

CLAUSE NOTES

Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Bill 2024

	PART 1 – PRELIMINARY
Clause 1	Short title Specifies the name of the proposed Act.
Clause 2	Commencement Provides that the Act commences on the day or days that it is proclaimed.
Clause 3	Further amendment of regulations not prevented Provides that the Act does not limit any further amendments from being legislated to any of the principal acts or regulations that are amended by this Act.
	PART 2 – ABANDONED LANDS ACT 1973 AMENDED
Clause 4	Principal Act Provides that the Principal Act being amended in Part 2 is the <i>Abandoned Lands Act 1973</i> .
Clause 5	Section 11 amended (Compensation in respect of registration of abandoned land notices) Amends section 11 of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to review the rejection of a claim under that section. Under the Principal Act, a person is entitled to make a claim for compensation to the Director-General of Lands if they are deprived of an estate or interest in land upon the registration of an abandoned land notice with the Minister being able to reject such a claim.
	PART 3 – ADOPTION ACT 1988 AMENDED
Clause 6	Principal Act Provides that the Principal Act being amended in Part 3 is the <i>Adoption Act 1988</i> .
Clause 7	Section 96A amended (Reviews of decisions) Amends section 96A of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) with the

	Tasmanian Civil and Administrative Tribunal as the appropriate body to review the decisions listed in that section. These decisions are made by the Secretary or a principal officer and relate to a person's suitability to be a prospective adoptive parent.
	PART 4 – AMBULANCE SERVICE ACT 1982 AMENDED
Clause 8	Principal Act Provides that the Principal Act being amended in Part 4 is the <i>Ambulance Service Act 1982</i> .
Clause 9	Section 35P amended (Review of decisions) Amends section 11 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to review the decisions made under Part IIIA of the Act. Part IIIA of the Principal Act relates to non-emergency patient transport and deals with decisions relating to licences authorising a person to provide non-emergency patient transport services.
	PART 5 – ANATOMICAL EXAMINATIONS ACT 2006 AMENDED
Clause 10	Principal Act Provides that the Principal Act being amended in Part 5 is the <i>Anatomical Examinations Act 2006</i> .
Clause 11	Section 9 amended (Individual authorisations to undertake anatomical examinations) Amends section 9(7) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a refusal by the Head of Faculty to issue individual authorisations under that section. The issue of an authorisation under the Principal Act allows a person to undertake anatomical examination.
Clause 12	Section 11 amended (Amendment and revocation of individual authorisations) Amends section 11(5) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which the holder of an individual authorisation may apply for a review of a decision by the Head of Faculty to amend or revoke an individual authorisation under that section.
	PART 6 – ANIMAL WELFARE (DOMESTIC POULTRY) REGULATIONS (NO. 2) 2023 AMENDED

Clause 13	<p>Principal Regulations</p> <p>Provides that the Principal Regulations being amended in Part 6 are the <i>Animal Welfare (Domestic Poultry) Regulations (No. 2) 2023</i>.</p>
Clause 14	<p>Regulation 4 amended (Determination of maximum hen capacity)</p> <p>Amends Regulation 4(4) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a cage egg producer may appeal for a review of a determination by the Minister of the maximum number of laying fowls that the producer may house in cages.</p>
	PART 7 – ANIMAL WELFARE ACT 1993 AMENDED
Clause 15	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 7 is the <i>Animal Welfare Act 1993</i>.</p>
Clause 16	<p>Section 26B amended (Decision of officer subject to review)</p> <p>Amends section 26B of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of decisions made under the Act.</p>
Clause 17	<p>Section 31 amended (Duration of licences)</p> <p>Amends section 31(2) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an application for review is to be made under section 33 of the Principal Act.</p>
Clause 18	<p>Section 32 amended (Cancellation of licences)</p> <p>Amends section 32(2)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an application for review is to be made under section 33 of the Principal Act.</p>
Clause 19	<p>Section 33 amended (Reviews)</p> <p>Amends section 33(2) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an institution may apply for a review of decisions by the Minister listed in that section, relating to licences authorising a person to carry out animal research.</p>

	PART 8 – ANTI-DISCRIMINATION ACT 1998 AMENDED
Clause 20	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 8 is the <i>Anti-Discrimination Act 1998</i>.</p>
Clause 21	<p>Section 13 amended (Functions of Tribunal)</p> <p>Amends section 13(b) of the Principal Act by adding non-acceptances to rejections and dismissals as reviewable decisions of the Commissioner which TASCAT has the jurisdiction to review.</p> <p>Deciding to not accept a complaint is different in law to deciding to reject a complaint. Section 13 of the Principal Act currently enables the Tribunal to review a decision of the Commissioner relating to exemptions, withdrawals, rejections and dismissals of complaints, but not decisions to not accept complaints. This means that a decision to not accept a complaint can currently only be reviewed by the Supreme Court of Tasmania. The amendment will change that to allow the Tribunal to review these decisions as well.</p>
Clause 22	<p>Section 65 amended (Review of rejected or non-accepted complaints)</p> <p>Amends section 65 of the Principal Act by adding non-acceptance or not accepted after each reference to rejection or rejected. These amendments facilitate the inclusion of not accepting a complaint within the scope of reviewable decisions under the Act.</p> <p>The heading of the section is also changed to include non-accepted complaints.</p>
Clause 23	<p>Section 72 amended (Review of rejection, dismissal or non-acceptance)</p> <p>Amends section 72(1) of the Principal Act by adding non-acceptance or not accepting in addition to rejection or dismissal or rejecting or dismissing of a complaint.</p> <p>Further amends section 72 by inserting subsection (4), which provides that the Tribunal is to refer a complaint back to the Commissioner for acceptance or rejection where, after review, it is not satisfied that the Commissioner made the correct decision by not accepting the complaint.</p> <p>The heading of the section is also changed to include non-acceptance.</p>
Clause 24	<p>Section 98A amended (Application to Tribunal to withdraw complaint)</p> <p>Amends section 98A of the Principal Act by omitting subsections (1), (2) and (3).</p>

	<p>Amends section 98A(4) to provide that the withdrawal of a complaint is made under section 88 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> (the TASCAT Act).</p> <p>The effect of these amendments is that the process for withdrawing a complaint made under the Principal Act is brought under the process contained in the TASCAT Act.</p> <p>Sub-section (4) is being retained because it allows the Tribunal to conduct an inquiry, or for the Anti-Discrimination Commissioner to investigate a complaint, if they are satisfied that the complaint was not withdrawn voluntarily or that it is in the public interest to do so.</p> <p>The heading of the section is also changed to omit the words ‘from inquiry or review’.</p>
Clause 25	<p>Section 109 amended (Regulations)</p> <p>Amends section 109(1B)(b) of the Principal Act by adding the review of non-accepted complaints to rejected complaints as matters concerning which regulations may be made.</p>
	PART 9 – ARCHITECTS ACT 1929 AMENDED
Clause 26	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 9 is the <i>Architects Act 1929</i>.</p>
Clause 27	<p>Section 11 amended (Restoration of registration and name on register)</p> <p>Amends section 11 of the Principal Act by replacing the references to a magistrate of the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body which can order the Board of Architects of Tasmania to register and restore a person whose registration has been cancelled to the register of architects.</p>
Clause 28	<p>Section 18 amended (Right of appeal if registration or renewal of registration refused)</p> <p>Amends section 18 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may appeal against a decision to refuse their registration or renewal of registration. An appeal under this section is not possible where the reason for the refusal or rejection is the person’s failure to pass an examination or interview arranged or organised by the Board of Architects of Tasmania to assess that person’s competency to practice architecture.</p>
Clause 29	Section 20F amended (Appeal against determination of complaint)

	Amends section 20F of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a complainant or architect against whom a complaint is made may appeal for a dismissal or determination of the complaint.
	PART 10 – ARCHIVES ACT 1983 AMENDED
Clause 30	Principal Act Provides that the Principal Act being amended in Part 10 is the <i>Archives Act 1983</i> .
Clause 31	Section 13 amended (Compensation) Amends section 13 of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) or <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal or the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate body and legislation for the making of an application to review a determination by the Minister of the amount of compensation to be paid to the claimant under this section. A person may make an application for compensation under subsection (1) where the State Archivist has obtained possession of records from that person. Under section 12 of the Principal Act, the State Archivist can deprive a person of records by giving them a notice to deliver these records to the Archives Office. This is done where the Minister believes that a Crown, State authority or local authority record is in a person's possession when that person is not someone who has the authority to possess the record.
	PART 11 – ASSOCIATIONS INCORPORATION ACT 1964 AMENDED
Clause 32	Principal Act Provides that the Principal Act being amended in Part 11 is the <i>Associations Incorporation Act 1964</i> .
Clause 33	Section 35 amended (Review of cancellation of incorporation) Amends section 35 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to review the cancellation of incorporation. Under that section, the public officer of an association or a creditor or member of an association whose incorporation is cancelled by the Commissioner of Corporate Affairs may apply for review of the decision.

	PART 12 – BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1999 AMENDED
Clause 34	Principal Act Provides that the Principal Act being amended in Part 12 is the <i>Births, Deaths and Marriages Registration Act 1999</i> .
Clause 35	Section 53 amended (Review) Amends section 53 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to review a decision of the Registrar of Births, Deaths and Marriages under the Act on the application of a person dissatisfied with that decision.
	PART 13 – BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT 2009 AMENDED
Clause 36	Principal Act Provides that the Principal Act being amended in Part 13 is the <i>Building and Construction Industry Security of Payment Act 2009</i> .
Clause 37	Section 31 amended (Nominating authorities) Amends section 31(7) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to review decisions by the Security of Payments Official listed in that subsection. This amendment also corrects a referral to legislation with a referral to a body of review.
Clause 38	Section 36 amended (Request and review in relation to disqualification of adjudicator) Amends section 36 of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a party to an adjudication can apply for the review of certain decisions by an adjudicator. The relevant decisions by an adjudicator are in relation to a request by a party to the application subject to adjudication that the adjudicator cease acting due to perceived disqualification under section 35(2) of the Act.
Clause 39	Section 37 amended (Adjudicator’s fees) Amends section 37(2) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision is made to uphold or not

	<p>uphold a decision of an adjudicator under section 36 of the Principal Act.</p> <p>Section 37(2) provides that an adjudicator, whose decision under section 36 is upheld, may charge the applicant for the costs that the adjudicator has incurred in relation to the review but that an adjudicator may not pass on their costs to the applicant where their decision is not upheld by the Tribunal.</p>
	PART 14 – BURIAL AND CREMATION ACT 2019 AMENDED
Clause 40	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 14 is the <i>Burial and Cremation Act 2019</i>.</p>
Clause 41	<p>Section 26 amended (Approval to carry on regulated business)</p> <p>Amends section 26(6) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision by the regulator under subsection (4) in relation to an application for approval to carry on a regulated business is a reviewable decision.</p>
Clause 42	<p>Section 32 amended (Approval of persons as cemetery manager)</p> <p>Amends section 32 of the Principal Act by replacing both references to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation for reviewing a decision to refuse to appoint a person as a cemetery manager.</p>
Clause 43	<p>Section 45 amended (Approval of new cemeteries)</p> <p>Amends section 45(5) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision by the regulator to impose a condition on the approval to establish a new cemetery is a reviewable decision.</p>
Clause 44	<p>Section 46 amended (Refusal to approve new cemeteries)</p> <p>Amends section 46 of the Principal Act by replacing both references to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation for reviewing a decision to refuse to approve the establishment of a new cemetery.</p>
Clause 45	<p>Section 55 amended (Certificate of compliance)</p> <p>Amends section 55(4) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the</p>

