

TASMANIA

**TASMANIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL (CONSEQUENTIAL AMENDMENTS)
BILL 2021**

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- 378. Section 46 repealed

- 379. Section 47 amended (Presentation of cases)
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PART 56 – WORKERS REHABILITATION AND COMPENSATION REGULATIONS 2021 AMENDED

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PART 57 – YOUTH JUSTICE ACT 1997 AMENDED

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**TASMANIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL (CONSEQUENTIAL AMENDMENTS)
BILL 2021**

*(Brought in by the Minister for Justice, the Honourable Elise
Nicole Archer)*

A BILL FOR

**An Act to amend certain Acts and regulations, and to
repeal or rescind certain Acts and regulations,
consequential to the enactment of the *Tasmanian Civil and
Administrative Tribunal Amendment Act 2021***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Tasmanian Civil
and Administrative Tribunal (Consequential
Amendments) Act 2021*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 3

Part 2 – Acts Interpretation Act 1931 Amended

**PART 2 – ACTS INTERPRETATION ACT 1931
AMENDED**

3. Principal Act

In this Part, the *Acts Interpretation Act 1931** is referred to as the Principal Act.

4. Section 46 amended (Definition of certain common phrases)

Section 46 of the Principal Act is amended by inserting after the definition of *Supreme Court* the following definition:

Tasmanian Civil and Administrative Tribunal means the Tasmanian Civil and Administrative Tribunal established by section 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

*No. 59 of 1931

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 3 – Agricultural and Veterinary Chemicals (Control of Use) Act 1995
Amended

s. 5

**PART 3 – AGRICULTURAL AND VETERINARY
CHEMICALS (CONTROL OF USE) ACT 1995
AMENDED**

5. Principal Act

In this Part, the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995** is referred to as the Principal Act.

6. Section 57 amended (Review of decisions)

Section 57(8) of the Principal Act is amended by omitting “Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*” from the definition of *Appeal Tribunal* and substituting “Tasmanian Civil and Administrative Tribunal”.

*No. 106 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 7

Part 4 – Anti-Discrimination Act 1998 Amended

**PART 4 – ANTI-DISCRIMINATION ACT 1998
AMENDED**

7. Principal Act

In this Part, the *Anti-Discrimination Act 1998** is referred to as the Principal Act.

8. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

9. Sections 12 and 12A repealed

Sections 12 and 12A of the Principal Act are repealed.

10. Section 13 amended (Functions of Tribunal)

Section 13 of the Principal Act is amended by omitting “a Tribunal” and substituting “the Tribunal under this Act”.

*No. 46 of 1998

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 4 – Anti-Discrimination Act 1998 Amended

s. 11

11. Section 68 amended (Application to Commissioner to withdraw complaint)

Section 68(4)(c) of the Principal Act is amended by omitting “section 99A.” and substituting “Division 10 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.”.

12. Section 78 amended (Referral for inquiry)

Section 78 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “to the Tribunal” after “refer”;
- (b) by inserting in subsection (2) “to the Tribunal” after “a complaint”.

13. Section 78A repealed

Section 78A of the Principal Act is repealed.

14. Section 79A amended (Representation in inquiry)

Section 79A of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) Section 98 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply in relation to a hearing of an inquiry.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 15

Part 4 – Anti-Discrimination Act 1998 Amended

15. Section 80A repealed

Section 80A of the Principal Act is repealed.

16. Section 85 amended (Hearing of inquiry)

Section 85 of the Principal Act is amended by omitting subsection (1).

17. Section 86 repealed

Section 86 of the Principal Act is repealed.

18. Sections 87 and 88 repealed

Sections 87 and 88 of the Principal Act are repealed.

19. Section 95 repealed

Section 95 of the Principal Act is repealed.

20. Section 96 amended (Matters taken into account)

Section 96 of the Principal Act is amended by omitting “section 89 or 95” and substituting “section 89 or under Division 10 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

21. Section 99A repealed

Section 99A of the Principal Act is repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 4 – Anti-Discrimination Act 1998 Amended

s. 22

22. Section 100 amended (Appeals)

Section 100 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “or a dismissal under section 99”;
- (c) by omitting from subsection (2) “or dismissal”;
- (d) by omitting subsection (3).

23. Section 103 amended (Immunities)

Section 103 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “, the chairperson and members of the Tribunal”;
- (b) by omitting subsection (2);
- (c) by omitting from subsection (3) “or the chairperson or a member of the Tribunal”;
- (d) by inserting in subsection (3) “or in proceedings of the Tribunal for the purposes of this Act” after “Act”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 24

Part 4 – Anti-Discrimination Act 1998 Amended

24. Section 103A amended (Commissioner and Tribunal members not required to give evidence in certain cases)

Section 103A of the Principal Act is amended as follows:

- (a) by omitting “the chairperson and”;
- (b) by inserting “or in proceedings of the Tribunal for the purposes of this Act” after “Act”.

25. Section 107A amended (Publication of decisions)

Section 107A(1) of the Principal Act is amended by inserting “made under or in relation to this Act” after “its decisions”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

s. 26

**PART 5 – ASBESTOS-RELATED DISEASES
(OCCUPATIONAL EXPOSURE) COMPENSATION
ACT 2011 AMENDED**

26. Principal Act

In this Part, the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011** is referred to as the Principal Act.

27. Section 5 amended (Interpretation)

Section 5(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Chief Commissioner of the Tribunal*;
- (b) by omitting the definition of *Commissioner of the Tribunal*;
- (c) by omitting the definition of *part-time Commissioner of the Tribunal* and substituting the following definition:

member of the Tribunal means a member of the Tribunal under section 11 of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

*No. 29 of 2011

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 28 Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

- (d) by omitting the definition of *Registrar* and substituting the following definition:

Registrar has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (e) by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

28. Sections 129 and 130 repealed

Sections 129 and 130 of the Principal Act are repealed.

29. Section 131 amended (Exclusive jurisdiction of Tribunal)

Section 131 of the Principal Act is amended by omitting subsection (1).

30. Sections 132, 133 and 134 repealed

Sections 132, 133 and 134 of the Principal Act are repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

s. 31

31. Section 135 amended (Record of Tribunal)

Section 135 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “to which this Act relates” after “a proceeding”;
- (b) by inserting in subsection (2) “to which this Act relates” after “a proceeding”.

32. Section 137 repealed

Section 137 of the Principal Act is repealed.

33. Section 138 amended (Presentation of cases)

Section 138 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, to which this Act relates, that is” after “proceeding”;
- (b) by inserting in subsection (2) “, to which this Act relates, that is” after “proceeding”;
- (c) by inserting in subsection (3) “, to which this Act relates, that is” after “A proceeding”;
- (d) by inserting the following subsection after subsection (3):

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 34 Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

(4) This section applies despite sections 81 and 98 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

34. Section 139 repealed

Section 139 of the Principal Act is repealed.

35. Section 141 amended (Evidence)

Section 141 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting subsection (5).

36. Section 142 amended (Determination of medical question by Tribunal)

Section 142(1) of the Principal Act is amended by inserting “, to which this Act relates, that are” after “proceedings”.

37. Section 143 amended (Parties’ right to be heard)

Section 143 of the Principal Act is amended as follows:

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Amendments) Act 2021*
Act No. of 2021

Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

s. 38

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- (a) by inserting in subsection (1) “, to which this Act relates, that is” after “proceeding”;
 - (b) by inserting in subsection (2) “to which this Act relates” after “a proceeding”;
 - (c) by inserting in subsection (3)(a) “to which this Act relates” after “proceeding”.

38. Section 145 amended (Records of proceedings)

Section 145 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, to which this Act relates, that is” after “proceeding”;
- (b) by inserting in subsection (2) “, to which this Act relates, that is” after “a proceeding”.

39. Section 146 amended (Costs)

Section 146 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “to proceedings to which this Act relates” after “party”;

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Amendments) Act 2021
Act No. of 2021*

s. 40 Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

- (b) by inserting in subsection (2) “under this Act” after “referred to the Tribunal”.

40. Section 147 repealed

Section 147 of the Principal Act is repealed.

41. Section 148 amended (Tribunal may make interim declaration)

Section 148 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “under this Act” after “to it”;
- (b) by inserting in subsection (2) “in proceedings to which this Act relates” after “an interim determination, ruling or direction”.

42. Section 151 amended (Orders of Tribunal are final)

Section 151 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “in proceedings to which this Act relates” after “Tribunal”;
- (b) by inserting in subsection (3) “in proceedings to which this Act relates” after “it”;

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Amendments) Act 2021*
Act No. of 2021

Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

s. 43

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- (c) by inserting in subsection (4) “in proceedings to which this Act relates” after “an order”.

43. Section 152 repealed

Section 152 of the Principal Act is repealed.

44. Section 176 amended (Liability of persons performing functions under this Act)

Section 176 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (c), (d) and (e) from subsection (1) and substituting the following paragraph:
- (c) a member of the Tribunal;
- (b) by omitting paragraph (g) from subsection (1);
- (c) by omitting from subsection (2) “or the Tribunal”.

45. Section 185 repealed

Section 185 of the Principal Act is repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 46 Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

46. Section 188 amended (Regulations)

Section 188(2)(a) of the Principal Act is amended by inserting “in relation to matters under this Act” after “Tribunal”.

PART 6 – BIOSECURITY ACT 2019 AMENDED

47. Principal Act

In this Part, the *Biosecurity Act 2019** is referred to as the Principal Act.

48. Section 4 amended (Principles for performing functions under this Act)

Section 4(a)(ii) of the Principal Act is amended by omitting “Schedule 1 to the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “Part 1 of Schedule 1 to the *Land Use Planning and Approvals Act 1993*”.

49. Section 8 amended (Interpretation)

Section 8(1) of the Principal Act is amended by omitting “Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*” from the definition of *Appeal Tribunal* and substituting “Tasmanian Civil and Administrative Tribunal”.

50. Section 256 amended (Appeals generally)

Section 256(3) of the Principal Act is amended by omitting “*Resource Management and*

*No. 22 of 2019

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 50

Part 6 – Biosecurity Act 2019 Amended

*Planning Appeal Tribunal Act 1993” and
substituting “Tasmanian Civil and
Administrative Tribunal Act 2020”.*

PART 7 – BUILDING ACT 2016 AMENDED

51. Principal Act

In this Part, the *Building Act 2016** is referred to as the Principal Act.

52. Section 4 amended (Interpretation)

Section 4(1) of the Principal Act is amended by omitting the definition of *appeal tribunal* and substituting the following definition:

appeal tribunal means the Tasmanian Civil and Administrative Tribunal;

53. Section 285 repealed

Section 285 of the Principal Act is repealed.

54. Section 320 amended (Authentication of documents)

Section 320 of the Principal Act is amended by omitting “chairperson of the appeal tribunal” and substituting “President, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

*No. 25 of 2016

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 55

Part 8 – Corrections Act 1997 Amended

PART 8 – CORRECTIONS ACT 1997 AMENDED

55. Principal Act

In this Part, the *Corrections Act 1997** is referred to as the Principal Act.

56. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *Mental Health Tribunal*;
- (b) by inserting the following definition after the definition of *supervisor*:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

57. Section 36A amended (Removal of prisoners and detainees to secure mental health units)

Section 36A(10) of the Principal Act is amended by omitting “Mental Health”.

58. Section 36B amended (Appeal against direction under section 36A)

Section 36B of the Principal Act is amended as follows:

*No. 51 of 1997

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 8 – Corrections Act 1997 Amended

s. 58

- (a) by omitting from subsection (1) “Mental Health”;
- (b) by omitting from subsection (3) “Mental Health”;
- (c) by omitting subsection (4) and substituting the following subsection:
 - (4) The *Tasmanian Civil and Administrative Tribunal Act 2020* applies to the hearing and determination of an appeal, regardless of whether or not the prisoner or detainee has a mental illness, as if it were a review under that Act.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 59

Part 9 – Court Security Regulations 2018 Amended

**PART 9 – COURT SECURITY REGULATIONS 2018
AMENDED**

59. Principal Regulations

In this Part, the *Court Security Regulations 2018** are referred to as the Principal Regulations.

60. Regulation 4 amended (Meaning of tribunal)

Regulation 4 of the Principal Regulations is amended as follows:

- (a) by omitting paragraphs (a), (b), (c), (d) and (e);
- (b) by omitting paragraphs (g) and (h);
- (c) by omitting paragraphs (k) and (l) and substituting the following paragraph:
 - (k) the Tasmanian Civil and Administrative Tribunal established by section 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

*S.R. 2018, No. 28

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 10 – Criminal Justice (Mental Impairment) Act 1999 Amended

s. 61

**PART 10 – CRIMINAL JUSTICE (MENTAL
IMPAIRMENT) ACT 1999 AMENDED**

61. Principal Act

In this Part, the *Criminal Justice (Mental Impairment) Act 1999** is referred to as the Principal Act.

62. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *Mental Health Tribunal*;
- (b) by inserting the following definition after the definition of *treatment order*:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

63. Section 29A amended (Supervision orders)

Section 29A(3) of the Principal Act is amended by omitting “Mental Health”.

*No. 21 of 1999

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 64

Part 10 – Criminal Justice (Mental Impairment) Act 1999 Amended

64. Section 31 amended (Apprehension of defendant under supervision order)

Section 31 of the Principal Act is amended as follows:

- (a) by omitting from subsection (6)(c) “Mental Health”;
- (b) by omitting from subsection (7)(a) “Mental Health”;
- (c) by omitting from subsection (7)(b) “Mental Health”.

