44 Powers of entry and inspection

Omit “rules of the Tribunal” from section 44 (2) (b) (ii).

Insert instead “procedural rules of the Tribunal (within the meaning of the *Civil and Administrative Tribunal Act 2013*)”.

### [10] Section 54 Secrecy

Omit section 54 (1) (d)–(f). Insert instead:

- (d) a former Registrar of the Administrative Decisions Tribunal or a registrar of the Civil and Administrative Tribunal,

- (e) a member of staff assisting the Director-General or a registrar referred to in paragraph (d), or

**[11] Section 54 (2)**

Omit “this Act, the *Fair Trading Act 1987*, the *Consumer, Trader and Tenancy Tribunal Act 2001*”.

Insert instead “this Act, any related Acts”.

**[12] Section 54 (3)**

Insert after section 54 (2):

- (3) In this section:

*related Act* means any of the following:

- (a) the *Fair Trading Act 1987*,  
(b) the former *Consumer, Trader and Tenancy Tribunal Act 2001*,  
(c) the *Civil and Administrative Tribunal Act 2013*.

## **2.147 Valuers Act 2003 No 4**

**[1] Section 15 Cancellation of registration**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 15 (2).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[2] Section 28 Administrative review of disciplinary action by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal under the *Administrative Decisions Tribunal Act 1997* for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.148 Veterinary Practice Act 2003 No 87**

**[1] Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 34 Tribunal may administratively review certain registration decisions**

Omit “may apply to the Tribunal for a review” from section 34 (1).

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[3] Section 34 (1), note**

Insert at the end of the subsection:

**Note.** A decision of the Tribunal determining an application under this section may be appealed to the Supreme Court directly. See Schedule 5 (Occupational Division) to the *Civil and Administrative Tribunal Act 2013*.

- [4] **Section 34 (2)**  
Omit “a review”. Insert instead “an administrative review”.
- [5] **Section 34D Conditions or limitations of deemed registration**  
Omit “may apply to the Tribunal for a review” from section 34D (4).  
Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [6] **Section 34D (4), note**  
Insert at the end of the subsection:  
**Note.** A decision of the Tribunal determining an application under this section may be appealed to the Supreme Court directly. See Schedule 5 (Occupational Division) to the *Civil and Administrative Tribunal Act 2013*.
- [7] **Section 48 Person may apply to Tribunal for administrative review of disciplinary finding of Board**  
Omit “may apply to the Tribunal for a review” from section 48 (1).  
Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [8] **Section 48 (1), note**  
Insert at the end of the subsection:  
**Note.** A decision of the Tribunal determining an application under this section may be appealed to the Supreme Court directly. See Schedule 5 (Occupational Division) to the *Civil and Administrative Tribunal Act 2013*.
- [9] **Section 48 (2) (a)**  
Omit “a review” and “for review”.  
Insert instead “an administrative review” and “for an administrative review”, respectively.
- [10] **Section 48 (3)**  
Omit the subsection.
- [11] **Section 51 Tribunal’s powers when complaint proved**  
Insert at the end of the section 51 (1):  
**Note.** A disciplinary finding by the Tribunal may be appealed to the Supreme Court directly. See Schedule 5 (Occupational Division) to the *Civil and Administrative Tribunal Act 2013*.
- [12] **Section 51 (2)**  
Omit the subsection.
- [13] **Section 54 Recording of proceedings and orders of Tribunal, Board and committees**  
Omit “Supreme Court on appeal under Part 9A” from section 54 (3) (a).  
Insert instead “Supreme Court on appeal under Schedule 5 to the *Civil and Administrative Tribunal Act 2013*”.
- [14] **Section 56 Statement of reasons of Tribunal need not contain confidential information**  
Omit the section.

**[15] Section 63 General**

Omit Section 63 (1). Insert instead:

- (1) The provisions of this Division are subject to any order made by the Tribunal under section 64 of the *Civil and Administrative Tribunal Act 2013*.

**Note.** Section 64 of the *Civil and Administrative Tribunal Act 2013* allows the Tribunal to make an order prohibiting or restricting the disclosure of information.

**[16] Section 75 Administrative reviews by the Tribunal**

Omit “may apply to the Tribunal for a review”.

Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

**[17] Section 75, note**

Insert at the end of the section:

**Note.** A decision of the Tribunal determining an application under this section may be appealed to the Supreme Court directly. See Schedule 5 (Occupational Division) to the *Civil and Administrative Tribunal Act 2013*.

**[18] Part 9A Appeals against decisions of Tribunal**

Omit the Part.

**[19] Schedule 4 Savings, transitional and other provisions**

Insert after clause 1:

**1A References to Tribunal before establishment of NCAT**

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*) is a reference to the former Administrative Decisions Tribunal.

## **2.149 Victims Rights and Support Act 2013 No 37**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 49 Internal review of victims support decisions**

Omit “reviewed” from section 49 (5) (c). Insert instead “administratively reviewed”.

**[3] Section 50 No internal review under Administrative Decisions Review Act 1997**

Omit “*Administrative Decisions Tribunal Act 1997*” wherever occurring.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[4] Section 50 (2)**

Omit “a reviewable decision”. Insert instead “an administratively reviewable decision”.

- [5] **Section 51 Application to Tribunal for administrative review of decision concerning recognition payment**  
Omit “may apply to the Tribunal for review” wherever occurring.  
Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [6] **Section 52 Operation of other Administrative Decisions Review Act 1997 provisions**  
Omit “Division 2 (Effect of pending applications on reviewable decisions) of Part 3 of Chapter 5 of the *Administrative Decisions Tribunal Act 1997*” from section 52 (1).  
Insert instead “Division 2 (Effect of pending applications on administratively reviewable decisions) of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.
- [7] **Section 52 (2)**  
Omit the subsection.
- [8] **Section 53 Payment of recognition payment suspended pending application to Tribunal**  
Omit “for review”. Insert instead “for an administrative review”.
- [9] **Section 64 Powers of Commissioner on objection**  
Omit “a review” from section 64 (4). Insert instead “an administrative review”.
- [10] **Section 65 Notice of determination of objection**  
Omit “*Administrative Decisions Tribunal Act 1997*” from section 65 (3).  
Insert instead “*Administrative Decisions Review Act 1997*”.
- [11] **Section 65 (4)**  
Omit “application for review”. Insert instead “application for an administrative review”.
- [12] **Section 66 Administrative reviews by Tribunal**  
Omit “may apply to the Tribunal for a review” from section 66 (1).  
Insert instead “may apply to the Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.
- [13] **Section 66 (2)–(5)**  
Omit “application for review” wherever occurring.  
Insert instead “application for an administrative review”.
- [14] **Section 66 (6)**  
Omit the subsection. Insert instead:  
  - (6) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application made under this section:
    - (a) Part 2 of Chapter 3,
    - (b) section 55 (3)–(6),
    - (c) Division 2 of Part 3 of Chapter 3.

**[15] Section 66 (7)**

Omit “*Administrative Decisions Tribunal Act 1997*”.

Insert instead “*Administrative Decisions Review Act 1997*”.

**[16] Section 67 Powers of Civil and Administrative Tribunal on administrative review**

Omit “a review” from section 67 (1). Insert instead “an administrative review”.

**[17] Section 67 (2)**

Omit the subsection. Insert instead:

- (2) Subsection (1) does not limit the generality of Division 3 of Part 3 of Chapter 3 of the *Administrative Decisions Review Act 1997*”.

**[18] Section 67 (3)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

**[19] Section 70 Costs in review proceedings**

Omit the section.

**[20] Section 71 Orders for restitution to be subject to administrative review of relevant approvals of victims support**

Omit “review” wherever occurring in section 71 (1) (a) and (2).

Insert instead “an administrative review”.

## **2.150 Victims Rights and Support Regulation 2013**

**[1] Clause 13**

Omit the clause. Insert instead:

**13 Costs and expenses**

Costs and expenses payable with respect to proceedings before the Civil and Administrative Tribunal under the Act relating to victims support are to be determined in accordance with section 60 of the *Civil and Administrative Tribunal Act 2013*.

**Note.** This clause replaces so much of clause 20 of Schedule 2 to the Act as relates to cost and expenses payable in respect of proceedings for victims support under the Act.

**[2] Clause 16 Appeals against determinations regarding applications for statutory compensation**

Omit “Administrative Decisions Tribunal” from clause 16 (4) (b).

Insert instead “Civil and Administrative Tribunal”.

## **2.151 Weapons Prohibition Act 1998 No 127**

**[1] Section 35 Administrative review by Civil and Administrative Tribunal of certain decisions**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 35 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.



**[2] Section 35 (2)**

Omit the subsection. Insert instead:

- (2) The following provisions of the *Administrative Decisions Review Act 1997* do not apply to an application to the Civil and Administrative Tribunal for an administrative review of a refusal to issue a permit, or the revocation or suspension of a permit, that was made on the grounds referred to in section 10 (3A):
- (a) Part 2 of Chapter 3,
  - (b) section 58.

**[3] Section 35 (3)**

Omit “In determining an application for a review of any such decision, the Administrative Decisions Tribunal:”.

Insert instead “In determining an application for an administrative review of any such decision, the Civil and Administrative Tribunal (and any Appeal Panel of the Tribunal in determining any internal appeal against such a review under the *Civil and Administrative Tribunal Act 2013*):”.

**[4] Section 35 (3) (b)**

Omit “applicant for review”. Insert instead “applicant for the administrative review”.

## **2.152 Wool, Hide and Skin Dealers Act 2004 No 7**

### **Section 15 Administrative review by Civil and Administrative Tribunal**

Omit “may apply to the Administrative Decisions Tribunal for a review”.

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

## **2.153 Work Health and Safety Act 2011 No 10**

**[1] Section 276 Regulation-making powers**

Insert after section 276 (3):

- (4) The Minister is not to recommend the making of a regulation containing provisions that confer jurisdiction of the Civil and Administrative Tribunal to exercise functions unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**[2] Schedule 3 Regulation-making powers**

Insert at the end of clause 14 (c):

- , and
- (d) conferring jurisdiction on the Civil and Administrative Tribunal to conduct administrative reviews under the *Administrative Decisions Review Act 1997*.

## **2.154 Work Health and Safety (Mines) Act 2013 No 54**

### **[1] Section 76 Regulations**

Insert after section 76 (5):

- (6) The Minister is not to recommend the making of a regulation containing provisions that confer jurisdiction of the Civil and Administrative Tribunal to exercise functions unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

### **[2] Schedule 2 Regulation-making powers**

Omit “Administrative Decisions Tribunal to conduct reviews under the regulations” from clause 3.

Insert instead “Civil and Administrative Tribunal to conduct administrative reviews under the *Administrative Decisions Review Act 1997*”.

## **2.155 Work Health and Safety Regulation 2011**

### **[1] Clause 105 Status of licence during review**

Omit “Administrative Decisions Tribunal” from clause 105 (5) (b).

Insert instead “Civil and Administrative Tribunal”.

### **[2] Clause 280 Status of registration during review**

Omit “Administrative Decisions Tribunal” from clause 280 (5) (b).

Insert instead “Civil and Administrative Tribunal”.

### **[3] Clause 519 Status of licence during review**

Omit “Administrative Decisions Tribunal” from clause 519 (5) (b).

Insert instead “Civil and Administrative Tribunal”.

### **[4] Clause 599 Status of major hazard facility licence during review**

Omit “Administrative Decisions Tribunal” from clause 599 (3) (b).

Insert instead “Civil and Administrative Tribunal”.

### **[5] Clause 683 Application for external review**

Omit “may apply to the Administrative Decisions Tribunal for review” from clause 683 (1).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[6] Section 683 (2) (b)**

Omit “Administrative Decisions Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

## **2.156 Workplace Injury Management and Workers Compensation Act 1998 No 86**

### **[1] Section 45A Injury management consultants**

Omit “may apply to the Administrative Decisions Tribunal for a review” from section 45A (6).

Insert instead “may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997*”.

### **[2] Section 230A Premium Discount Schemes**

Omit “a review by the Administrative Decisions Tribunal under the *Administrative Decisions Tribunal Act 1997*” from section 230A (4) (b).

Insert instead “an administrative review by the Civil and Administrative Tribunal under the *Administrative Decisions Review Act 1997*”.

### **[3] Section 230A (4A)**

Insert after section 230A (4):

- (4A) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (4) (b) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

## **Schedule 3      Amendment of legislation concerning Charity Referees**

### **3.1 Dormant Funds Act 1942 No 25**

**[1] Long title**

Omit “and of Charity Referees”.

**[2] Section 2 Definitions**

Insert in alphabetical order in section 2 (1):

*Tribunal* means the Civil and Administrative Tribunal.

**[3] Section 2 (2)**

Insert after section 2 (1):

(2) Notes included in this Act do not form part of this Act.

**[4] Section 3 Certain Acts not affected**

Omit section 3 (2).

**[5] Section 5 Charity Referees**

Omit the section.

**[6] Section 13 Proposals—dormant fund exceeding \$10,000**

Insert “**Notice of proposals under section 11**” as the heading to section 13 (1).

**[7] Section 13 (1) (c)**

Omit “Charity Referees”. Insert instead “Tribunal”.

**[8] Section 13 (2)–(8)**

Omit section 13 (2)–(3). Insert instead:

(2) **Procedure if no request for referral to Tribunal received**

The following provisions apply if the Commissioner does not receive a request for the proposals to be referred to the Tribunal within the time specified in the notice for the making of such a request:

- (a) the Commissioner must forward a copy of the proposals to the Attorney General,
- (b) the Attorney General may:
  - (i) approve the proposals, or
  - (ii) refer the proposals back to the Commissioner for further consideration, or
  - (iii) request that the Commissioner refer the proposals to the Tribunal for its consideration,
- (c) the Commissioner must sign the draft order (which then has effect as an order made under this Act) if the Attorney General has approved of the proposals (whether as originally submitted or after they have been referred back for further consideration by the Commissioner).

(3) **Procedure if request for referral to Tribunal received**

The following provisions apply if the Commissioner receives a request for the proposals to be referred to the Tribunal within the time specified in the notice for the making of such a request:

- (a) the Commissioner must forward a copy of the proposals to the Attorney General,
- (b) the Commissioner must refer the proposals to the Tribunal for its consideration.

(4) **Role of Tribunal**

If proposals are referred to the Tribunal for its consideration, the Tribunal may consider the proposals and any representations that are made to the Tribunal about them by the following persons:

- (a) the person at whose request the Commissioner referred the proposals,
- (b) the Commissioner,
- (c) if the Attorney General did not request the referral—the Attorney General.

(5) The Tribunal may:

- (a) approve the proposals, or
- (b) vary or amend the proposals, or
- (c) formulate new proposals.

(6) The proposals that are finally approved by the Tribunal must be in the form of an order and may make provision with respect to any of the matters referred to in section 11 (2).

**Note.** Section 15 makes provision for the effect of an order under this section.

(7) A person who has made a request that any proposals be referred to the Tribunal may, at any time before the Tribunal has completed its consideration of the proposals, deliver or send to the Commissioner a request in writing to have the reference withdrawn.

(8) If a reference is withdrawn, the proposals are to be dealt with as if no request for the proposals to be referred to the Tribunal had been received within the time specified in the notice.

[9] **Section 14 Supplementary order as assurance, transfer etc**

Omit “Charity Referees” wherever occurring. Insert instead “Tribunal”.

[10] **Section 15 Effect of order**

Omit “Charity Referees” wherever occurring. Insert instead “Tribunal”.

[11] **Part 4**

Omit the Part. Insert instead:

## **Part 4 Appeals**

### **15B Appeals to Tribunal**

- (1) Any person who is dissatisfied with any of the following decisions of the Commissioner may appeal to the Tribunal against the decision:
  - (a) a determination under section 5A,

- (b) a decision of the Commissioner revoking a determination under section 5A.

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- (2) An appeal is to be dealt with by way of a new hearing. Fresh evidence, or evidence in addition to or substitution for the evidence on which the determination or decision appealed from was based, may, with the leave of the Tribunal, be given on the appeal.
- (3) In determining an appeal, the Tribunal may make any of the following orders:
- (a) an order confirming the decision on appeal,
  - (b) an order quashing the decision on appeal, and, in the case of a determination under section 5A, substituting such other determination as the Commissioner could have made on the matter to which the appeal relates,
  - (c) an order remitting the matter to the Commissioner to be dealt with in accordance with the directions of the Tribunal.
- (4) An order that quashes a decision revoking a determination made under section 5A has the effect of reinstating the determination to which the decision relates.

**[12] Section 17 Commissioner not bound by laws of evidence**

Omit “the Commissioner and the Charity Referees” and “their minds”.

Insert instead “the Commissioner” and “the Commissioner’s mind”, respectively.

**[13] Section 18 Commissioner and Tribunal not bound to follow Cy-pres principle**

Omit “Charity Referees”. Insert instead “Tribunal”.

**[14] Section 19 Regulations**

Omit section 19 (2).

### **3.2 Dormant Funds Regulation 2009**

**[1] Clause 3 Interpretation**

Omit the definition of *Prothonotary* from clause 3 (1).