	<p>appropriate legislation under which a decision by the regulator to impose a condition on a certificate of compliance in respect of a proposed sale of a cemetery or a portion of the cemetery is a reviewable decision.</p>
Clause 46	<p>Section 56 amended (Refusal to issue certificate of compliance)</p> <p>Amends section 56 of the Principal Act by replacing both references to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision to refuse to issue a certificate of compliance in respect of a proposed sale of a cemetery or a portion of the cemetery is a reviewable decision.</p>
Clause 47	<p>Section 63 amended (Closure of cemeteries for reasons of public health or public safety)</p> <p>Amends section 63(5) of the Principal Act by replacing the reference to a magistrate with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a cemetery manager who receives a notice that the whole or part of a cemetery is to be closed for public health or public safety reasons may appeal that notice.</p>
Clause 48	<p>Section 64 amended (Intention of cemetery manager to close cemetery)</p> <p>Amends section 64(7) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision by the regulator to impose a condition on the approval or refuse an application to close a cemetery or portion of a cemetery is a reviewable decision.</p>
Clause 49	<p>Section 65 amended (Review of rejected or non-accepted complaints)</p> <p>Amends section 65(3)(c) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a cemetery manager may apply for a review of a decision not to approve an application for the closure of a cemetery or portion of a cemetery.</p>
Clause 50	<p>Section 71 amended (Regulator may reduce certain time frames in respect of closed cemeteries)</p> <p>Amends section 71(9) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision by a regulator to impose a condition on the approval or refuse an application to take certain actions in closed cemeteries is a reviewable decision.</p>

<p>Clause 51</p>	<p>Section 73 amended (Declaration that land is not cemetery)</p> <p>Amends section 73(9) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision by a regulator to not make a declaration that certain land is not a cemetery or to impose a condition on a declaration is a reviewable decision.</p>
<p>Clause 52</p>	<p>Section 75 amended (Approval to manage crematorium)</p> <p>Amends section 75(6) of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate legislation under which a decision by a regulator under subsection (4) in relation to an application to manage a crematorium is a reviewable decision.</p>
<p>Clause 53</p>	<p>Section 82 amended (Closure of crematoria for reasons of public health or public safety)</p> <p>Amends section 82(5) of the Principal Act by replacing the reference to a magistrate with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a crematorium manager who receives a notice that the whole or part of a crematorium is to be closed for public health or public safety reasons may appeal that notice.</p>
<p>PART 15 – CAT MANAGEMENT ACT 2009 AMENDED</p>	
<p>Clause 54</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 15 is the <i>Cat Management Act 2009</i>.</p>
<p>Clause 55</p>	<p>Section 16E amended (Review of decision)</p> <p>Amends section 16E of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division)</i> with the <i>Tasmanian Civil and Administrative Tribunal</i> as the appropriate body to which an aggrieved person may apply for the review of a decision by the Secretary or a general manager under Part 3A of the Act.</p> <p>Part 3A deals with the keeping of cats, especially limits on the number of cats that can be kept and the process of applying to keep more than 4 cats.</p>
<p>Clause 56</p>	<p>Section 33 amended (Review of decisions)</p> <p>Amends section 33 of the Principal Act by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division)</i> with the <i>Tasmanian Civil and Administrative Tribunal</i> as the appropriate body to which an aggrieved person may apply for the review of a decision under Part 7 of the Act.</p>

	Part 7 deals with the breeding of cats, the restrictions on doing so and the process of applying and obtaining a cat breeding permit.
Clause 57	<p>Section 38B amended (Appeal against requirement notice)</p> <p>Amends section 38B of the Principal Act by replacing both references to a magistrate with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may appeal against a requirement notice served on them under section 38 of the Act. A requirement notice is served where there is belief on reasonable grounds that a person has failed to comply with a provision of this Act and sets out measures to be taken to rectify the failure. Upon determining the appeal, the Tribunal may make an order that the notice is to be complied with, amended or revoked.</p>
	PART 16 – CAT MANAGEMENT REGULATIONS 2022 AMENDED
Clause 58	<p>Principal Regulations</p> <p>Provides that the Principal Regulations being amended in Part 16 are the <i>Cat Management Regulations 2022</i>.</p>
Clause 59	<p>Regulation 15 amended (Review of decisions)</p> <p>Amends regulation 15 of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for the review of a decision under Part 2 of the Regulations.</p> <p>Part 2 deals with cat management facilities including decisions regarding the approval to operate such facilities.</p>
	PART 17 – CHILD CARE ACT 2001 AMENDED
Clause 60	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 17 is the <i>Child Care Act 2001</i>.</p>
Clause 61	<p>Section 50 amended (Reviewable decisions)</p> <p>Amends section 50(2) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for the review of a reviewable decision under subsection (1). Subsection (1) sets out several decisions in relation to approved registration body, centre-based child care or home-based child care licences as reviewable decisions as well as a general provision that the regulations may prescribe decisions to be reviewable decisions.</p>

	PART 18 – COMMUNITY HOUSING PROVIDERS NATIONAL LAW (TASMANIA) ACT 2013 AMENDED
Clause 62	Principal Act Provides that the Principal Act being amended in Part 28 is the <i>Community Housing Providers National Law (Tasmania) Act 2013</i> .
Clause 63	Section 6 amended (Meaning of certain terms in Community Housing Providers National Law for purposes of this jurisdiction) Amends section 6(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal in the definition of <i>Appeal Tribunal</i> . This means that the Tribunal is the appropriate body to deal with appeals of this National Law in Tasmania.
	PART 19 – CONVEYANCING ACT 2004 AMENDED
Clause 64	Principal Act Provides that the Principal Act being amended in Part 19 is the <i>Conveyancing Act 2004</i> .
Clause 65	Section 42 substituted Repeals section 42 of the Principal Act titled ‘Reviews by Magistrates Court (Administrative Appeals Division)’ and replaces it with a section titled ‘Reviews by Tasmanian Civil and Administrative Tribunal’ The new section lists the same reviewable decisions that are contained in subsection (1) of the current section but refers to the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply to for a review of a decision or order instead of the Magistrates Court (Administrative Appeals Division). Accordingly, subsections (2) and (3), which refer to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> , are not replicated in the new section.
	PART 20 – CRIMINAL JUSTICE (MENTAL IMPAIRMENT) ACT 1999 AMENDED
Clause 66	Principal Act Provides that the Principal Act being amended in Part 20 is the <i>Criminal Justice (Mental Impairment) Act 1999</i> .
Clause 67	Section 37 amended (Review of persons detained under forensic orders) Amends section 37 of the Principal Act by inserting subsection (1A). This subsection provides that the provisions in section 37 requiring a review of forensic orders under the <i>Mental Health Act 2013</i> every 12 months are to apply to a supervision order, even if it is suspended.

	When a person is admitted to an approved hospital, a secure mental health unit or sentenced to a term of imprisonment, supervision orders relating to that person are suspended. The amendment clarifies that suspended supervision orders may still be reviewed by the Tribunal.
	PART 21 – CROWN LANDS (SHACK SITES) ACT 1997 AMENDED
Clause 68	Principal Act Provides that the Principal Act being amended in Part 21 is the <i>Crown Lands (Shack Sites) Act 1997</i> .
Clause 69	Section 17A amended (Leasing hardship) Amends section 17A(8) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person aggrieved by the making, refusal, revocation or amendment of a hardship determination made in respect of them may apply for a review of that determination. The making of a hardship determination under section 17(1) of the Principal Act allows the Minister to determine that the rental for a replacement lease should be such a lower amount that the Minister considers is appropriate in circumstances where paying the rental otherwise required would cause hardship to the lessee.
Clause 70	Section 27 amended (Reviews of assessment of land value) Amends section 27 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a lessee or licensee may apply for a review of an assessment of the land value of a shack site by the Valuer-General.
	PART 22 – CROWN LANDS ACT 1976 AMENDED
Clause 71	Principal Act Provides that the Principal Act being amended in Part 22 is the <i>Crown Lands Act 1976</i> .
Clause 72	Section 23 amended (Forfeiture for breach of conditions) Amends section 23 of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a purchaser of Crown land may apply for a review of the Minister's decision to proceed with forfeiture of land for an apparent breach of contract after an objection has been served on the Minister by the purchaser.
Clause 73	Section 32 amended (Re-assessment of rent in respect of land leased for rural purposes)

	Amends section 23 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body for a lessee to apply to for the review of the Minister's re-assessment of rent for the lease of Crown land for rural purposes.
Clause 74	<p>Section 35 amended (Grant of option to purchase to outgoing lessee or payment of value for improvements effected on Crown land)</p> <p>Amends section 35 of the Principal Act by replacing subsection (3). The new subsection retains most of the content of the current subsection but replaces the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the body to which the lessee may apply for a review of the Minister's decision to fix an amount in respect of improvements effected to the land.</p>
Clause 75	<p>Section 35B amended (Compensation payable on vesting of certain land to Aboriginal Land Council of Tasmania)</p> <p>Amends section 35B(5) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a lessee may apply for a review of a determination by the Director-General of the amount of compensation payable to the lessee under this section for approved improvements to the land that have been carried out by the lessee.</p>
Clause 76	<p>Section 39 amended (Compensation for improvements)</p> <p>Amends section 39(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a lessee may apply for a review of a determination of the amount of compensation payable to the lessee under this section for the termination of the lease.</p>
Clause 77	<p>Section 67 amended (Reviews in certain cases)</p> <p>Amends section 67(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a notice or cancellation of the types listed in that section.</p>
	PART 23 – DAIRY INDUSTRY ACT 1994 AMENDED
Clause 78	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 23 is the <i>Dairy Industry Act 1994</i>.</p>

<p>Clause 79</p>	<p>Section 42 amended (Reviews)</p> <p>Amends section 42 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of decisions listed in that section. These decisions relate to licences.</p> <p>Section 18 of the Principal Act provides that a person may apply to the Tasmanian Dairy Industry Authority for a dairy farmer’s licence, a processor’s licence, a manufacturer’s licence, or a vendor’s licence.</p>
<p>PART 24 – DOG CONTROL ACT 2000 AMENDED</p>	
<p>Clause 80</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 24 is the <i>Dog Control Act 2000</i>.</p>
<p>Clause 81</p>	<p>Section 19A amended (Subsequent attack by dangerous dog)</p> <p>Amends section 19A of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a dog owner may appeal against the decision of a council’s general manager to destroy a dangerous dog.</p>
<p>Clause 82</p>	<p>Section 31 amended (Appeal against declaration)</p> <p>Amends section 31 of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a dog owner may appeal against a declaration that their dog is a dangerous dog under section 29 or a restricted breed dog under section 29A.</p>
<p>Clause 83</p>	<p>Section 34A amended (Application for approval to transfer ownership of dangerous dog or restricted breed dog)</p> <p>Amends section 34A of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a prospective dog owner may appeal against a general manager’s decision to disallow the transfer of ownership of a dangerous dog or restricted breed dog.</p>
<p>Clause 84</p>	<p>Section 39A amended (Destruction of dangerous dog if enclosure not suitable)</p> <p>Amends section 39A of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a dog owner may appeal against a general manager’s decision to destroy the dog.</p>

<p>Clause 85</p>	<p>Section 49A amended (Abatement notices)</p> <p>Amends section 49A of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person who is served an abatement notice may appeal on the grounds set out in subsection (5). An abatement notice under this section is served by the general manager on a dog owner where the general manager is satisfied that a dog is creating a nuisance.</p>
<p>Clause 86</p>	<p>Section 59 amended (Appeals in respect of licence)</p> <p>Amends section 59 of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a licence-holder or applicant for a licence may apply for a review of a decision to refuse or cancel their licence to keep more than 2 dogs or 4 working dogs over the age of 6 months.</p>
<p>PART 25 – EDUCATION ACT 2016 AMENDED</p>	
<p>Clause 87</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 25 is the <i>Education Act 2016</i>.</p>
<p>Clause 88</p>	<p>Section 79 amended (Review of determination relating to approved home education program)</p> <p>Amends section 79 of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) and the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal and the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate body and governing legislation for the review of a determination by the Registrar in respect of a home education program that is listed in that section.</p>
<p>Clause 89</p>	<p>Section 135 amended (Appeal against prohibition)</p> <p>Amends section 135(1) of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) and the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal and the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> (the TASCAT Act). This confirms the Tribunal as the appropriate body for the review of a decision to expel a student from their school and prohibit them from enrolling at a specific State school or any State school or the decision of the Secretary confirming such original decision.</p> <p>Amends section 135(2) by replacing paragraph (b) to replace the process of determining the prescribed period in which a decision under the section is to be appealed to refer to section 74A(1) of the TASCAT Act as the appropriate authority that sets out this time period. Both</p>