65. Section 37 amended (Review of persons detained under forensic orders)

Section 37 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Mental Health” second occurring;
- (b) by omitting from subsection (2) “Mental Health”;
- (c) by omitting from subsection (3) “Mental Health”;
- (d) by omitting from subsection (4) “Mental Health”;
- (e) by omitting from subsection (5) “Mental Health”;

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Amendments) Act 2021*
Act No. of 2021

Part 10 – Criminal Justice (Mental Impairment) Act 1999 Amended

s. 65

- (f) by omitting from subsection (6) “Mental Health”;
- (g) by omitting from subsection (7) “Mental Health” first occurring.

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Amendments) Act 2021
Act No. of 2021*

s. 66

Part 11 – Crown Lands Act 1976 Amended

PART 11 – CROWN LANDS ACT 1976 AMENDED

66. Principal Act

In this Part, the *Crown Lands Act 1976** is referred to as the Principal Act.

67. Section 2 amended (Interpretation)

Section 2 of the Principal Act is amended by omitting the definition of *Appeal Tribunal*.

*No. 28 of 1976

**PART 12 – DISABILITY SERVICES ACT 2011
AMENDED**

68. Principal Act

In this Part, the *Disability Services Act 2011** is referred to as the Principal Act.

69. Section 4 amended (Interpretation)

Section 4(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Guardianship and Administration Board*;
- (b) by omitting “injury.” from the definition of *therapeutic purposes* and substituting “injury;”;
- (c) by inserting the following definition after the definition of *therapeutic purposes*:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

70. Section 35 amended (Functions of Senior Practitioner in relation to restrictive interventions)

Section 35(d) of the Principal Act is amended by omitting “the Guardianship and Administration Board” and substituting “Tribunal”.

*No. 27 of 2011

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 71

Part 12 – Disability Services Act 2011 Amended

71. Section 40 amended (Review, amendment and revocation of approval by Secretary of restrictive interventions)

Section 40 of the Principal Act is amended as follows:

- (a) by omitting from subsection (4) “Guardianship and Administration Board” and substituting “Tribunal”;
- (b) by omitting from subsection (5)(a) “Guardianship and Administration Board after a hearing was held by the Board” and substituting “Tribunal after a hearing was held by the Tribunal”.

72. Part 6, Division 3: Heading amended

Division 3 of Part 6 of the Principal Act is amended by omitting “*Approvals by Guardianship and Administration Board*” from the heading to that Division and substituting “*Approvals by Tribunal*”.

73. Section 41 amended (Applications for approvals to carry out restrictive interventions)

Section 41 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Guardianship and Administration Board” and substituting “Tribunal”;

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021
Act No. of 2021

Part 12 – Disability Services Act 2011 Amended

s. 74

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- (b) by omitting from subsection (2)(c) “Guardianship and Administration Board” and substituting “Tribunal”;
 - (c) by omitting from subsection (2)(e) “registrar within the meaning of the *Guardianship and Administration Act 1995*” and substituting “Registrar within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

74. Section 41A amended (Provisional grant of approval to carry out restrictive intervention)

Section 41A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Guardianship and Administration Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Guardianship and Administration Board” and substituting “Tribunal”;
- (c) by omitting from subsection (2) “Board” second occurring and substituting “Tribunal”.

75. Section 42 amended (Approvals to carry out restrictive interventions)

Section 42 of the Principal Act is amended as follows:

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Amendments) Act 2021*
Act No. of 2021

s. 75

Part 12 – Disability Services Act 2011 Amended

- (a) by omitting from subsection (1) “Guardianship and Administration Board” and substituting “Tribunal”;
- (b) by omitting from subsection (3) “Guardianship and Administration Board” and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” second occurring and substituting “Tribunal”;
- (d) by omitting from subsection (5) “Guardianship and Administration Board” and substituting “Tribunal”;
- (e) by omitting subsection (6) and substituting the following subsection:
 - (6) For the purposes of subsection (5), a hearing is to be held under the *Tasmanian Civil and Administrative Tribunal Act 2020*.
- (f) by omitting from subsection (7) “Guardianship and Administration Board” and substituting “Tribunal”;
- (g) by omitting from subsection (7)(a) “Board” and substituting “Tribunal”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

Part 12 – Disability Services Act 2011 Amended

s. 76

76. Section 43 amended (Circumstances in which approvals may be granted)

Section 43 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Guardianship and Administration Board under section 42 if the Board” and substituting “Tribunal under section 42 if the Tribunal”;
- (b) by omitting from subsection (2) “Guardianship and Administration Board” and substituting “Tribunal”.

77. Section 44 amended (Provisions in respect of approvals by Tribunal)

Section 44(2) of the Principal Act is amended by omitting “Guardianship and Administration Board” and substituting “Tribunal”.

78. Section 45 amended (Review, amendment and revocation of approval by Tribunal)

Section 45 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Guardianship and Administration Board” and substituting “Tribunal”;

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Amendments) Act 2021*
Act No. of 2021

s. 78

Part 12 – Disability Services Act 2011 Amended

- (b) by omitting from subsection (2) “Guardianship and Administration Board” and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Guardianship and Administration Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4) “Guardianship and Administration Board” and substituting “Tribunal”;
- (e) by omitting from subsection (4) “Board” second occurring and substituting “Tribunal”;
- (f) by omitting from subsection (4) “Board” third occurring and substituting “Tribunal”;
- (g) by omitting from subsection (5) “Guardianship and Administration Board” and substituting “Tribunal”;
- (h) by omitting from subsection (6) “Guardianship and Administration Board” and substituting “Tribunal”;
- (i) by omitting subsection (7) and substituting the following subsection:
 - (7) For the purposes of subsection (6), a hearing of a review is to be held under the *Tasmanian Civil and*

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 12 – Disability Services Act 2011 Amended

s. 79

*Administrative Tribunal Act
2020.*

- (j) by omitting from subsection (8) “Guardianship and Administration Board” and substituting “Tribunal”.

79. Section 46 amended (Senior practitioner to investigate, &c., use of restrictive interventions)

Section 46(3) of the Principal Act is amended by omitting “Guardianship and Administration Board” twice occurring and substituting “Tribunal”.

80. Section 47 amended (Directions may be issued in relation to restrictive interventions)

Section 47 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Guardianship and Administration Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” second occurring and substituting “Tribunal”;
- (c) by omitting from subsection (2) “Board” third occurring and substituting “Tribunal”;

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Amendments) Act 2021
Act No. of 2021*

s. 81

Part 12 – Disability Services Act 2011 Amended

- (d) by omitting from subsection (4) “Guardianship and Administration Board” and substituting “Tribunal”;
- (e) by omitting from subsection (4) “Board” second occurring and substituting “Tribunal”;
- (f) by omitting from subsection (8) “Guardianship and Administration Board” and substituting “Tribunal”.

81. Section 51 amended (Immunity)

Section 51(1) of the Principal Act is amended by omitting paragraph (d).

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 13 – Environmental Management and Pollution Control Act 1994
Amended

s. 82

**PART 13 – ENVIRONMENTAL MANAGEMENT AND
POLLUTION CONTROL ACT 1994 AMENDED**

82. Principal Act

In this Part, the *Environmental Management and Pollution Control Act 1994** is referred to as the Principal Act.

83. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of *air* the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

84. Section 42ZJ amended (Appeals by persons who have made representations)

Section 42ZJ(2) of the Principal Act is amended by omitting “, within the meaning of the *Resource Management and Planning Appeal Tribunal Act 1993*,”.

85. Section 48 amended (Civil enforcement proceedings)

Section 48 of the Principal Act is amended as follows:

*No. 44 of 1994

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 86 Part 13 – Environmental Management and Pollution Control Act 1994
Amended

- (a) by omitting from subsection (5)(ea) “notwithstanding section 28(1) of the *Resource Management and Planning Appeal Tribunal Act 1993*,”;
- (b) by omitting from subsection (5A) “, notwithstanding section 28(1) of the *Resource Management and Planning Appeal Tribunal Act 1993*,”;
- (c) by omitting subsection (12).

86. Section 49 repealed

Section 49 of the Principal Act is repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 14 – Evidence (Audio and Audio Visual Links) Regulations 2018
Amended

s. 87

**PART 14 – EVIDENCE (AUDIO AND AUDIO VISUAL
LINKS) REGULATIONS 2018 AMENDED**

87. Principal Regulations

In this Part, the *Evidence (Audio and Audio Visual Links) Regulations 2018** are referred to as the Principal Regulations.

88. Regulation 4 amended (Certain tribunals prescribed as Tasmanian courts)

Regulation 4 of the Principal Regulations is amended as follows:

- (a) by omitting paragraphs (a), (b), (c) and (d);
- (b) by omitting paragraphs (f) and (g);
- (c) by omitting paragraph (i) and substituting the following paragraph:
 - (i) Tasmanian Civil and Administrative Tribunal;
- (d) by omitting paragraphs (l) and (m).

*S.R. 2018, No. 19

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 89

Part 15 – Fire Service Act 1979 Amended

PART 15 – FIRE SERVICE ACT 1979 AMENDED

89. Principal Act

In this Part, the *Fire Service Act 1979** is referred to as the Principal Act.

90. Section 133A substituted

Section 133A of the Principal Act is repealed and the following section is substituted:

133A. Appeals against provisions of General Fire Regulations

A person aggrieved by a requirement imposed on the person by a person exercising a power under any provision of the General Fire Regulations made pursuant to section 133 relating to existing premises may appeal to the Tasmanian Civil and Administrative Tribunal.

*No. 35 of 1979

PART 16 – FOREST PRACTICES ACT 1985 AMENDED

91. Principal Act

In this Part, the *Forest Practices Act 1985** is referred to as the Principal Act.

92. Long title amended

The long title of the Principal Act is amended by omitting “, to provide for the constitution of the Forest Practices Tribunal”.

93. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *chief chairperson*;
- (b) by omitting the definition of *deputy chief chairperson*;
- (c) by omitting the definition of *division*;
- (d) by omitting the definition of *registrar* and substituting the following definition:

registrar means the Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

*No. 48 of 1985

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 94

Part 16 – Forest Practices Act 1985 Amended

- (e) by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

94. Section 9 amended (Appeal in respect of application under section 5)

Section 9 of the Principal Act is amended by omitting subsection (6).

95. Section 10 amended (Recommendation to Governor that land be declared as private timber reserve)

Section 10(c) of the Principal Act is amended by inserting “, under the *Tasmanian Civil and Administrative Tribunal Act 2020*,” after “Tribunal”.

96. Section 13 amended (Revocation of private timber reserve at instigation of Authority)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting subsection (4);
- (b) by inserting in subsection (5)(b) “under the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “the appeal”.

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Amendments) Act 2021*
Act No. of 2021

Part 16 – Forest Practices Act 1985 Amended

s. 97

97. Section 14 amended (Revocation of private timber reserve on application of owner of reserve)

Section 14 of the Principal Act is amended as follows:

- (a) by omitting subsection (9);
- (b) by inserting in subsection (10)(b) “, under the *Tasmanian Civil and Administrative Tribunal Act 2020*,” after “and the Tribunal”.

98. Section 16 amended (Compensation may be payable where application refused)

Section 16 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(b) “under the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “dismissed”;
- (b) by inserting in subsection (2)(a) “under the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “appeal”.

99. Section 25 amended (Appeal in respect of forest practices plan)

Section 25 of the Principal Act is amended by omitting subsection (4).

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 100

Part 16 – Forest Practices Act 1985 Amended

100. Section 29 amended (Aggrieved person may appeal to Tribunal)

Section 29 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

- (4) If the Tribunal, in determining under the *Tasmanian Civil and Administrative Tribunal Act 2020* an appeal under this section, quashes the decision of the Authority, the action that the Tribunal may, under that Act, direct the Authority to take includes action to lift any sanction that may have been imposed under section 28(6).

101. Part V: Heading amended

Part V of the Principal Act is amended by omitting “**FOREST PRACTICES TRIBUNAL**” from the heading to that Part and substituting “**PROCEEDINGS OF TRIBUNAL**”.

102. Sections 34, 35 and 36 substituted

Sections 34, 35 and 36 of the Principal Act are repealed and the following section is substituted:

34. Procedure on receipt of appeal

- (1) In this section –

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Amendments) Act 2021*
Act No. of 2021

Part 16 – Forest Practices Act 1985 Amended

s. 102

President has the same meaning as in
the *Tasmanian Civil and
Administrative Tribunal Act
2020*.

- (2) If an appeal under this Act is received by the registrar –
- (a) the registrar is to notify the President; and
 - (b) the President is to notify the registrar of the member or members of the Tribunal who the President proposes will constitute the Tribunal for the purpose of the appeal.
- (3) The registrar must advise the parties to the appeal of the member or members of the Tribunal who the President has proposed under subsection (2)(b) will constitute the Tribunal for the purpose of the appeal.
- (4) A party to an appeal, within 14 days after receiving under subsection (2) advice in relation to the appeal, may –
- (a) by notice in writing served on the registrar; or
 - (b) by another manner, if any, that is prescribed –

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object to one or more of the members of the Tribunal who are specified in a proposal under subsection (2)(b) in relation to the appeal.