**[2] Clause 4 Nomination of Charity Referee by State Executive of the RSL**

Omit the clause.

**[3] Clause 5 Determinations**

Omit clause 5 (2)–(7).

**[4] Clause 7 Request for referral to the Charity Referees of Commissioner’s proposal**

Omit the clause.

**[5] Clause 8 Allowances**

Omit the clause.

**[6] Clause 9 Service of notices**

Omit the clause.

### **3.3 Government Information (Public Access) Regulation 2009**

#### **Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to a Charity Referee appointed under the *Dormant Funds Act 1942*.

## **Schedule 4      Amendment of legislation concerning Consumer, Trader and Tenancy Tribunal**

### **4.1    Agricultural Tenancies Act 1990 No 64**

**[1]    Section 3 Objects**

Omit “Consumer, Trader and Tenancy Tribunal” from section 3 (c).  
Insert instead “Civil and Administrative Tribunal”.

**[2]    Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:  
*Tribunal* means the Civil and Administrative Tribunal.

**[3]    Section 21 Orders that may be made by Tribunal**

Omit “*Consumer, Trader and Tenancy Tribunal Act 2001*” from section 21 (6).  
Insert instead “*Civil and Administrative Tribunal Act 2013*”.

**[4]    Section 22 Matters to be dealt with by alternative dispute resolution at first instance**

Omit the section.

**[5]    Section 28 Service of documents**

Omit “by the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 28 (3).  
Insert instead “by or under the *Civil and Administrative Tribunal Act 2013*”.

### **4.2    Architects Act 2003 No 89**

**Section 36 Form of complaint**

Omit section 36 (2) (e).

### **4.3    Boarding Houses Act 2012 No 74**

**[1]    Section 28 Proprietor’s obligation to ensure written occupancy agreement**

Omit “Consumer, Trader and Tenancy Tribunal” from the note at the end of the section.  
Insert instead “Civil and Administrative Tribunal”.

**[2]    Section 32 Applications to Civil and Administrative Tribunal for dispute resolution**

Omit “Consumer, Trader and Tenancy Tribunal” from section 32 (1).  
Insert instead “Civil and Administrative Tribunal”.

**[3]    Section 33 Order for written occupancy agreement**

Omit “Consumer, Trader and Tenancy Tribunal” from section 33 (1).  
Insert instead “Civil and Administrative Tribunal”.



#### **4.4 Community Land Development Act 1989 No 201**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 40 Recording of certain orders**

Omit “Registrar” from paragraph (a) of the definition of *certified* in section 40 (5).

Insert instead “principal registrar”.

#### **4.5 Community Land Management Act 1989 No 202**

**[1] Section 3 Definitions**

Omit the definitions of *Deputy Registrar* and *Registrar* from section 3 (1).

Insert in alphabetical order:

*principal registrar* means the principal registrar of the Tribunal.

**[2] Section 3 (1), definition of “Tribunal”**

Omit the definition. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[3] Sections 63 (1), 64, 70B–70CA, 75 (2), 87 (4) and 100**

Omit “Registrar” wherever occurring. Insert instead “principal registrar”.

**[4] Part 4, Division 2A, heading**

Omit “Registrar”. Insert instead “principal registrar”.

**[5] Section 75B Investigations and proceedings before the Tribunal**

Omit the section.

**[6] Section 87 Amendment or revocation of order of Tribunal**

Omit section 87 (3). Insert instead:

(3) The application must be lodged with the principal registrar.

**[7] Section 87 (6)**

Omit “the Registrar, Tribunal or District Court”.

Insert instead “the principal registrar or the Tribunal”.

**[8] Section 88**

Omit the section. Insert instead:

**88 Appeal against order of Adjudicator**

(1) Each of the following persons may appeal against an order made by an Adjudicator under this Division:

(a) the applicant for the order,

(b) a person who made a written submission on the application for the order,

(c) a person bound by the order.

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- (2) The only ground of appeal against the granting of an interim order is that the Adjudicator acted unreasonably.
- (3) An appeal must be lodged:
- (a) in the case of appeal against an order dismissing an application—not later than 21 days after the order takes effect, or
  - (b) in the case of an appeal against any other order:
    - (i) not later than 21 days after the order takes effect, or
    - (ii) by leave of the Tribunal (given on sufficient cause being shown why the notice was not lodged within the time limited by paragraph (a))—not later than 90 days after the order takes effect.
- (4) Section 41 of the *Civil and Administrative Tribunal Act 2013* does not apply in relation to the periods referred to in subsection (3).

**[9] Section 89 Procedure after appeal is lodged**

Omit the section.

**[10] Section 90 Stay of proceedings**

Omit the section.

**[11] Part 4, Division 6 General provisions relating to Tribunal**

Omit the Division.

**[12] Section 97E Payment of civil penalties**

Insert after section 97E (3):

- (4) This section applies despite anything to the contrary in section 78 (Recovery of amounts ordered to be paid) of the *Civil and Administrative Tribunal Act 2013*.

**[13] Section 100 Resolution purporting to alter effect of order**

Omit section 100 (3). Insert instead:

- (3) An application to the Tribunal for an order authorising a motion for submission to a general meeting may be made by any person who, at the time of the application, could have applied for the order to which the proposed motion relates.

**[14] Section 100 (5)**

Omit “the Registrar, Tribunal or District Court”.

Insert instead “the principal registrar or the Tribunal”.

**[15] Section 104 Orders relating to costs**

Omit the section.

**[16] Section 105 Expenses in proceedings under this Part**

Omit “or the District Court” from section 105 (4).

Insert instead “(or on an internal appeal to an Appeal Panel of the Tribunal or an appeal to the Supreme Court from the Tribunal)”.

**[17] Section 108 Appeal to District Court**

Omit the section.

**[18] Section 109J Delegation of functions of Adjudicators**

Omit the section.

**[19] Part 5A, Division 4 Registrar**

Omit the Division.

#### **4.6 Community Land Management Regulation 2007**

**[1] Clause 19 Conduct of proceedings before Tribunal**

Omit the clause.

**[2] Clause 20 Further modification of applied provisions of Consumer, Trader and Tenancy Tribunal Act 2001 and regulations: section 91A (1)**

Omit the clause.

**[3] Clause 22 Waiver and remission of fees**

Omit “Registrar” wherever occurring in clause 22 (2).

Insert instead “principal registrar”.

**[4] Schedule 2 Fees**

Omit items 4 and 6.

**[5] Schedule 2, item 8**

Omit “or the Tribunal”.

#### **4.7 Consumer Claims Act 1998 No 162**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 6 Application for determination**

Omit “, in accordance with the regulations,”.

**[3] Section 8 Tribunal orders**

Omit “section 28 (5) of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 8 (5).

Insert instead “section 55 (Dismissal of proceedings) of the *Civil and Administrative Tribunal Act 2013*”.

**[4] Section 15 Certain matters to be reported to President of Tribunal or to Minister**

Omit “Chairperson” wherever occurring in section 15 (1) and (2).

Insert instead “President”.

**[5] Schedule 1 Savings and transitional provisions**

Insert in alphabetical order in clause 9:

*Tribunal* means the former Consumer, Trader and Tenancy Tribunal.

**4.8 Consumer Claims Regulation 2007**

**Clause 4 Applications**

Omit the clause.

**4.9 Contracts Review Act 1980 No 16**

**Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**4.10 Conveyancers Licensing Act 2003 No 3**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal*. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 43 Notifying Tribunal about costs dispute**

Omit “fee prescribed by the regulations” from section 43 (2).

Insert instead “fee prescribed by the regulations under the *Civil and Administrative Tribunal Act 2013* for an application to the Tribunal in its Consumer and Commercial Division (unless the fee is waived or postponed under that Act)”.

**[3] Section 44 Attempts to resolve costs dispute**

Omit “Chairperson” from section 44 (3). Insert instead “President”.

**[4] Section 44 (5)**

Omit the subsection. Insert instead:

- (5) Nothing in this section prevents the Tribunal using (or requiring the use of) resolution processes under the *Civil and Administrative Tribunal Act 2013* to resolve a costs dispute.

**[5] Section 47 Application for determination of costs dispute**

Omit “, in accordance with the regulations, and on payment of the prescribed fee,”.

**[6] Section 48 Preliminary procedure must be followed**

Omit “Chairperson”. Insert instead “President”.

**[7] Section 49, heading**

Omit “Consumer, Trader and Tenancy Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

**[8] Section 50 Tribunal to be chiefly responsible for resolving costs disputes**

Omit “section 23 of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 50 (3).

Insert instead “clauses 5 and 6 of Schedule 4 to the *Civil and Administrative Tribunal Act 2013*”.

#### **4.11 Conveyancers Licensing Regulation 2006**

**[1] Clause 12 Notifying Tribunal of costs dispute**

Omit “of section 24 (2) of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from clause 12 (a).

Insert instead “under the *Civil and Administrative Tribunal Act 2013*”.

**[2] Clause 13 Fee for notifying Tribunal of costs dispute**

Omit the clause.

**[3] Clause 15 Application for determination of costs dispute**

Omit the clause.

**[4] Clause 16 Fee for application for determination of costs dispute**

Omit the clause.

**[5] Clause 17 Transfer of proceedings to or from other courts or tribunals**

Omit “Registrar” wherever occurring. Insert instead “principal registrar”.

#### **4.12 Credit (Commonwealth Powers) Act 2010 No 6**

**Schedule 3 Savings, transitional and other provisions**

Insert at the end of clause 12:

- (2) The functions of the Consumer, Trader and Tenancy Tribunal under subclause (1) become, on and from the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*), the functions of the Civil and Administrative Tribunal.
- (3) The provisions of subclause (2) are in addition to, and do not derogate from, the provisions of Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013*.

#### **4.13 Electricity Supply Act 1995 No 94**

**Section 96A Review of certain decisions under energy ombudsman scheme**

Omit section 96A (4). Insert instead:

- (4) This section does not affect the jurisdiction of the Civil and Administrative Tribunal.

#### 4.14 Electronic Transactions (ECM Courts) Order 2005

[1] **Clause 3 Definitions**

Omit the definition of *CTTT Online* from clause 3 (1). Insert in alphabetical order:

*NCAT Online* means the electronic case management system of that name that has been established under clause 2 of Schedule 1 to the Act.

[2] **Clause 7**

Omit the clause. Insert instead:

**7 Authority to use NCAT Online**

Pursuant to clause 3 of Schedule 1 to the Act, NCAT Online is authorised to be used by any court specified in Column 1 of Schedule 4 for any purpose specified in Column 2 of that Schedule in relation to that court.

[3] **Schedule 4**

Omit the Schedule. Insert instead:

#### **Schedule 4 Authority to use NCAT Online**

(Clause 7)

<b>Column 1</b>	<b>Column 2</b>
<b>Court</b>	<b>Purpose</b>
Civil and Administrative Tribunal	Use in proceedings in the Civil and Administrative Tribunal, but only so as: (a) to enable documents to be filed, issued, used and served in electronic form, and (b) to enable parties to the proceedings to communicate in electronic form with other parties to the proceedings and with the Civil and Administrative Tribunal, and (c) to enable information concerning the progress of the proceedings to be provided in electronic form to parties to the proceedings and to members of the public generally.

#### 4.15 Electronic Transactions Regulation 2012

**Clause 8 Definition of “court” for purposes of Schedule 1 to the Act**

Omit “Consumer, Trader and Tenancy Tribunal” from clause 8 (3).

Insert instead “Civil and Administrative Tribunal”.

#### 4.16 Fair Trading Act 1987 No 68

[1] **Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 71 Declarations by Supreme Court concerning unfair contract terms**

Omit “Consumer, Trader and Tenancy Tribunal” from the note to section 71 (3).

Insert instead “Civil and Administrative Tribunal”.

**4.17 Government Information (Public Access) Regulation 2009**

**Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to the Consumer, Trader and Tenancy Tribunal.

**4.18 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 30 Enforcement of orders for possession**

Omit “the Chairperson of the Tribunal, any other member of the Tribunal, the Registrar of the Tribunal or a Deputy Registrar of the Tribunal” from section 30 (1).

Insert instead “the President of the Tribunal, any other member of the Tribunal or a registrar of the Tribunal”.

**[3] Section 47 Service of documents**

Omit section 47 (3).

**[4] Section 48 Extension of time**

Insert after section 48 (2):

- (3) The provisions of this section are in addition to, and do not derogate from, the provisions of section 41 (Extensions of time) of the *Civil and Administrative Tribunal Act 2013*.

**[5] Schedule 1 Terms that are taken to be in every occupation agreement**

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring in clauses 23, 33 (b) and 36 (b).

Insert instead “Civil and Administrative Tribunal”.

**[6] Schedule 3 Savings and transitional provisions**

Insert before clause 1:

**Part 1 Preliminary**

[7] **Schedule 3, Part 2**

Insert after clause 1:

**Part 2 Provision consequent on enactment of Civil and Administrative Legislation (Repeal and Amendment) Act 2013**

**2 References to former CTTT in existing occupancy agreements**

Any reference to the Consumer, Trader and Tenancy Tribunal in an occupancy agreement entered into before the commencement of the amendments to Schedule 1 made by the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013* is to be read, on and after that commencement, as a reference to the Civil and Administrative Tribunal.

**4.19 Holiday Parks (Long-term Casual Occupation) Regulation 2009**

[1] **Schedule 1 Form**

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

[2] **Schedule 1**

Omit “Chairperson/Deputy Chairperson/Member/Registrar/Deputy Registrar”.

Insert instead “President/Deputy President/Member/registrar”.

**4.20 Home Building Act 1989 No 147**

[1] **Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

[2] **Section 42A Automatic suspension of licence for failure to comply with order to pay money in relation to building claim**

Omit the note to section 42A (4). Insert instead:

**Note.** Section 43 (Effect of pending general applications and appeals) of the *Civil and Administrative Tribunal Act 2013* provides that a pending application to the Tribunal for a general decision with respect to a decision of another decision-maker does not affect the operation of (or prevent the taking of action to implement) the decision unless the Tribunal orders otherwise.

[3] **Section 48J Certain applications to be rejected**

Omit “Registrar” and “Chairperson” wherever occurring.

Insert instead “principal registrar” and “President”, respectively.

[4] **Section 48K Jurisdiction of Tribunal in relation to building claims**

Omit “section 22 of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 48K (9).

Insert instead “clause 5 (Relationship between Tribunal and courts and other bodies in connection with Division functions) of Schedule 4 to the *Civil and Administrative Tribunal Act 2013*”.



**[5] Section 48L Tribunal to be chiefly responsible for resolving building claims**

Omit “section 23 of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 48L (4).

Insert instead “clause 6 (Transfer of proceedings to courts or to other tribunals) of Schedule 4 to the *Civil and Administrative Tribunal Act 2013*”.

**[6] Section 48P Power to adjourn proceedings where insurable event arises**

Insert after section 48P (3):

- (4) The provisions of this section are in addition to, and do not derogate from, the provisions of section 51 (Adjournment of proceedings) of the *Civil and Administrative Tribunal Act 2013*.

**[7] Section 48Q Power to join persons as parties to proceedings**

Omit the section.

**[8] Section 85 Appeal to Tribunal**

Insert at the end of the section:

**Note.** An appeal under this Part is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- (2) An appeal under this Part is to be dealt with by way of rehearing and fresh evidence, or evidence in addition to or in substitution for the evidence received by the Director-General, may be given.
- (3) In determining an appeal under this Part, the Tribunal may make any of the following orders:
- (a) an order confirming the decision, determination or order of the Director-General appealed against,
- (b) an order substituting for that decision, determination or order any other decision, determination or order that the Director-General might have made.

**[9] Section 86 Time limits for appeals**

Omit “An appeal must be lodged with the registrar of the Tribunal” from section 86 (1).

Insert instead “An appeal under this Part must be lodged”.

**[10] Section 87 Conduct of appeal**

Omit the section.

**[11] Section 88 Decision on appeal**

Omit the section.

**[12] Section 89 Finality of decision**

Omit the section.

## **4.21 Home Building Regulation 2004**

**[1] Clause 65 Insurance appeals**

Omit “registrar” from clause 65 (3). Insert instead “principal registrar”.

**[2] Clause 78 Transfer of proceedings from other courts**

Omit “Registrar” wherever occurring. Insert instead “principal registrar”.

**4.22 HomeFund Restructuring Act 1993 No 112**

**[1] Section 15 Other relief**

Omit “*Consumer, Trader and Tenancy Tribunal Act 2001*” from section 15 (4).

Insert instead “*Civil and Administrative Tribunal Act 2013*”.

**[2] Section 20 Suspension of limitation period**

Omit “*Consumer, Trader and Tenancy Tribunal Act 2001*” from section 20 (1) (d).

Insert instead “*Civil and Administrative Tribunal Act 2013*”.

**4.23 Landlord and Tenant Act 1899 No 18**

**Section 3 Recovery of land may be refused in cases of retaliatory eviction**

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**4.24 Local Government (General) Regulation 2005**

**Clause 88 Rectification of defective water supply or sewerage work**

Omit “Consumer, Trader and Tenancy Tribunal” from clause 88 (3).