	<p>under the current section and the TASCAT Act provisions, the relevant timeframe in which a person can appeal for a review of a decision is within 28 days of receiving a statement of reasons for that decision if a statement of reasons is requested or within 28 days of receiving notification of the decision where a statement of reasons was not requested.</p> <p>Section 74A does not currently exist in the TASCAT Act and is inserted into that Act by clause 240 of this Bill.</p>
Clause 90	<p>Section 198 amended (Review of determination)</p> <p>Amends section 198(2) of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) and the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal and the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate body and governing legislation for the review of a prescribed determination by the Minister or Registration Board. Subsection (1) defines <i>prescribed determination</i>.</p>
	<p>PART 26 – EDUCATION AND CARE SERVICES NATIONAL LAW (APPLICATION) ACT 2011 AMENDED</p>
Clause 91	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 26 is the <i>Education and Care Services National Law (Application) Act 2011</i>.</p>
Clause 92	<p>Section 8 amended (Relevant tribunal or court)</p> <p>Amends section 8 of the Principal Act by replacing the references to the Magistrates Court or the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the relevant tribunal for the purposes of section 181 and Part 8 of the Education and Care Services National Law.</p> <p>The Education and Care Services National Law is contained in the <i>Education and Care Services National Law Act 2010</i> (Vic). Section 181 of this law deals with making an application to the relevant tribunal where the Regulatory Authority considers that a person who has given an enforceable undertaking has failed to comply with it. Part 8 contains provisions regarding review of decisions.</p>
	<p>PART 27 – ELECTRICITY INDUSTRY SAFETY AND ADMINISTRATION ACT 1997 AMENDED</p>
Clause 93	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 27 is the <i>Electricity Industry Safety and Administration Act 1997</i>.</p>
Clause 94	<p>Part 7 substituted</p>

	<p>Replaces Part 7 of the Principal Act. The current Part contains sections 77-82, but all of these have previously been repealed apart from section 78 (Rights of appeal) and section 81 (Enforcement of determination).</p> <p>The proposed Part 7 contains section 77 and 78 which cover the content of the remaining existing sections with the only change being that the Tasmanian Civil and Administrative Tribunal replaces the Magistrates Court (Appeals Administrative Division) as the appropriate body to which a person may apply for a review of a decision by the Secretary under this Act.</p>
	PART 28 – EXPLOSIVES ACT 2012 AMENDED
Clause 95	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 28 is the <i>Explosives Act 2012</i>.</p>
Clause 96	<p>Section 69 amended (Applications for review of decisions)</p> <p>Amends section 69(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person aggrieved by a decision made by the Secretary or an authorised officer under the Act may apply for a review of that decision.</p>
	PART 29 – EXPUNGEMENT OF HISTORICAL OFFENCES ACT 2017 AMENDED
Clause 97	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 29 is the <i>Expungement of Historical Offences Act 2017</i>.</p>
Clause 98	<p>Section 21 amended (Review of decisions)</p> <p>Amends section 21 of the Principal Act by replacing subsections (2), (4), and (5).</p> <p>The substituted subsection (2) provides that an interested person may apply to the Tasmanian Civil and Administrative Tribunal for a review of a reviewable decision. <i>Reviewable decision</i> is defined in subsection (1). This changes the jurisdiction of review from the Magistrates Court (Administrative Appeals Division).</p> <p>The substituted subsections (4) and (5) provide that a review by the Tasmanian Civil and Administrative Tribunal is to be held in private and the person who made an application to have a charge expunged is taken to be a party to any proceedings before the Tribunal for a review of the decision to expunge that charge. These provisions are consistent with those currently contained in the respective subsections, however,</p>

	the Tribunal replaces the Magistrates Court (Administrative Appeals Division) as the appropriate body to review decisions under the Act.
	PART 30 – FERTILIZERS ACT 1993 AMENDED
Clause 99	Principal Act Provides that the Principal Act being amended in Part 30 is the <i>Fertilizers Act 1993</i> .
Clause 100	Section 28A amended (Reviews) Amends section 28A of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of a decision to dismiss or uphold a complaint against a fertilizer or seller or the granting or refusal of a certificate of exemption which exempts a fertilizer from the operation of the Act.
	PART 31 – FIRE SERVICE ACT 1979 AMENDED
Clause 101	Principal Act Provides that the Principal Act being amended in Part 31 is the <i>Fire Service Act 1979</i> .
Clause 102	Section 56 amended (Formation of firebreaks) Amends section 56(6) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved occupier of land may apply for a review of a notice from a firebreak authority, requiring the formation of a firebreak on their land.
Clause 103	Section 60I amended (Appeals) Amends section 60I(2) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may appeal a decision of the Chief Officer to refuse, revoke or suspend the person’s accreditation certifying that a bushfire hazard management plan is acceptable or that there is insufficient bushfire risk to require any specific protection measures. An appeal to the Tribunal is only available after the affected person has first requested the Chief Officer to review the decision and is not satisfied with that review.
	PART 32 – FISHING (LICENCE OWNERSHIP AND INTEREST) REGISTRATION ACT 2001 AMENDED
Clause 104	Principal Act

	Provides that the Principal Act being amended in Part 32 is the <i>Fishing (Licence Ownership and Interest) Registration Act 2001</i> .
Clause 105	<p>Section 16 amended (Applications for review)</p> <p>Amends section 16 of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) and the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal and the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate body (and legislation) to which a person with an interest in a licence may apply for a review of certain decisions. These decisions relate to making, refusing to make, cancelling or varying certain entries in the register relating to that licence.</p>
	PART 33 – FOOD ACT 2003 AMENDED
Clause 106	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 33 is the <i>Food Act 2003</i>.</p>
Clause 107	<p>Section 4 amended (Interpretation)</p> <p>Amends the definition of <i>appropriate review body</i> in section 4 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the sole appropriate review body.</p> <p>This means that the Tribunal will be the relevant body to which a person may apply for the review of certain decisions relating to compensation, approvals or registrations where the provisions of the Principal Act under which those decisions are made provide that the <i>appropriate review body</i> may review those decisions.</p>
	PART 34 – FORESTRY (FAIR CONTRACT CODES) ACT 2001 AMENDED
Clause 108	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 34 is the <i>Forestry (Fair Contract Codes) Act 2001</i>.</p>
Clause 109	<p>Section 16 amended (Status of interested parties)</p> <p>Amends section 16(3) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a decision by the Minister whether that person is or is not an interested party for a matter under the Act.</p> <p>Interested parties are defined in section 3 of the Principal Act as persons having a history of entering into forestry contracts of the kind</p>

	to which a Forestry Contract Code relates, is a member to a contract of that kind, or is proposing to enter into a contract of that kind.
	PART 35 – GAMING CONTROL ACT 1993 AMENDED
Clause 110	Principal Act Provides that the Principal Act being amended in Part 35 is the <i>Gaming Control Act 1993</i> .
Clause 111	Section 112C amended (Exclusion from wagering on application of interested person) Amends section 112C(8) of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the relevant body to which a person subject to an exclusion order or the person who applied for that order may apply for a review of an action by the Commission that amends the order.
Clause 112	Section 112GB amended (Application for review by Tasmanian Civil and Administrative Tribunal) Amends section 112GB of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for the review of an exclusion order. The heading of the section is also changed to reflect that the Application for review is now made to the Tasmanian Civil and Administrative Tribunal.
	PART 36 – GENETICALLY MODIFIED ORGANISMS CONTROL ACT 2004 AMENDED
Clause 113	Principal Act Provides that the Principal Act being amended in Part 36 is the <i>Genetically Modified Organisms Control Act 2004</i> .
Clause 114	Section 30 amended (Review of decisions) Amends section 30(2) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of the decisions of the Secretary which are listed in that subsection and deal with decisions relevant to permits or personal exemptions to deal with a GMO (genetically modified organism) in a GMO-free area.
	PART 37 – HEALTH PRACTITIONERS TRIBUNAL ACT 2010 AMENDED

Clause 115	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 37 is the <i>Health Practitioners Tribunal Act 2010</i>.</p>
Clause 116	<p>Section 11 amended (Professional members of Tribunal)</p> <p>Amends section 11 of the Principal Act by removing paragraph (c) from subsection (2). This means that for a person to be designated as a professional member of the Tasmanian Civil and Administrative Tribunal, they no longer need to be included in a list provided to the President of the Tribunal by the National Board under section 12.</p> <p>This amendment is a consequential amendment arising from the repeal of section 12 of the Principal Act under clause 117 of the Bill.</p>
Clause 117	<p>Section 12 repealed</p> <p>Provides that section 12 of the Principal Act is repealed. That section currently provides that the President of the Tribunal may request the National Board to provide a list of health practitioners who meet certain criteria and who could be designated as a professional member of the Tribunal.</p> <p>By repealing this section, the persons who may be designated as professional members no longer need to be listed by the National Board but must still meet the other requirements set out in paragraphs section 11(2) of the Principal Act regarding being a registered health practitioner in respect of the health profession to which the proceedings relate, having suitable skill, knowledge or experience, and not being a member of a National Board or a State or Territory Board.</p> <p>Lists of professional members are currently provided by the Australian Health Practitioner Regulation Agency (AHPRA) as the National Board. This is not the practice in other Australian jurisdictions and is not supported by AHPRA. AHPRA has advised that this process is slow and cumbersome, and such lists of names rapidly become out of date. It may also lead to perceptions that AHPRA ‘hand picks’ potential decision makers by encouraging the selection of only certain health practitioners to sit on matters where Boards will have an interest in the outcome.</p> <p>This requirement also substantially duplicates the assessment of suitability that the President of TASCAT must undertake in relation to designated professional members under section 11(2) of the Principal Act. The requirement to have a list updated can lead to significant delays in health practitioner matters proceeding before TASCAT, which does not serve the interests of justice.</p>
	<p>PART 38 – HEALTH SERVICE ESTABLISHMENTS ACT 2006 AMENDED</p>
Clause 118	<p>Principal Act</p>

	Provides that the Principal Act being amended in Part 38 is the <i>Health Service Establishments Act 2006</i> .
Clause 119	<p>Section 28 substituted</p> <p>Provides that section 28 of the Principal Act, which provides that a person aggrieved by a decision of the Secretary may appeal to the Magistrates Court (Administrative Appeals Division), is replaced by a new section 28 which provides that such an appeal is to be made to the Tasmanian Civil and Administrative Tribunal.</p>
Clause 120	<p>Section 30 amended (Cancellation of licence with notice)</p> <p>Amends section 30(4) of the Principal Act by removing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> and substituting the Tasmanian Civil and Administrative Tribunal as the appropriate body which may make an order to which the cancellation of a health service establishment's license is subject.</p>
	PART 39 – HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013 AMENDED
Clause 121	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 39 is the <i>Heavy Vehicle National Law (Tasmania) Act 2013</i>.</p>
Clause 122	<p>Section 13 amended (Relevant tribunal or court)</p> <p>Amends section 13 of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) or Magistrates Court with the Tasmanian Civil and Administrative Tribunal as the relevant body for the purposes of the definition of <i>relevant tribunal or court</i> in section 5 of the Heavy Vehicle National Law (Tasmania).</p>
	PART 40 – LAND VALUERS ACT 2001 AMENDED
Clause 123	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 40 is the <i>Land Valuers Act 2001</i>.</p>
Clause 124	<p>Sections 16 and 17 substituted</p> <p>Provides that sections 16 and 17 of the Principal Act are replaced by a single section. Section 16 refers to appeals to a magistrate made before the commencement of the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> and is no longer relevant. Section 17 provides that a person aggrieved by a determination or order by the Director of Consumer Affairs and Fair Trading may apply to the Magistrates Court (Administrative Appeals Division) for a review.</p>

	The new section provides that a person aggrieved by a determination or order made by the Director may apply to the Tasmanian Civil and Administrative Tribunal.
	PART 41 – LITTER ACT 2007 AMENDED
Clause 125	Principal Act Provides that the Principal Act being amended in Part 41 is the <i>Litter Act 2007</i> .
Clause 126	Section 35 amended (Litter abatement notices) Amends section 35(5) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) and the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person served with a litter abatement notice may apply for the review of that notice.
Clause 127	Section 36 amended (Form of litter abatement notices) Amends section 36(g) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a litter abatement notice is to refer to when stating the affected person's right to seek a review of the notice.
	PART 42 – LOCAL GOVERNMENT (HIGHWAYS) ACT 1982 AMENDED
Clause 128	Principal Act Provides that the Principal Act being amended in Part 42 is the <i>Local Government (Highways) Act 1982</i> .
Clause 129	Section 14 amended (Closure and diversion of highways) Amends section 14 of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division), the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> or the Court with the Tasmanian Civil and Administrative Tribunal or the Tribunal. This means that the Tribunal will be the appropriate body to which the relevant corporation (being a municipal council) is to refer any objection to the closure or diversion of a highway that they receive from an interested person. The Tribunal is then to determine the objection as if it were an application to review the decision to which the objection relates. In addition to upholding the objection or authorising the proposed closure or diversion, the Tribunal may also attach conditions to an order that preserve access to a highway or communication by highway.