- (5) The registrar must forward to the President an objection received by the registrar under subsection (4).
- (6) The President –
 - (a) must consider an objection referred to in subsection (4) before making a determination under section 78 of the *Tasmanian Civil and Administrative Tribunal Act 2020* in relation to the appeal; and
 - (b) must notify the registrar of the determination.
- (7) The registrar must notify the parties to the appeal of the determination under the *Tasmanian Civil and Administrative Tribunal Act 2020* in relation to the appeal.

103. Section 37 amended (Procedure, &c., of Tribunal)

Section 37 of the Principal Act is amended as follows:

- (a) by omitting subsections (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11);

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- (b) by omitting subsections (13) and (14);
- (c) by inserting in subsection (17) “and section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply” after “final”.

104. Schedule 2 repealed

Schedule 2 to the Principal Act is repealed.

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Part 17 – Gas Industry Act 2019 Amended

PART 17 – GAS INDUSTRY ACT 2019 AMENDED

105. Principal Act

In this Part, the *Gas Industry Act 2019** is referred to as the Principal Act.

106. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

107. Section 48 amended (Appeal to Tribunal in relation to proposed work on public land)

Section 48 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting subsection (4) and substituting the following subsection:
 - (4) Despite clause 7 of Part 8 of Schedule 2 to the *Tasmanian*

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Civil and Administrative Tribunal Act 2020, the Tribunal must not, under that clause, allow any person other than the licensee and the responsible authority to be a party to the appeal.

108. Section 50 amended (Effect, on permitted development applications, of declarations)

Section 50(3)(b) of the Principal Act is amended as follows:

- (a) by omitting “section 14 of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting “decision and who has a proper interest in the subject matter of the appeal” and substituting “decision”.

109. Section 84 amended (Annual report of Public Guardian)

Section 84(3) of the Principal Act is amended by inserting “and, if this section applies to the Tribunal by virtue of section 85(2), section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply in relation to a decision of the Tribunal in relation to the appeal” after “an appeal”.

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Part 17 – Gas Industry Act 2019 Amended

110. Section 85 substituted

Section 85 of the Principal Act is repealed and the following section is substituted:

85. Referral of appeal to Tribunal

- (1) If an appeal is made to the Minister under this Division and the Minister is of the opinion that the appeal relates to a technical or complex matter, the Minister may, if the Minister considers it appropriate to do so, refer the appeal to the Tribunal.
- (2) If an appeal is referred to the Tribunal under subsection (1), a reference in another section of this Division to the Minister is taken to be a reference to the Tribunal and the Tribunal must hear and determine the appeal in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*.

PART 18 – GAS SAFETY ACT 2019 AMENDED

111. Principal Act

In this Part, the *Gas Safety Act 2019** is referred to as the Principal Act.

112. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

113. Section 93 amended (Powers of Minister on appeal)

Section 93(3) of the Principal Act is amended by inserting “and, if this section applies to the Tribunal by virtue of section 94(2), section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply in relation to a decision of the Tribunal in relation to the appeal” after “an appeal”.

114. Section 94 substituted

Section 94 of the Principal Act is repealed and the following section is substituted:

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Part 18 – Gas Safety Act 2019 Amended

94. Referral of appeal to Tribunal

- (1) If an appeal is made to the Minister under this Division and the Minister is of the opinion that the appeal relates to a technical or complex matter, the Minister may, if the Minister considers it appropriate to do so, refer the appeal to the Tribunal.
- (2) If an appeal is referred to the Tribunal under subsection (1), a reference in another section of this Division to the Minister is taken to be a reference to the Tribunal and the Tribunal must hear and determine the matter in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*.

115. Section 95 repealed

Section 95 of the Principal Act is repealed.

**PART 19 – GUARDIANSHIP AND ADMINISTRATION
ACT 1995 AMENDED**

116. Principal Act

In this Part, the *Guardianship and Administration Act 1995** is referred to as the Principal Act.

117. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting “Board” from the definition of *administration order* and substituting “Tribunal”;
- (b) by omitting the definition of *Board*;
- (c) by omitting the definition of *Court*;
- (d) by omitting “Board” from the definition of *guardianship order* and substituting “Tribunal”;
- (e) by inserting the following definition after the definition of *guardianship order*:

Guardianship stream proceedings
means proceedings of the Tribunal under an Act in relation to which the functions and

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powers of the Tribunal are allocated, under the *Tasmanian Civil and Administrative Tribunal Act 2020*, to the Guardianship stream of the Tribunal established under that Act;

- (f) by omitting the definition of *President* and substituting the following definition:

President has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (g) by omitting the definition of *registrar* and substituting the following definition:

registrar means the Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

118. Section 5 amended (Objects of Act)

Section 5 of the Principal Act is amended by omitting paragraph (a).

119. Part 2 repealed

Part 2 of the Principal Act is repealed.

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120. Section 15 amended (Functions and powers of Public Guardian)

Section 15(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (f) “Board” and substituting “Tribunal in relation to Guardianship stream proceedings”;
- (b) by omitting from paragraph (h) “Board” and substituting “Tribunal”;
- (c) by omitting subparagraph (ii) from paragraph (i).

121. Section 17 amended (Investigations)

Section 17(2) of the Principal Act is amended as follows:

- (a) by omitting “Board,” and substituting “Tribunal in Guardianship stream proceedings,”;
- (b) by omitting “Board in relation to a matter the subject of an inquiry before the Board” and substituting “Tribunal in relation to a matter to which those proceedings relate”.

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122. Section 19 amended (Application for guardianship order)

Section 19(1) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

123. Section 20 amended (Appeals to Appeal Tribunal)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” three times occurring and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (5) “Board” and substituting “Tribunal”.

124. Section 21 amended (Persons eligible as guardians)

Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Tribunal”;

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- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”.

125. Section 23 amended (Orders to be forwarded to Public Guardian)

Section 23 of the Principal Act is amended by omitting “Board” twice occurring and substituting “Tribunal”.

126. Section 26 amended (Authority of limited guardian)

Section 26(1) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

127. Section 28 amended (Power to enforce guardianship order)

Section 28(1) of the Principal Act is amended by omitting “Board” twice occurring and substituting “Tribunal”.

128. Section 29 amended (Urgent powers in case of unlawful detention of persons with a disability)

Section 29 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;

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- (b) by omitting from subsection (1) “Board” second occurring and substituting “Tribunal”;
- (c) by omitting from subsection (1) “Board” third occurring and substituting “Tribunal”;
- (d) by omitting from subsection (1) “Board” fourth occurring and substituting “Tribunal”;
- (e) by omitting from subsection (2) “Board” twice occurring and substituting “Tribunal”.

129. Section 30 amended (Removal of persons to place of safety)

Section 30(3)(c) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

130. Section 31 amended (Advice or directions as to guardianship orders)

Section 31 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Tribunal”;

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- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4) “Board” and substituting “Tribunal”.

131. Section 32 amended (Appointment of enduring guardian)

Section 32 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(d) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (6) “Board” and substituting “Tribunal”.

132. Section 32D amended (Keeping of records, &c.)

Section 32D of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (4) “Board” first occurring and substituting “Tribunal”;
- (d) by omitting from subsection (4)(b) “Board” and substituting “Tribunal”;

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- (e) by omitting from subsection (4) “Board” third occurring and substituting “Tribunal”;
- (f) by omitting from subsection (5) “Board” and substituting “Tribunal”;
- (g) by omitting from subsection (6) “Board” first occurring and substituting “Tribunal”;
- (h) by omitting from subsection (6)(a) “Board” and substituting “Tribunal”;
- (i) by omitting from subsection (6)(c) “Board” and substituting “Tribunal”.

133. Section 33 amended (Revocation of appointment by appointor)

Section 33(2)(c) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

134. Section 34 amended (Revocation or amendment of appointment by Tribunal)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1)(b) “Board” and substituting “Tribunal”;

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- (c) by omitting from subsection (1A) “Board” first occurring and substituting “Tribunal”;
- (d) by omitting from subsection (1A) “Board” second occurring and substituting “Tribunal”;
- (e) by omitting from subsection (3)(e) “Board” and substituting “Tribunal”.

135. Section 35 amended (Advice or directions as to instruments of appointment)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4) “Board” and substituting “Tribunal”.

136. Section 39 amended (Persons authorised to consent to medical or dental treatment)

Section 39 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”.

137. Section 44 amended (Applications for consent of Tribunal)

Section 44 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Tribunal”;
- (b) by omitting from subsection (3) “Board” twice occurring and substituting “Tribunal”;
- (c) by omitting from subsection (4) “Board” twice occurring and substituting “Tribunal”.

138. Section 45 amended (Consent of Tribunal)

Section 45 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”;

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- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4)(a) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (4)(b) “Board” and substituting “Tribunal”;
- (f) by omitting from subsection (4) “Board” third occurring and substituting “Tribunal”.

139. Section 46 amended (Consent to continuing or further special treatment by guardian with authority of Tribunal)

Section 46 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”.

140. Section 46A amended (Power to make guardianship order or administration order)

Section 46A of the Principal Act is amended by omitting “Board” twice occurring and substituting “Tribunal”.

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141. Section 50 amended (Application for administration order)

Section 50 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”.

142. Section 51 amended (Administration orders)

Section 51 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (5)(a) “Board” and substituting “Tribunal”;
- (f) by omitting from subsection (6) “Board” and substituting “Tribunal”.

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143. Section 53 amended (Administration order may not be made if enduring power of attorney is in force)

Section 53 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”.

144. Section 54 amended (Persons eligible as administrators)

Section 54 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1)(d) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (2) “Board” and substituting “Tribunal”.

145. Section 55 amended (Remuneration of professional administrators)

Section 55(1) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

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146. Section 56 amended (Powers and duties of administrator)

Section 56 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(c) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (4) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (5) “Board” and substituting “Tribunal”.

147. Section 58 amended (Settlements and gifts)

Section 58 of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

148. Section 59 amended (Powers of investment)

Section 59 of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from paragraph (b) “Board” and substituting “Tribunal”.

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149. Section 60 amended (Preservation of interests in represented person’s property)

Section 60 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (4)(b) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (4) “Board” second occurring and substituting “Tribunal”;
- (d) by omitting from subsection (6)(b) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (6) “Board” second occurring and substituting “Tribunal”;
- (f) by omitting from subsection (7) “Board” and substituting “Tribunal”.

150. Section 61 amended (Application by administrator for advice, &c.)

Section 61 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;

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- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (4) “Board” and substituting “Tribunal”.

151. Section 62 amended (Power of administrator to act until notice of discharge)

Section 62 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” and substituting “Tribunal”.

152. Section 63 amended (Reporting requirements for administrators)

Section 63 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;

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- (b) by omitting from subsection (1) “Board” second occurring and substituting “Tribunal”;
 - (c) by omitting from subsection (1)(c) “Board” and substituting “Tribunal”;
 - (d) by omitting from subsection (2)(a) “Board” and substituting “Tribunal”;
 - (e) by omitting from subsection (2)(b) “Board” and substituting “Tribunal”;
 - (f) by omitting from subsection (3)(a) “Board” and substituting “Tribunal”;
 - (g) by omitting from subsection (3)(b) “Board” and substituting “Tribunal”;
 - (h) by omitting from subsection (4) “Board” first occurring and substituting “Tribunal”;
 - (i) by omitting from subsection (4)(a) “Board” and substituting “Tribunal”;
 - (j) by omitting from subsection (5) “Board” first occurring and substituting “Tribunal”;
 - (k) by omitting from subsection (5) “Board” second occurring and substituting “Tribunal”;
 - (l) by omitting from subsection (5) “Board” third occurring and substituting “Tribunal”;

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- (m) by omitting from subsection (6) “Board” twice occurring and substituting “Tribunal”.

153. Section 64 amended (Delegation of Tribunal’s functions as to reporting)

Section 64 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1)(a) “Board” twice occurring and substituting “Tribunal”;
- (c) by omitting from subsection (2)(b) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (3) “Board” and substituting “Tribunal”.

154. Section 65 amended (Emergency orders)

Section 65 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Tribunal”;

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- (b) by omitting from subsection (2) “Board” first occurring and substituting “Tribunal”;
- (c) by omitting from subsection (2) “Board” second occurring and substituting “Tribunal”;
- (d) by omitting from subsection (2) “Board” third occurring and substituting “Tribunal”;
- (e) by omitting from subsection (2) “Board” fourth occurring and substituting “Tribunal”;
- (f) by omitting from subsection (3) “Board” twice occurring and substituting “Tribunal”;
- (g) by omitting from subsection (4)(a) “Board” first occurring and substituting “Tribunal”;
- (h) by omitting from subsection (4)(a) “Board” second occurring and substituting “Tribunal”;
- (i) by omitting from subsection (4)(a) “Board” third occurring and substituting “Tribunal”;
- (j) by omitting from subsection (4)(b) “Board” twice occurring and substituting “Tribunal”;

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- (k) by omitting from subsection (4)(c) “Board” and substituting “Tribunal”;
- (l) by omitting from subsection (4A) “Board” first occurring and substituting “Tribunal”;
- (m) by omitting from subsection (4A) “Board” second occurring and substituting “Tribunal”;
- (n) by omitting from subsection (5)(a) “Board” and substituting “Tribunal”;
- (o) by omitting from subsection (6) “Board” twice occurring and substituting “Tribunal”.