Insert instead “Civil and Administrative Tribunal”.

**4.25 Motor Dealers Act 1974 No 52**

**[1] Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 20K Register of Undertakings**

Omit “Registrar” from section 20K (1) (a). Insert instead “principal registrar”.

**4.26 Motor Dealers and Repairers Act 2013**

**[1] Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 107 Register of Undertakings**

Omit “Registrar” from section 107 (1). Insert instead “principal registrar”

**4.27 Motor Vehicle Repairs Act 1980 No 71**

**[1] Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 48 Register of Undertakings**

Omit “Registrar” from section 48 (1). Insert instead “principal registrar”.

**4.28 Pawnbrokers and Second-hand Dealers Act 1996 No 13**

**[1] Section 3 Definitions**

Insert in alphabetical order in section 3 (1):

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 32E Definitions**

Omit the definition of *Tribunal* from section 32E (1).

**[3] Section 32G Proceedings before Tribunal for recovery of goods**

Omit the note to section 32G (1).

**[4] Section 32G (10)**

Omit “Regulations under the *Consumer, Trader and Tenancy Tribunal Act 2001*” and “make regulations”.

Insert instead “The procedural rules under the *Civil and Administrative Tribunal Act 2013*” and “make procedural rules”, respectively.

**[5] Section 36 Disciplinary action by Director-General**

Omit “Such an order is to be filed in the Consumer, Trader and Tenancy Tribunal and is enforceable in the same way as a judgment or order of the Tribunal.” from section 36 (5).

Insert instead “Such an order is to be filed in the Tribunal and is enforceable in the same way as an order or other decision of the Tribunal.”.

**[6] Section 43 Regulations**

Omit “Consumer, Trader and Tenancy Tribunal” from section 43 (3).

Insert instead “Civil and Administrative Tribunal”.

**4.29 Plumbing and Drainage Act 2011 No 59**

**Section 14 Defective plumbing and drainage work**

Omit “Consumer, Trader and Tenancy Tribunal” from section 14 (4).

Insert instead “Civil and Administrative Tribunal”.

**4.30 Property, Stock and Business Agents Act 2002 No 66**

**[1] Section 3 Definitions**

Insert in alphabetical order in section 3 (1):

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 36 Review of commission and fees**

Omit the definition of *Tribunal* from section 36 (8).

**[3] Section 53A Interpretation**

Omit section 53A (2).

**[4] Section 53C Register of Undertakings**

Omit “Registrar” from section 53C (1) (a). Insert instead “principal registrar”.

**[5] Section 190 Application of money for purposes of certain Acts**

Omit “the Tenancy, Social Housing, Retirement Villages and Residential Parks Divisions of the Consumer, Trader and Tenancy Tribunal” from section 190 (1) (b).

Insert instead “residential and social housing matters in the Consumer and Commercial Division of the Tribunal”.

**[6] Section 190 (1) (c)**

Omit “the Strata and Community Schemes Division of the Consumer, Trader and Tenancy Tribunal”.

Insert instead “strata and community scheme matters in the Consumer and Commercial Division of the Tribunal”.

**[7] Section 190 (1A)**

Omit “*Consumer, Trader and Tenancy Tribunal Act 2001*”.

Insert instead “*Civil and Administrative Tribunal Act 2013*”.

**[8] Section 190 (3)**

Insert after section 190 (2):

(3) In this section:

*residential and social housing matters in the Consumer and Commercial Division of the Tribunal* means matters relating to the exercise of the functions of the Tribunal in that Division under the *Residential Parks Act 1998*, *Residential Tenancies Act 2010* or *Retirement Villages Act 1999*.

*strata and community scheme matters in the Consumer and Commercial Division of the Tribunal* means matters relating to the exercise of the functions of the Tribunal in that Division under the *Community Land Management Act 1989* or *Strata Schemes Management Act 1996*.

### **4.31 Residential (Land Lease) Communities Act 2013**

**[1] Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 66 Increase of site fees by fixed method**

Omit “*Consumer, Trader and Tenancy Tribunal Act 2001*” from section 66 (7) (b).

Insert instead “*Civil and Administrative Tribunal Act 2013*”.

**[3] Section 134 Enforcement of possession orders**

Omit “Registrar” wherever occurring in section 134 (1). Insert instead “principal registrar”.

**[4] Schedule 2 Savings and transitional provisions**

Insert at the end of clause 2:

(2) A reference in a provision of this Part to the Tribunal is to be read as a reference to the Consumer, Trader and Tenancy Tribunal or, if the provision

becomes operative on or after the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*), the Civil and Administrative Tribunal.

#### **4.32 Residential Parks Act 1998 No 142**

**[1] Section 3 Definitions**

Omit the definition of *Tribunal* from section 3 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 61 Contravention of rent order**

Omit “or section 52 of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 61 (3).

**[3] Section 91 Tribunal may refer certain matters for alternative dispute resolution**

Omit the section.

**[4] Section 92 Privilege**

Omit the section.

**[5] Section 93 Secrecy**

Omit the section.

**[6] Section 94 Exoneration from liability for mediators**

Omit the section.

**[7] Section 123 Enforcement of orders for possession**

Omit “the Chairperson of the Tribunal, any other member of the Tribunal, the Registrar of the Tribunal or a Deputy Registrar of the Tribunal” from section 123 (1).

Insert instead “the President of the Tribunal, any other member of the Tribunal or a registrar of the Tribunal”.

**[8] Section 153 Service of documents**

Omit section 153 (3) and (5).

**[9] Schedule 1 Savings and transitional provisions**

Insert after clause 1:

**1A References to Tribunal before establishment of NCAT**

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*) is a reference to whichever of the former Consumer, Trader and Tenancy Tribunal or former Residential Tribunal was in existence at the time the provision was inserted.

**[10] Schedule 1**

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provision consequent on enactment of Civil and Administrative Legislation (Repeal and Amendment) Act 2013**

**References to former CTTT in existing residential site agreements**

Any reference to the Consumer, Trader and Tenancy Tribunal in a residential site agreement entered into before the commencement of the amendments made to this Act by the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013* is to be read, on and after that commencement, as a reference to the Civil and Administrative Tribunal.

**4.33 Residential Parks Regulation 2006**

**[1] Clause 10 Notice of termination on grounds of change of use: section 102 (4) (c)**

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[2] Schedules 1, 3, 5 and 7**

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[3] Schedule 7 Warrant for possession**

Omit “Chairperson/Deputy Chairperson/Member/Registrar/Deputy Registrar”.

Insert instead “President/Deputy President/Member/Registrar”.

**4.34 Residential Tenancies Act 2010 No 42**

**[1] Section 3 Definitions**

Omit the definition of *Registrar* from section 3 (1).

**[2] Section 3 (1), definition of “Tribunal”**

Omit the definition. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[3] Section 46 Contraventions of rent order**

Omit “or section 52 of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 46 (2).

**[4] Section 46, note**

Omit the note at the end of the section.

**[5] Section 121 Enforcement of orders for possession**

Omit “The Registrar” and “if the Registrar” from section 121 (1).

Insert instead “The principal registrar of the Tribunal” and “if the principal registrar”, respectively.

**[6] Section 186 Rental Bond Interest Account**

Omit “the Tenancy, Social Housing, Retirement Villages and Residential Parks Divisions of the Tribunal” from section 186 (2) (c).

Insert instead “residential and social housing matters in the Consumer and Commercial Division of the Tribunal”.

**[7] Section 186 (4)**

Insert after section 186 (3):

(4) In this section:

*residential and social housing matters in the Consumer and Commercial Division of the Tribunal* means matters relating to the exercise of the functions of the Tribunal in that Division under the *Residential Parks Act 1998*, *Residential Tenancies Act 2010* or *Retirement Villages Act 1999*.

**[8] Section 192 Director-General may represent persons**

Insert “the *Civil and Administrative Tribunal Act 2013* or” before “any other law”.

**[9] Section 193 Director-General may take or defend proceedings**

Insert after section 193 (2):

(3) This section applies despite anything to the contrary in the *Civil and Administrative Tribunal Act 2013* or any other law.

**[10] Section 194 Conduct of proceedings by Director-General**

Insert at the end of the section:

(2) This section applies despite anything to the contrary in the *Civil and Administrative Tribunal Act 2013* or any other law.

**[11] Section 195 Intervention by Director-General**

Insert “or section 44 of the *Civil and Administrative Tribunal Act 2013*” after “this Division” in section 195 (1).

**[12] Schedule 2 Savings, transitional and other provisions**

Omit “Tribunal” wherever occurring in clause 5.

Insert instead “Consumer, Trader and Tenancy Tribunal”.

**[13] Schedule 2**

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provision consequent on enactment of Civil and Administrative Legislation (Repeal and Amendment) Act 2013**

**References to former CTTT in existing residential tenancy agreements**

Any reference to the Consumer, Trader and Tenancy Tribunal in a residential tenancy agreement entered into before the commencement of the amendments made to this Act by the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013* is to be read, on and after that commencement, as a reference to the Civil and Administrative Tribunal.

## 4.35 Residential Tenancies Regulation 2010

### Schedule 1 Standard Form Agreement

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

## 4.36 Retirement Villages Act 1999 No 81

### [1] Section 4 Definitions

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### [2] Section 125 Informal resolution of disputes

Omit the note at the end of the section. Insert instead:

**Note.** Section 37 of the *Civil and Administrative Tribunal Act 2013* enables the Tribunal, when it considers it appropriate to do so, to use resolution processes to assist the parties to proceedings in the Tribunal to resolve or narrow issues between them in the proceedings.

### [3] Part 8, Division 3, heading

Omit the heading. Insert instead:

## Division 3 Civil and Administrative Tribunal

### [4] Section 126 Ancillary orders

Omit section 126 (1).

### [5] Section 127 No monetary limit on jurisdiction of Tribunal

Omit “The Tribunal”. Insert instead “Despite any other law, the Tribunal”.

### [6] Section 190 Director-General may take or defend proceedings

Insert after section 190 (2):

(3) This section applies despite anything to the contrary in the *Civil and Administrative Tribunal Act 2013* or any other law.

### [7] Section 191 Conduct of proceedings by Director-General

Insert after section 191 (2):

(3) This section applies despite anything to the contrary in the *Civil and Administrative Tribunal Act 2013* or any other law.

### [8] Section 192 Intervention by Director-General

Insert “or section 44 of the *Civil and Administrative Tribunal Act 2013*” after “section 191” in section 192 (1).

### [9] Schedule 4 Savings, transitional and other provisions

Insert after clause 1:

#### 1A References to Tribunal before establishment of NCAT

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and*



*Administrative Tribunal Act 2013*) is a reference to the former Consumer, Trader and Tenancy Tribunal.

#### **4.37 Retirement Villages Regulation 2009**

**[1] Clause 38 Time for making application to Tribunal**

Omit “section 81 of the *Consumer, Trader and Tenancy Tribunal Act 2001*” from the note to clause 38 (1).

Insert instead “section 41 of the *Civil and Administrative Tribunal Act 2013*”.

**[2] Schedule 1 Forms**

Omit “Consumer, Trader and Tenancy Tribunal” wherever occurring in Part 1A and Part 4.

Insert instead “Consumer, Trader and Tenancy Tribunal or the Civil and Administrative Tribunal”.

**[3] Schedule 2 Standard form of village contract**

Omit “Consumer, Trader and Tenancy Tribunal” from the definition of *Tribunal*.

Insert instead “Civil and Administrative Tribunal”.

#### **4.38 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

**Schedule 2 Public offices**

Omit the matter relating to the Chairperson, Full-time member and Part-time member of the Consumer, Trader and Tenancy Tribunal from Part 1.

#### **4.39 Strata Schemes (Freehold Development) Act 1973 No 68**

**Section 5 Definitions**

Omit the definition of *Tribunal* from section 5 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

#### **4.40 Strata Schemes (Leasehold Development) Act 1986 No 219**

**[1] Section 4 Definitions**

Omit the definition of *Tribunal* from section 4 (1). Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

**[2] Section 196 Regulations—general**

Omit “or the Tribunal” from section 196 (1) (g).

#### **4.41 Strata Schemes Management Act 1996 No 138**

**[1] Chapter 5 Disputes and orders of Adjudicators and Tribunal**

Omit “Registrar” wherever occurring in the Introductory note.

Insert instead “principal registrar”.

**[2] Chapter 5, Introductory note**

Omit “and an appeal may be made to the District Court against an order of the Tribunal”.

- [3] **Chapter 5, Part 1 Application for order to resolve issue relating to strata scheme**  
Omit “Registrar” from the Introductory note. Insert instead “principal registrar”.
- [4] **Sections 124, 125, 131 (2B), 135, 137, 137A, 162A (a), 174 (1), 191, 207 (2), 208 (3) (b) and 209 (1) (a)**  
Omit “Registrar” wherever occurring (except in “Registrar-General”).  
Insert instead “principal registrar”.
- [5] **Chapter 5, Part 3, heading**  
Omit “**Registrar**”. Insert instead “**principal registrar**”.
- [6] **Section 177**  
Omit the section. Insert instead:  
**177 Appeal against order of Adjudicator**  
(1) Each of the following persons may appeal against an order made by an Adjudicator under this Part:  
(a) the applicant for the order,  
(b) a person who made a written submission on the application for the order,  
(c) a person required by the order to do or refrain from doing a specified act,  
(d) in the case of a leasehold strata scheme, the lessor of the strata scheme.  
**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.  
(2) The only ground of appeal against the granting of an interim order is that the Adjudicator acted unreasonably in making the order.  
(3) An appeal must be lodged:  
(a) in the case of an appeal against an order dismissing an application—not later than 21 days after the order takes effect, or  
(b) in the case of an appeal against any other order:  
(i) not later than 21 days after the order takes effect, or  
(ii) by leave of the Tribunal (given on sufficient cause being shown why the notice was not lodged within the time limited by paragraph (a))—not later than 90 days after the order takes effect.  
(4) Section 41 of the *Civil and Administrative Tribunal Act 2013* does not apply in relation to the periods referred to in subsection (3).
- [7] **Section 178 How is an appeal made?**  
Omit the section.
- [8] **Section 179 Procedure after appeal is lodged**  
Omit the section.
- [9] **Section 180 Stay of operation of order**  
Omit the section.
- [10] **Section 186 Investigations and proceedings before the Tribunal**  
Omit the section.

**[11] Section 192 Orders relating to costs**

Omit the section.

**[12] Section 193 Representation before the Tribunal**

Omit the section.

**[13] Section 194 Intervention by Director-General**

Omit the section.

**[14] Section 195**

Omit the section. Insert instead:

**195 Copy of order made by Tribunal to be displayed**

- (1) On receipt of a copy of the order made by the Tribunal, the owners corporation must, unless the order otherwise provides:
  - (a) cause it to be prominently displayed, within 72 hours of its receipt and for 14 days after that, on any notice board required to be maintained under the by-laws, or
  - (b) if no notice board is required to be maintained under the by-laws, cause a further copy of the order to be given to each person whose name appears on the strata roll.
- (2) Subsection (1) does not apply to an application for an order under Part 6 (Enforcement of orders of Adjudicators and Tribunal and certain notices).

**[15] Section 196 Witness may be summoned before Tribunal**

Omit the section.

**[16] Section 197 Tribunal may administer oath**

Omit the section.

**[17] Section 198 Contempt of Tribunal**

Omit the section.

**[18] Chapter 5, Part 5, Division 3 Appeals against orders of Tribunal**

Omit the Division.

**[19] Section 219 Delegation of functions of Adjudicators**

Omit the section.

**[20] Chapter 6, Part 3 Proceedings before Tribunal**

Omit the Part.

**[21] Chapter 6, Part 4 Registrar**

Omit the Part.

**[22] Section 246 Regulations**

Omit “, an Adjudicator or the Tribunal” from section 246 (2) (b).

Insert instead “or an Adjudicator”.

**[23] Section 246 (2) (e)**

Omit “and the Tribunal”.

**[24] Dictionary**

Omit the definitions of *Deputy Registrar*, *Registrar* and *Tribunal* from Part 1.

Insert in alphabetical order:

*principal registrar* means the principal registrar of the Tribunal.

*Tribunal* means the Civil and Administrative Tribunal.

#### **4.42 Strata Schemes Management Regulation 2010**

**[1] Clause 20 Waiver and remission of fees**

Omit “Registrar” wherever occurring in clause 20 (2).

Insert instead “principal registrar”.

**[2] Clause 22 Modification of applied provisions of Consumer, Trader and Tenancy Tribunal Act 2001 and regulations**

Omit the clause.

**[3] Schedule 1 Fees**

Omit “**Registrar**”. Insert instead “**principal registrar**”.

**[4] Schedule 1, item 1**

Omit “or the Tribunal”.

**[5] Schedule 1, items 3 and 4**

Omit the items.