<p>Clause 130</p>	<p>Section 39 amended (Obligation of occupiers to cut back vegetation, &c.)</p> <p>Amends section 39(10) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved occupier of land may apply for a review of a requirement made by the corporation (being a council) to remove a tree or any part of a tree that is on their land where the corporation is of the opinion that it might pose a danger, obstruction, interference or inconvenience to the use of a highway.</p>
<p>Clause 131</p>	<p>Section 46 amended (Permission to carry out various works in relation to highways)</p> <p>Amends section 46 of the Principal Act by replacing all references to the Tribunal with the Tasmanian Civil and Administrative Tribunal in subsections (7) - (10).</p> <p>Amends subsection (11) by removing the definition of <i>Tribunal</i> which defines the term as referring to the Tasmanian Civil and Administrative Tribunal.</p> <p>These changes have the effect of clarifying that the Tasmanian Civil and Administrative Tribunal is the body that fulfils the administrative review functions under this Act. Due to the increased references to the Tribunal, the definition in this section is unnecessary.</p>
<p>Clause 132</p>	<p>Section 114 amended (Right of private persons opening new streets to obtain contributions)</p> <p>Amends section 114(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an owner of land who has been served with a notice of contribution setting out their liability to contribute to the cost of constructing a street may apply for a review of the decision to fix the amount of the contribution.</p>
<p>PART 43 – LOCAL GOVERNMENT ACT 1993 AMENDED</p>	
<p>Clause 133</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 43 is the <i>Local Government Act 1993</i>.</p>
<p>Clause 134</p>	<p>Section 28ZJ amended (Determination report)</p> <p>Amends section 28ZJ(1)(f) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a determination of the Code of Conduct Panel is to refer to when setting out an aggrieved person's right to apply for a review of</p>

	<p>the determination on the ground that the Panel failed to comply with the rules of natural justice.</p> <p>The Code of Conduct Panel is constituted by an Australian lawyer and two people with previous experience in local government. Their function is to investigate and determine complaints against councillors for alleged breaches of the council's code of conduct.</p>
Clause 135	<p>Section 28ZP amended (Review of Code of Conduct Panel decision)</p> <p>Amends section 28ZP of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) or <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal or Schedule 4 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the appropriate body and legislation which governs an aggrieved person's application for the review of a determination made by the Code of Conduct Panel. This section clarifies that such an appeal may only be made on the ground that the Panel failed to comply with the rules of natural justice.</p>
Clause 136	<p>Section 109 amended (Objections to variations)</p> <p>Amends section 109(6) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a ratepayer may apply for a review a council's decision in response to the ratepayer making an objection to the variation in a rate based on a particular use of land.</p>
Clause 137	<p>Section 113 amended (Declaration of land as urban farm land)</p> <p>Amends section 113(5) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an owner of farm land may apply for a review of a refusal of a council to declare the land as urban farm land.</p>
Clause 138	<p>Section 114 amended (Revocation of declaration)</p> <p>Amends section 114(3) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which the owner of farm land may apply for a review of a revocation of a declaration that the land is urban farm land.</p>
Clause 139	<p>Section 123 amended (Objections to rates notice)</p> <p>Amends section 123(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review if that person has objected to a rates notice as per the process contained in this section and the</p>

	<p>general manager fails to amend the rates notice within 20 days of the objection being lodged or refuses to amend the notice.</p>
Clause 140	<p>Section 178 amended (Sale, exchange and disposal of public land)</p> <p>Amends section 178(7) of the Principal Act by clarifying that the actions that a council may take under that section, which relate to the sale, lease, donation, exchange or otherwise disposing of public land owned by the council, relate solely to actions in respect of land. Similarly, any objection being lodged under the section is to be in respect of the land in question and an appeal under section 178A is an appeal in respect of the land. This is to clarify that an objection and any subsequent appeal of a council decision must be in respect of the disposing of the public land and not merely tangential to it.</p> <p>Further amends section 178(7) by replacing paragraph (c) to clarify that a council must not act in contravention to a determination that the Tribunal makes where a decision has been appealed to the Tribunal. This clarifies that a determination of the Tribunal is binding on the council.</p>
Clause 141	<p>Section 200 amended (Abatement notices)</p> <p>Amends section 200 of the Principal Act by replacing both references to a magistrate with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person served with, or specified in, an abatement notice may appeal within 14 days of the service of the notice on the grounds that the nuisance outlined in the notice does not exist or that an action or period stated in the notice is unreasonable.</p>
Clause 142	<p>Section 202 amended (Appeal against general manager's action)</p> <p>Amends section 202 of the Principal Act by replacing all references to a magistrate with the Tasmanian Civil and Administrative Tribunal or Tribunal as the appropriate body to which an occupier or owner of land may appeal actions taken by the general manager under section 201 to abate a nuisance on the owner's or occupier's land. An action may be appealed on the grounds that it was unreasonable or unnecessary in the circumstances or that the danger to any person or property was not so immediate as to justify the action.</p>
Clause 143	<p>Section 209 amended (Corrections of map)</p> <p>Amends section 209(3) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an owner may apply for a review of a council's decision not to correct a council map if the aggrieved owner has requested the council to correct the map and 120 days have passed without correction.</p>
Clause 144	<p>Section 262 amended (Reviews)</p> <p>Amends section 262 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) or Court with</p>

	<p>the Tasmanian Civil and Administrative Tribunal or Tribunal as the appropriate body to which a corporate body or person may apply for a review of certain decisions by the general manager. These decisions are the rejection of a corporate body's nomination of a person to vote on its behalf in an election in a municipal area in which corporate body owns land, the failure to delete or exclude a person's address from the electoral roll where the safety of that person is at risk, or failing to make an adjustment to the electoral roll after receiving an objection.</p>
	<p>PART 44 – MOTOR VEHICLE TRADERS ACT 2011 AMENDED</p>
<p>Clause 145</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 44 is the <i>Motor Vehicle Traders Act 2011</i>.</p>
<p>Clause 146</p>	<p>Section 26 amended (Review of decisions)</p> <p>Amends section 26 of the Principal Act by replacing subsection (2). The new subsection retains most of the content of the current subsection but replaces the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal and omits the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i>. This amendment provides that the Tribunal is the appropriate body to review a reviewable decision.</p> <p><i>Reviewable decision</i> is defined for the purposes of section 26 in subsection (1). This subsection provides that a reviewable decision is the refusal of the Director of Consumer Affairs and Fair Trading to grant an application for renewal or a decision to cancel a motor vehicle trader license as well as any other decisions that are prescribed as reviewable decisions by regulations.</p>
	<p>PART 45 – NATIONAL PARKS AND RESERVES MANAGEMENT ACT 2002 AMENDED</p>
<p>Clause 147</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 45 is the <i>National Parks and Reserves Management Act 2002</i>.</p>
<p>Clause 148</p>	<p>Section 53 amended (Compensation for improvements where lease cancelled for public or other purpose)</p> <p>Amends section 53(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a lessee of reserved Crown land aggrieved by the amount of compensation payable to them for improvements that they affected on the land for which the lease was granted and subsequently cancelled may apply for a review of the determination of the amount of compensation.</p>

	PART 46 – NATURE CONSERVATION (DEER FARMING) REGULATIONS 2022 AMENDED
Clause 149	Principal Regulations Provides that the Principal Regulations being amended in Part 46 are the <i>Nature Conservation (Deer Farming) Regulations 2022</i> .
Clause 150	Regulation 5 amended (Person may apply for licence to operate deer farm) Amends regulation 5(6) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person who has received a notice from the Secretary that their application for a license to operate a deer farm has been refused may apply for a review of the decision to refuse the application.
Clause 151	Regulation 8 amended (Cancellation or surrender of deer farm licence) Amends regulation 8(7) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person whose license to operate a deer farm has been cancelled may apply for a review of the decision to cancel their licence.
Clause 152	Regulation 9 amended (Suspension of deer farm licence) Amends regulation 9(6) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) under the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person whose license to operate a deer farm has been suspended may apply for a review of the decision to suspend their licence.
	PART 47 – NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021 AMENDED
Clause 153	Principal Regulations Provides that the Principal Regulations being amended in Part 47 are the <i>Nature Conservation (Wildlife) Regulations 2021</i> .
Clause 154	Regulation 47 amended (Application for renewal of wildlife exhibition licences) Amends regulation 47 of the Principal Regulations by replacing all references to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> (the TASCAT Act) as the legislation that sets out the period for which

	<p>a wildlife exhibition licence continues in force if the application for a renewal of the licence has not been determined on the day that the licence expires.</p> <p>The amendments also provide that the TASCAT Act is the appropriate legislation under which a decision by the Secretary to refuse to renew a wildlife exhibition licence is a reviewable decision.</p>
Clause 155	<p>Regulation 48 amended (Grant or refusal of applications)</p> <p>Amends regulation 48(5) of the Principal Regulations by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the legislation under which a decision of the secretary in relation to an application for a license or permit under these Regulations is a reviewable decision.</p>
Clause 156	<p>Regulation 59 amended (Cancellation of licences and permits generally)</p> <p>Amends regulation 59 of the Principal Regulations by replacing both references to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the legislation under which a decision by the Secretary to cancel a licence or permit is a reviewable decision and provides that a cancelled licence or permit is not in force while a decision to cancel it is being reviewed by the Tribunal.</p>
Clause 157	<p>Regulation 60 amended (Suspension of licences and permits)</p> <p>Amends regulation 60(7) of the Principal Regulations by replacing the reference to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> with the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> as the legislation under which a decision by the Secretary to suspend a licence or permit is a reviewable decision.</p>
	PART 48 – OCCUPATIONAL LICENSING ACT 2005 AMENDED
Clause 158	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 48 is the <i>Occupational Licensing Act 2005</i>.</p>
Clause 159	<p>Section 29D amended (Determination of applications for owner builder permit)</p> <p>Amends section 29D(6) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an applicant may appeal under the provisions of section 82.</p> <p>Section 29D provides that an application for an owner builder permit made under section 29C may be issued or refused by the Administrator. The applicant for such a permit may request the</p>

	Administrator to review the decision and appeal to the Tribunal if not satisfied with this review.
Clause 160	<p>Section 34 amended (Determination of application)</p> <p>Amends section 34(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an applicant may appeal under the provisions of section 82.</p> <p>Section 34 provides that an application for a contractor's licence made under section 33 may be issued or refused by the Administrator. The applicant for such a licence may request the Administrator to review the decision and appeal to the Tribunal if not satisfied with this review.</p>
Clause 161	<p>Section 37 amended (Determination of application)</p> <p>Amends section 37(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an applicant may appeal under the provisions of section 82.</p> <p>Section 37 provides that an application for a practitioner's licence made under section 36 may be issued or refused by the Administrator. The applicant for such a licence may request the Administrator to review the decision and appeal to the Tribunal if not satisfied with this review.</p>
Clause 162	<p>Section 37B amended (Determination of application)</p> <p>Amends section 37B(4) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an applicant may appeal under the provisions of section 82.</p> <p>Section 37B provides that an application for a building services licence made under section 37A may be issued or refused by the Administrator. The applicant for such a licence may request the Administrator to review the decision and appeal to the Tribunal if not satisfied with this review.</p>
Clause 163	<p>Section 81 amended (Review of decisions)</p> <p>Amends section 81(2)(e) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an applicant may appeal a determination of the Administrator relating to any reviewable decision set out in section 79.</p> <p>The Administrator is required to notify the applicant of their right to appeal the Administrator's determination made on the review of their original decision for which the applicant requested a review.</p>
Clause 164	<p>Section 82 substituted</p> <p>Amends the Principal Act by replacing section 82. The new section replaces the reference to the Magistrates Court (Administrative</p>