155. Section 66 amended (Annual reports in respect of represented persons)

Section 66 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1) “Board” second occurring and substituting “Tribunal”;
- (c) by omitting from subsection (1)(b) “Board” and substituting “Tribunal”;

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- (d) by omitting from subsection (2) “Board” three times occurring and substituting “Tribunal”.

156. Section 67 amended (Review of orders)

Section 67 of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

157. Section 68 amended (Order after review)

Section 68 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Tribunal”;
- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”.

158. Part 10, Divisions 1 and 2 repealed

Divisions 1 and 2 of Part 10 of the Principal Act are repealed.

159. Section 77 amended (Powers of courts)

Section 77 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;

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- (b) by omitting from subsection (2) “Board” and substituting “Tribunal”.

160. Sections 78, 79 and 80 substituted

Sections 78, 79 and 80 of the Principal Act are repealed and the following section is substituted:

79. Evidentiary

All courts and persons acting judicially must take judicial notice of the signature of any person who is or has been the Public Guardian or Deputy Public Guardian and of the fact that that person is or was the Public Guardian or Deputy Public Guardian, as the case may be.

161. Section 81 amended (Recognition of orders made in other States, &c.)

Section 81 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (2)(b) “Board” twice occurring and substituting “Tribunal”;
- (c) by omitting from subsection (2) “Board” fourth occurring and substituting “Tribunal”;

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- (d) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (4) “Board” first occurring and substituting “Tribunal”;
- (f) by omitting from subsection (4)(c) “Board” and substituting “Tribunal”.

162. Section 82 substituted

Section 82 of the Principal Act is repealed and the following section is substituted:

82. Accounts and records of Public Guardian

The Public Guardian must keep proper accounts and records of all matters relating to the administration of this Act by the Public Guardian and such other records as will present fairly the financial transactions and financial position of the Public Guardian, as the case.

163. Section 84 amended (Annual report of Public Guardian)

Section 84(1) of the Principal Act is amended by omitting “Board and the”.

164. Section 85 repealed

Section 85 of the Principal Act is repealed.

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Part 19 – Guardianship and Administration Act 1995 Amended

165. Section 86 amended (Confidentiality of information)

Section 86 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by inserting in subsection (1) “, or under the *Tasmanian Civil and Administrative Tribunal Act 2020*,” after “this Act”;
- (c) by omitting from subsection (1)(a) “this Act” and substituting “the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (d) by omitting from subsection (1)(b) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (3) “Board” and substituting “Tribunal”.

166. Section 87 repealed

Section 87 of the Principal Act is repealed.

167. Section 88 amended (Power to open wills)

Section 88 of the Principal Act is amended as follows:

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021
Act No. of 2021

Part 19 – Guardianship and Administration Act 1995 Amended

s. 168

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- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
 - (b) by omitting from subsection (2) “Board” twice occurring and substituting “Tribunal”;
 - (c) by omitting from subsection (3) “Board” and substituting “Tribunal”;
 - (d) by omitting from subsection (3) “under this Act” and substituting “in relation to Guardianship stream proceedings”.

168. Section 89 amended (Duty to keep register)

Section 89(1) of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from paragraph (b) “Board” and substituting “Tribunal in Guardianship stream proceedings”.

169. Section 90 amended (Regulations)

Section 90(2)(a) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

170. Schedules 1 and 2 amended

Schedules 1 and 2 to the Principal Act are repealed.

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021
Act No. of 2021

s. 171 Part 20 – Guardianship and Administration Regulations 2017 Amended

**PART 20 – GUARDIANSHIP AND ADMINISTRATION
REGULATIONS 2017 AMENDED**

171. Principal Regulations

In this Part, the *Guardianship and Administration Regulations 2017** are referred to as the Principal Regulations.

172. Regulation 15 amended (Fees for examining statement of certain accounts)

Regulation 15(2) of the Principal Regulations is amended by omitting “Board” twice occurring and substituting “Tribunal”.

173. Regulation 16 amended (Waiver of fees)

Regulation 16 of the Principal Regulations is amended as follows:

- (a) by omitting “the Registrar” first occurring and substituting “a registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*,”;
- (b) by omitting “Registrar” second occurring and substituting “registrar”.

*S.R. 2017, No. 66

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 20 – Guardianship and Administration Regulations 2017 Amended

s. 174

174. Schedule 1 amended (Fees)

The definition of *relevant instrument* in Schedule 1 to the Principal Regulations is amended as follows:

(a) by omitting items 3 and 4 from the table and substituting the following:

3.	Search or inspection, in relation to a relevant instrument, of register kept by Tribunal	19.5
4.	Copy of a relevant instrument	20

(b) by omitting “Board” from column 2 of item 7 in the table and substituting “Tribunal”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 175

Part 21 – Health Complaints Act 1995 Amended

**PART 21 – HEALTH COMPLAINTS ACT 1995
AMENDED**

175. Principal Act

In this Part, the *Health Complaints Act 1995** is referred to as the Principal Act.

176. Schedule 1 amended (Health Services)

Schedule 1 to the Principal Act is amended by omitting “Asbestos Compensation Tribunal” from clause 2 of Part 2 and substituting “Tasmanian Civil and Administrative Tribunal”.

*No. 95 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 22 – Health Practitioner Regulation National Law (Tasmania) Act 2010 **s. 177**
Amended

**PART 22 – HEALTH PRACTITIONER REGULATION
NATIONAL LAW (TASMANIA) ACT 2010 AMENDED**

177. Principal Act

In this Part, the *Health Practitioner Regulation National Law (Tasmania) Act 2010** is referred to as the Principal Act.

178. Section 6 amended (Responsible tribunal for Health Practitioner Regulation National Law)

Section 6 of the Principal Act is amended by omitting “The Health Practitioners Tribunal established by the *Health Practitioners Tribunal Act 2010*” and substituting “The Tasmanian Civil and Administrative Tribunal”.

*No. 2 of 2010

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 179

Part 23 – Health Practitioners Tribunal Act 2010 Amended

**PART 23 – HEALTH PRACTITIONERS TRIBUNAL
ACT 2010 AMENDED**

179. Principal Act

In this Part, the *Health Practitioners Tribunal Act 2010** is referred to as the Principal Act.

180. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Chairperson*;
- (b) by omitting “appointed under section 13 to be” from the definition of *community member* and substituting “designated under section 13 as”;
- (c) by omitting the definition of *Deputy Chairperson* and substituting the following definition:

Deputy President has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;
- (d) by omitting the definition of *member* and substituting the following definition:

*No. 12 of 2010

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

member of the Tribunal has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (e) by inserting the following definitions after the definition of *participating jurisdiction*:

President has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

proceedings means proceedings, of the Tribunal, that relate to this Act;

- (f) by omitting “appointed under section 11 to be” from the definition of *professional member* and substituting “designated under section 11 as”;
- (g) by inserting “or the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “Law” in the definition of *referring Act*;
- (h) by omitting the definition of *registrar* and substituting the following definition:

registrar means the Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (i) by inserting the following definition after the definition of *Secretary*:

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 181

Part 23 – Health Practitioners Tribunal Act 2010 Amended

senior member means a member of the Tribunal who –

- (a) is assigned, under the *Tasmanian Civil and Administrative Tribunal Act 2020*, to the Health Practitioners stream; and
 - (b) is a senior member within the meaning of that Act; and
 - (c) is a legally qualified member, within the meaning of that Act;
- (j) by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

181. Section 4 amended (Application)

Section 4 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “(or the *Tasmanian Civil and Administrative Tribunal Act 2020*)” after “Act”;
- (b) by inserting in subsection (2) “(or the *Tasmanian Civil and Administrative Tribunal Act 2020*)” after “Act”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 23 – Health Practitioners Tribunal Act 2010 Amended

s. 182

182. Section 5 amended (When proceedings under this Act begin and end)

Section 5 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “and the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “Act”;
- (b) by inserting in subsection (2) “and the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “Act”.

183. Part 2 repealed

Part 2 of the Principal Act is repealed.

184. Part 3, Division 1 repealed

Division 1 of Part 3 of the Principal Act is repealed.

185. Section 11 amended (Professional members of Tribunal)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Chairperson” twice occurring and substituting “President”;
- (b) by omitting from subsection (1) “appoint a person to be” and substituting

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 185

Part 23 – Health Practitioners Tribunal Act 2010 Amended

“designate a member of the Tribunal to be”;

- (c) by omitting from subsection (2) “appointed to be” and substituting “designated as”;
- (d) by omitting from subsection (2)(b) “Chairperson” and substituting “President”;
- (e) by omitting from subsection (2)(c) “Chairperson” and substituting “President”;
- (f) by omitting subsection (3) and substituting the following subsection:
 - (3) The designation of a person as a professional member ceases if –
 - (a) the person ceases to be a member of the Tribunal;
or
 - (b) the person becomes a member of a National Board or a State or Territory Board; or
 - (c) the person ceases to be a registered health practitioner in respect of the health profession to which the proceedings relate; or

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Amendments) Act 2021*
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Part 23 – Health Practitioners Tribunal Act 2010 Amended

s. 186

- (d) the person’s registration as a health practitioner in respect of the health profession to which the proceedings relate is suspended; or
- (e) immediate action under section 155(a) of the National Law has been taken in relation to the person; or
- (f) the person has received a notification under the National Law and the President has notified the person, in writing, that the grounds for the notification are such that the person ought not continue as a professional member.

186. Section 12 amended (Lists of potential professional members)

Section 12 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Chairperson” twice occurring and substituting “President”;

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 187

Part 23 – Health Practitioners Tribunal Act 2010 Amended

- (b) by omitting from subsection (2) “Chairperson” three times occurring and substituting “President”.

187. Section 13 amended (Community members of Tribunal)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Chairperson” twice occurring and substituting “President”;
- (b) by omitting from subsection (1) “appoint a person to be” and substituting “designate a member of the Tribunal as”;
- (c) by omitting from subsection (2) “appointed to be” and substituting “designated as”;
- (d) by omitting from subsection (3) “appointed under this section to be” and substituting “designated under this section as”;
- (e) by omitting subsection (4) and substituting the following subsection:
 - (4) The designation of a person as a community member ceases if –
 - (a) the person ceases to be a member of the Tribunal;
or

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 23 – Health Practitioners Tribunal Act 2010 Amended

s. 188

- (b) the person becomes a member of a National Board or a State or Territory Board; or
- (c) the person becomes a registered health practitioner.

188. Section 14 amended (National Law notification)

Section 14 of the Principal Act is amended as follows:

- (a) by omitting subsections (1) and (2);
- (b) by omitting from subsection (3) “Chairperson” and substituting “President”.

189. Section 15 repealed

Section 15 of the Principal Act is repealed.

190. Section 16 amended (Jurisdiction of Tribunal in respect of matter referred under National Law to Tribunal)

Section 16(4) of the Principal Act is amended by inserting “, the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “Act”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 191

Part 23 – Health Practitioners Tribunal Act 2010 Amended

191. Section 17 amended (Jurisdiction of Tribunal to hear and decide appeals against decisions under National Law)

Section 17(4) of the Principal Act is amended by inserting “, the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “Act”.

192. Section 18 amended (Constitution of Tribunal for purposes of National Law)

Section 18 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) The President, as soon as practicable after National Law proceedings begin, must determine whether the Tribunal is, for the proceedings, to be constituted under the *Tasmanian Civil and Administrative Tribunal Act 2020* by –

(a) the President, a Deputy President or senior member; or

(b) the President (or a Deputy President or senior member) and 2 professional members; or

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Amendments) Act 2021*
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- (c) the President (or a Deputy President or senior member), a professional member and a community member.
- (b) by omitting from subsection (2) “Chairperson” first occurring and substituting “President”;
- (c) by inserting in subsection (2) “, under the *Tasmanian Civil and Administrative Tribunal Act 2020*,” after “is”;
- (d) by omitting from subsection (2) “Chairperson or Deputy Chairperson” and substituting “President, a Deputy President, or a senior member,”.

193. Section 19 amended (Jurisdiction of Tribunal to hear and decide a review of decision under Act other than National Law)

Section 19(2) of the Principal Act is amended by inserting “, the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “this Act”.

194. Section 20 amended (Appeals to Appeal Tribunal)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting “Chairperson” first occurring and substituting “President”;

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Amendments) Act 2021
Act No. of 2021*

s. 195

Part 23 – Health Practitioners Tribunal Act 2010 Amended

- (b) by omitting “Chairperson or by the Deputy Chairperson” and substituting “President, a Deputy President or a senior member”.

195. Section 21 amended (Applications)

Section 21(6) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Chairperson of the Tribunal” and substituting “President”;
- (b) by omitting from paragraph (c) “Chairperson” and substituting “President”;
- (c) by omitting from paragraph (f) “Chairperson” and substituting “President”.

196. Section 23 repealed

Section 23 of the Principal Act is repealed.

197. Section 30 amended (Hearing to be open to public)

Section 30(1) of the Principal Act is amended by omitting “of the Tribunal” and substituting “in proceedings”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 23 – Health Practitioners Tribunal Act 2010 Amended

s. 198

198. Section 32 amended (Decision-making by Tribunal)

Section 32 of the Principal Act is amended by omitting subsection (1).

199. Section 35 repealed

Section 35 of the Principal Act is repealed.