#### **4.43 Sydney Water Act 1994 No 88**

**Section 58 Consumer claims**

Omit “Consumer, Trader and Tenancy Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

#### **4.44 Travel Agents Act 1986 No 5**

**[1] Section 54 Secrecy**

Omit section 54 (1) (g). Insert instead:

- (g) a person employed under section 19 of the *Consumer, Trader and Tenancy Tribunal Act 2001* or a person employed as referred to in section 22 of the *Civil and Administrative Tribunal Act 2013*.

**[2] Section 57 Regulations**

Omit “Consumer, Trader and Tenancy Tribunal established by the *Consumer, Trader and Tenancy Tribunal Act 2001*” from section 57 (2) (d).

Insert instead “Tribunal”.

**[3] Section 57 (6)**

Omit the subsection. Insert instead:

- (6) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2) (d) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**4.45 Water Industry Competition Act 2006 No 104**

**Section 48 Review of decisions under approved ombudsman scheme**

Omit “Consumer, Trader and Tenancy Tribunal” from section 48 (4).

Insert instead “Civil and Administrative Tribunal”.

## **Schedule 5 Amendment of legislation concerning Guardianship Tribunal**

### **5.1 Adoption Act 2000 No 75**

**[1] Section 162 Notification to person who lodged contact veto of request for information**

Omit “Guardianship Tribunal” from section 162 (2).

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 164 Undertakings not to contact person who has lodged contact veto**

Omit “Guardianship Tribunal” from section 164 (5).

Insert instead “Civil and Administrative Tribunal”.

**[3] Section 199 Entitlements of disabled persons**

Omit “Guardianship Tribunal” from section 199 (2).

Insert instead “Civil and Administrative Tribunal”.

### **5.2 Boarding Houses Regulation 2013**

**Schedule 1 Standards for authorised boarding houses**

Omit “Guardianship Tribunal” from clause 23 (2).

Insert instead “Civil and Administrative Tribunal”.

### **5.3 Child Protection (International Measures) Act 2006 No 12**

**[1] Section 5 Definitions**

Omit “Guardianship Tribunal” from paragraph (f) of the definition of *New South Wales court* in section 5 (1).

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 5 (1), definition of “New South Wales personal protection measure relating to a child”**

Omit “Guardianship Tribunal” from item 4 of the note to the definition.

Insert instead “Civil and Administrative Tribunal”.

### **5.4 Children and Young Persons (Care and Protection) Act 1998 No 157**

**[1] Section 175 Special medical treatment**

Omit “Guardianship Tribunal” wherever occurring in section 175 (2) and (3).

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 175 (4)**

Omit the subsection.

**[3] Section 175 (5), definition of “Guardianship Tribunal”**

Omit the definition.

## 5.5 Court Security Regulation 2011

### Clause 4 Definition of “court”

Omit the clause.

## 5.6 Government Information (Public Access) Regulation 2009

### Schedule 3 Agencies declared to be part of other agencies

Omit the matter relating to the Guardianship Tribunal.

## 5.7 Guardianship Act 1987 No 257

### [1] Section 3 Definitions

Omit the definitions of *community member*, *legal member*, *member category*, *officer*, *professional member* and *Registrar* from section 3 (1).

Insert in alphabetical order:

*officer* means a person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Tribunal to exercise its functions in the Guardianship Division of the Tribunal.

### [2] Section 3 (1), definition of “Tribunal”

Omit the definition. Insert instead:

*Tribunal* means the Civil and Administrative Tribunal.

### [3] Section 3E Meaning of “close friend or relative”

Omit “President of the Tribunal” from section 3E (2).

Insert instead “Division Head of the Guardianship Division of the Tribunal”.

### [4] Section 3F Persons who are “parties” to proceedings under this Act

Omit “section 57A” wherever occurring.

Insert instead “section 44 of the *Civil and Administrative Tribunal Act 2013*”.

### [5] Part 3, Division 4 Assessment and review of guardianship orders

Insert after the Division heading:

**Note.** A review by the Tribunal under this Division of a guardianship order it has made is not an internal appeal or an exercise of its administrative review jurisdiction for the purposes of the *Civil and Administrative Tribunal Act 2013*. It is instead an exercise of the Tribunal's general jurisdiction.

### [6] Part 3A, Division 2 Review and revocation of financial management orders

Insert after the Division heading:

**Note.** A review by the Tribunal under this Division of a financial management order it has made is not an internal appeal or an exercise of its administrative review jurisdiction for the purposes of the *Civil and Administrative Tribunal Act 2013*. It is instead an exercise of the Tribunal's general jurisdiction.

**[7] Part 3A, Division 3 Review of appointment of manager**

Insert after the Division heading:

**Note.** A review by the Tribunal under this Division of an appointment of a manager is not an internal appeal or an exercise of its administrative review jurisdiction for the purposes of the *Civil and Administrative Tribunal Act 2013*. It is instead an exercise of the Tribunal's general jurisdiction.

**[8] Section 42 Applications to the Tribunal**

Omit section 42 (4).

**[9] Part 6 The Guardianship Tribunal**

Omit the Part.

**[10] Section 101 Disclosure of information**

Insert "or the *Civil and Administrative Tribunal Act 2013*" after "this Act" wherever occurring in section 101 (b) and (c).

**[11] Section 108 Regulations**

Omit section 108 (1) (c).

**[12] Schedule 1 Provisions relating to the Tribunal**

Omit the Schedule.

**[13] Schedule 3 Savings and transitional provisions**

Insert after clause 1:

**1A References to Tribunal before establishment of NCAT**

A reference to the Tribunal in a provision of this Schedule that was inserted before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*) is a reference to the former Guardianship Tribunal.

**5.8 Guardianship Regulation 2010**

**Schedule 1 Forms**

Omit "Guardianship Tribunal" wherever occurring.

Insert instead "Civil and Administrative Tribunal".

**5.9 NSW Trustee and Guardian Act 2009 No 49**

**[1] Section 3 Definitions**

Omit the definition of *Guardianship Tribunal* from section 3 (1).

**[2] Section 56 General management functions**

Omit "Guardianship Tribunal" from section 56 (b).

Insert instead "Civil and Administrative Tribunal".

**[3] Section 64 Orders by Supreme Court and NSW Trustee as to management of estates**

Omit "Guardianship Tribunal" from section 64 (4).

Insert instead "Civil and Administrative Tribunal".



- [4] **Section 65 Orders by Supreme Court and NSW Trustee as to property**  
Omit “Guardianship Tribunal” from section 65 (4).  
Insert instead “Civil and Administrative Tribunal”.
- [5] **Section 66 NSW Trustee may authorise and direct functions of other managers**  
Omit “Guardianship Tribunal” from section 66 (3).  
Insert instead “Civil and Administrative Tribunal”.
- [6] **Section 67 Managers may execute documents**  
Omit “Guardianship Tribunal” from section 67 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [7] **Section 68 Security may be required in respect of estate management**  
Omit “Guardianship Tribunal” wherever occurring in section 68 (1) and (4).  
Insert instead “Civil and Administrative Tribunal”.
- [8] **Section 69 Managers may lodge estate funds with NSW Trustee**  
Omit “Guardianship Tribunal”. Insert instead “Civil and Administrative Tribunal”.
- [9] **Section 85 Termination by revocation of orders**  
Omit “Guardianship Tribunal” from the note to the section.  
Insert instead “Civil and Administrative Tribunal”.
- [10] **Section 89 NSW Trustee may terminate management of protected persons or patients**  
Omit “Guardianship Tribunal” from section 89 (3).  
Insert instead “Civil and Administrative Tribunal”.
- [11] **Section 97 NSW Trustee may continue to act after termination event occurs**  
Omit “Guardianship Tribunal” from section 97 (b).  
Insert instead “Civil and Administrative Tribunal”.
- [12] **Section 98 Estate to be handed over on termination of management**  
Omit “Guardianship Tribunal” from section 98 (1).  
Insert instead “Civil and Administrative Tribunal”.

### **5.10 Powers of Attorney Act 2003 No 53**

- [1] **Section 3 Definitions**  
Omit the definition of *Guardianship Tribunal* from section 3 (1).
- [2] **Section 26 Review tribunals**  
Omit “Guardianship Tribunal” from section 26 (a).  
Insert instead “Civil and Administrative Tribunal”.

- [3] **Section 27 Concurrent jurisdiction of review tribunals**  
Omit “Guardianship Tribunal” from section 27 (4).  
Insert instead “Civil and Administrative Tribunal”.
- [4] **Section 33 Reviewable powers of attorney**  
Omit “Guardianship Tribunal” wherever occurring in section 33 (2) and (3).  
Insert instead “Civil and Administrative Tribunal”.
- [5] **Section 34 Referral of application to different review tribunal**  
Omit “Guardianship Tribunal” wherever occurring in section 34 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [6] **Section 37 Review tribunal may treat certain applications for review of power of attorney as application for management order**  
Omit “Guardianship Tribunal” from section 37 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [7] **Part 5, Division 5 Reference of questions of law**  
Omit the Division.
- [8] **Part 5, Division 6 Appeals from decisions of Guardianship Tribunal**  
Omit the Division.
- [9] **Section 42 Procedure where principal incommunicate**  
Omit section 42 (3). Insert instead:  
(3) A reference to rules of court in subsection (1) includes a reference to the procedural rules of the Civil and Administrative Tribunal (within the meaning of the *Civil and Administrative Tribunal Act 2013*) in relation to proceedings in that Tribunal brought under this Part.
- [10] **Section 50 Effect of management of estate**  
Omit “Guardianship Tribunal” wherever occurring in section 50 (4) and (5).  
Insert instead “Civil and Administrative Tribunal”.
- 5.11 Powers of Attorney Regulation 2011**
- [1] **Clause 4A Prescribed forms for power of attorney**  
Insert at the end of clause 4A (2):  
**Note.** References to the Guardianship Tribunal in the former Schedule 2 to the Act may be replaced with references to the Civil and Administrative Tribunal.
- [2] **Schedule 2 Prescribed forms for power of attorney**  
Omit “Guardianship Tribunal” wherever occurring in Forms 1 and 2.  
Insert instead “Civil and Administrative Tribunal”.

## **5.12 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

### **Schedule 3 Public offices**

Omit the matter relating to the President and Deputy President of the Guardianship Tribunal from Part 2.

## **Schedule 6 Amendment of legislation concerning health practitioner tribunals**

### **6.1 Defamation Act 2005 No 77**

**[1] Schedule 1 Additional publications to which absolute privilege applies**

Omit “Medical Tribunal” from clause 15 (1) (a) (vi).

Insert instead “Civil and Administrative Tribunal”.

**[2] Schedule 2 Additional kinds of public documents**

Omit “Medical Tribunal” from clause 1 (1) (d).

Insert instead “Civil and Administrative Tribunal”.

**[3] Schedule 3 Additional proceedings of public concern**

Omit “Medical Tribunal” from clause 7 (d).

Insert instead “Civil and Administrative Tribunal”.

### **6.2 Government Information (Public Access) Regulation 2009**

**Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to the Chiropractors Tribunal, the Nurses and Midwives Tribunal and the Osteopaths Tribunal.

### **6.3 Health Care Complaints Act 1993 No 105**

**Section 94C Protection from liability for certain publications**

Omit paragraph (b) from the definition of *protected person* in section 94C (2).

Insert instead:

- (b) a professional council or assessment committee established under the *Health Practitioner Regulation National Law (NSW)* or a member of any such council or committee, or

### **6.4 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86**

**[1] Section 6C Responsible tribunal for Health Practitioner Regulation National Law**

Omit “Each Tribunal is declared to be a”.

Insert instead “The Civil and Administrative Tribunal is declared to be the”.

**[2] Schedule 1 Modification of Health Practitioner Regulation National Law**

Omit “each Tribunal is a” from the note in Schedule 1 [6].

Insert instead “the Civil and Administrative Tribunal is the”.

**[3] Schedule 1 [8], section 41Q Executive Officer [NSW]**

Omit section 41Q (3) (b).

- [4] **Schedule 1 [13], section 138 Definitions [NSW]**  
Omit paragraph (a) from the definition of *court* in section 138 (1). Insert instead:  
(a) the Tribunal; or
- [5] **Schedule 1 [13], section 138 (1), definition of “Tribunal”**  
Omit the definition. Insert instead:  
*Tribunal* means the Civil and Administrative Tribunal.
- [6] **Schedule 1 [13], section 138 (1)**  
Insert in alphabetical order:  
*Tribunal List Manager* means the List Manager of the Health Practitioner Division List of the Occupational Division of the Tribunal.
- [7] **Schedule 1 [13], section 139B Meaning of “unsatisfactory professional conduct” of registered health practitioner generally [NSW]**  
Omit “Tribunal” wherever occurring. Insert instead “the Tribunal”.
- [8] **Schedule 1 [15], section 145B Courses of action available to Council on complaint [NSW]**  
Omit “a Tribunal” from section 145B (1) (c). Insert instead “the Tribunal”.
- [9] **Schedule 1 [15], section 145D Serious complaints must be referred to Tribunal [NSW]**  
Omit “for the health profession” from section 145D (1).
- [10] **Schedule 1 [15], sections 146D (3) and 148G (3)**  
Omit “the Chairperson of the Tribunal or to a Deputy Chairperson nominated by the Chairperson” wherever occurring.  
Insert instead “the Tribunal”.
- [11] **Schedule 1 [15], sections 146D (4) and (6) and 148G (4) and (6)**  
Omit “Chairperson or Deputy Chairperson” wherever occurring.  
Insert instead “Tribunal”.
- [12] **Schedule 1 [15], section 146E Council may refer contravention of conditions to Tribunal [NSW]**  
Omit “for the profession” from section 146E (1).
- [13] **Schedule 1 [15], section 147A Complaints that may be referred to Committee [NSW]**  
Omit “a Tribunal” from section 147A (1) (b). Insert instead “the Tribunal”.
- [14] **Schedule 1 [15], section 149 Powers may be exercised if complaint proved or admitted [NSW]**  
Omit “A Tribunal”. Insert instead “The Tribunal”.
- [15] **Schedule 1 [15], section 149C Tribunals may suspend or cancel registration in certain cases [NSW]**  
Omit “A Tribunal” wherever occurring in section 149C (1) and (2).  
Insert instead “The Tribunal”.

- [16] **Schedule 1 [15], section 149D Council may refer contravention of disciplinary order to Tribunal [NSW]**  
Omit “for the profession” from section 149D (1).
- [17] **Schedule 1 [15], section 150 Suspension or conditions of registration to protect public [NSW]**  
Omit “for the health profession for which the Council is established” from section 150 (3) (a).
- [18] **Schedule 1 [15], section 150 (4) (b)**  
Omit “for the profession”.
- [19] **Schedule 1 [15], section 150E Special provision—performance assessment [NSW]**  
Omit “a Committee or the Tribunal for the health profession” from section 150E (6).  
Insert instead “a Committee for the health profession or the Tribunal”.
- [20] **Schedule 1 [15], section 150G Ending suspension [NSW]**  
Omit “for the health profession” from section 150G (b).
- [21] **Schedule 1 [15], section 150H Duration of conditions—complaint matters [NSW]**  
Omit “for the health profession” from section 150H (3) (b).
- [22] **Schedule 1 [15], section 150I Duration of conditions—impairment matters [NSW]**  
Omit “for the health profession” from section 150I (9) (b).
- [23] **Schedule 1 [15], section 158 Appeals against decisions of Committee [NSW]**  
Omit “for the health profession” from section 158 (1).
- [24] **Schedule 1 [15], section 158 (1) (c)**  
Omit “the Chairperson or Deputy Chairperson of the Tribunal” from section 158 (1) (c).  
Insert instead “the Tribunal List Manager”.
- [25] **Schedule 1 [15], section 158 (1)**  
Insert at the end of the subsection:  
**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.
- [26] **Schedule 1 [15], section 158A Appeals on points of law [NSW]**  
Omit “to the Chairperson of the Tribunal or a Deputy Chairperson nominated by the Chairperson” from section 158A (1).  
Insert instead “to the Tribunal”.
- [27] **Schedule 1 [15], section 158A (1)**  
Insert at the end of the subsection:  
**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.
- [28] **Schedule 1 [15], section 158A (4)**  
Omit “the Chairperson’s or Deputy Chairperson’s”. Insert instead “the Tribunal’s”.

**[29] Schedule 1 [15], section 159 Right of appeal [NSW]**

Omit “A person may appeal to the Tribunal for a health profession” from section 159 (1).

Insert instead “A person may appeal to the Tribunal against any of the following decisions of a Council for a health profession”.

**[30] Schedule 1 [15], section 159 (1)**

Omit “; or” wherever occurring. Insert instead “;”.

**[31] Schedule 1 [15], section 159 (1)**

Insert at the end of the subsection:

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

**[32] Schedule 1 [15], section 159A Appeal by student against order [NSW]**

Omit “for a health profession” from section 159A (1).

**[33] Schedule 1 [15], section 159A (1)**

Insert at the end of the subsection:

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

**[34] Schedule 1 [15], section 159A (2)**

Omit the subsection.