	<p>Appeals Division) with the Tasmanian Civil and Administrative Appeals Tribunal as the appropriate body to which a person affected by a decision of the Administrator of Occupational Licensing may appeal for a review. The content of the current subsection (2) is not replicated as Division 3 of Part 8 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> already includes provisions that enable the Tribunal to deal with matters that may be an abuse of process.</p> <p>The heading of the section is also changed to reflect that an appeal is now made to the Tasmanian Civil and Administrative Tribunal.</p>
Clause 165	<p>Section 84 amended (Enforcement of determination)</p> <p>Amends section 84 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body whose determination or order must be given effect by the Administrator.</p>
	<p>PART 49 – PASSENGER TRANSPORT SERVICES ACT 2011 AMENDED</p>
Clause 166	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 49 is the <i>Passenger Transport Services Act 2011</i>.</p>
Clause 167	<p>Section 59 amended (External review of decisions)</p> <p>Amends section 59(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a decision under this Act provided that another provision of the Act does not specify that the decision in question is not reviewable. Where a person has applied for internal review of a decision, they have to wait until the completion of the internal review before being able to apply to the Tribunal for external review.</p>
	<p>PART 50 – POISONS ACT 1971 AMENDED</p>
Clause 168	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 50 is the <i>Poisons Act 1971</i>.</p>
Clause 169	<p>Section 69AD amended (Review of improvement notice)</p> <p>Amends section 69AD of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a decision relating to an improvement notice.</p> <p>An improvement notice can be served on a holder of a licence or authorisation under the Act by the responsible licensing authority</p>

	<p>where they believe the licence-holder has contravened a provision of the Act or Regulations. It can require specific actions to be taken to rectify the contravention or ensure compliance.</p>
Clause 170	<p>Section 92 amended (Revocation or suspension of rights)</p> <p>Amends section 92 of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) or a magistrate with the Tasmanian Civil and Administrative Tribunal or Tribunal as the appropriate body to which an aggrieved person may apply for a review of a decision by the Minister to suspend or revoke any right conferred on that person by or under the Act.</p> <p>The amendments also mean that the Tribunal is the appropriate body to which the Minister may apply for an order to extend the period for which the rights are suspended or revoked. Without such an order, a suspension may not exceed 21 days.</p> <p>Subsection (5) is omitted as appeals from a decision of the Tribunal to the Supreme Court will be covered by Part 10 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i>.</p>
	PART 51 – POLICE SERVICE ACT 2003 AMENDED
Clause 171	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 51 is the <i>Police Service Act 2003</i>.</p>
Clause 172	<p>Section 75B amended (Appeal from decision of Police Review Board)</p> <p>Amends section 75B of the Principal Act by replacing the references to a judge of the Supreme Court with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an appellant or Commissioner may appeal a decision of the Police Review Board. The Board determines applications in respect of promotions, demotions and terminations as well as other disciplinary matters.</p> <p>The amendment also removes the restriction of a review being limited to a point of law. An appeal for a review of a decision can therefore be made to the Tribunal on matters of either fact or law. Should a decision of the Tribunal be subsequently appealed to the Supreme Court, the appeal will be limited to points of law in accordance with section 136(1) of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i>.</p> <p>The heading of the section is also changed to remove the reference to an appeal being on a point of law.</p>
	PART 52 – PRIMARY PRODUCE SAFETY ACT 2011 AMENDED
Clause 173	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 52 is the <i>Primary Produce Safety Act 2011</i>.</p>

<p>Clause 174</p>	<p>Section 22 amended (Review of decisions relating to accreditation)</p> <p>Amends section 22(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a decision of the Chief Inspector of Primary Produce Safety in relation to an accreditation which allows a person to engage in primary produce activities.</p>
<p>Clause 175</p>	<p>Section 52 amended (Review of decisions relating to prohibition orders)</p> <p>Amends section 52(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of certain decisions of the Chief Inspector of Primary Produce Safety. These relate to prohibition orders which prohibit a person from using certain premises, vehicles, plant or equipment for or in connection with a primary produce activity where that person is suspected to have contravened a legislative requirement. The particular decisions which can be appealed are listed in section 52(1).</p>
<p>Clause 176</p>	<p>Section 62 amended (Review of decisions relating to approval)</p> <p>Amends section 62(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which to which an aggrieved person may apply for a review of a decision of the Chief Inspector of Primary Produce Safety in relation to an approval of a food safety auditor. The particular decisions which can be appealed are listed in section 62(1).</p>
	<p>PART 53 – PROPERTY AGENTS AND LAND TRANSACTIONS ACT 2016 AMENDED</p>
<p>Clause 177</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 53 is the <i>Property Agents and Land Transactions Act 2016</i>.</p>
<p>Clause 178</p>	<p>Section 3 amended (Interpretation)</p> <p>Amends the definition of <i>Tribunal</i> in section 3(1) of the Principal Act by setting out that <i>Tribunal</i> is defined as the Tasmanian Civil and Administrative Tribunal. This amendment replaces the reference to the Property Agents Tribunal established under section 104 of the Act and designates TASCAT as assuming the functions and powers of the current Property Agents Tribunal.</p>
<p>Clause 179</p>	<p>Section 4 amended (Application of Act)</p>

	Replaces paragraph (a) of section 4(1) of the Principal Act so that the new paragraph (a) refers to CPA Australia instead of the Australian Society of Certified Practising Accountants. This reflects the current name of the relevant organisation.
Clause 180	<p>Section 12 amended (Funds of Board)</p> <p>Amends section 12(3) of the Principal Act by omitting paragraph (d). This removes the reference to money being used by the Property Agents Board to pay costs incurred by that Tribunal.</p> <p>Once TASCAT assumes the functions and powers of the Property Agents Tribunal, it will exercise those functions and powers in accordance with its own funding arrangements. The Board will not pay costs incurred by TASCAT.</p>
Clause 181	<p>Section 14 amended (Annual report)</p> <p>Amends section 14(2) of the Principal Act by omitting paragraph (f). Section 14 currently requires the Property Agents Board to include, in its annual report to the Minister, any report that the Property Agents Tribunal made to the Board in the relevant period.</p> <p>This clause removes that requirement, as TASCAT will be independent of the Board and will not report to the Board.</p>
Clause 182	<p>Section 100 amended (Powers of Board after investigation)</p> <p>Amends section 100 of the Principal Act by replacing subsection 100(c) with a new subsection. The current subsection allows the Board to refer a conduct complaint to the Property Agents Tribunal. The Board is the applicant in all matters which it refers to the Tribunal, but this was not clear in legislation.</p> <p>The proposed subsection makes it clear that where a complaint is referred to TASCAT, the Board is the applicant (rather than the person who may have originally made the complaint).</p>
Clause 183	<p>Section 102 amended (Procedure if offence suspected)</p> <p>Amends section 102 of the Principal Act by removing both references to the Tribunal.</p> <p>Section 102 currently requires both the Property Agents Board and the Property Agents Tribunal to refer a matter to the Commissioner of Police if there is evidence that indicates a person has committed a criminal offence. It is unnecessary for TASCAT to have this obligation. The Board's processes for investigating complaints will identify any alleged criminal behaviour that may require a referral to Tasmania Police, and this will occur before any complaint is referred to TASCAT.</p>
Clause 184	<p>Part 7, Division 5 repealed</p> <p>Provides that all of Part 7 of Division 5 of the Principal Act is repealed.</p>

	<p>The provisions in Part 7 relate to the establishment, responsibilities, powers and procedures of the Property Agents Tribunal. These provisions will no longer be required when TASCAT assumes the functions and powers of the Property Agents Tribunal.</p>
Clause 185	<p>Section 110 amended (Determination by Tribunal)</p> <p>Amends section 110 of the Principal Act to provide that the maximum fine which can be issued by TASCAT under that section is 750 penalty units, and that any fines so issued are to be paid to the Property Agents Board. This is in line with similar provisions in the <i>Legal Profession Act 2007</i>.</p>
Clause 186	<p>Section 111 amended (Costs and expenses of hearings)</p> <p>Amends section 111 of the Principal Act to allow TASCAT to make costs orders in relation to any proceedings before the Tribunal (not just hearings). Under the amended provisions, TASCAT will still be able to make a costs order against the Property Agents Board or against any other party to proceedings. This clause also provides that certain provisions in the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> will not apply to proceedings under the Principal Act. This is to ensure that there is clarity for the Tribunal when applying these costs provisions.</p>
Clause 187	<p>Section 113 repealed</p> <p>Amends the Principal Act by repealing section 113 which indemnifies the President of the Tribunal or a member of the Panel for acts and omissions done in good faith. This section will no longer be required when TASCAT assumes the functions and powers of the Property Agents Tribunal, as section 140 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> provides appropriate immunities and protections.</p>
Clause 188	<p>Section 116 amended (Right to appeal decisions of Board)</p> <p>Amends section 116 of the Principal Act by omitting subsection (5). Repealing this provision means that section 78 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> will apply instead. This is preferred because the TASCAT Act provision is much broader, allowing for a greater range of orders to be made upon determination of an appeal or review.</p>
Clause 189	<p>Section 117 repealed</p> <p>Amends the Principal Act by repealing section 117 which sets out the Magistrates Court (Administrative Appeals Division) as the appropriate body to which a person may apply for a review of a decision by the Property Agents Tribunal.</p> <p>Repealing this provision means that section 136(1) of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> will apply instead, so appeals from a decision of TASCAT will be heard by the Supreme</p>

	<p>Court of Tasmania. The Supreme Court is a more appropriate court to review TASCAT's decisions than the Magistrates Court.</p>
Clause 190	<p>Schedule 2 repealed</p> <p>Amends the Principal Act by repealing Schedule 2 which relates to the meetings and membership of the Property Agents Tribunal. These provisions will no longer be required when TASCAT assumes the functions and powers of the Property Agents Tribunal, as TASCAT has its own relevant provisions under the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i>.</p>
	<p>PART 54 – PUBLIC HEALTH ACT 1997 AMENDED</p>
Clause 191	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 54 is the <i>Public Health Act 1997</i>.</p>
Clause 192	<p>Section 72B amended (Specialist tobacconist premises)</p> <p>Amends section 72B(3) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of a determination by the Director of Public Health that premises are not specialist tobacconist premises.</p>
Clause 193	<p>Section 74G amended (Variation of smoking product licence)</p> <p>Amends section 74G(3)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the variation of a smoking product licence by the Director of Public Health takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 194	<p>Section 74H amended (Cancellation of smoking product licence)</p> <p>Amends section 74H(3)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the cancellation of a smoking product licence by the Director of Public Health takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 195	<p>Section 111 amended (Variation of licence)</p> <p>Amends section 111(4)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the variation of a</p>

	<p>smoking product licence by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 196	<p>Section 112 amended (Cancellation of licence)</p> <p>Amends section 112(3)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the cancellation of a smoking product licence by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 197	<p>Section 122 amended (Variation of registration)</p> <p>Amends section 122(4)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the variation of a registration of any regulated system by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 198	<p>Section 123 amended (Cancellation of registration)</p> <p>Amends section 123(3)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the cancellation of a registration of any regulated system by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 199	<p>Section 129D amended (Variation of condition of approval as a water quality auditor)</p> <p>Amends section 129D(2)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the variation of a condition of approval as a water quality auditor by the Director of Public Health takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 200	<p>Section 129E amended (Suspension and cancellation of approval)</p> <p>Amends section 136B(4)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that suspension or cancellation of approval as a water quality auditor by the Director of Public Health takes effect on the day the decision is affirmed by the</p>