200. Sections 36, 37 and 38 repealed

Sections 36, 37 and 38 of the Principal Act are repealed.

201. Section 39 amended (Determinations)

Section 39(2) of the Principal Act is amended by omitting “Chairperson, or the Deputy Chairperson” and substituting “President, a Deputy President or senior member”.

202. Section 40 amended (Costs)

Section 40 of the Principal Act is amended by inserting after subsection (7) the following subsection:

- (8) Section 120(2) and (4) of the *Tasmanian Civil and Administrative Tribunal Act 2020* do not apply in relation to the costs of a party in proceedings under this Act.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 203

Part 23 – Health Practitioners Tribunal Act 2010 Amended

203. Section 41 repealed

Section 41 of the Principal Act is repealed.

204. Section 42 repealed

Section 42 of the Principal Act is repealed.

205. Section 44 amended (Authorisation of person to take evidence)

Section 44(2) of the Principal Act is amended by omitting “Chairperson or the Deputy Chairperson” and substituting “President, or a Deputy President or senior member.”.

206. Section 47 repealed

Section 47 of the Principal Act is repealed.

207. Sections 48 and 49 repealed

Sections 48 and 49 of the Principal Act are repealed.

208. Sections 52 and 53 repealed

Sections 52 and 53 of the Principal Act are repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

Part 23 – Health Practitioners Tribunal Act 2010 Amended

s. 209

209. Section 54 amended (Secrecy)

Section 54(1)(a) of the Principal Act is amended by inserting “of the Tribunal” after “member”.

210. Section 56 repealed

Section 56 of the Principal Act is repealed.

211. Schedules 1 and 2 amended

Schedules 1 and 2 to the Principal Act are repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 212

Part 24 – Historic Cultural Heritage Act 1995 Amended

**PART 24 – HISTORIC CULTURAL HERITAGE ACT
1995 AMENDED**

212. Principal Act

In this Part, the *Historic Cultural Heritage Act 1995** is referred to as the Principal Act.

213. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting “Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*” from the definition of *Appeal Tribunal* and substituting “Tasmanian Civil and Administrative Tribunal”.

214. Section 27 amended (Appeal against Heritage Council’s decision)

Section 27(4) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

215. Section 28 repealed

Section 28 of the Principal Act is repealed.

*No. 117 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 24 – Historic Cultural Heritage Act 1995 Amended

s. 216

216. Section 54 substituted

Section 54 of the Principal Act is repealed and the following section is substituted:

54. Appeal against enforcement order

If the Supreme Court, on an appeal under the *Tasmanian Civil and Administrative Tribunal Act 2020*, quashes an order of the Appeal Tribunal to grant an application for an enforcement order, the Heritage Council is to –

- (a) remove the entry in the Heritage Register relating to the enforcement order; and
- (b) notify the Recorder of Titles accordingly.

217. Section 61 amended (Appeal against notice)

Section 61(3) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 218

Part 25 – Inland Fisheries Act 1995 Amended

PART 25 – INLAND FISHERIES ACT 1995 AMENDED

218. Principal Act

In this Part, the *Inland Fisheries Act 1995** is referred to as the Principal Act.

219. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting “Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*” from the definition of *Appeal Tribunal* and substituting “Tasmanian Civil and Administrative Tribunal”.

220. Section 59 amended (Hearing of appeal)

Section 59 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:

- (4) The decision of the Appeal Tribunal on the hearing of an appeal under this Act is final and section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply.

*No. 110 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 26 – Land Acquisition Act 1993 Amended

s. 221

PART 26 – LAND ACQUISITION ACT 1993 AMENDED

221. Principal Act

In this Part, the *Land Acquisition Act 1993** is referred to as the Principal Act.

222. Section 64 amended (Extent of power of persons under disability to sell)

Section 64(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Guardianship and Administration Board” and substituting “Tasmanian Civil and Administrative Tribunal”;
- (b) by omitting from paragraph (b) “Board” and substituting “Tribunal”.

*No. 23 of 1993

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 223

Part 27 – Land Use Planning and Approvals Act 1993 Amended

**PART 27 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED**

223. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

224. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil
and Administrative Tribunal;

225. Section 43 amended (Minor amendment of permit)

Section 43(5)(b)(i) of the Principal Act is amended by omitting “under section 23 of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “made under section 78 of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

226. Section 56 amended (Minor amendments of permits issued by a planning authority)

Section 56(2B)(b) of the Principal Act is amended by omitting “under section 23 of the

*No. 70 of 1993

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021
Act No. of 2021

Part 27 – Land Use Planning and Approvals Act 1993 Amended

s. 227

Resource Management and Planning Appeal Tribunal Act 1993” and substituting “made under section 78 of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

227. Section 59 amended (Failure to determine an application for a permit)

Section 59 of the Principal Act is amended as follows:

- (a) by omitting from subsection (4) “the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (5)(a) “of the appeal” and substituting “in relation to the application”;
- (c) by omitting from subsection (5)(b) “appeal costs of that party” and substituting “costs of that party in relation to the application”;
- (d) by omitting subsection (6).

228. Section 62 amended (Determination of appeals)

Section 62(1) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 229

Part 27 – Land Use Planning and Approvals Act 1993 Amended

229. Section 64 amended (Civil enforcement proceedings)

Section 64(11) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

230. Section 65 repealed

Section 65 of the Principal Act is repealed.

231. Section 80 amended (Application to Appeal Tribunal)

Section 80(3) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

**PART 28 – LAUNCESTON FLOOD RISK
MANAGEMENT ACT 2015 AMENDED**

232. Principal Act

In this Part, the *Launceston Flood Risk Management Act 2015** is referred to as the Principal Act.

233. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

234. Section 20 amended (Appeals to Appeal Tribunal)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (4) “section 14(2) of the *Resource Management and Planning Appeal Tribunal Act 1993*” and

*No. 24 of 2015

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 234

Part 28 – Launceston Flood Risk Management Act 2015 Amended

substituting “clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”;

- (c) by omitting from subsection (5) “, despite section 14(3) and (4) of the *Resource Management and Planning Appeal Tribunal Act 1993*, the Tribunal must join the Authority as a party to the appeal” and substituting “the Tribunal must make the authority a party under clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

**PART 29 – LIVING MARINE RESOURCES
MANAGEMENT ACT 1995 AMENDED**

235. Principal Act

In this Part, the *Living Marine Resources Management Act 1995** is referred to as the Principal Act.

236. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

237. Section 283 amended (Appeal to Appeal Tribunal)

Section 283 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) The Appeal Tribunal is to hear and determine an appeal under the *Tasmanian Civil and Administrative Tribunal Act 2020*.

*No. 25 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 238

Part 30 – Local Government (General) Regulations 2015 Amended

**PART 30 – LOCAL GOVERNMENT (GENERAL)
REGULATIONS 2015 AMENDED**

238. Principal Regulations

In this Part, the *Local Government (General) Regulations 2015** are referred to as the Principal Regulations.

239. Schedule 6 amended (Questions)

Schedule 6 to the Principal Regulations is amended by omitting

IMPORTANT: *Further information regarding orders and applications made under the Neighbourhood Disputes About Plants Act 2017 is available from the Resource Management and Planning Appeal Tribunal.*

from the fourth table in Part 2 and substituting:

IMPORTANT: *Further information regarding orders and applications made under the Neighbourhood Disputes About Plants Act 2017 is available from the Tasmanian Civil and Administrative Tribunal.*

*S.R. 2015, No. 37

**PART 31 – LOCAL GOVERNMENT (HIGHWAYS) ACT
1982 AMENDED**

240. Principal Act

In this Part, the *Local Government (Highways) Act 1982** is referred to as the Principal Act.

241. Section 46 amended (Permission to carry out various works in relation to highways)

Section 46 of the Principal Act is amended as follows:

- (a) by omitting from subsection (8) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (9) “Notwithstanding section 14(2) of the *Resource Management and Planning Appeal Tribunal Act 1993*, the Tribunal must not, under that section” and substituting “Despite clause 7 of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*, the Tribunal must not”;

*No. 57 of 1982

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 241

Part 31 – Local Government (Highways) Act 1982 Amended

- (c) by omitting the definition of *Tribunal* from subsection (11) and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

**PART 32 – LOCAL GOVERNMENT ACT 1993
AMENDED**

242. Principal Act

In this Part, the *Local Government Act 1993** is referred to as the Principal Act.

243. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

244. Section 178A amended (Appeal)

Section 178A of the Principal Act is amended as follows:

(a) by omitting subsection (2) and substituting the following subsection:

(2) An appeal must be made in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*.

(b) by omitting subsections (4) and (5) and substituting the following subsections:

*No. 95 of 1993

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 245

Part 32 – Local Government Act 1993 Amended

- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*.
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply.

245. Section 178B repealed

Section 178B of the Principal Act is repealed.

**PART 33 – MARINE FARMING PLANNING ACT 1995
AMENDED**

246. Principal Act

In this Part, the *Marine Farming Planning Act 1995** is referred to as the Principal Act.

247. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Civil and Administrative Tribunal;

248. Section 75 amended (Appeals in respect of certain aspects of lease)

Section 75(3) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

249. Section 98 amended (Determination of appeals)

Section 98 of the Principal Act is amended as follows:

*No. 31 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 250

Part 33 – Marine Farming Planning Act 1995 Amended

- (a) by omitting from subsection (1) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (2) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

250. Section 99 repealed

Section 99 of the Principal Act is repealed.

251. Section 106 amended (Fees and charges)

Section 106(6) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 34 – Mental Health Act 2013 Amended

s. 252

PART 34 – MENTAL HEALTH ACT 2013 AMENDED

252. Principal Act

In this Part, the *Mental Health Act 2013** is referred to as the Principal Act.

253. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Deputy President*;
- (b) by omitting the definition of *member* and substituting the following definition:

member has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (c) by omitting the definitions of *MHT*, *MHT guidelines* and *MHT staff member*;
- (d) by omitting the definition of *President* and substituting the following definitions:

President has the same meaning as in the *Tasmanian Civil and*

*No. 2 of 2013

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Amendments) Act 2021*
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s. 253

Part 34 – Mental Health Act 2013 Amended

*Administrative Tribunal Act
2020;*

President of the Tribunal means the
President;

- (e) by omitting “MHT guidelines” from the definition of *proper matter* and substituting “Tribunal guidelines”;
- (f) by omitting the definition of *Registrar* and substituting the following definition:

Registrar has the same meaning as in
the *Tasmanian Civil and
Administrative Tribunal Act
2020;*

- (g) by inserting the following definition after the definition of *restriction order*:

review means a review for the
purposes of, or required under,
this Act;

- (h) by omitting the definition of *Tribunal* and substituting the following definitions:

Tribunal means the Tasmanian Civil
and Administrative Tribunal;

Tribunal guidelines –see section 169;

Tribunal staff member means a State
Servant whose services are made
available to the Tribunal pursuant

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Amendments) Act 2021*
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Part 34 – Mental Health Act 2013 Amended

s. 254

to section 56 of the *Tasmanian
Civil and Administrative Tribunal
Act 2020*;

**254. Section 39 amended (Determination of application
for treatment order)**

Section 39(6) of the Principal Act is amended by
omitting “a division of the Tribunal” and
substituting “the Tribunal as”.

**255. Section 88 amended (Authorisation of treatment by
Tribunal)**

Section 88(2) of the Principal Act is amended by
omitting “a division of the Tribunal” and
substituting “the Tribunal as”.

**256. Section 91 amended (Interim authorisation of
treatment by Tribunal member)**

Section 91 of the Principal Act is amended as
follows:

- (a) by omitting from subsection (1) “(the
MHT member)” and substituting “(the
Tribunal member)”;
- (b) by omitting from subsection (2) “MHT
member” and substituting “Tribunal
member”;

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Part 34 – Mental Health Act 2013 Amended

- (c) by omitting from subsection (3) “MHT member” and substituting “Tribunal member”;
- (d) by omitting from subsection (4) “MHT member” twice occurring and substituting “Tribunal member”;
- (e) by omitting from subsection (5) “MHT member” and substituting “Tribunal member”;
- (f) by omitting from subsection (6) “MHT member” and substituting “Tribunal member”;
- (g) by omitting from subsection (7) “MHT member” twice occurring and substituting “Tribunal member”;
- (h) by omitting from subsection (8) “MHT member” and substituting “Tribunal member”;
- (i) by omitting from subsection (11) “MHT member” and substituting “Tribunal member”.

257. Section 98 amended (Privileged visitors, callers and correspondents)

Section 98 of the Principal Act is amended as follows:

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Amendments) Act 2021
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Part 34 – Mental Health Act 2013 Amended

s. 258

-
- (a) by omitting from subsection (1)(e) “an MHT staff member” and substituting “a Tribunal staff member”;
 - (b) by omitting from subsection (1)(h) “a member of the Guardianship and Administration Board, a member of the staff of that Board”;
 - (c) by omitting from subsection (2)(e) “an MHT staff member” and substituting “a Tribunal staff member”;
 - (d) by omitting from subsection (2)(j) “a member of the Guardianship and Administration Board, a member of the staff of that Board,”;
 - (e) by omitting from subsection (3)(e) “an MHT staff member” and substituting “a Tribunal staff member”.

258. Section 142 amended (Revocation of approvals for hospitals and other facilities)

Section 142(1)(c) of the Principal Act is amended by omitting “MHT guidelines” and substituting “Tribunal guidelines”.