**[35] Schedule 1 [15], section 159A (3)**

Omit “Executive Officer”. Insert instead “Tribunal”.

**[36] Schedule 1 [15], section 159B Appeals on point of law [NSW]**

Omit “to the Chairperson or a Deputy Chairperson of the Tribunal for the health profession” from section 159B (1).

Insert instead “to the Tribunal”.

**[37] Schedule 1 [15], section 159B (1)**

Insert at the end of the subsection:

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

**[38] Schedule 1 [15], section 159C Tribunal’s powers on appeal [NSW]**

Omit “a Tribunal” and “A Tribunal’s” wherever occurring.

Insert instead “the Tribunal” and “The Tribunal’s”, respectively.

**[39] Schedule 1 [15], section 160A Appeals on points of law [NSW]**

Omit “for the health profession in which the practitioner is registered” from section 160A (1).

**[40] Schedule 1 [15], section 160A (1)**

Insert at the end of the subsection:

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- [41] **Schedule 1 [15], section 161 When appeal must be made [NSW]**  
Omit “Executive Officer” from section 161 (b). Insert instead “Tribunal”.
- [42] **Schedule 1 [15], section 161A Lodgment of appeal [NSW]**  
Omit the section.
- [43] **Schedule 1 [15], section 161B Appeal does not stay decision [NSW]**  
Omit “the Chairperson or a Deputy Chairperson of the Tribunal”.  
Insert instead “the Tribunal”.
- [44] **Schedule 1 [15], Part 8, Division 7**  
Omit the Division.
- [45] **Schedule 1 [15], section 163 Appropriate review body [NSW]**  
Omit “Chairperson of the Tribunal” wherever occurring in section 163 (1).  
Insert instead “Tribunal List Manager”.
- [46] **Schedule 1 [15], section 163A Right of review [NSW]**  
Omit “a Tribunal” from section 163A (3) (b). Insert instead “the Tribunal”.
- [47] **Schedule 1 [15], section 163A (4), definition of “decision-making entity”**  
Omit paragraphs (c) and (d) from the definition. Insert instead:  
(c) an existing health practitioner tribunal (within the meaning of Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013*) or the Chairperson or Deputy Chairperson of such a tribunal;  
(d) the Tribunal or the Tribunal List Manager;
- [48] **Schedule 1 [15], Part 8, Division 10**  
Omit the Division. Insert instead:

## **Division 10 Constitution and proceedings of Tribunal**

### **Subdivision 1 Interpretation**

#### **165 Definitions [NSW]**

In this Division:

***Division member*** means a Division member of the Occupational Division of the Tribunal.

***medical practitioner proceedings*** means proceedings involving a health practitioner who practises in the medical profession or a student of that profession.

***senior judicial officer*** means a person who is:

- (a) a Judge of the Supreme Court (or a Judge or other person having the same status as a Judge of the Supreme Court), or
- (b) a Judge of the District Court.

#### **165A Relationship with NCAT Act [NSW]**

The provisions of this Division are intended to apply despite anything to the contrary in the *Civil and Administrative Tribunal Act 2013*.



## Subdivision 2 Constitution of Tribunal

### 165B Constitution of Tribunal for complaints, applications and appeals [NSW]

- (1) If a complaint is referred to the Tribunal or an application or appeal is made to the Tribunal under this Law—
  - (a) the Tribunal must inform the Council for the health profession of the referral, application or appeal; and
  - (b) the Council for the health profession must select 3 persons (whether or not they are currently Division members) to sit as members of the Tribunal in the proceedings.

**Note.** Schedule 5 to the *Civil and Administrative Tribunal Act 2013* provides the President must appoint a person as an occasional member for particular proceedings entered in the Health Practitioner Division List if that person has been selected for participation in the proceedings in accordance with any applicable procedures specified by or under this Law. If a person selected under subsection (1) (b) is not already a Division member, the President will be required to appoint the person as an occasional member in relation to the proceedings.
- (2) Except as provided by subsections (4) and (5), the Tribunal, when conducting an inquiry or hearing an appeal under this Law, is to be constituted by—
  - (a) 1 Division member who is an Australian lawyer of at least 7 years' standing or, in the case of medical practitioner proceedings, 1 Division member who is a senior judicial officer; and
  - (b) 2 health practitioners selected for appointment by the Council as occasional members under subsection (1) (b) who are registered in the same health profession as the health practitioner or student the subject of the inquiry or appeal; and
  - (c) 1 lay person (that is, a person who is not registered in the health profession) selected for appointment by the Council as an occasional member under subsection (1) (b) from among a panel of lay persons for the time being nominated by the Minister.
- (3) If the health profession has divisions, at least one and, if practicable, both, of the health practitioners referred to in subsection (2) (b) must be registered in the same division of the health profession as the health practitioner or student the subject of the inquiry or hearing.
- (4) The Tribunal, when constituted to hear appeals under this Law that are restricted to points of law, is to be constituted by—
  - (a) in the case of medical practitioner proceedings, 1 Division member who is a senior judicial officer; or
  - (b) in any other case, 1 Division member who is an Australian lawyer of at least 7 years' standing.
- (5) The Tribunal, when constituted to exercise a function under section 146D or 148G, is to be constituted by a Division member selected by the Tribunal List Manager.
- (6) A person is not to be selected to sit on the Tribunal if the person is a member of the Council.
- (7) An inquiry or appeal conducted or heard by the Tribunal under this Law may relate to more than one health practitioner or student if the complaint or complaints the subject of the inquiry or appeal arise from the same conduct.

**165C Effect of vacancy on Tribunal [NSW]**

- (1) If one of the members (other than the presiding member) constituting the Tribunal for the purpose of conducting a hearing under this Law vacates office for any reason before an inquiry or appeal is completed or a decision is made in respect of an inquiry or appeal, the inquiry or appeal may be continued and a determination made by the remaining members of the Tribunal.
- (2) If more than one of the members vacate office, or the presiding member vacates office, for any reason before the Tribunal has completed an inquiry or appeal or made a determination in respect of an inquiry or appeal, the inquiry or appeal is terminated.
- (3) When an inquiry or appeal is terminated, the Tribunal may be reconstituted in accordance with this Division for the purposes of conducting a new inquiry or appeal in respect of the matter concerned.
- (4) In this section:  
*presiding member* means the member referred to in section 165B (2) (a).

**Subdivision 3 Proceedings of Tribunal [NSW]**

**165D Joinder of complaints [NSW]**

The Tribunal may, subject the rules of procedural fairness, order the joinder of more than one complaint against the same or different health practitioners in proceedings.

**165E Time when orders take effect [NSW]**

An order of the Tribunal under this Law takes effect on—

- (a) the day on which the order is made; or
- (b) the later day specified in the order.

**165F Powers of Tribunal exercised by Supreme Court [NSW]**

A power of the Tribunal exercised under this Law by the Supreme Court is, except for the purposes of an appeal, taken to have been exercised by the Tribunal.

**165G Executive Officer to be informed of disciplinary action [NSW]**

The Tribunal must inform the Executive Officer of the Council for a health profession of the exercise of any power under this Part by the Tribunal in relation to that profession.

**Subdivision 4 Inquiries and appeals before Tribunal [NSW]**

**165H No inquiry required if complaint admitted [NSW]**

No inquiry need be conducted into a complaint referred to the Tribunal under this Law if the registered health practitioner or student who is the subject of the complaint admits the subject-matter of the complaint in writing to the Tribunal.

**165I Notice of time and place of inquiry or appeal [NSW]**

The Tribunal must give not less than 14 days' notice of an inquiry or appeal under this Law to each of the following—

- (a) the registered health practitioner or student the subject of the inquiry or appeal;
- (b) the Council for the health profession;
- (c) the National Board for the health profession;
- (d) for an inquiry into a complaint, the Commission;
- (e) the Chairperson of the relevant Committee, if appropriate.

**165J Representation before Tribunal [NSW]**

- (1) At an inquiry conducted or appeal heard under this Law by the Tribunal, the registered health practitioner or student and any complainant concerned are entitled to attend and to be represented by—
  - (a) an Australian legal practitioner; or
  - (b) with the leave of the member presiding, another adviser.
- (2) The Tribunal may grant leave for another person to appear (whether in person or by an Australian legal practitioner or another adviser) at an inquiry or appeal if the Tribunal is satisfied that it is appropriate for the person to appear.
- (3) This section does not prevent the Tribunal from proceeding in the absence of the registered health practitioner or student concerned, as long as the practitioner or student has been given notice of the inquiry or appeal.

**165K When hearings may be closed to public [NSW]**

Despite section 49 (2) of the *Civil and Administrative Tribunal Act 2013*, the Tribunal may make an order that a hearing for proceedings under this Law be conducted wholly or partly in private only if it is satisfied that it is desirable to do so in the public interest for reasons connected with the subject-matter of the proceedings or the nature of the evidence to be given.

**165L Interlocutory orders [NSW]**

- (1) The Tribunal may, during any proceedings under this Law, exercise any power or combination of powers conferred on the Tribunal by section 149A, except the power to caution or reprimand.
- (2) The Tribunal may, in respect of an appeal under section 159B, make an order staying the decision of the Council appealed against until the appeal has been disposed of.

**165M Tribunal to provide details of decisions [NSW]**

- (1) As soon as practicable after making a decision on an inquiry or an appeal under this Law (bearing in mind the public welfare and seriousness of the matter), the Tribunal must give a written statement of the decision to—
  - (a) the parties; and
  - (b) the Council for the health profession in which the practitioner or student is registered (regardless of whether it is a party).
- (2) The statement of a decision must—
  - (a) set out any findings on material questions of fact; and

- (b) refer to any evidence or other material on which the findings were based; and
  - (c) give the reasons for the decision.
- (3) The Tribunal may also provide the statement of a decision to the persons the Tribunal thinks fit.
- (4) Unless the Tribunal has ordered otherwise, the Tribunal is to make publicly available a statement of a decision given by it under this section if the decision is in respect of a complaint that has been proved or admitted in whole or in part.

**[49] Schedule 1 [15], section 171D Committee must refer certain matters to Tribunal [NSW]**

Omit section 171D (4).

**[50] Schedule 1 [15], section 175 Appellable decisions [NSW]**

Insert at the end of section 175 (1):

**Note.** An appeal under this section to the Tribunal in its capacity as an appropriate responsible tribunal is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

**[51] Schedule 1 [15], section 176C Adjudication body to consider impact of decision on third parties [NSW]**

Omit “a Tribunal” from paragraph (d) of the definition of *adjudication body* in section 176C (4).

Insert instead “the Tribunal”.

**[52] Schedule 1 [15], section 176E Protection from liability for certain publications [NSW]**

Omit “, a Panel or a Tribunal” wherever occurring. Insert instead “or a Panel”.

**[53] Schedule 1 [25], Schedule 5A Savings and transitional provisions [NSW]**

Insert at the end of clause 1 (1):

any Act that amends this Law

**[54] Schedule 1 [25], Schedule 5D, heading**

Omit “Tribunals”. Insert instead “the Tribunal”.

**[55] Schedule 1 [25], Schedule 5D, clause 1**

Insert at the end of the clause:

- (2) A reference in this Schedule (however expressed) to proceedings before the Tribunal is a reference to proceedings before the Tribunal under this Law.

**[56] Schedule 1 [25], Schedule 5D, clauses 2, 4–7, 9–12**

Omit “Tribunal” wherever occurring (except in clause headings).

Insert instead “the Tribunal”.

**[57] Schedule 1 [25], Schedule 5D, clause 3**

Omit “or Tribunal” wherever occurring in clause 3 (1) and (3).

**[58] Schedule 1 [25], Schedule 5D, clause 3 (1)**

Insert at the end of the subclause:

**Note.** See sections 46, 47 and 48 of the *Civil and Administrative Tribunal Act 2013* concerning the powers of the Tribunal with respect to witnesses and evidence.

**[59] Schedule 1 [25], Schedule 5D, clause 3 (4)**

Omit “Committee or Tribunal proceedings” and “member of the Committee or Tribunal”.  
Insert instead “Committee” and “member of the Committee”, respectively.

**[60] Schedule 1 [25], Schedule 5D, clause 4**

Insert after clause 4 (2):

- (3) The power conferred by this clause is in addition to any other power conferred on the Tribunal by the *Civil and Administrative Tribunal Act 2013* with respect to the provision of documents.

**[61] Schedule 1 [25], Schedule 5D, clause 5**

Insert after clause 5 (2):

- (3) The power conferred by this clause is in addition to any other power conferred on the Tribunal by the *Civil and Administrative Tribunal Act 2013* with respect to the use of evidence.

**[62] Schedule 1 [25], Schedule 5D, clause 8**

Omit the clause. Insert instead:

**8 Authentication of documents by Committee [NSW]**

Every document requiring authentication by a Committee may be sufficiently authenticated if signed by the Chairperson of that Committee or by a member of that Committee.

**Note.** See section 87 (Authentication of documents) of the *Civil and Administrative Tribunal Act 2013* in relation to the Tribunal.

**[63] Schedule 1 [25], Schedule 5D, clause 12 (3)**

Omit the subclause. Insert instead:

- (3) The power conferred on a Committee or the Tribunal by this clause may be exercised by the Chairperson of the Committee or the member of the Tribunal presiding and, if exercised by the Chairperson or member, is taken to have been exercised by the Committee or the Tribunal.

**[64] Schedule 1 [25], Schedule 5D, clause 13 (1)**

Omit “A Tribunal”. Insert instead “The Tribunal”.

**[65] Schedule 1 [25], Schedule 5D, clause 13**

Insert after clause 13 (3):

- (4) This clause applies instead of section 60 (Costs) of the *Civil and Administrative Tribunal Act 2013*.

## **6.5 Health Practitioner Regulation (New South Wales) Regulation 2010**

### **Clause 23 Right of review of conditions imposed by Council or former Board on registration**

Omit “a Tribunal” from clause 23 (2) (b). Insert instead “the Tribunal”.

## **Schedule 7 Amendment of legislation concerning Local Government Pecuniary Interest and Disciplinary Tribunal**

### **7.1 Defamation Act 2005 No 77**

**[1] Schedule 1 Additional publications to which absolute privilege applies**

Omit clause 29.

**[2] Schedule 2 Additional kinds of public documents**

Omit clause 4.

**[3] Schedule 3 Additional proceedings of public concern**

Omit clause 14.

### **7.2 Government Information (Public Access) Regulation 2009**

**Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to the Local Government Pecuniary Interest and Disciplinary Tribunal.

### **7.3 Local Government Act 1993 No 30**

**[1] Section 329 Can the holder of a civic office be dismissed?**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 329 (5).

Insert instead “Civil and Administrative Tribunal”.

**[2] Chapter 14 Honesty and disclosure of interests**

Omit the following from the Introduction to the Chapter:

The Chapter also establishes the Local Government Pecuniary Interest and Disciplinary Tribunal.

The Tribunal is empowered to conduct hearings into complaints and to take disciplinary action against a person if a complaint against the person is found to be proved.

Insert instead:

The Chapter also empowers the Civil and Administrative Tribunal to conduct hearings into complaints and to take disciplinary action against a person if a complaint against the person is found to be proved.

**[3] Section 440J Alternatives to disciplinary action by the Director-General**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 440J (2) (b).

Insert instead “Civil and Administrative Tribunal”.

**[4] Section 440L Appeals against disciplinary action**

Omit “Pecuniary Interest and Disciplinary Tribunal” from section 440L (1).

Insert instead “Civil and Administrative Tribunal”.

- [5] **Section 440L (1)**  
Insert at the end of the subsection:  
**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.
- [6] **Section 440L (7)**  
Omit the subsection.
- [7] **Section 440N Investigation of former councillors**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 440N (3).  
Insert instead “Civil and Administrative Tribunal”.
- [8] **Section 465 NCAT to be notified of investigations**  
Omit “Pecuniary Interest and Disciplinary Tribunal”.  
Insert instead “Civil and Administrative Tribunal”.
- [9] **Section 468 Presentation of reports to NCAT**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [10] **Chapter 14, Part 3, Division 2, heading**  
Omit “**the Pecuniary Interest and Disciplinary Tribunal**”. Insert instead “**NCAT**”.
- [11] **Section 469 NCAT to decide whether or not to conduct proceedings into a complaint**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring in section 469 (1) and (2).  
Insert instead “Civil and Administrative Tribunal”.
- [12] **Section 469 (3)**  
Omit the subsection.
- [13] **Section 470 Circumstances in which NCAT may dispense with hearing**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 470 (1).  
Insert instead “Civil and Administrative Tribunal”.
- [14] **Section 470 (2)**  
Omit the subsection (including the note).
- [15] **Chapter 14, Part 3, Division 3, heading**  
Omit “**the Pecuniary Interest and Disciplinary Tribunal**”. Insert instead “**NCAT**”.
- [16] **Section 470A NCAT to decide whether or not to conduct proceedings into a referred matter relating to misbehaviour**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring in section 470A (1) and (2).  
Insert instead “Civil and Administrative Tribunal”.