	Tribunal where an application has been made to the Tribunal for a review.
Clause 201	<p>Section 136B amended (Variation of registration)</p> <p>Amends section 136B(4)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the variation of registration as a supplier of water from a private water source by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 202	<p>Section 136C amended (Cancellation of registration)</p> <p>Amends section 136C(3)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that suspension or cancellation of registration as a supplier of water from a private water source by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 203	<p>Section 136K amended (Variation of registration)</p> <p>Amends section 136K(4)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that suspension or cancellation of registration as a water carrier by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 204	<p>Section 136L amended (Cancellation of registration)</p> <p>Amends section 136L(3)(b) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that suspension or cancellation of registration as a water carrier by a council takes effect on the day the decision is affirmed by the Tribunal where an application has been made to the Tribunal for a review.</p>
Clause 205	<p>Section 160AA amended (Reviews relating to permits to supply needles and syringes)</p> <p>Amends section 160AA of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the</p>

	decisions that are set out in this section. All of the relevant decisions relate to permits to supply needles and syringes.
Clause 206	<p>Section 160A amended (Reviews relating to smoking product licence)</p> <p>Amends section 160A of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to smoking product licences.</p>
Clause 207	<p>Section 160B amended (Reviews relating to approval of designated smoking area)</p> <p>Amends section 160B of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to the approval of a designated smoking area.</p>
Clause 208	<p>Section 160C amended (Reviews relating to approval of water quality auditor)</p> <p>Amends section 160C of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to the approval of a water quality auditor.</p>
Clause 209	<p>Section 163 amended (Reviews relating to public health risk activity licence)</p> <p>Amends section 163 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to public health risk activity licences.</p>
Clause 210	<p>Section 163A amended (Reviews relating to registration as supplier of water)</p> <p>Amends section 163A of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative</p>

	<p>Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to the registration of a supplier of water.</p>
Clause 211	<p>Section 163B amended (Reviews relating to registration as a water carrier)</p> <p>Amends section 163B of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to the registration of a water carrier.</p>
Clause 212	<p>Section 164 amended (Reviews relating to regulated systems)</p> <p>Amends section 164 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal. This section provides that the Tribunal is the appropriate body to which a person may apply for review of the decisions that are set out in this section. All of the relevant decisions relate to council decisions in relation to regulated systems.</p>
Clause 213	<p>Section 165 amended (Review of orders)</p> <p>Amends section 165 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of a decision by the Director of Public Health or a council to make an order under this Act.</p>
Clause 214	<p>Section 166 amended (Review of notices)</p> <p>Amends section 166 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with 'Appeal Tribunal' which is defined as the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of a decision by the Director of Public Health or a council to issue a notice under this Act.</p>
	<p>PART 55 – RADIATION PROTECTION ACT 2005 AMENDED</p>
Clause 215	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 55 is the <i>Radiation Protection Act 2005</i>.</p>
Clause 216	<p>Section 4 amended (Interpretation)</p>

	Amends the definition of <i>review notice</i> in section 4 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person given the notice may apply for a review within 28 days of receiving that notice.
Clause 217	Section 74 amended (Reviews of decisions) Amends section 74 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person who is given or entitled to be given a review notice in relation to a decision of the Director of Public Health may appeal for a review of the relevant decision.
Clause 218	Section 86 amended (Regulations) Amends section 86(3) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which regulations made under the Act may grant the jurisdiction to review decisions.
	PART 56 – RAIL SAFETY NATIONAL LAW (TASMANIA) ACT 2012 AMENDED
Clause 219	Principal Act Provides that the Principal Act being amended in Part 56 is the <i>Rail Safety National Law (Tasmania) Act 2012</i> .
Clause 220	Section 5 amended (Interpretation of certain expressions) Amends the definition of <i>court</i> in section 5 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) in paragraph (b) with the Tasmanian Civil and Administrative Tribunal as the relevant body within this definition for the purposes of Part 7 (review of decisions) of the National Law. Schedule – Rail Safety National Law of the <i>Rail Safety National Law (South Australia) Act 2012</i> (SA) contains the National Law. Part 7 of that Schedule sets out what decisions are reviewable decisions under that Law and who may apply for a review of each decision.
	PART 57 – REGISTRATION TO WORK WITH VULNERABLE PEOPLE ACT 2013 AMENDED
Clause 221	Principal Act Provides that the Principal Act being amended in Part 57 is the <i>Registration to Work with Vulnerable People Act 2013</i> .
Clause 222	Section 18A amended (Unregistered person may engage in regulated activity in special circumstances)

	<p>Makes numerous amendments to section 18A of the Principal Act.</p> <p>The definition of <i>prescribed period</i> is removed from section 18A(1). This is because the definition refers to the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> and the relevant authority for this section will be the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> (the TASCAT Act).</p> <p>Subsection (2)(b)(ii) is amended to remove the reference to the prescribed period under section 53 of the Act and replace it with section 74A(1) of the TASCAT Act. This confirms that the relevant prescribed period for applying for a review of the decision is that found in the TASCAT Act rather than the Magistrates Court legislation.</p> <p>Subsection (2)(b)(iii) is also amended to remove the reference to the prescribed period under section 53 of the Principal Act and the Magistrates Court (Administrative Appeals Division) and substitute these with a reference to the TASCAT Act and the time that the review is determined by the Tribunal. These changes clarify that the review is carried out by the Tribunal and under its legislation.</p>
Clause 223	<p>Section 53 amended (Review of decisions)</p> <p>Amends section 53 of the Principal Act by replacing all references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to review the decisions listed in that section. This is done through substituting a new subsection (2) and amending several other subsections.</p> <p>Replaces subsection (10) to set out that section 86A(4) of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> (the TASCAT Act) does not apply where the Tribunal does not give reasons for a decision to prevent the disclosure of information where that disclosure could have negative impacts as listed in section 53(7) of the Principal Act.</p> <p>Section 86A does not currently exist in the TASCAT Act and it is proposed that it be inserted into that Act by clause 244 of this Bill. The proposed section 86A(4) would normally operate to enable a person to request reasons for a decision where the Tribunal has not given them, and oblige the Tribunal to grant that request.</p>
	PART 58 – RELATIONSHIPS ACT 2003 AMENDED
Clause 224	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 58 is the <i>Relationships Act 2003</i>.</p>
Clause 225	<p>Section 25 amended (Review)</p> <p>Amends section 25 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body</p>

	to which a person dissatisfied with a decision of the Registrar of Births, Deaths and Marriages under the Act may apply for a review of the decision.
	PART 59 – RETIREMENT VILLAGES ACT 2004 AMENDED
Clause 226	Principal Act Provides that the Principal Act being amended in Part 59 is the <i>Retirement Villages Act 2004</i> .
Clause 227	Section 34 amended (Appeal against decision or order) Amends section 34 of the Principal Act by replacing both references to a magistrate with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an appeal against a decision or order of the Director of Consumer Affairs and Trading may be made. Subsection (1) sets out who may appeal a decision or order.
Clause 228	Section 35 amended (Stay of operation of order) Amends section 35 of the Principal Act by replacing both references to a magistrate with the Tasmanian Civil and Administrative Tribunal or Tribunal as the appropriate body which may stay the operation of an order subject to the appeal until the appeal has been determined.
	PART 60 – ROADS AND JETTIES ACT 1935 AMENDED
Clause 229	Principal Act Provides that the Principal Act being amended in Part 60 is the <i>Roads and Jetties Act 1935</i> .
Clause 230	Section 52CE amended (Variation of conditions of licence by Minister) Amends section 52CE(6) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of the Minister's refusal to grant an application for compensation. This compensation can be sought where a condition of a license to access part of a person's property is varied. Such licences can be applied for where the Minister makes a proclamation that a road is to be a limited access road which causes the owner of land to lose access or potentially lose access to part of their property.
	PART 61 – SECURITY AND INVESTIGATIONS AGENTS ACT 2002 AMENDED
Clause 231	Principal Act Provides that the Principal Act being amended in Part 61 is the <i>Security and Investigations Agents Act 2002</i> .

Clause 232	<p>Section 37 amended (Appeals)</p> <p>Amends section 37 of the Principal Act by clarifying that an application for review in subsection (1) is made to the Tasmanian Civil and Administrative Tribunal, removing subsections (2) and (3) and replacing the reference to the Magistrates Court (Administrative Appeals Division) in subsection (4) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of a decision by the Director of Consumer Affairs and Fair Trading in relation to a licence.</p> <p>Agent licences are required for anyone undertaking any commercial agent, crowd control agent, security agent, or inquiry agent activities.</p>
	<p>PART 62 – SECURITY-SENSITIVE DANGEROUS SUBSTANCES ACT 2005 AMENDED</p>
Clause 233	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 62 is the <i>Security-sensitive Dangerous Substances Act 2005</i>.</p>
Clause 234	<p>Section 74 amended (Applications for review of decisions)</p> <p>Amends section 74 of the Principal Act by replacing the references to the Magistrates Court (Administrative Appeals Division) in subsections (1) and (3) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved person may apply for a review of a decision made by the regulator or an authorised person under this Act.</p> <p>Replaces subsection (2) to provide that sections 79C – 79F of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> do not apply where a decision made under this section included a notification that the decision was made on security grounds. These sections of the TASCAT Act deal with the provision of certain information and reasons for a decision by the decision-maker and circumstances where reasons may be refused or where the Tribunal may order a statement of reasons to be provided. These sections replace provisions of the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i> as the relevant provisions for the purposes of the Principal Act.</p> <p>Sections 79C – 79F do not currently exist in the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> and it is proposed that they be inserted into that Act by clause 243 of this Bill.</p>
	<p>PART 63 – SURVEYORS ACT 2002 AMENDED</p>
Clause 235	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 63 is the <i>Surveyors Act 2002</i>.</p>
Clause 236	<p>Sections 37 and 38 substituted</p>

	<p>Amends the Principal Act by replacing sections 37 and 38 with a new section 37. The current sections provide that a person who is aggrieved by a determination or order made by the Director of Consumer Affairs may appeal the decision to a magistrate, if prior to the commencement of the <i>Magistrates Court (Administrative Appeals Division) Act 2001</i>, or the person may apply to the Magistrates Court (Administrative Appeals Division) where the Act has commenced.</p> <p>The new section 27 provides that an aggrieved person is now to apply to the Tasmanian Civil and Administrative Tribunal as the appropriate body of review.</p>
	<p>PART 64 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED</p>
<p>Clause 237</p>	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 64 is the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i>.</p>
<p>Clause 238</p>	<p>Section 3 amended (Interpretation)</p> <p>Inserts four new definitions into section 3(1) of the Principal Act. Three of these define three new streams of proceedings being added to the Tribunal – the Administrative stream, the Community, Children and Families stream and the Occupational and Disciplinary stream.</p> <p>The other definition defines <i>interested person</i>. In relation to a reviewable decision, an interested person is the person who applied for the decision to be made, each person who is entitled under the Principal Act or the relevant Act to apply for a review of the decision and such other persons, or classes of persons, who are prescribed by regulations or other instruments as interested persons under the relevant legislation. This is a broad definition designed to cover any person who is referred to in the relevant context under the relevant legislation.</p> <p>Removes the definitions for <i>Forestry Practices stream</i> and <i>Health Practitioners stream</i>. The <i>Forestry Practices stream</i> definition is removed as review of decisions under the <i>Forest Practices Act 1985</i> is brought under the Resource and Planning stream. The <i>Health Practitioners stream</i> definition is removed as health practitioner matters will be allocated to the new Occupational and Disciplinary stream.</p>
<p>Clause 239</p>	<p>Section 44 amended (Appointment of senior members and ordinary members)</p> <p>Amends section 44 of the Principal Act to provide that senior and ordinary members of the Tribunal may be appointed for a period of “up to” 5 years, instead of for a fixed period of 5 years. This will allow the Tribunal to regularise appointment timeframes and reduce the need to conduct multiple appointment processes.</p>