259. Chapter 3, Part 3: Heading amended

Part 3 of Chapter 3 of the Principal Act is amended by omitting “**MENTAL HEALTH TRIBUNAL**” from the heading to that Part and substituting “**TRIBUNAL**”.

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Amendments) Act 2021
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s. 260

Part 34 – Mental Health Act 2013 Amended

260. Section 167 repealed

Section 167 of the Principal Act is repealed.

261. Section 168 amended (Functions)

Section 168(1)(e) of the Principal Act is amended by omitting “or any other”.

262. Section 169 amended (Powers)

Section 169 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2)(a) “*(MHT guidelines)*” and substituting “*(Tribunal guidelines)*”;
- (c) by inserting in subsection (2)(a) “in relation to this Act” after “jurisdiction”;
- (d) by inserting in subsection (2)(b) “in relation to this Act” after “jurisdiction”;
- (e) by inserting in subsection (2)(c) “under this Act” after “jurisdiction”;
- (f) by omitting from subsection (3) “MHT guidelines” and substituting “Tribunal guidelines”;
- (g) by omitting from subsection (4) “MHT guidelines” and substituting “Tribunal guidelines”.

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Amendments) Act 2021*
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Part 34 – Mental Health Act 2013 Amended

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263. Sections 170 and 171 repealed

Sections 170 and 171 of the Principal Act are repealed.

264. Section 172 amended (Interim determinations on adjournment)

Section 172 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “adjourning any proceedings” and substituting “adjourning, under the *Tasmanian Civil and Administrative Tribunal Act 2020*, Mental Health stream proceedings”.

265. Sections 173, 174, 175 and 176 repealed

Sections 173, 174, 175 and 176 of the Principal Act are repealed.

266. Section 177 amended (Register)

Section 177 of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) “, for the purposes of Mental Health stream proceedings,” after “made”;

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Part 34 – Mental Health Act 2013 Amended

- (b) by inserting in paragraph (b) “made for the purposes of Mental Health stream proceedings” after “determinations”.

267. Section 178 repealed

Section 178 of the Principal Act is repealed.

268. Section 197 amended (On-paper reviews by Registrar)

Section 197 of the Principal Act is amended by omitting subsection (3).

269. Section 198 amended (Preliminary evaluation)

Section 198 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “an MHT staff member” and substituting “a Tribunal staff member”;
- (b) by inserting in subsection (1)(a) “for the purposes of this Act” after “application”;
- (c) by omitting subsection (4);
- (d) by omitting from subsection (5) “MHT staff member” and substituting “Tribunal staff member”;
- (e) by omitting from subsection (5)(a) “MHT staff member’s” and substituting “Tribunal member’s”.

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Part 34 – Mental Health Act 2013 Amended

s. 270

270. Section 199 amended (Evidence of Tribunal determination or direction)

Section 199 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “as constituted in relation to Mental Health stream proceedings” after “Tribunal”;
- (b) by omitting subsections (2) and (3).

271. Section 215 amended (Obstruction of persons discharging responsibilities under Act, &c.)

Section 215(2) of the Principal Act is amended by omitting “an MHT staff member” from paragraph (h) of the definition of *MHA official* and substituting “a Tribunal staff member”.

272. Section 216 repealed

Section 216 of the Principal Act is repealed.

273. Section 218 amended (Immunities)

Section 218(4) of the Principal Act is amended by omitting “an MHT staff member” from paragraph (h) of the definition of *MHA official* and substituting “a Tribunal staff member”.

274. Schedule 3 repealed

Schedule 3 to the Principal Act is repealed.

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Amendments) Act 2021*
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s. 275

Part 34 – Mental Health Act 2013 Amended

275. Schedule 4 amended (Proceedings of Tribunal)

Schedule 4 to the Principal Act is amended as follows:

- (a) by omitting the definitions of *proceedings* and *Tribunal* from clause 1 of Part 1 and substituting the following definition:

proceedings means proceedings,
before the Tribunal, to which this
Act relates.

- (b) by omitting clause 1 from Part 2;
- (c) by omitting clause 5 from Part 2;
- (d) by omitting subclauses (1), (2) and (3) from clause 6 of Part 2;
- (e) by inserting in clause 6(4)(a) of Part 2 “or the *Tasmanian Civil and Administrative Tribunal Act 2020*” after “Act”;
- (f) by omitting subclause (5) from clause 6 of Part 2;
- (g) by omitting subclauses (4), (5) and (6) from clause 7 of Part 2;
- (h) by omitting Part 3;
- (i) by omitting clause 1 from Part 4;
- (j) by omitting clause 5 from Part 4;

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Part 34 – Mental Health Act 2013 Amended

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(k) by omitting Part 5.

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Amendments) Act 2021*
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s. 276 Part 35 – Motor Accidents (Liabilities and Compensation) (Tribunal)
Regulations 2019 Amended

**PART 35 – MOTOR ACCIDENTS (LIABILITIES AND
COMPENSATION) (TRIBUNAL) REGULATIONS 2019
AMENDED**

276. Principal Regulations

In this Part, the *Motor Accidents (Liabilities and Compensation) (Tribunal) Regulations 2019** are referred to as the Principal Regulations.

277. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by inserting the following definition after the definition of *party*:

President has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (b) by omitting the definition of *secretary* and substituting the following definition:

Registrar has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*.

*S.R. 2019, No. 27

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Amendments) Act 2021*
Act No. of 2021

Part 35 – Motor Accidents (Liabilities and Compensation) (Tribunal)
Regulations 2019 Amended

s. 278

278. Regulation 4 amended (Reference to Tribunal)

Regulation 4 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2) “secretary” and substituting “President”;
- (b) by omitting from subregulation (3) “secretary” and substituting “President”.

279. Regulation 7 amended (Notice of hearing date)

Regulation 7 of the Principal Regulations is amended by omitting “secretary” and substituting “President”.

280. Regulation 8 amended (Determination of Tribunal)

Regulation 8 of the Principal Regulations is amended by omitting “secretary” and substituting “President”.

281. Regulation 9 substituted

Regulation 9 of the Principal Regulations is rescinded and the following regulation is substituted:

9. Register

A party to a reference, or any person whom the President considers to have a sufficient interest in a reference or in a

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s. 282 Part 35 – Motor Accidents (Liabilities and Compensation) (Tribunal)
 Regulations 2019 Amended

determination by the Tribunal in relation to proceedings under this Act, may, at the registry of the Tribunal, during office hours, inspect the register kept under the *Tasmanian Civil and Administrative Tribunal Act 2020* in relation to the proceedings.

282. Regulation 11 amended (Service of notices)

Regulation 11 of the Principal Regulations is amended by omitting subregulation (2).

283. Regulations 12 and 13 rescinded

Regulations 12 and 13 of the Principal Regulations are rescinded.

284. Regulation 17 amended (Objection to bill of costs)

Regulation 17(1) of the Principal Regulations is amended by omitting “secretary” and substituting “President”.

285. Regulation 18 amended (Assessment of costs)

Regulation 18 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “secretary” and substituting “President”;

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Part 35 – Motor Accidents (Liabilities and Compensation) (Tribunal)
Regulations 2019 Amended

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- (b) by omitting from subregulation (2)
“secretary” and substituting “President”;
 - (c) by omitting from subregulation (4)
“secretary” and substituting “President”.

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Amendments) Act 2021*
Act No. of 2021

s. 286 Part 36 – Motor Accidents (Liabilities and Compensation) Act 1973
Amended

**PART 36 – MOTOR ACCIDENTS (LIABILITIES AND
COMPENSATION) ACT 1973 AMENDED**

286. Principal Act

In this Part, the *Motor Accidents (Liabilities and Compensation) Act 1973** is referred to as the Principal Act.

287. Section 2 amended (Interpretation)

Section 2(1) of the Principal Act is amended by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal.

288. Part II, Division II repealed

Division II of Part II of the Principal Act is repealed.

289. Section 28 amended (Determination as to right to scheduled benefits)

Section 28 of the Principal Act is amended as follows:

- (a) by omitting subsection (6);

*No. 71 of 1973

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021
Act No. of 2021

Part 36 – Motor Accidents (Liabilities and Compensation) Act 1973
Amended

s. 290

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- (b) by omitting from subsection (7) “under subsection (6)” and substituting “under the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (c) by inserting the following subsection after subsection (9):
- (10) A reference in subsection (9) to the Tribunal is taken to be a reference to the Tribunal, within the meaning of this Act as in force before the day on which this Act is amended by the *Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021*.

290. Section 33B inserted

After section 33A of the Principal Act, the following section is inserted in Part VI:

33B. Application to Tribunal of *Commissions of Inquiry Act 1995*

Section 8 and Part 3 of the *Commissions of Inquiry Act 1995* apply to matters referred to the Tribunal under this Act as if –

- (a) the Tribunal were a Commission established under section 4 of that Act; and

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Amendments) Act 2021*
Act No. of 2021

s. 290 Part 36 – Motor Accidents (Liabilities and Compensation) Act 1973
Amended

- (b) the matter were the matter into which the Commission had been directed to inquire under that Act.

**PART 37 – NATIONAL PARKS AND RESERVES
MANAGEMENT ACT 2002 AMENDED**

291. Principal Act

In this Part, the *National Parks and Reserves Management Act 2002** is referred to as the Principal Act.

292. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

293. Section 19 amended (Management plans)

Section 19 of the Principal Act is amended by omitting subsection (11) and substituting the following subsection:

- (11) The decision of the Appeal Tribunal in relation to a management plan submitted to it is final and section 136 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply.

*No. 62 of 2002

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 294 Part 38 – Neighbourhood Disputes About Plants Act 2017 Amended

**PART 38 – NEIGHBOURHOOD DISPUTES ABOUT
PLANTS ACT 2017 AMENDED**

294. Principal Act

In this Part, the *Neighbourhood Disputes About
Plants Act 2017** is referred to as the Principal
Act.

295. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as
follows:

- (a) by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the
Tasmanian Civil and
Administrative Tribunal;

- (b) by omitting the definition of *RMPAT Act*.

**296. Section 26 amended (Attempts to resolve dispute to
be made before hearing of application)**

Section 26 of the Principal Act is amended as
follows:

- (a) by omitting from subsection (3) “section 16A or 17 of the RMPAT Act,” and substituting “Division 7 of Part 8 of the

*No. 32 of 2017

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Amendments) Act 2021*
Act No. of 2021

Part 38 – Neighbourhood Disputes About Plants Act 2017 Amended

s. 297

*Tasmanian Civil and Administrative
Tribunal Act 2020*,”;

- (b) by omitting from subsection (4) “section 16A or 17 of the RMPAT Act” and substituting “Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

297. Section 28 amended (Application of *Tasmanian Civil and Administrative Tribunal Act 2020*)

Section 28 of the Principal Act is amended as follows:

- (a) by omitting subsections (1), (2) and (3) and substituting the following subsections:
- (1) A reference in the *Tasmanian Civil and Administrative Tribunal Act 2020* to a party to proceedings is, in relation to an application, to be taken to be a reference to –
- (a) the applicant; and
 - (b) the owner of land on which is situated the plant to which the application relates; and
 - (c) any other person joined as a party under section 29

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s. 298

Part 38 – Neighbourhood Disputes About Plants Act 2017 Amended

or under the *Tasmanian
Civil and Administrative
Tribunal Act 2020*.

- (2) A reference in clause 9(5) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020* to the person who made the decision is to be taken, in relation to an application, to include a reference to the owner of the land on which is situated the plant to which the application relates.
- (b) by omitting from subsection (4) “RMPAT Act” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (c) by omitting subsection (5).

298. Section 29 amended (Parties to applications)

Section 29 of the Principal Act is amended by omitting subsection (1).

**PART 39 – NEIGHBOURHOOD DISPUTES ABOUT
PLANTS REGULATIONS 2017 AMENDED**

299. Principal Regulations

In this Part, the *Neighbourhood Disputes About Plants Regulations 2017** are referred to as the Principal Regulations.

300. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by omitting the definition of *Registrar* and substituting the following definition:

Registrar means the Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

*S.R. 2017, No. 88

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 301

Part 40 – Pharmacy Control Act 2001 Amended

**PART 40 – PHARMACY CONTROL ACT 2001
AMENDED**

301. Principal Act

In this Part, the *Pharmacy Control Act 2001** is referred to as the Principal Act.

302. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *responsible tribunal* and substituting the following definition:

responsible tribunal means the Tasmanian Civil and Administrative Tribunal;

303. Section 60 amended (Right of appeal)

Section 60(1) of the Principal Act is amended by inserting “that is made for the purposes of this Act” after “Authority”.

304. Section 61 repealed

Section 61 of the Principal Act is repealed.

*No. 90 of 2001

**PART 41 – POWERS OF ATTORNEY ACT 2000
AMENDED**

305. Principal Act

In this Part, the *Powers of Attorney Act 2000** is referred to as the Principal Act.

306. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Board*;
- (b) by omitting “the series.” from paragraph (c) of the definition of *transparency* and substituting “the series;”;
- (c) by inserting the following definition after the definition of *transparency*:

Tribunal means the Tasmanian Civil
and Administrative Tribunal.