- [17] **Section 470A (3)**  
Omit the subsection.
- [18] **Section 470B Circumstances in which NCAT may dispense with hearing**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 470B (1).  
Insert instead “Civil and Administrative Tribunal”.
- [19] **Section 470B (2)**  
Omit the subsection.
- [20] **Chapter 14, Part 3, Division 4, heading**  
Omit “the Pecuniary Interest and Disciplinary Tribunal”. Insert instead “NCAT”.
- [21] **Section 471 General conduct of proceedings**  
Omit the section.
- [22] **Section 472 Private and public hearings**  
Omit the section.
- [23] **Section 473 Representation at hearings**  
Omit the section.
- [24] **Section 474 Presentation of cases at hearings**  
Omit the section.
- [25] **Section 475 Power to summon witnesses and take evidence at hearings**  
Omit the section.
- [26] **Section 476 Power to obtain documents**  
Omit the section.
- [27] **Section 477 Privilege concerning answers and documents**  
Omit the section.
- [28] **Section 478 Additional complaints**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [29] **Section 479 Adjournments**  
Omit the section.
- [30] **Section 480 Release of information**  
Omit the section.
- [31] **Section 481 Witnesses’ expenses**  
Omit the section.

- [32] Section 482 Decision of NCAT—pecuniary interest matters**  
Omit “Pecuniary Interest and Disciplinary Tribunal” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [33] Section 482A Decision of NCAT—misconduct matters**  
Omit “Pecuniary Interest and Disciplinary Tribunal” from section 482A (1).  
Insert instead “Civil and Administrative Tribunal”.
- [34] Section 483 Standard of proof**  
Omit the section.
- [35] Section 484 Pecuniary Interest and Disciplinary Tribunal to provide details of its decisions**  
Omit the section.
- [36] Section 485 Appeals to Supreme Court**  
Omit the section.
- [37] Section 486 Referral of matters by NCAT**  
Omit “Pecuniary Interest and Disciplinary Tribunal may refer a matter before it”.  
Insert instead “Civil and Administrative Tribunal may refer a matter before it under this Act”.
- [38] Section 486A**  
Omit the section. Insert instead:
- 486A Exclusive jurisdiction of NCAT over Part 2 contraventions**
- (1) The Civil and Administrative Tribunal has exclusive jurisdiction at first instance to decide allegations of contraventions of Part 2 of this Chapter.
  - (2) Accordingly, proceedings at first instance to decide allegations of contraventions of Part 2 of this Chapter may not be brought before, or entertained by, any other tribunal or any court.
- [39] Chapter 14, Part 3, Division 4, note**  
Omit the note at the end of the Division.
- [40] Chapter 14, Part 4 Local Government Pecuniary Interest and Disciplinary Tribunal**  
Omit the Part.
- [41] Section 673 Remedy or restraint of breaches of this Act—the Minister, the Director-General and councils**  
Omit the note at the end of the section. Insert instead:  
**Note.** Section 486A confers exclusive jurisdiction on the Civil and Administrative Tribunal to deal with such a matter at first instance.
- [42] Section 674 Remedy or restraint of breaches of this Act—other persons**  
Omit the note to section 674 (4). Insert instead:  
**Note.** Section 486A confers exclusive jurisdiction on the Civil and Administrative Tribunal to deal with such a matter at first instance.

**[43] Section 674 (5), note**

Omit the note.

**[44] Schedule 4 Local Government Pecuniary Interest and Disciplinary Tribunal**

Omit the Schedule.

**[45] Dictionary**

Omit the definition of *Pecuniary Interest and Disciplinary Tribunal*.

**7.4 Local Government (General) Regulation 2005**

**[1] Part 8, Division 5 Appeals against suspension**

Omit the Division.

**[2] Schedule 3A Form of special disclosure of pecuniary interest**

Omit “Local Government Pecuniary Interest and Disciplinary Tribunal”.

Insert instead “Civil and Administrative Tribunal”.

## **Schedule 8      Amendment of legislation concerning local land boards**

### **8.1    Agricultural Industry Services Act 1998 No 45**

**[1]    Section 3 Definitions**

Omit the definition of *local land board*.

**[2]    Section 42 Appeals**

Omit “local land board” wherever occurring in section 42 (1) and (2).

Insert instead “Civil and Administrative Tribunal”.

**[3]    Section 42 (1)**

Insert at the end of section 42 (1):

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

**[4]    Section 42 (3)**

Omit the subsection.

### **8.2    Australian Oil Refining Agreements Act 1954 No 34**

**[1]    Section 7 Determination of rental by Director-General**

Omit section 7 (1) and (2). Insert instead:

- (1) The Director-General is to determine the annual rental under clause 21 (d) of the Agreement.
- (2) In determining the annual rent:
  - (a) the Director-General has and may exercise all of the functions that a local land board could have exercised under this section and the Agreement immediately before the substitution of this section by the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013*, and
  - (b) the Director-General’s decision is taken to have the same effect for the purposes of the Agreement as a decision of a local land board would have had immediately before that substitution.
- (2A) For the avoidance of doubt, the substitution of this section (or a determination of annual rent as provided for by this section) does not constitute a breach of the Agreement.

**[2]    Section 7 (3)**

Omit “said board”. Insert instead “Director-General”.

**[3]    Section 7 (4)**

Omit the subsection. Insert instead:

- (4) In this section:  
*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

### 8.3 Commons Management Act 1989 No 13

[1] **Section 3 Definitions**

Insert in alphabetical order in section 3 (1):

*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

[2] **Section 3 (1), definition of “local land board”**

Omit the definition.

[3] **Section 11 Appeals against refusal of a trust to enter a person’s name on the commoners’ roll**

Omit section 11 (1). Insert instead:

- (1) If a trust has notified a person in accordance with section 10 (4) of its refusal of the person’s application for enrolment, the person may, within the period of 28 days following the date on which the person receives written notice of the trust’s refusal of the application, appeal against the refusal to the Civil and Administrative Tribunal.

**Note.** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

[4] **Section 11 (2) and (5)**

Omit the subsections.

[5] **Section 11 (4)**

Omit “local land board”. Insert instead “Civil and Administrative Tribunal”.

[6] **Section 51 Powers of the Minister with respect to complaints lodged under s 50**

Omit section 51 (1) (b). Insert instead:

- (b) refer the complaint for inquiry and report to the Director-General.

[7] **Section 51 (3)**

Omit the subsection.

[8] **Section 52**

Omit the section. Insert instead:

**52 Duty of Director-General to inquire into a complaint referred under s 51 (1) (b)**

- (1) As soon as practicable after a complaint is referred to the Director-General in accordance with section 51 (1) (b), the Director-General must inquire into the complaint.
- (2) When the inquiry is completed, the Director-General must report his or her findings in writing to the Minister.

[9] **Section 53 Determination of the Minister with respect to a complaint lodged under section 50**

Omit “a local land board” from section 53 (1). Insert instead “the Director-General”.

**[10] Schedule 2 Provisions relating to the members of a trust board**

Omit clause 3 (3) (c). Insert instead:

- (c) being knowingly concerned in a failure of a trust to comply with:
  - (i) an order of a former local land board given under section 11 (4) before its amendment by the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013*, or
  - (ii) an order of the Civil and Administrative Tribunal in an appeal under section 11, or
  - (iii) a direction given by the Minister under section 21,

**[11] Schedule 2, clause 3 (6) and (7)**

Omit “the local land board” and “its findings” wherever occurring.

Insert instead “the Director-General” and “his or her findings”, respectively.

## **8.4 Commons Management Regulation 2006**

**[1] Clause 11 Appeal to local land board against refusal of application**

Omit the clause.

**[2] Clause 33 Inquiries into affairs of trust**

Omit “the local land board constituted for the land district in which the common concerned is located”.

Insert instead “the Director-General”.

**[3] Schedule 2 Fees**

Omit the matter relating to a notice of appeal to a local land board.

## **8.5 Crown Lands Act 1989 No 6**

**[1] Section 3 Definitions**

Omit the definition of *local land board* from section 3 (1).

**[2] Part 2, Division 2**

Omit the Division. Insert instead:

### **Division 2 Director-General**

**19 References by Minister to Director-General**

- (1) The Minister may refer to the Director-General for inquiry or report:
  - (a) any matter arising out of the administration of this Act, or of any other Act dealing with the administration of Crown land, or
  - (b) any other matter prescribed by the regulations.
- (2) The Director-General must inquire into a matter referred to him or her under this section.
- (3) When the inquiry is completed, the Director-General must report his or her findings in writing to the Minister.

- (4) The Director-General may delegate to a member of staff (or a group of staff members) of the Department:
  - (a) the Director-General's functions under this section (other than this power of delegation), or
  - (b) the Director-General's functions under another provision of this Act or another Act to inquire or report to a Minister on a matter.

**[3] Part 2, Division 3 Appeals and references to the Land and Environment Court**

Omit the Division.

**[4] Section 69 Application for direction to erect gates etc**

Omit the section.

**[5] Section 70 Minister may direct erection of gates etc**

Omit section 70 (1). Insert instead:

- (1) After an enclosure permit has been granted, the Minister may, on the application of any person, direct:
  - (a) that such gates or other means of access, or both, as the Minister considers necessary be erected, provided, made or replaced so as not to interfere unnecessarily with any traffic on the road, or
  - (b) that any fence, gate or other structure (or part of or thing attached to a fence, gate or other structure) by which the road or watercourse is enclosed be removed or replaced as specified in the direction.

**[6] Section 70 (3)**

Insert "(and subject to any interlocutory order of the Civil and Administrative Tribunal)" after "sooner revoked".

**[7] Section 70 (3) (b)**

Omit "or board's".

**[8] Section 70 (5)**

Insert at the end of section 70:

- (5) A person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of any of the following decisions:
  - (a) a decision of the Minister refusing to give a direction under this section on the application of the person,
  - (b) a decision of the Minister to give a direction under this section in respect of land for which the person has an enclosure permit.

**[9] Section 71 Objections to Minister's direction**

Omit the section.

**[10] Section 138E Consultation in relation to transfer or vesting of land**

Omit "a local land board" from section 138E (1) (c). Insert instead "the Director-General".

**[11] Section 138E (3)**

Omit "any local land board report". Insert instead "any report of the Director-General".

**[12] Section 142 Objections and appeals against determinations or redeterminations of rent**

Omit “the local land board” wherever occurring in section 142 (5) (a) and (6).

Insert instead “the Civil and Administrative Tribunal”.

**[13] Section 142 (5)**

Insert at the end of the subsection:

**Note.** An appeal to the Civil and Administrative Tribunal under this subsection is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

**[14] Section 143 Determination or redetermination of rent—principles**

Omit “the local land board” wherever occurring in section 143 (1) and (3).

Insert instead “the Civil and Administrative Tribunal”.

**[15] Section 184 Regulations**

Omit section 184 (1) (i).

**[16] Schedule 1 Members of local land boards**

Omit the Schedule.

**[17] Schedule 2 Powers and procedures of local land boards**

Omit the Schedule.

**[18] Schedule 8 Savings, transitional and other provisions**

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provisions consequent on enactment of Civil and Administrative Legislation (Repeal and Amendment) Act 2013**

**Functions of local land board transferred to Director-General**

- (1) This clause applies to any function:
  - (a) that, immediately before the establishment day, was conferred or imposed on a local land board, and
  - (b) that will be conferred or imposed on the Director-General on and from the establishment day (rather than the Civil and Administrative Tribunal) because of an amendment made to an Act or statutory rule by the amending Act.

**Note.** The adjudicative functions of the local land boards will be transferred to the Civil and Administrative Tribunal. See Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013*.
- (2) If a local land board had commenced to exercise (but had not completed exercising) a function to which this clause applies before its abolition, the member or members of the former local land board involved in exercising that function may complete the exercise of that function despite the board’s abolition.
- (3) Any such function may be exercised as if the *Civil and Administrative Tribunal Act 2013* and amending Act had not been enacted.



(4) In this clause:

**amending Act** means the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013*.

**establishment day** has the same meaning as in the *Civil and Administrative Tribunal Act 2013*.

## 8.6 Crown Lands (Continued Tenures) Act 1989 No 7

### [1] Schedule 5 Rent etc

Omit “local land board” wherever occurring in clause 11 (3) (a) and (4).

Insert instead “Civil and Administrative Tribunal”.

### [2] Schedule 5, clause 11 (3)

Insert at the end of the subclause:

**Note.** An appeal to the Civil and Administrative Tribunal under this subclause is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

### [3] Schedule 5, clause 12

Omit “the local land board” wherever occurring.

Insert instead “the Civil and Administrative Tribunal”.

### [4] Schedule 7 Purchase of land held under lease

Omit “the local land board” from clause 1 (3) (b) in Part 1.

Insert instead “the Civil and Administrative Tribunal”.

### [5] Schedule 7, Part 1, clause 3 (3), (5) and (6) and 10 (4) and (5)

Omit “local land board” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

### [6] Schedule 7, Part 1, clause 3 (3)

Insert at the end of the subclause:

**Note.** An appeal to the Civil and Administrative Tribunal under this subclause is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

### [7] Schedule 7, Part 1, clause 3 (6)

Omit “or, on appeal, of the Land and Environment Court”.

### [8] Schedule 7, Part 1, clause 10 (4)

Insert at the end of the subclause:

**Note.** An appeal to the Civil and Administrative Tribunal under this subclause is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

### [9] Schedule 7, Part 2, clauses 1 (3) (b) and 10 (4) and (5)

Omit “local land board” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

**[10] Schedule 7, Part 2, clause 10 (4)**

Insert at the end of the subclause:

**Note.** An appeal to the Civil and Administrative Tribunal under this subclause is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**8.7 Crown Lands (Continued Tenures) Regulation 2006**

**[1] Clause 8 Appeals against Minister's determination under condition of special lease or permissive occupancy**

Omit the clause.

**[2] Clause 13 Objections to, and appeals against, determinations or redeterminations**

Omit clause 13 (2) and (3).

**[3] Schedule 1 Fees and deposits**

Omit items 2 and 8.

**8.8 Crown Lands Regulation 2006**

**[1] Clause 10 Inquiry and report by Director-General**

Omit "For the purposes of section 22 (1) (b) of the Act, the Minister may refer any of the following matters to a local land board or a Chairperson sitting alone" from clause 10 (1).

Insert instead "For the purposes of section 19 (1) (b) of the Act, the Minister may refer any of the following matters to the Director-General".

**[2] Clause 11 Registrar of Local Land Boards**

Omit the clause.

**[3] Clause 12 Registrar to bring matters before board**

Omit the clause.

**[4] Clause 13 Notice of proceedings before board**

Omit the clause.

**[5] Clause 14 Substituted service of notice of proceedings**

Omit the clause.

**[6] Clause 15 Proceedings may be heard in absence of a party**

Omit the clause.

**[7] Clause 16 Issue of summons**

Omit the clause.

**[8] Clause 17 Allowances payable to witnesses before local land boards**

Omit the clause.

**[9] Clause 18 Form of warrant to apprehend witness**

Omit the clause.

**[10] Clause 28 Application for direction to provide gates or other access**

Omit the clause.

**[11] Clause 40 Objections to, and appeals against, determination or redetermination of rent**

Omit clause 40 (2) and (3). Insert instead:

- (2) An appeal under section 142 (5) of the Act to the Civil and Administrative Tribunal against the Minister's decision on any such objection is to be made:
  - (a) by filing the appeal in accordance with the procedural rules of the Tribunal (within the meaning of the *Civil and Administrative Tribunal Act 2013*), and
  - (b) is to be lodged within 28 days of service on the objector of the Minister's decision.

**[12] Clause 49 Local land board hearings—fencing work**

Omit the clause.

**[13] Clause 49A Local land board hearings—rural lands protection appeals**

Omit the clause.

**[14] Schedule 1 Fees and deposits**

Omit items 13, 15 and 16.

**[15] Schedule 3 Form of warrant**

Omit the Schedule.

## **8.9 Dividing Fences Act 1991 No 72**

**[1] Section 3 Definitions**

Omit the definition of *local land board*.

**[2] Section 4 Determination as to “sufficient dividing fence”**

Omit “a local land board”. Insert instead “the Civil and Administrative Tribunal”.

**[3] Section 5 Adjoining owners—land separated by road or watercourse**

Omit “a local land board” from section 5 (2).

Insert instead “the Civil and Administrative Tribunal”.

**[4] Section 9 Contribution when urgent fencing work is required**

Omit “a local land board” and “or board” wherever occurring in section 9 (4).

Insert instead “the Civil and Administrative Tribunal” and “or the Tribunal”, respectively.

**[5] Section 11 Notice to carry out fencing work**

Omit “a local land board” from section 11 (5) (b).

Insert instead “the Civil and Administrative Tribunal”.