<p>Clause 240</p>	<p>Section 74A inserted</p> <p>Inserts a new section into the Principal Act. Section 74A sets out the general provisions regarding application for review and the process by which an application must be made.</p> <p>Subsection (1)(c) provides that where the applicant has requested a statement of reasons for the decision from the original decision-maker, an application for review must be made to the Tribunal within 28 days from the receipt of that statement of reasons, or of receipt of a notification of refusal to provide reasons.</p> <p>Subsections (2) and (3) provide further procedural provisions in relation to the Registrar and directions given regarding serving the application on other parties.</p>
<p>Clause 241</p>	<p>Section 75 amended (Nature of proceedings in review jurisdiction)</p> <p>Amends section 75 of the Principal Act by replacing subsection (2).</p> <p>The current subsection provides that decisions made under legislation allocated to the Resource and Planning stream are reviewable by the Tribunal in the form of a hearing <i>de novo</i>. This means that the hearing is conducted without reference to the original decision as though the Tribunal was making the decision on the relevant matter for the first time.</p> <p>The new subsection (2) provides that, in addition to the legislation listed under clause 3 of Part 8 of Schedule 2 (Resource and Planning stream), decisions made under legislation that is listed in Schedule 4 are also decisions which are to be heard <i>de novo</i> on an application to the Tribunal. This means that legislation allocated to the Administrative stream by this Amending Act will also proceed by way of hearing <i>de novo</i>, as will the matters being transferred to the Tribunal by the Amending Act but allocated to other streams.</p> <p>Schedule 4 does not currently exist in the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> and it is proposed that it be inserted into that Act by clause 250 of this Bill.</p>
<p>Clause 242</p>	<p>Section 76 amended (Decision-maker must assist Tribunal)</p> <p>Amends section 76 of the Principal Act by inserting two new subsections and amending subsection (6) to require that a decision-maker's compliance with a Tribunal notice to provide documents or things, or to give an additional statement with further particulars, is subject to the new subsection (6B).</p> <p>The new subsection (6A) provides that a decision-maker subject to a direction or requirement under section 76 to assist the Tribunal by providing reasons, documents, things, or further particulars may apply to the Tribunal for an order that exempts them from complying with the direction or requirement.</p>

	<p>The new subsection (6B) provides that the Tribunal may make such an exemption in relation to one or more statements, documents or other materials if it is satisfied that this is desirable due to the confidential nature of the item in question or it is otherwise reasonable to do so in the circumstances.</p> <p>This ensures that information that may relate to things such as ongoing police operations or whistleblowers can be protected from disclosure, but requires that this decision be made by the Tribunal and not by the original decision-maker.</p>
<p>Clause 243</p>	<p>Part 8, Division 1A inserted</p> <p>Inserts a new division into Part 8 of the Principal Act. The proposed Division 1A contains 6 sections (79A – 79F) relating to preliminary procedure.</p> <p>Section 79A provides that Division 1A applies to legislation, or a section of an Act, that is specified in Schedule 4. However, subsection (2) limits the application of the Division by setting out certain decisions as exempt, as well as providing a general regulation-making power to exempt decisions or classes of decisions even if they are made under one of the Acts or sections listed in Schedule 4.</p> <p>Section 79B provides that a decision-maker is to provide certain information. Subsection (1) requires a decision-maker to take such actions as are reasonable to provide each relevant interested person a written notice of the decision, their rights to apply for a review under the Principal Act, and their right to request a statement of reasons. Subsection (2) limits these requirements if the decision-maker complies with the notification requirements of the relevant legislation, provided that notice is also given regarding the rights of an interested person. A decision is still valid even if proper notice of that decision has not been given under this section.</p> <p>Section 79C requires a decision-maker to whom this Division applies to provide the reasons for a decision if they are asked to do so in writing by an interested person. This statement of reasons is to include reasons for the decision, findings on material questions of fact (if relevant) and details of the information or material on which the decision was made. Subsection (4) clarifies that where section 79D applies, the requirements of section 79C do not apply.</p> <p>Section 79D provides that the decision-maker may refuse to provide reasons in certain circumstances. These concern situations where the decision-maker is satisfied that the person requesting reasons is not an interested person in respect of the decision or the request is made out of time. The decision-maker must then notify the requesting person of that refusal and the reasons for it as soon as practicable, but no later than 28 days after the request was made. However, such a refusal cannot be made if the Tribunal orders the production of a statement of reasons under section 79F.</p>

	<p>Section 79E provides that the person whose request for the decision-maker to provide reasons was refused may apply to the Tribunal for an order declaring that they were entitled to make that request or that the request was made within a reasonable time.</p> <p>Section 79F provides that a person can apply to the Tribunal if they have requested a statement of reasons from a decision-maker and have not received the statement within 28 days. A person may also apply to the Tribunal where provision of reasons has been refused under section 79D or where the person believes the statement of reasons they received did not sufficiently contain the reasons, findings or material questions of fact on which the decision was made.</p> <p>The Tribunal may make an order that the decision-maker is to provide a statement of reasons, if reasonable in the circumstances, even if that person was not an interested person or the request was made out of time. In that case, the decision-maker must comply with the order and provide the relevant information within 28 days or within any longer timeframe specified in the order.</p>
<p>Clause 244</p>	<p>Section 86A inserted</p> <p>Inserts a new section into the Principal Act. Section 86A provides that the Tribunal is to provide all parties to proceedings with a copy of the final decision in the matter. The Tribunal must also provide the decision to any other person that it is satisfied has a proper interest in the matter. The Tribunal may additionally give reasons for the decision orally or in writing.</p> <p>Where the Tribunal does not give reasons for a decision in writing, this can be requested by any person who received a copy of the decision, within 28 days of receiving a copy of the decision. Within 28 days of receiving the request, the Tribunal is to provide a statement of reasons. This timeframe can be extended where the Tribunal considers it appropriate.</p> <p>Subsection (6) sets out what a statement of reasons needs to contain.</p> <p>Subsection (7) authorises the Tribunal to provide reasons to people who are not party to the proceedings, provide reasons without a request to do so, or provide reasons if satisfied that this is in the interests of justice. The Tribunal may also provide a recording of reasons that were given orally (by being read out at the conclusion of Tribunal proceedings) as a statement of reasons, or provide reasons in a prescribed format, to enhance accessibility and efficiency.</p>
<p>Clause 245</p>	<p>Section 136 amended (Appeals to Supreme Court)</p> <p>Inserts a new subsection (1A) into section 136 of the Principal Act to clarify that a party to the proceedings in the Community, Children and Families stream may appeal any decision of the Tribunal in proceedings to the Supreme Court on a question of law.</p> <p>Amends subsections (7) and (8) of section 136 of the Principal Act by inserting references to the <i>Criminal Justice (Mental Impairment) Act</i></p>

	<p>1999. This means that a party to Tribunal proceedings relating to a decision under that Act may appeal the decision to the Supreme Court on a question of law. Any person aggrieved by a decision of the Tribunal in relation to that Act which was made otherwise than in proceedings may also appeal to the Supreme Court on a question of law.</p> <p>An appeal to the Supreme Court on a question of fact is also permitted with leave of the Court.</p> <p>In addition, this clause inserts a new subsection (11) into section 136 which clarifies that the Supreme Court has jurisdiction over Tribunal decisions in respect of the <i>Criminal Justice (Mental Impairment) Act 1999</i> regardless of whether the decision occurs before or after this clause commences.</p>
<p>Clause 246</p>	<p>Part 13, Division 3 inserted</p> <p>Inserts a new division into Part 13 of the Principal Act. The proposed Division 3 contains section 161 relating to transitional provisions.</p> <p>Subsection (2) provides that where proceedings have already commenced in the Tribunal at the time the amendments in this Bill commence, the TASCAT Act and the relevant Act for those proceedings will continue to apply in the same way that they did before the commencement of the amendments.</p> <p>Subsection (3) clarifies that the amendments in this Bill do not apply to proceedings that were to be determined by the Supreme Court or Magistrates Court (Administrative Appeals Division) in circumstances where a date for hearing the proceedings has already been allocated by the relevant court.</p> <p>Subsection (1) inserts definitions to support the transitional provisions.</p>
<p>Clause 247</p>	<p>Schedule 1 substituted</p> <p>Amends the Principal Act by replacing Schedule 1. Schedule 1 lists relevant Acts that confer jurisdiction to the Tribunal. The amendment provides that Schedule 1 is expanded to include all the Acts that are amended by this Amending Act and two Acts under which Regulations amended by this Amending Act are made. The <i>Corrections Act 1997</i>, which is already listed within the jurisdiction of the Mental Health stream of the Protective Division of the Tribunal, is also added to Schedule 1 as a correction.</p>
<p>Clause 248</p>	<p>Schedule 2 amended (General Division)</p> <p>Amends Schedule 2 of the Principal Act by replacing subclause (1) from clause 1 of Part 3. The new subclause (1) clarifies that functions and powers are granted to the Tribunal by the Acts listed in this subclause as well as by any regulations or instruments made under them.</p>

The list of Acts in the subclause is extended to include Acts brought under the General Division of the Tribunal by this Amending Act, or Acts under which Regulations are made, which are brought within the division's jurisdiction.

This clause further amends Schedule 2 by omitting Parts 5 and 6 and inserting two new parts. The removed parts set out provisions relating to the Health Practitioners stream and the Forestry Practices stream. These streams are being removed and the relevant legislation administered by them is brought under other streams.

The new Part 5 establishes the Occupational and Disciplinary stream and lists the Acts or sections of Acts that are within the jurisdiction of the Tribunal for that stream. This extends to any statutory instruments made under those Acts. It also sets out how the Tribunal should be constituted for these matters, including specific requirements when the Tribunal is dealing with health practitioner matters and property agents matters.

The new Part 6 establishes the Administrative stream and lists the Acts or sections of Acts that are within the jurisdiction of the Tribunal for that stream. This extends to any statutory instruments made under those Acts. It also sets out how the Tribunal should be constituted for these matters.

This clause also amends Part 7 of Schedule 2, which relates to the Personal Compensation stream, by amending clause 3(c) to clarify that more than one legally qualified member may be appointed to the Tribunal to hear a matter.

This clause also amends clause 3 of Part 8 of Schedule 2, which lists the Acts and specific provisions of Acts that are within the jurisdiction of the Tribunal for the Resource and Planning stream, by adding several Acts. The references to the *Fire Service Act 1979* and *Public Health Act 1997* are removed as they are re-located to other streams. The reference to the *Local Government Act 1993* is amended to clarify that decisions reviewed under sections 28ZJ, 28ZP and 262 of that Act are not allocated to the Resource and Planning stream, as they are dealt with in other streams due to the nature of those matters.

Clause 4 of Part 8 of Schedule 2 is amended to provide that the general requirements under that clause for constituting the Tribunal for proceedings allocated to Resource and Planning stream do not apply to the review of decisions taken under the *Forest Practices Act 1985*.

Part 8 of Schedule 2 to the Principal Act is further amended by the insertion of clause 4A. This clause sets out the requirements for constituting the Tribunal when dealing with forestry matters under the *Forest Practices Act 1985*, including specific requirements for when the Tribunal is dealing with questions relating to the protection of threatened flora or fauna or the protection of native vegetation communities from clearance and conversion. These provisions simply replicate the existing requirements for how the Tribunal is to be constituted in the Forestry Practices stream for these matters.