**307. Section 16 amended (Acts under power invalid until
power registered)**

Section 16(b) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

*No. 68 of 2000

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Amendments) Act 2021*
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s. 308

Part 41 – Powers of Attorney Act 2000 Amended

308. Section 17 amended (Death, &c., of donor of power may be registered)

Section 17(2)(d) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

309. Section 31 amended (Scope of authority, &c., of attorney under enduring power of attorney)

Section 31(5) of the Principal Act is amended as follows:

- (a) by omitting “Board” three times occurring and substituting “Tribunal”;
- (b) by omitting from paragraph (b) “Division 1 of Part 10 of the *Guardianship and Administration Act 1995*” and substituting “the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

310. Section 32AD amended (Keeping of records, &c.)

Section 32AD of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (3) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (4) “Board” first occurring and substituting “Tribunal”;

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Part 41 – Powers of Attorney Act 2000 Amended

s. 311

- (d) by omitting from subsection (4)(b) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (4) “Board” third occurring and substituting “Tribunal”;
- (f) by omitting from subsection (5) “Board” and substituting “Tribunal”;
- (g) by omitting from subsection (6) “Board” first occurring and substituting “Tribunal”;
- (h) by omitting from subsection (6)(a) “Board” and substituting “Tribunal”;
- (i) by omitting from subsection (6)(c) “Board” and substituting “Tribunal”.

311. Section 33 amended (Power of Tribunal to make orders in respect of enduring power of attorney)

Section 33 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1)(d) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (1) “Division 1 of Part 10 of the *Guardianship and Administration Act*

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s. 311

Part 41 – Powers of Attorney Act 2000 Amended

1995” and substituting “the Tasmanian Civil and Administrative Tribunal Act 2020”;

- (d) by omitting from subsection (1A) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (1B) “Board” twice occurring and substituting “Tribunal”;
- (f) by omitting from subsection (2) “Board” first occurring and substituting “Tribunal”;
- (g) by omitting from subsection (2)(e) “Board” and substituting “Tribunal”;
- (h) by omitting from subsection (2)(f) “Board” and substituting “Tribunal”;
- (i) by omitting from subsection (2)(g) “Board” and substituting “Tribunal”;
- (j) by omitting from subsection (4) “Board” three times occurring and substituting “Tribunal”;
- (k) by omitting from subsection (4A) “Board” first occurring and substituting “Tribunal”;
- (l) by omitting from subsection (4A)(a) “Board” and substituting “Tribunal”;
- (m) by omitting from subsection (4A)(d) “Board” and substituting “Tribunal”;

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Part 41 – Powers of Attorney Act 2000 Amended

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- (n) by omitting from subsection (4A)(e) “Division 1 of Part 10 of the *Guardianship and Administration Act 1995*” and substituting “the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (o) by omitting from subsection (5)(a) “Board” first occurring and substituting “Tribunal”;
- (p) by omitting from subsection (5)(a) “Board” second occurring and substituting “Tribunal”;
- (q) by omitting from subsection (5)(b) “Board” twice occurring and substituting “Tribunal”;
- (r) by omitting from subsection (6)(a) “Board” and substituting “Tribunal”;
- (s) by omitting from subsection (6A) “Board” first occurring and substituting “Tribunal”;
- (t) by omitting from subsection (6A) “Board” second occurring and substituting “Tribunal”;
- (u) by omitting from subsection (6B) “Board” twice occurring and substituting “Tribunal”;
- (v) by omitting from subsection (6D) “Board” and substituting “Tribunal”;

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s. 312

Part 41 – Powers of Attorney Act 2000 Amended

- (w) by omitting from subsection (7) “Board” and substituting “Tribunal”;
- (x) by omitting from subsection (8) “Board” and substituting “Tribunal”.

312. Section 34 amended (Requirements for application under section 33)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “registrar of the Board” and substituting “Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (3) “Board” and substituting “Tribunal”.

313. Section 35 amended (Advice or directions as to enduring power of attorney)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Tribunal”;
- (b) by omitting from subsection (3) “Board” twice occurring and substituting “Tribunal”;

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Part 41 – Powers of Attorney Act 2000 Amended

s. 314

- (c) by omitting from subsection (4) “Board” and substituting “Tribunal”;
- (d) by omitting from subsection (5) “Board” and substituting “Tribunal”;
- (e) by omitting from subsection (6) “Board” first occurring and substituting “Tribunal”;
- (f) by omitting from subsection (6)(a) “Board” and substituting “Tribunal”;
- (g) by omitting from subsection (6)(b) “Board” twice occurring and substituting “Tribunal”;
- (h) by omitting from subsection (6)(c) “Board” and substituting “Tribunal”.

314. Part 5 repealed

Part 5 of the Principal Act is repealed.

315. Section 47 amended (Enduring powers of attorney made outside Tasmania)

Section 47(2) of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

316. Section 48 amended (Powers of Tribunal to require production)

Section 48 of the Principal Act is amended as follows:

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Amendments) Act 2021
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Part 41 – Powers of Attorney Act 2000 Amended

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1)(c) “Board” and substituting “Tribunal”;
- (c) by omitting from subsection (2) “Board” and substituting “Tribunal”.

317. Section 50 amended (Execution of power of attorney by direction of donor)

Section 50(2) of the Principal Act is amended by omitting “the Board, after a hearing in accordance with Division 1 of Part 10 of the *Guardianship and Administration Act 1995*” and substituting “the Tribunal, after a hearing in accordance with the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

PART 42 – PROBATE RULES 2017 AMENDED

318. Principal Rules

In this Part, the *Probate Rules 2017** are referred to as the Principal Rules.

319. Rule 25 amended (Passing over person entitled to apply for grant due to incapacity)

Rule 25(5)(a) of the Principal Rules is amended by omitting “Guardianship and Administration Board established under the *Guardianship and Administration Act 1995*” and substituting “Tasmanian Civil and Administrative Tribunal”.

*S.R. 2017, No. 69

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 320

Part 43 – Public Health Act 1997 Amended

PART 43 – PUBLIC HEALTH ACT 1997 AMENDED

320. Principal Act

In this Part, the *Public Health Act 1997** is referred to as the Principal Act.

321. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

*No. 86 of 1997

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 44 – Public Sector Superannuation Reform (Parliamentary
Superannuation) Regulations 2016 Amended

s. 322

**PART 44 – PUBLIC SECTOR SUPERANNUATION
REFORM (PARLIAMENTARY SUPERANNUATION)
REGULATIONS 2016 AMENDED**

322. Principal Regulations

In this Part, the *Public Sector Superannuation Reform (Parliamentary Superannuation) Regulations 2016** are referred to as the Principal Regulations.

323. Regulation 46 amended (Payment otherwise than to person entitled)

Regulation 46 of the Principal Regulations is amended by omitting “Guardianship and Administration Board established under the *Guardianship and Administration Act 1995*” and substituting “Tasmanian Civil and Administrative Tribunal”.

324. Regulation 80 amended (Payment otherwise than to person entitled)

Regulation 80 of the Principal Regulations is amended by omitting “Guardianship and Administration Board established under the *Guardianship and Administration Act 1995*” and substituting “Tasmanian Civil and Administrative Tribunal”.

*S.R. 2016, No. 102

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 325 Part 45 – Public Sector Superannuation Reform Regulations 2017 Amended

**PART 45 – PUBLIC SECTOR SUPERANNUATION
REFORM REGULATIONS 2017 AMENDED**

325. Principal Regulations

In this Part, the *Public Sector Superannuation Reform Regulations 2017** are referred to as the Principal Regulations.

326. Regulation 54 amended (Payment if beneficiary incapable)

Regulation 54 of the Principal Regulations is amended by omitting “Guardianship and Administration Board” and substituting “Tasmanian Civil and Administrative Tribunal”.

*S.R. 2017, No. 11

**PART 46 – RAIL INFRASTRUCTURE ACT 2007
AMENDED**

327. Principal Act

In this Part, the *Rail Infrastructure Act 2007** is referred to as the Principal Act.

328. Section 13 amended (Interpretation of Division)

Section 13 of the Principal Act is amended by omitting “Resource Management and Planning Appeal Tribunal under,” from the definition of *appeal* and substituting “Tasmanian Civil and Administrative Tribunal under”.

329. Section 15 amended (Effect of declarations as regards permitted planning applications)

Section 15(3)(b) of the Principal Act is amended as follows:

- (a) by omitting “section 14 of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting “and who has a proper interest in the subject matter of the appeal”.

*No. 36 of 2007

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 330

Part 47 – Strata Titles Act 1998 Amended

PART 47 – STRATA TITLES ACT 1998 AMENDED

330. Principal Act

In this Part, the *Strata Titles Act 1998** is referred to as the Principal Act.

331. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Tribunal* and substituting the following definition:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

332. Section 77 amended (Voting on behalf of persons under disability)

Section 77 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “Guardianship and Administration Board under the *Guardianship and Administration Act 1995*” and substituting “Tribunal”;
- (b) by omitting from subsection (2)(b) “Guardianship and Administration Board’s” and substituting “Tribunal’s”.

*No. 17 of 1998

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 47 – Strata Titles Act 1998 Amended

s. 333

333. Section 144 amended (Right of appeal)

Section 144(1)(b) of the Principal Act is amended by omitting “, in which case an appeal lies to the Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*”.

334. Sections 146 and 147 substituted

Sections 146 and 147 of the Principal Act are repealed and the following section is substituted:

147. Appeal under *Tasmanian Civil and Administrative Tribunal Act 2020*

- (1) The *Tasmanian Civil and Administrative Tribunal Act 2020* applies in relation to an appeal under this Part.
- (2) The Tribunal must give written notice of its decision on an appeal to the Recorder and all persons interested in the appeal.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 335

Part 48 – Testator’s Family Maintenance Act 1912 Amended

**PART 48 – TESTATOR’S FAMILY MAINTENANCE
ACT 1912 AMENDED**

335. Principal Act

In this Part, the *Testator’s Family Maintenance Act 1912** is referred to as the Principal Act.

336. Section 8A amended (Evidence as to deceased’s reasons for dispositions)

Section 8A(1A) of the Principal Act is amended as follows:

- (a) by omitting “Guardianship and Administration Board” and substituting “Tasmanian Civil and Administrative Tribunal”;
- (b) by omitting “Board” second occurring and substituting “Tribunal”;
- (c) by omitting “Board” third occurring and substituting “Tribunal”.

*No. 7 of 1912

**PART 49 – THEATRE ROYAL PRECINCT
REDEVELOPMENT ACT 2016 AMENDED**

337. Principal Act

In this Part, the *Theatre Royal Precinct Redevelopment Act 2016** is referred to as the Principal Act.

338. Section 36 amended (Interpretation of Part 6)

Section 36 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

339. Section 39 amended (Application of *Tasmanian Civil and Administrative Tribunal Act 2020*)

Section 39 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) “by order, make the person” and substituting “make the person, under the *Tasmanian Civil and Administrative Tribunal Act 2020*,”;

*No. 10 of 2016

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 339

Part 49 – Theatre Royal Precinct Redevelopment Act 2016 Amended

(c) by omitting subsections (3) and (4) and substituting the following subsection:

(3) For the purposes of clause 9(5)(a) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020* as it applies in relation to an application on grounds referred to in section 37(1)(a) or (b), a reference to the person who made the decision is to be taken to include a reference to the person, referred to in section 37(1)(a) or (b), to whom the grounds relate.

(d) by omitting from subsection (5) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 50 – Threatened Species Protection Act 1995 Amended

s. 340

**PART 50 – THREATENED SPECIES PROTECTION
ACT 1995 AMENDED**

340. Principal Act

In this Part, the *Threatened Species Protection Act 1995** is referred to as the Principal Act.

**341. Section 14 amended (Notification by Minister and
right of appeal)**

Section 14 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) In this section –

Tribunal means the Tasmanian
Civil and Administrative
Tribunal.

- (b) by omitting paragraph (a) from subsection (4).

*No. 83 of 1995

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 342

Part 51 – Urban Drainage Act 2013 Amended

PART 51 – URBAN DRAINAGE ACT 2013 AMENDED

342. Principal Act

In this Part, the *Urban Drainage Act 2013** is referred to as the Principal Act.

343. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

344. Section 5 amended (Council to provide adequate public stormwater systems)

Section 5(5) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”.

345. Section 15 amended (Power of authorised officers to carry out work on or adjacent to public land)

Section 15(12) of the Principal Act is amended as follows:

*No. 71 of 2013

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 51 – Urban Drainage Act 2013 Amended

s. 345

- (a) by omitting “Notwithstanding section 14(2) of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “Despite clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting “section” and substituting “clause”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 346

Part 52 – Water Management Act 1999 Amended

**PART 52 – WATER MANAGEMENT ACT 1999
AMENDED**

346. Principal Act

In this Part, the *Water Management Act 1999** is referred to as the Principal Act.

347. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

348. Sections 265, 266 and 267 repealed

Sections 265, 266 and 267 of the Principal Act are repealed.

349. Section 276 amended (Appeal to Appeal Tribunal)

Section 276(3) of the Principal Act is amended by omitting “*Resource Management and Planning Appeal Tribunal Act 1993.*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020.*”.

*No. 45 of 1999

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 52 – Water Management Act 1999 Amended

s. 350

350. Section 278 amended (Form of appeal to Appeal Tribunal)

Section 278 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “conference under section 17 of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “compulsory conference, or an alternative dispute resolution process, under Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (3) “section 17 of the *Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “Division 7 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 351

Part 53 – Water and Sewerage Industry Act 2008 Amended

**PART 53 – WATER AND SEWERAGE INDUSTRY ACT
2008 AMENDED**

351. Principal Act

In this Part, the *Water and Sewerage Industry Act 2008** is referred to as the Principal Act.

352. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Appeal Tribunal* and substituting the following definition:

Appeal Tribunal means the Tasmanian Civil and Administrative Tribunal;

353. Section 56E amended (Power to carry out work on public land)

Section 56E of the Principal Act is amended as follows:

- (a) by omitting from subsection (9) “*Resource Management and Planning Appeal Tribunal Act 1993*” and substituting “*Tasmanian Civil and Administrative Tribunal Act 2020*”;
- (b) by omitting from subsection (10) “Notwithstanding section 14(2) of the *Resource Management and Planning*

*No. 13 of 2008

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 53 – Water and Sewerage Industry Act 2008 Amended

s. 353

Appeal Tribunal Act 1993” and substituting “Despite clause 7(3) of Part 8 of Schedule 2 to the *Tasmanian Civil and Administrative Tribunal Act 2020*”;

- (c) by omitting from subsection (10) “section” second occurring and substituting “clause”.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 354

Part 54 – Wills Act 2008 Amended

PART 54 – WILLS ACT 2008 AMENDED

354. Principal Act

In this Part, the *Wills Act 2008** is referred to as the Principal Act.

355. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended as follows:

- (a) by omitting the definition of *Board*;
- (b) by inserting the following definition after the definition of *statutory will*:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

356. Part 3: Heading amended

Part 3 of the Principal Act is amended by omitting “**WILLS MADE, ALTERED, REVOKED OR RECTIFIED UNDER AUTHORISATION OF COURT OR MADE UNDER AUTHORISATION OF BOARD**” from the heading to that Part and substituting “**WILLS MADE, ALTERED, REVOKED OR RECTIFIED UNDER AUTHORISATION OF COURT OR MADE UNDER AUTHORISATION OF TRIBUNAL**”.

*No. 58 of 2008

357. Part 3, Division 3: Heading amended

Division 3 of Part 3 of the Principal Act is amended by omitting “*Power of Board to make statutory will for person lacking in testamentary capacity*” from the heading to that Division and substituting “*Power of Tribunal to make statutory will for person lacking in testamentary capacity*”.

358. Section 30 amended (Tribunal may make certain orders)

Section 30 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1) “Board” second occurring and substituting “Tribunal”;
- (c) by omitting from subsection (3) “Board” twice occurring and substituting “Tribunal”;
- (d) by omitting from subsection (3) “Division 1 of Part 10 of the *Guardianship and Administration Act 1995*” and substituting “the *Tasmanian Civil and Administrative Tribunal Act 2020*”;

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 359

Part 54 – Wills Act 2008 Amended

- (e) by omitting from subsection (4) “Board” and substituting “Tribunal”;
- (f) by omitting from subsection (5) “Board” and substituting “Tribunal”;
- (g) by omitting from subsection (6) “Board” and substituting “Tribunal”;
- (h) by omitting from subsection (7) “Board” twice occurring and substituting “Tribunal”.

359. Section 31 amended (Validity of statutory wills made by Tribunal)

Section 31 of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Tribunal”;
- (b) by omitting “Board” second occurring and substituting “Tribunal or the Guardianship and Administration Board formerly established under this Act”.

360. Section 32 amended (Application for a statutory will)

Section 32 of the Principal Act is amended as follows:

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

Part 54 – Wills Act 2008 Amended

s. 361

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Tribunal”;
- (b) by omitting from subsection (1) “Board’s discretion, furnish to the Board” and substituting “Tribunal’s discretion, provide to the Tribunal”;
- (c) by omitting from subsection (2) “registrar of the Board” and substituting “Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*”.

361. Section 33 amended (Tribunal must be satisfied of certain matters)

Section 33 of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

362. Section 34 repealed

Section 34 of the Principal Act is repealed.

363. Section 35 amended (Execution of a will made under this Division)

Section 35 of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Tribunal”;

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 364

Part 54 – Wills Act 2008 Amended

- (b) by omitting from paragraph (a) “Board” and substituting “Tribunal”.

364. Section 36 amended (Alteration of statutory will made by Tribunal)

Section 36 of the Principal Act is amended by omitting “Board may alter a statutory will made by the Board” and substituting “Tribunal may alter a statutory will made by the Tribunal, or by the Guardianship and Administration Board formerly established under this Act”.

365. Section 37 amended (Revocation of statutory will made by Tribunal)

Section 37(1) of the Principal Act is amended by omitting “Board may revoke a statutory will made by the Board” and substituting “Tribunal may revoke a statutory will made by the Tribunal, or by the Guardianship and Administration Board formerly established under this Act.”.

366. Section 38 amended (Statutory will made by Tribunal to be forwarded to executor)

Section 38 of the Principal Act is amended by omitting “Board” and substituting “Tribunal”.

**PART 55 – WORKERS REHABILITATION AND
COMPENSATION ACT 1988 AMENDED**

367. Principal Act

In this Part, the *Workers Rehabilitation and Compensation Act 1988** is referred to as the Principal Act.

368. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Chief Commissioner*;
- (b) by omitting the definition of *Commissioner*;
- (c) by omitting the definition of *part-time Commissioner*;
- (d) by inserting the following definition after the definition of *policy of insurance*:

President has the same meaning as in the *Tasmanian Civil and Administrative Tribunal Act 2020*;

- (e) by omitting the definition of *Registrar* and substituting the following definition:

*No. 4 of 1988

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 369 Part 55 – Workers Rehabilitation and Compensation Act 1988 Amended

Registrar has the same meaning as in
the *Tasmanian Civil and
Administrative Tribunal Act
2020*;

- (f) by omitting the definition of *Tribunal*
and substituting the following definition:

Tribunal means the Tasmanian Civil
and Administrative Tribunal;

369. Part II, Division 2: Heading amended

Division 2 of Part II of the Principal Act is amended by omitting “**Workers Rehabilitation and Compensation Tribunal**” from the heading to that Division and substituting “**Provisions relating to Tribunal**”.

370. Sections 16, 17, 17A, 17B, 18 and 19 repealed

Sections 16, 17, 17A, 17B, 18 and 19 of the Principal Act are repealed.

371. Section 20 amended (Appeals to Appeal Tribunal)

Section 20 of the Principal Act is amended by inserting “under this Act” after “of the Tribunal”.

372. Section 21 repealed

Section 21 of the Principal Act is repealed.

373. Section 22 amended (Record of Tribunal)

Section 22 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “to which this Act relates” after “a proceeding”;
- (b) by inserting in subsection (2) “to which this Act relates” after “a proceeding”.

374. Section 23 amended (Jurisdiction of Tribunal)

Section 23(1) of the Principal Act is amended by omitting “or any other Act”.

375. Sections 23A and 24 repealed

Sections 23A and 24 of the Principal Act are repealed.

376. Section 42 amended (Reference of claims for compensation to Tribunal)

Section 42(2) of the Principal Act is amended by omitting “Chief Commissioner” and substituting “President”.

377. Section 42B amended (Parties to undertake conciliation process)

Section 42B of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 378 Part 55 – Workers Rehabilitation and Compensation Act 1988 Amended

- (2) The conciliator may be a legally qualified member, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*, the Registrar, a deputy registrar, within the meaning of that Act, or a person nominated by the President.

378. Section 46 repealed

Section 46 of the Principal Act is repealed.

379. Section 47 amended (Presentation of cases)

Section 47 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, to which this Act relates, that is” after “proceeding”;
- (b) by inserting in subsection (2) “to which this Act relates” after “a proceeding”;
- (c) by inserting the following subsection after subsection (2):
- (3) Section 98 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply to a proceeding to which this Act relates.

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Act 2021
Act No. of 2021

Part 55 – Workers Rehabilitation and Compensation Act 1988 Amended

s. 380

380. Section 48 amended (Proceedings to be in private except in certain cases)

Section 48 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, to which this Act relates, that is” after “proceeding”;
- (b) by inserting in subsection (2) “, to which this Act relates, that is” after “A proceeding”;
- (c) by inserting the following subsection after subsection (2):
 - (3) This section applies despite section 81 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

381. Section 49 amended (Procedure of Tribunal)

Section 49 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by inserting in subsection (1A) “to which this Act relates” after “at a hearing”;
- (c) by inserting in subsection (2) “, to which this Act relates, that are” after “proceedings”;

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 382 Part 55 – Workers Rehabilitation and Compensation Act 1988 Amended

- (d) by inserting in subsection (3) “, to which this Act relates, that are” after “proceedings”.

382. Section 56 amended (Provisions relating to evidence and production of documents)

Section 56 of the Principal Act is amended as follows:

- (a) by omitting subsection (1);
- (b) by omitting subsection (2) and substituting the following subsection:
 - (2) The Tribunal must cause to be made a recording, by mechanical or electronic or other means, of a proceeding, to which this Act relates, that is before the Tribunal.
- (c) by inserting in subsection (3) “, to which this Act relates, that is” after “a proceeding”.

383. Section 57 amended (Tribunal to act on evidence available)

Section 57(1) of the Principal Act is amended by inserting “to which this Act relates” after “before the Tribunal”.

384. Section 59 amended (Costs)

Section 59 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, in relation to this Act, that are” after “proceedings”;
- (b) by inserting the following subsections after subsection (2):
 - (3) If a party to proceedings withdraws proceedings, other than proceedings in relation to a referral under section 81A, costs are payable by the party.
 - (4) Division 10 of Part 8 of the *Tasmanian Civil and Administrative Tribunal Act 2020* does not apply in relation to proceedings in relation to this Act.

385. Section 60 repealed

Section 60 of the Principal Act is repealed.

386. Section 62 amended (Orders of Tribunal final)

Section 62 of the Principal Act is amended as follows:

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 387 Part 55 – Workers Rehabilitation and Compensation Act 1988 Amended

- (a) by inserting in subsection (1) “in relation to proceedings to which this Act relates” after “Tribunal”;
- (b) by omitting from subsection (4) “no order or proceeding of the Tribunal with respect to an order” and substituting “no order, or proceeding of the Tribunal with respect to an order, that is made for the purposes of this Act”.

387. Section 63 repealed

Section 63 of the Principal Act is repealed.

388. Section 143Q amended (Powers of Tribunal in respect of matters under this Part)

Section 143Q of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “Chief Commissioner” and substituting “President”;
- (b) by omitting from subsection (3) “Chief Commissioner” twice occurring and substituting “President”.

389. Section 150 repealed

Section 150 of the Principal Act is repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

Part 55 – Workers Rehabilitation and Compensation Act 1988 Amended

s. 390

390. Schedule 3 repealed

Schedule 3 to the Principal Act is repealed.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021*
Act No. of 2021

s. 391 Part 56 – Workers Rehabilitation and Compensation Regulations 2021
Amended

**PART 56 – WORKERS REHABILITATION AND
COMPENSATION REGULATIONS 2021 AMENDED**

391. Principal Regulations

In this Part, the *Workers Rehabilitation and Compensation Regulations 2021** are referred to as the Principal Regulations.

392. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by omitting the definition of *deputy registrar* and substituting the following definitions:

application means an application under the Act to the Tribunal;

deputy registrar means a deputy registrar within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*;

393. Regulation 5 rescinded

Regulation 5 of the Principal Regulations is rescinded.

*S.R. 2021, No. 49

PART 57 – YOUTH JUSTICE ACT 1997 AMENDED

394. Principal Act

In this Part, the *Youth Justice Act 1997** is referred to as the Principal Act.

395. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Mental Health Tribunal*;
- (b) by inserting the following definition after the definition of *transfer order*:

Tribunal means the Tasmanian Civil and Administrative Tribunal;

396. Section 134A amended (Removal of detainee to secure mental health unit)

Section 134A(8) of the Principal Act is amended by omitting “Mental Health”.

397. Section 134B amended (Appeal against direction under section 134A)

Section 134B of the Principal Act is amended as follows:

*No. 81 of 1997

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 397

Part 57 – Youth Justice Act 1997 Amended

- (a) by omitting from subsection (1) “Mental Health”;
- (b) by omitting from subsection (3) “Mental Health”;
- (c) by omitting subsection (4) and substituting the following subsection:
 - (4) The *Mental Health Act 2013* and the *Tasmanian Civil and Administrative Tribunal Act 2020* apply to the hearing and determination of an appeal, regardless of whether or not the detainee has a mental illness, as if it were a review under those Acts.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

Part 58 – Legislation repealed and rescinded

s. 398

**PART 58 – LEGISLATION REPEALED AND
RESCINDED**

398. Legislation repealed

The legislation specified in Schedule 1 is repealed.

399. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

s. 400

Part 59 – Concluding Provision

PART 59 – CONCLUDING PROVISION

400. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

sch. 1

SCHEDULE 1 – LEGISLATION REPEALED

Section 398

*Resource Management and Planning Appeal Tribunal Act
1993 (No. 66 of 1993)*

*Tasmanian Civil and Administrative Tribunal (Consequential
Amendments) Act 2021
Act No. of 2021*

sch. 2

SCHEDULE 2 – LEGISLATION RESCINDED

Section 399

*Resource Management and Planning Appeal Tribunal
Regulations 2014 (No. 134 of 2014)*