- [6] **Section 12 Procedure when agreement not reached**  
Omit “a local land board” from section 12 (2).  
Insert instead “the Civil and Administrative Tribunal”.
- [7] **Section 13 Jurisdiction of Local Court or Civil and Administrative Tribunal**  
Omit “a local land board” wherever occurring in section 13 (1)–(3).  
Insert instead “the Civil and Administrative Tribunal”.
- [8] **Section 13 (2)**  
Omit “a board” and “the board”. Insert instead “the Tribunal”.
- [9] **Section 13 (4)**  
Omit the subsection.
- [10] **Section 13A Jurisdiction of Land and Environment Court**  
Omit “a local land board” wherever occurring in section 13A (3).  
Insert instead “the Civil and Administrative Tribunal”.
- [11] **Section 14 Orders as to fencing work**  
Omit “a local land board” from section 14 (1).  
Insert instead “the Civil and Administrative Tribunal”.
- [12] **Section 15 Enforcement of agreements and orders**  
Omit “a local land board” from section 15 (1).  
Insert instead “the Civil and Administrative Tribunal”.
- [13] **Section 17 Application for order in absence of an adjoining owner**  
Omit “a local land board” wherever occurring in section 17 (1) and (4).  
Insert instead “the Civil and Administrative Tribunal”.
- [14] **Section 17 (2) and (4)**  
Omit “or board” wherever occurring. Insert instead “or the Tribunal”.
- [15] **Section 19 Appeals etc**  
Omit the section.
- [16] **Section 22 Time for service of notices—special provision**  
Omit “a local land board” from section 22 (1).  
Insert instead “the Civil and Administrative Tribunal”.
- [17] **Section 22 (2)**  
Omit “or board” wherever occurring. Insert instead “or the Tribunal”.
- [18] **Section 23 Costs**  
Omit “a local land board”. Insert instead “the Civil and Administrative Tribunal”.

**[19] Section 24 Recovery of money payable**

Omit “local land board” from section 24 (2).

Insert instead “the Civil and Administrative Tribunal”.

**[20] Section 24 (3)**

Omit “A local land board”. Insert instead “The Tribunal”.

**[21] Section 24 (4)**

Omit “Chairperson of the local land board”.

Insert instead “principal registrar of the Civil and Administrative Tribunal”.

## **8.10 Government Information (Public Access) Regulation 2009**

### **Schedule 3 Agencies declared to be part of other agencies**

Omit the matter relating to Local land board under the *Crown Lands Act 1989*.

## **8.11 Hay Irrigation Act 1902 No 57**

**[1] Section 19 Tenant-right in improvements**

Omit “local land board” wherever occurring in section 19 (1) and (2) (b).

Insert instead “Director-General”.

**[2] Section 19 (3)**

Insert after section 19 (2):

(3) In this section:

*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

**[3] Section 19B Purchase price of leased lands**

Omit “local land board (within the meaning of the *Crown Lands Act 1989*)” from section 19B (5) (a).

Insert instead “Civil and Administrative Tribunal”.

**[4] Section 19B (5)**

Insert at the end of the subsection:

**Note.** An appeal to the Civil and Administrative Tribunal under this subsection is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[5] Section 19B (6)**

Omit “local land board”. Insert instead “Civil and Administrative Tribunal”.

## **8.12 Local Government Act 1993 No 30**

**[1] Chapter 17 Enforcement**

Omit “a local land board” from the Introduction at the beginning of the Chapter.

Insert instead “the Civil and Administrative Tribunal”.

**[2] Section 682 Power to appear before local land boards**

Omit the section.

**8.13 Local Land Services Act 2013 No 51**

**[1] Section 63 Withdrawal of care, control and management from authority**

Omit “appropriate local land board” from section 63 (4). Insert instead “Director-General”.

**[2] Section 63 (5)**

Omit “local land board” and “its”.

Insert instead “Director-General” and “his or her”, respectively.

**[3] Section 65 Compensation for improvements made before withdrawal**

Omit “appropriate local land board” from section 65 (3).

Insert instead “Civil and Administrative Tribunal”.

**[4] Section 65 (4)**

Omit “The local land board to which the matter is referred”.

Insert instead “If a matter is referred to the Civil and Administrative Tribunal, the Tribunal”.

**[5] Section 65 (5)**

Omit “local land board’s”. Insert instead “Civil and Administrative Tribunal’s”.

**[6] Section 76 Appeal about right of way conditions**

Omit “appropriate local land board” from section 76 (1).

Insert instead “Civil and Administrative Tribunal”.

**[7] Section 76 (1)**

Insert at the end of the subsection:

**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[8] Section 76 (3)**

Omit “local land board”. Insert instead “Tribunal”.

**[9] Section 76 (4)**

Omit the subsection.

**[10] Section 86 Appeals concerning the issue, cancellation or suspension of permits**

Omit “local land board” wherever occurring in section 86 (1), (2) and (5).

Insert instead “Civil and Administrative Tribunal”.

**[11] Section 86 (1)**

Insert at the end of the subsection:

**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[12] Section 86 (6)**

Omit the subsection.

**[13] Section 87**

Omit the section. Insert instead:

**87 Compensation**

If the Civil and Administrative Tribunal revokes the decision of Local Land Services to cancel or suspend a permit, the Tribunal may, on application of the holder of the permit, order Local Land Services to pay compensation to the holder for any loss arising out of the cancellation or suspension.

**Note.** A party to proceedings before the Tribunal under this section may appeal to the Land and Environment Court under Schedule 1 to the *Civil and Administrative Tribunal Act 2013*.

**[14] Section 95 Application to Civil and Administrative Tribunal**

Omit “appropriate local land board” and “the local land board”.

Insert instead “Civil and Administrative Tribunal” and “the Tribunal”, respectively.

**[15] Section 96 Jurisdiction of local land board not to be ousted in certain cases**

Omit the section.

**[16] Section 97 Civil and Administrative Tribunal may allow time for payment**

Omit “a local land board” and “the local land board” from section 97 (1).

Insert instead “the Civil and Administrative Tribunal” and “the Tribunal”, respectively.

**[17] Section 97 (2)**

Omit “local land board”. Insert instead “Tribunal”.

**[18] Section 97 (3)**

Omit “a local land board”. Insert instead “the Tribunal”.

**[19] Section 98 Right to refer matters to Land and Environment Court**

Omit the section.

**[20] Section 99 Powers of Local Land Services with respect to fences**

Omit “the appropriate local land board” from section 99 (1).

Insert instead “the Director-General”.

**[21] Section 99 (2)**

Omit “local land board” and “its”.

Insert instead “Director-General” and “his or her”, respectively.

**[22] Section 110 Compensation for improvements on former stock watering place**

Omit “appropriate local land board” from section 110 (3).

Insert instead “Civil and Administrative Tribunal”.

**[23] Section 110 (4)**

Omit “local land board”. Insert instead “Tribunal”.

**[24] Section 147 Notice of right to appeal against order**

Omit “local land board” from section 147 (a).

Insert instead “Civil and Administrative Tribunal”.

**[25] Section 148 Appeal against individual eradication order of Local Land Services**

Omit “appropriate local land board” from section 148 (1).

Insert instead “Civil and Administrative Tribunal”.

**[26] Section 148 (1)**

Insert at the end of the subsection:

**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[27] Section 148 (3)–(5)**

Omit “the local land board” and “a local land board” wherever occurring.

Insert instead “the Tribunal”.

**[28] Section 157 Appeal against refusal to approve keeping of pest in captivity or use alternative eradication method**

Omit “appropriate local land board” from section 157 (1).

Insert instead “Civil and Administrative Tribunal”.

**[29] Section 157 (1)**

Insert at the end of the subsection:

**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[30] Section 157 (3) and (4)**

Omit “local land board” wherever occurring. Insert instead “Tribunal”.

**[31] Section 196 Jurisdiction of court or NCAT not to be ousted in certain proceedings**

Omit “local land board” wherever occurring.

Insert instead “the Civil and Administrative Tribunal”.

**[32] Section 197 Proof of certain matters not required**

Omit “local land board” from section 197 (j).

Insert instead “the Civil and Administrative Tribunal”.



**[33] Section 206 Regulations**

Insert after section 206 (2) (o):

- (p) conferring jurisdiction on the Civil and Administrative Tribunal to hear and determine appeals against decisions concerning rates, charges and other amounts payable under this Act or the regulations (including assessments for the purposes of such rates, changes and amounts).

**[34] Section 206 (2A)**

Insert after section 206 (2):

- (2A) The Minister is not to recommend the making of a regulation containing provisions for the purposes of subsection (2) (p) unless the Minister certifies that the Minister administering the *Civil and Administrative Tribunal Act 2013* has agreed to the provisions.

**[35] Section 207 Local land board appeals procedure**

Omit the section.

**[36] Dictionary**

Omit the definitions of *appropriate local land board* and *local land board*.

## **8.14 Local Land Services Regulation 2014**

**[1] Clauses 20 and 21**

Omit “appropriate local land board”, “the local land board” and “The local land board” wherever occurring.

Insert instead “Civil and Administrative Tribunal”, “the Tribunal” and “The Tribunal”, respectively.

**[2] Clause 21 (1)**

Insert at the end of the subclause:

**Note.** An appeal to the Civil and Administrative Tribunal under this clause is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[3] Clause 22 Hearing of appeals**

Omit “local land board” wherever occurring in clause 22 (1) and (2).

Insert instead “Civil and Administrative Tribunal”.

**[4] Clause 22 (3)**

Omit the subclause.

## **8.15 Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955 No 43**

**[1] Section 12 Determination of rental by Director-General**

Omit section 12 (1) and (2). Insert instead:

- (1) The Director-General is to determine the annual rental under clause 22 (f) of the Agreement.

- (2) In determining the annual rent:
- (a) the Director-General has and may exercise all of the functions that a local land board could have exercised under this section and the Agreement immediately before the substitution of this section by the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013*, and
  - (b) the Director-General's decision is taken to have the same effect for the purposes of the Agreement as a decision of a local land board would have had immediately before that substitution.
- (2A) For the avoidance of doubt, the substitution of this section (or a determination of annual rent as provided for by this section) does not constitute a breach of the Agreement.

**[2] Section 12 (3)**

Omit "said board". Insert instead "Director-General".

**[3] Section 12 (4)**

Omit the subsection. Insert instead:

- (4) In this section:  
*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

## **8.16 Roads Act 1993 No 33**

**[1] Section 260 Reference of certain matters to Director-General**

Omit "the appropriate local land board, or to the chairperson of that board sitting alone," from section 260 (1).

Insert instead "the Director-General".

**[2] Section 260 (2)**

Omit "local land board or chairperson" and "its".

Insert instead "Director-General" and "the Director-General's", respectively.

**[3] Section 260 (5)**

Insert after section 260 (4):

- (5) In this section:  
*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

**[4] Dictionary**

Omit the definition of *local land board*.

## **8.17 Soil Conservation Act 1938 No 10**

**Section 3 Definitions**

Omit the definition of *Local land board* from section 3 (1).

## **8.18 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)**

**Schedule 2 Public offices**

Omit the matter relating to Chairperson, Local Land Boards from Part 2.

## 8.19 Trees (Disputes Between Neighbours) Act 2006 No 126

### Section 11 Trees on Crown land referred to local land board

Omit the section.

## 8.20 Water Act 1912 No 44

### [1] Section 4 Definitions

Insert in alphabetical order:

*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

### [2] Section 4, definition of “Local land board”

Omit the definition.

### [3] Section 4A Inquiries and appeals—requirement to take certain matters into account

Omit “a local land board” from the definition of *judicial body* in section 4A (2).

Insert instead “the Civil and Administrative Tribunal”.

### [4] Section 11 Notification of application for licence

Omit section 11 (5) and (6). Insert instead:

- (5) The Ministerial Corporation must apply to the Civil and Administrative Tribunal for an inquiry into:
  - (a) if the Ministerial Corporation decides that an application for a licence should be granted but an objection has been lodged under subsection (2) or (2A)—the desirability of granting the application for a licence, or
  - (b) if the applicant for a licence is dissatisfied with the decision of the Ministerial Corporation as to the period, terms, limitations or conditions proposed to be applied to the licence and has, within 28 days after notice has been given to the applicant in accordance with subsection (3), lodged with the Ministerial Corporation a written objection—the period, terms, limitations and conditions proposed to be applied to the licence.
- (6) The application for the inquiry must be made within 28 days after the relevant objection is received by the Ministerial Corporation.
- (6A) An inquiry by the Civil and Administrative Tribunal is to be:
  - (a) notified by the Ministerial Corporation once in the Gazette and once in a newspaper published and circulating in the district where the work is or is proposed to be situated, and
  - (b) by way of a hearing that is open to the public.
- (6B) In addition to the Ministerial Corporation and the applicant, the Civil and Administrative Tribunal is to permit such other persons or bodies as it considers have interests that may be affected by any matter to which the inquiry relates to make submissions to the inquiry.
- (6C) In determining the inquiry, the Civil and Administrative Tribunal is to:
  - (a) in the case of an inquiry into the desirability of granting the application for a licence—determine whether the licence should be granted and, if so, the period, terms, limitations and conditions to be applied to the licence, or

(b) in the case of an inquiry into the period, terms, limitations and conditions proposed to be applied to a licence—determine the period, terms, limitations and conditions to be applied to the licence.

(6D) The Civil and Administrative Tribunal must ensure that a written statement of reasons (setting out the matters referred to in section 62 (3) of the *Civil and Administrative Tribunal Act 2013*) for its determination of an inquiry is:

(a) provided to both the Ministerial Corporation and the applicant for the licence even if they have not requested that statement under section 62 of that Act, and

(b) published on the website of the Tribunal.

**[5] Section 12 Licence**

Omit “local land board” wherever occurring in section 12 (1) and (2).

Insert instead “Director-General”.

**[6] Section 13A Application for licence by person who does not occupy land on which works are to be constructed**

Omit “local land board” wherever occurring in section 13A (4)–(6).

Insert instead “Director-General”.

**[7] Section 20A Notification of application and reference to Director-General or Magistrate**

Omit “local land board” and “board’s” wherever occurring in section 20A (2).

Insert instead “Director-General” and “Director-General’s”, respectively.

**[8] Section 20B Authority**

Omit “local land board” from section 20B (1).

Insert instead “Director-General”.

**[9] Section 20CA Application for authority by persons who do not occupy land on which works are to be constructed**

Omit “local land board” and “board’s” wherever occurring in section 20CA (4)–(6).

Insert instead “Director-General” and “Director-General’s”, respectively.

**[10] Section 20CB Renewal of authorities under section 20CA**

Omit “local land board” wherever occurring in section 20CB (1) and (3).

Insert instead “Director-General”.

**[11] Section 20E Amended authorities**

Omit “local land board” wherever occurring in section 20E (2).

Insert instead “Director-General”.

**[12] Section 20K Application for group licence**

Omit “local land board” from section 20K (3). Insert instead “Director-General”.

**[13] Section 20L Issue of group licence**

Omit “local land board” from section 20L (1). Insert instead “Director-General”.

**[14] Section 21B Offences with respect to construction, erection and use of work without licence etc**

Omit “local land board” wherever occurring in section 21B (3).

Insert instead “Civil and Administrative Tribunal”.

**[15] Section 22 Power of entry**

Omit “local land board” wherever occurring in section 22 (5).

Insert instead “Civil and Administrative Tribunal”.

**[16] Section 26B**

Omit the section. Insert instead:

**26B Powers to determine licence, group licence or authority**

- (1) The Ministerial Corporation may, at any time after giving reasonable notice, cancel a licence, group licence or an authority on payment of compensation to the person entitled to the benefit of the licence or authority or to the holder of the group licence (the *affected person*).
- (2) Subject to any order of the Civil and Administrative Tribunal, the right to the water which was vested in the affected person vests in the Ministerial Corporation on the expiry of the period of 28 days after the payment of the compensation.
- (3) The affected person may apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of the decision of the Ministerial Corporation concerning the amount of compensation to be paid.
- (4) The application for administrative review must be made within 28 days after the payment of the compensation.

**[17] Section 107 Notification of proposal etc**

Omit “the local land board” and “the board” wherever occurring in section 107 (2) and (4).

Insert instead “the Director-General”.

**[18] Section 107 (2)**

Omit “(or local land board for an adjacent land district)”.

**[19] Section 108 Assessment of charges**

Omit “local land board” wherever occurring in section 108 (1) and (4).

Insert instead “Director-General”.

**[20] Section 110 Assessment of charges**

Omit “local land board” wherever occurring in section 110 (1) and (4).

Insert instead “Director-General”.

**[21] Section 114 Inquiry**

Omit “local land board” wherever occurring. Insert instead “Director-General”.

**[22] Section 115 Issue of licence**

Omit “local land board” from section 115 (2) (a). Insert instead “Director-General”.

**[23] Section 121C Apportionment of expenses**

Omit “local land board for the district in which the land or any part of it is situated”.

Insert instead “Civil and Administrative Tribunal”.

**[24] Section 126 Appeal**

Omit “a local land board”. Insert instead “the Director-General”.

**8.21 Wentworth Irrigation Act 1890 No 7**

**[1] Section 22C Purchase price of leased lands**

Omit “local land board (within the meaning of the *Crown Lands Act 1989*)” from section 22C (5) (a).

Insert instead “Civil and Administrative Tribunal”.

**[2] Section 22C (6)**

Omit “local land board”. Insert instead “Civil and Administrative Tribunal”.

**8.22 Western Lands Act 1901 No 70**

**[1] Section 3 Definitions**

Insert in alphabetical order in section 3 (1):

*Director-General* has the same meaning as in the *Crown Lands Act 1989*.

**[2] Section 3 (1), definition of “Local Land Board”**

Omit the definition.

**[3] Section 10C Minister may deal with matters by agreement**

Omit “a local land board” and “the local land board” wherever occurring.

Insert instead “the Civil and Administrative Tribunal”.

**[4] Section 18A Condition of fencing**

Omit section 18A (6) (including the note to the subsection). Insert instead:

(6) A person who is affected by an order made by the Commissioner under this section may appeal to the Civil and Administrative Tribunal against that order.

**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**[5] Section 18E Subsisting leases: extension**

Omit “local land board” wherever occurring in section 18E (2) and (5).

Insert instead “Director-General”.

**[6] Section 26 Review of assessment by Civil and Administrative Tribunal**

Omit “local land board” wherever occurring.

Insert instead “Civil and Administrative Tribunal”.

- [7] Section 27 Appeal to Land and Environment Court**  
Omit the section.
- [8] Section 35A Permission to enclose roads**  
Omit “local land board” and “it”.  
Insert instead “Director-General” and “the Director-General”, respectively.
- [9] Section 35U Mediation of disputes as to easements**  
Omit the section.
- [10] Section 36 Regulations**  
Omit section 36 (1) (i).
- [11] Schedule 2 Applicable provisions of the Crown Lands Act 1989**  
Omit “(Local land boards)” from the matter relating to Division 2 of Part 2 of the *Crown Lands Act 1989*.  
Insert instead “(Director-General)”.
- [12] Schedule 4 Provisions relating to purchases of certain leased land**  
Omit “local land board” from clause 2 (2) (b).  
Insert instead “Civil and Administrative Tribunal”.
- [13] Schedule 4, clause 4 (5)**  
Omit “local land board” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.
- [14] Schedule 4, clause 4 (5)**  
Insert at the end of the subclause:  
**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.
- [15] Schedule 4, clause 4 (6)**  
Omit the subclause. Insert instead:  
(6) On hearing an appeal under subclause (5), the Civil and Administrative Tribunal may include in its order or decision an order or redetermination referred to in subclause (7), or both.
- [16] Schedule 4, clause 4 (7)**  
Omit “The local land board, or the Court, may”.  
Insert instead “The Civil and Administrative Tribunal may”.
- [17] Schedule 4, clause 11 (4) (a) and (5)**  
Omit “local land board” wherever occurring.  
Insert instead “Civil and Administrative Tribunal”.

**[18] Schedule 4, clause 11 (4)**

Insert at the end of the subclause:

**Note.** An appeal to the Civil and Administrative Tribunal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*. A decision of the Tribunal on such an external appeal may be appealed to the Land and Environment Court under Schedule 1 to that Act.

**8.23 Western Lands Regulation 2011**

**Clause 20 Local land board hearings—rural lands protection appeals**

Omit the clause.



## **Schedule 9 Amendment of legislation concerning Vocational Training Tribunal and Appeal Panel**

### **9.1 Apprenticeship and Traineeship Act 2001 No 80**

**[1] The whole Act (except Schedule 4 and except as otherwise amended by this Subschedule)**

Omit each term or expression specified in Column 1 of the following Table wherever occurring (including definitions, headings and notes) and regardless of capitalisation.

Insert instead the term or expression specified in Column 2 opposite the term specified in Column 1 with capitalisation that corresponds to that of the omitted term or expression:

**Table**

<b>Column 1</b>	<b>Column 2</b>
“Vocational Training Tribunal”	“Vocational Training Review Panel”
“Tribunal”	“Review Panel”
“Tribunal’s”	“Review Panel’s”

**[2] Part 5**

Omit the Part. Insert instead:

### **Part 5 Reviews and appeals**

#### **54 Applications to Review Panel for reviews of decisions of Commissioner**

- (1) A person aggrieved by any of the following decisions of the Commissioner may, in accordance with the regulations (if any), apply to the Review Panel for a review of the decision:
  - (a) any decision by the Commissioner dismissing an application for establishment of an apprenticeship or traineeship,
  - (b) any vocational training direction made by the Commissioner,
  - (c) any decision by the Commissioner dismissing an application for approval to the transfer of an apprenticeship or traineeship,
  - (d) any decision by the Commissioner dismissing an application for variation of an apprenticeship or traineeship,
  - (e) any decision by the Commissioner under which an apprenticeship or traineeship has been varied,
  - (f) any decision by the Commissioner to refuse to register a person as an existing worker trainee,
  - (g) any decision by the Commissioner to refuse to register a person or body as a group training organisation or to suspend or cancel the registration of a person or body as a group training organisation,
  - (h) any refusal by the Commissioner to issue a certificate of proficiency, craft certificate or certificate of completion under Part 2 or 3,
  - (i) any decision by the Commissioner refusing to refer a complaint under Part 4 for determination by the Review Panel.
- (2) A review under this section is to be dealt with by way of a new hearing, and fresh evidence or fresh information may be given on the appeal.

- (3) The decision of the Review Panel is to be given effect to as if it were the decision of the Commissioner under review.

**55 Appeals to NCAT against decisions of Review Panel**

- (1) A person aggrieved by any of the following decisions of the Review Panel may appeal to the Civil and Administrative Tribunal against the decision:
- (a) any decision by the Review Panel dismissing an application for establishment of an apprenticeship or traineeship,
  - (b) any vocational training direction made by the Review Panel or by the Commissioner,
  - (c) any decision by the Review Panel dismissing an application for approval to the transfer of an apprenticeship or traineeship,
  - (d) any decision by the Review Panel dismissing an application for variation of an apprenticeship or traineeship,
  - (e) any decision by the Review Panel under which an apprenticeship or traineeship has been varied,
  - (f) any determination by the Review Panel under section 36 that denies recognition of a person's qualifications or experience in a particular recognised trade vocation,
  - (g) any determination by the Review Panel in respect of a complaint under Part 4, including any order of the kind referred to in section 53,
  - (h) a decision of the Review Panel determining an application for a review of a decision of the Commissioner made under section 54.

**Note** An appeal under this section is an external appeal to the Tribunal for the purposes of the *Civil and Administrative Tribunal Act 2013*.

- (2) An appeal is to be dealt with by way of a new hearing, and fresh evidence or fresh information may be given on the appeal.
- (3) The decision of the Civil and Administrative Tribunal is to be given effect to as if it were the decision of the person or body in respect of whose decision, determination, action or failure to act the appeal has been made.

**[3] Section 58**

Omit the section. Insert instead:

**58 Delegation by Commissioner**

Subject to section 60 (5), the Commissioner may delegate to any person, or to any person belonging to a specified class of persons, any of the Commissioner's functions (other than this power of delegation).

**Note.** Section 60 (5) provides that Commissioner may delegate the exercise of the Commissioner's functions as a member of the Review Panel to any public servant employed within the Department, and for that purpose any such delegate is taken to be a member of the Review Panel and is to preside at any sitting of the Review Panel in place of the Commissioner.

**[4] Part 6, Division 3 The Vocational Training Appeal Panel**

Omit the Division.

**[5] Section 74 Applications and notices**

Omit "the Commissioner, the Tribunal or the Appeal Panel" from section 74 (1).

Insert instead "the Commissioner or the Review Panel".

**[6] Section 77 Liability**

Omit section 77 (b) and (c). Insert instead:

(b) the Review Panel or a member of the Review Panel, or

**[7] Section 77 (e)**

Omit “Commissioner, the Tribunal or the Appeal Panel”.

Insert instead “Commissioner or Review Panel”.

**[8] Section 77**

Omit “any member of the Tribunal or Appeal Panel”.

Insert instead “any member of the Review Panel”.

**[9] Schedule 2 The Vocational Training Appeal Panel**

Omit the Schedule.

**[10] Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any Act that amends this Act

**[11] Schedule 4, clauses 17–19**

Omit “Appeal Panel” wherever occurring.

Insert instead “Vocational Training Appeal Panel”.

**[12] Schedule 4**

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provisions consequent on enactment of Civil and Administrative Legislation (Repeal and Amendment) Act 2013**

**Vocational Training Review Panel**

- (1) The Vocational Training Review Panel established by this Act is a continuation of the Vocational Training Tribunal established by this Act before the establishment day.
- (2) Each person who was a member of the Vocational Training Tribunal immediately before the establishment day continues in office on and from that day as a member of the Vocational Training Review Panel for the balance of his or her term of office as a member of the Tribunal.
- (3) The Vocational Training Review Panel may continue and complete anything begun by the Vocational Training Tribunal before the establishment day.
- (4) Any right to make or refer an application or complaint to the Vocational Training Tribunal becomes, on and from the establishment day, a right to make or refer the application or complaint to the Vocational Training Review Panel.
- (5) Subject to Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013*, any matter determined by the Vocational Training Tribunal (including

under section 36 or 37) is taken, on and from the establishment day, to have been determined by the Vocational Training Review Panel.

**Note.** Part 2 of Schedule 1 to the *Civil and Administrative Tribunal Act 2013* abolished the Vocational Training Appeal Panel on the establishment day and contains savings and transitional provisions with respect to the Appeal Panel and appeals to the Panel.

- (6) In this clause:  
*establishment day* has the same meaning as in the *Civil and Administrative Tribunal Act 2013*.

**[13] Dictionary**

Omit the definitions of *Appeal Panel* and *Tribunal*. Insert in alphabetical order:

*Review Panel* means the Vocational Training Review Panel of New South Wales constituted by section 59.

**9.2 Apprenticeship and Traineeship Regulation 2010**

**[1] Clause 11 Nomination of members for Review Panel**

Omit “and clause 2 (a) (i) of Schedule 2” from clause 11 (1).

**[2] Clause 11 (2)**

Omit “and clause 2 (b) (i) of Schedule 2”.

**[3] Clause 11 (3)**

Omit “and clause 2 (c) (i) of Schedule 2”.

**[4] Clause 11 (4)**

Omit “and clause 5 (2) of Schedule 2”.

**[5] Clause 11 (4)**

Omit “member of the Tribunal or the Appeal Panel”.

Insert instead “member of the Review Panel”.

**9.3 Government Information (Public Access) Regulation 2009**

**Schedule 3 Agencies declared to be part of other agencies**

Omit “Vocational Training Tribunal”.

Insert instead “Vocational Training Review Panel”.

**9.4 Hairdressers Act 2003 No 62**

**Section 4 When is an individual “qualified to act as a hairdresser”?**

Omit “Vocational Training Tribunal” whenever occurring in section 4 (1).

Insert instead “Vocational Training Review Panel”.

## **Schedule 10 Other amendments to legislation**

### **10.1 Children and Young Persons (Care and Protection) Act 1998 No 157**

#### **Section 29 Protection of persons who make reports or provide certain information**

Omit “Victims Compensation Tribunal or the Guardianship Tribunal” from section 29 (1) (d) (iv).

Insert instead “Civil and Administrative Tribunal”.

### **10.2 Children (Detention Centres) Act 1987 No 57**

#### **Section 42 Attendance of persons subject to control before courts and court officers**

Omit “Victims Compensation Tribunal” from section 42 (5) (b).

Insert instead “Civil and Administrative Tribunal”.

### **10.3 Crimes (Administration of Sentences) Act 1999 No 93**

#### **Section 77 Attendance of inmates before courts and court officers**

Omit “Victims Compensation Tribunal” from paragraph (e) of the definition of *appropriate authority* in section 77 (5).

Insert instead “Civil and Administrative Tribunal”.

### **10.4 Criminal Procedure Act 1986 No 209**

#### **[1] Section 306M Definitions**

Omit “Victims Compensation Tribunal” wherever occurring in the definitions of *court* and *courtroom* in section 306M (1).

Insert instead “Civil and Administrative Tribunal”.

#### **[2] Section 306ZA Application of Division**

Omit section 306ZA (d). Insert instead:

- (d) a proceeding before the Civil and Administrative Tribunal in respect of the hearing of a matter arising from the commission of a personal assault offence that is the subject of an application to it under the *Victims Rights and Support Act 2013*,

#### **[3] Section 306ZK Vulnerable persons have a right to presence of a supportive person while giving evidence**

Omit section 306ZK (1) (d). Insert instead:

- (d) a proceeding before the Civil and Administrative Tribunal in respect of the hearing of a matter arising from the commission of a personal assault offence that is the subject of an application to it under the *Victims Rights and Support Act 2013*, and

## 10.5 Defamation Act 2005 No 77

### [1] Schedule 1 Additional publications to which absolute privilege applies

Insert after clause 32:

#### 33 Matters arising under Civil and Administrative Tribunal Act 2013

Without limiting section 27 (2) (a)–(c), matter that is published to or by the Civil and Administrative Tribunal under the *Civil and Administrative Tribunal Act 2013* (including matter that is published by that Tribunal in an official report of a decision of that Tribunal or of the reasons of that Tribunal for a decision).

### [2] Schedule 2 Additional kinds of public documents

Insert after clause 8:

#### 9 Documents relating to Civil and Administrative Tribunal

Without limiting section 28 (4) (a)–(f), any document that consists of a decision (including reasons for a decision) made by the Civil and Administrative Tribunal.

#### 10 Documents relating to certain abolished tribunals

Without limiting section 28 (4) (a)–(f), any document that consists of a decision (including reasons for a decision) made by an abolished tribunal (but only if such a document was included in this Schedule before the Tribunal's abolition).

### [3] Schedule 3 Additional proceedings of public concern

Insert after clause 17:

#### 18 Proceedings relating to Civil and Administrative Tribunal

Without limiting section 29 (4) (a)–(o), proceedings held in public of the Civil and Administrative Tribunal.

#### 19 Proceedings relating to certain abolished tribunals

Without limiting section 29 (4) (a)–(o), proceedings of an abolished tribunal (but only if such proceedings were included in this Schedule before the Tribunal's abolition).

## 10.6 Government Information (Public Access) Regulation 2009

### Schedule 3 Agencies declared to be part of other agencies

Insert in alphabetical order of subsidiary agency:

Civil and Administrative Tribunal

Department of Justice and Attorney General

## 10.7 Ombudsman Act 1974 No 68

### Section 35D

Insert after section 35C:

#### 35D Inter-relationship between Ombudsman and NCAT

- (1) The Ombudsman and President of the Civil and Administrative Tribunal may enter into arrangements regarding any of the following:
  - (a) matters that the Tribunal will refer to the Ombudsman where it considers that the matter can be the subject of a complaint, inquiry, investigation or other action under the *Ombudsman Act 1974* and that it would be more appropriate for the Ombudsman to deal with the matter,
  - (b) matters that the Ombudsman will refer to the Tribunal where the Ombudsman considers that the matter can be the subject of an administrative review application and that it would be more appropriate for the Tribunal to deal with it,
  - (c) matters that are the subject of an administrative review application and that are also the subject of a complaint, inquiry, investigation or other action under the *Ombudsman Act 1974*,
  - (d) the co-operative exercise of the respective functions of the Ombudsman and the Tribunal.
- (2) The Ombudsman and President are jointly to cause notice of any arrangements entered into under this section to be published in the Gazette as soon as is practicable after they are entered into. However, a failure to publish any such arrangements does not affect their validity.
- (3) The Ombudsman and the Civil and Administrative Tribunal are empowered to exercise their functions in conformity with any relevant arrangements entered into under this section.
- (4) An administrative review application may be made to the Civil and Administrative Tribunal whether or not a complaint has been made to the Ombudsman in relation to the decision.
- (5) Without limiting subsection (3):
  - (a) the Ombudsman may (despite anything in this Act) decline, discontinue or defer a complaint made under this Act to give effect to an arrangement entered into under this section, and
  - (b) the Ombudsman may (despite any provision of this Act but in conformity with the *Civil and Administrative Tribunal Act 2013*) disclose any information to the Tribunal duly obtained by the Ombudsman in relation to any matter referred to the Civil and Administrative Tribunal to give effect to an arrangement entered into under this section, and
  - (c) the Tribunal may dismiss, adjourn or stay proceedings relating to an administrative review application to give effect to an arrangement entered into under this section, and

- (d) the Ombudsman may entertain any complaint under this Act, or the Tribunal may entertain an administrative review application, duly made by a person on the basis of a referral under arrangements entered into under this section.
- (6) In this section:  
*administrative review application* has the same meaning as in the *Civil and Administrative Tribunal Act 2013*.

## **10.8 Public Sector Employment and Management Act 2002 No 43**

### **Schedule 3A Recognition of prior government service for public sector employees extended leave entitlements**

Insert after the matter relating to the Administrative Decisions Tribunal of New South Wales in the Table to clause 11:

#### **Civil and Administrative Tribunal of New South Wales**

Member who was taken to be employed in a public sector agency by operation of this clause immediately before the establishment day (within the meaning of the *Civil and Administrative Tribunal Act 2013*)