	<p>Part 8 of Schedule 2 of the Principal Act is further amended by the substitution of a new clause 5, which specifies that the Tribunal is a part of the State’s resource management and planning system in relation to proceedings under the Resource and Planning stream. The new clause 5 adds a subclause (2), which clarifies that the five Acts listed in that subsection remain separate from the State’s resource management and planning system, as is currently the case.</p> <p>Part 8 of Schedule 2 of the Principal Act is further amended by the removal of subclauses (1), (2) and (3) from clause 9. These subclauses contain a general requirement that an appeal or application to the Tribunal within the Resource and Planning stream is determined within 90 days from the time that the Tribunal is instituted. The timeframe may be extended by the Minister in the interests of justice or by all parties agreeing in writing to extend. The removal of these subclauses will enable the general time limit provisions of the Principal Act to apply to Resource and Planning matters. This will align Resource and Planning matters to other streams of TASCAT and enable the Tribunal to set, extend or abridge time limits for these matters at its discretion, appropriately based on the particular circumstances and complexities of the matter and any submissions from the parties.</p> <p>It is noted that Section 10 of the Principal Act requires the Tribunal to determine matters as quickly as is reasonably possible.</p>
<p>Clause 249</p>	<p>Schedule 3 amended (Protective Division)</p> <p>Amends Schedule 3 to the Principal Act by providing that specific provisions of Acts are listed alongside Acts in clause 1(1) of Part 3. The amended subclause (1) also clarifies that functions and powers are granted to the Tribunal by the Acts, and sections, listed in this subclause as well as any regulations or instruments made under them.</p> <p>Clause 1(1) is further amended by the inclusion of four additional Acts and reference to specific sections of a fifth Act (the <i>Education Act 2016</i>) as Acts or sections of Acts that are allocated to the Protective Division.</p> <p>This clause also amends Schedule 3 by inserting a new Part 6. The new Part 6 establishes the Community, Children and Families and lists the Acts or sections of Acts that are within the jurisdiction of the Tribunal for that stream. This extends to any statutory instruments made under those Acts. It also sets out how the Tribunal should be constituted for these matters.</p> <p>It includes specific requirements for when the Tribunal is dealing with matters under the <i>Registration to Work with Vulnerable People Act 2013</i>, specifying that the Tribunal must be constituted by members who, in the President’s opinion, have relevant knowledge, expertise or experience in relation to the matter, including expertise or qualifications in preventing or identifying child sexual abuse, neglect or family violence if these matters are relevant to the decision being reviewed.</p> <p>This transfer of jurisdiction, including the requirements around relevant qualifications for Tribunal members, implements recommendation</p>

	18.13 of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings.
Clause 250	<p>Schedule 4 inserted</p> <p>Amends the Principal Act by inserting a new Schedule 4. This schedule lists Acts, or sections of Acts, subject to administrative review in reference to Division 1A of Part 8 of the Principal Act. Division 1A of Part 8 does not currently exist in the Principal Act and is proposed to be inserted by clause 243 of this Bill. Division 1A specifies the relevant preliminary procedures that apply for reviewable decisions made under the Acts, or sections of Acts, listed in the new Schedule 4.</p> <p>62 Acts or sections of Acts are listed in Schedule 4. They are all Acts or sections of Acts brought under the jurisdiction of the Tribunal by this Bill, or authorising Acts for Regulations that are amended by this Bill to transfer jurisdiction.</p>
	PART 65 – TAXI AND HIRE VEHICLE INDUSTRIES (REVIEW OF DECISIONS) REGULATIONS 2019 AMENDED
Clause 251	<p>Principal Regulations</p> <p>Provides that the Principal Regulations being amended in Part 65 are the <i>Taxi and Hire Vehicle Industries (Review of Decisions) Regulations 2019</i>.</p>
Clause 252	<p>Regulation 11 amended (Right of appeal)</p> <p>Amends regulation 11 of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may appeal a finding or determination by the Transport Commission.</p> <p>The regulation provides that the finding or determination must relate to an application made by the person, however certain decisions are non-appealable and are set out in Schedule 2.</p>
Clause 253	<p>Regulation 12 amended (Orders on appeal of applications found frivolous or vexatious)</p> <p>Amends regulation 12 of the Principal Regulations by replacing all references to the Magistrates Court (Administrative Appeals Division) or Court with the Tasmanian Civil and Administrative Tribunal or Tribunal as the appropriate body that hears applications for a review of a finding by the Transport Commission. It also provides that the Tribunal may affirm the finding in question or set it aside, in which case the Tribunal may remit the matter for reconsideration by the Transport Commission and give directions or recommendations.</p>
	PART 66 – TEACHERS REGISTRATION ACT 2000 AMENDED
Clause 254	Principal Act

	Provides that the Principal Act being amended in Part 66 is the <i>Teachers Registration Act 2000</i> .
Clause 255	<p>Section 29 amended (Applications for review)</p> <p>Amends section 29 of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person may apply for a review of any decision made by the Teachers Registration Board of Tasmania that affects that person or an employee of that person.</p> <p>The section provides that in addition to its other powers, the Tribunal may order the Board to take disciplinary action against the person, make a determination about their fitness to be a teacher, determine that the complaint has no substance, or amend the register or registered teachers or register of holders of limited authorities.</p>
	PART 67 – VEHICLE AND TRAFFIC (REVIEW OF DECISIONS) REGULATIONS 2021 AMENDED
Clause 256	<p>Principal Regulations</p> <p>Provides that the Principal Regulations being amended in Part 67 are the <i>Vehicle and Traffic (Review of Decisions) Regulations 2021</i>.</p>
Clause 257	<p>Regulation 15 amended (Review of finding or determination)</p> <p>Amends regulation 15 of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an applicant may apply for the review of a finding or determination made by the Transport Commission or Registrar of Motor Vehicles in the process of an internal review of a decision.</p>
Clause 258	<p>Regulation 16 amended (Orders on appeal of finding)</p> <p>Amends regulation 16 of the Principal Regulations by replacing all references to the Magistrates Court (Administrative Appeals Division) or Court with the Tasmanian Civil and Administrative Tribunal or Tribunal as the appropriate body that hears applications for a review of a finding. It also provides that the Tribunal may affirm the finding in question or set it aside, in which case the Tribunal may remit the matter for reconsideration by the relevant reviewing authority and give directions or recommendations.</p>
	PART 68 – VETERINARY SURGEONS ACT 1987 AMENDED
Clause 259	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 68 is the <i>Veterinary Surgeons Act 1987</i>.</p>
Clause 260	Section 53 amended (Reviews)

	Amends section 53 of the Principal Act by replacing both references to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person aggrieved by certain decisions of the Veterinary Board of Tasmania may apply for a review of those decisions. The relevant decisions are listed in subsection (1). The section also provides that the Board must amend the relevant register or list as necessary to give effect to the Tribunal's decision.
	PART 69 – WATER MANAGEMENT ACT 1999 AMENDED
Clause 261	Principal Act Provides that the Principal Act being amended in Part 69 is the <i>Water Management Act 1999</i> .
Clause 262	Section 278 amended (Form of appeal to Appeal Tribunal) Amends section 278 of the Principal Act by removing subsection (2). This removes the requirement for an appeal of appealable decisions as set out in section 275 to be first referred to a compulsory conference or alternative dispute resolution process as provided by under the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> (the TASCAT Act). These appeals generally relate to procedural fairness (a question of law) and are usually not suitable for mediation. The Tribunal retains discretion under sections 99 and 102 of the TASCAT Act to send these matters to mediation if it is appropriate in the circumstances.
	PART 70 – WATER AND SEWERAGE INDUSTRY ACT 2008 AMENDED
Clause 263	Principal Act Provides that the Principal Act being amended in Part 70 is the <i>Water and Sewerage Industry Act 2008</i> .
Clause 264	Section 56V amended (Requirement to connect or disconnect) Amends section 56V(5) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an owner or occupier of land who has been issued a notice may apply for a review of the decision to serve the notice. Notices are given under section 56V(1) by a regulated entity, requiring the owner or occupier to connect the land to that entity's water or sewerage, remove such connection, or carry out work considered necessary for the provision of the service.
Clause 265	Section 56X amended (Removal of trees) Amends section 56X(8) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the

	Tasmanian Civil and Administrative Tribunal as the appropriate body to which an aggrieved owner of land may apply for a review of a decision in respect of the owner's objection to a notice requiring the owner to remove any tree on their land that the regulated entity decides is obstructing or damaging the entity's works or likely to do so.
	PART 71 – WORK HEALTH AND SAFETY ACT 2012 AMENDED
Clause 266	Principal Act Provides that the Principal Act being amended in Part 71 is the <i>Work Health and Safety Act 2012</i> .
Clause 267	Section 229 amended (Application for external review) Amends section 229(1) of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an eligible person may apply for a review of a reviewable decision under the Act that is made by the regulator or upon an internal review.
Clause 268	Schedule 3 amended (Regulation-making Powers) Amends clause 14(c) of Schedule 3 of the Principal Act by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to conduct reviews in respect of which regulations may be prescribed.
	PART 72 – WORK HEALTH AND SAFETY REGULATIONS 2022 AMENDED
Clause 269	Principal Regulations Provides that the Principal Regulations being amended in Part 72 are the <i>Work Health and Safety Regulations 2022</i> .
Clause 270	Regulation 105 amended (Status of licence during review) Amends regulation 105(5)(b) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a high risk work licence holder may apply if the regulator refuses to renew their licence. The regulation provides that if the licence holder applies for a review of the refusal, the licence continues to be in force until the application is withdrawn or the Tribunal makes a decision on the review.
Clause 271	Regulation 280 amended (Status of registration during review) Amends regulation 280(5)(b) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the

	<p>appropriate body to which the holder of a registration of a plant or item may apply if the regulator refuses to renew their registration.</p> <p>The regulation provides that if the registration holder applies for a review of the refusal, the registration continues to be in force until the application is withdrawn or the Tribunal makes a decision on the review.</p>
Clause 272	<p>Regulation 519 amended (Status of licence during review)</p> <p>Amends regulation 519(5)(b) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an asbestos removal licence holder may apply if the regulator refuses to renew their licence.</p> <p>The regulation provides that if the licence holder applies for a review of the refusal, the licence continues to be in force until the application is withdrawn or the Tribunal makes a decision on the review.</p>
Clause 273	<p>Regulation 599 amended (Status of major hazard facility licence during review)</p> <p>Amends regulation 599(3)(b) of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an operator with a major hazard facility licence may apply if the regulator refuses to renew their licence.</p> <p>The regulation provides that if the operator applies for a review of the refusal, the licence continues to be in force until the application is withdrawn or the Tribunal makes a decision on the review.</p>
Clause 274	<p>Regulation 683 amended (Application for external review)</p> <p>Amends regulation 683 of the Principal Regulations by replacing the reference to the Magistrates Court (Administrative Appeals Division) with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which an eligible person may apply for an external review of reviewable decisions made by the regulator as referred to in subregulation (1)(a). The amendment also provides that an application is to be made within 28 days from receiving notice of the decision or any longer time that the Tribunal allows.</p>
	<p>PART 73 – WORKERS REHABILITATION AND COMPENSATION ACT 1988 AMENDED</p>
Clause 275	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 73 is the <i>Workers Rehabilitation and Compensation Act 1988</i>.</p>
Clause 276	<p>Section 42H amended (Representation during conciliation process)</p>

	<p>Amends section 42H of the Principal Act by removing subsections (4), (5) and (6).</p> <p>Subsection (4) restricts a party from being represented at a conciliation conference by a legal practitioner unless the conciliator determines that the test set out in that subsection is met. Removing subsection (4) will allow the representation provisions in section 98 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> to apply instead. Those provisions are broader and will allow parties to be represented by a legal practitioner at conciliation if that is their preference.</p> <p>Removing subsection (4) means that the provisions in subsections (5) and (6) are no longer relevant.</p> <p>This clause also consequentially amends subsection (1) to reflect that subsection (4) will no longer exist.</p>
Clause 277	<p>Section 47 repealed</p> <p>Amends the Principal Act by removing section 47.</p> <p>This section restricts a party from being represented in the presentation of cases unless the Tribunal approves and is satisfied that the person proposed meets the test in subsection (2). Removing this section will allow the representation provisions in section 98 of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> to apply instead. Those provisions are broader and will allow parties to be represented by a legal practitioner by right, or by another representative with leave of the Tribunal and subject to the Tribunal Rules.</p>
Clause 278	<p>Section 159 amended (Service of documents)</p> <p>Amends section 159 of the Principal Act by inserting a new subsection (2A). This subsection provides that the provisions setting out the requirements for service of a notice or document under the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> are to apply to proceedings held in the Tribunal instead of the provisions set out in section 159(1) of the Principal Act. This is preferred because the TASCAT Act has broader provisions regarding service and permits electronic service with the consent of the person or body being served.</p>
	<p>PART 74 – WORKERS’ (OCCUPATIONAL DISEASES) RELIEF FUND ACT 1954 AMENDED</p>
Clause 279	<p>Principal Act</p> <p>Provides that the Principal Act being amended in Part 73 is the <i>Workers’ (Occupational Diseases) Relief Fund Act 1954</i>.</p>
Clause 280	<p>Section 44 amended (Power of Secretary to terminate payments in certain cases)</p> <p>Amends section 44 of the Principal Act by replacing both references to a police magistrate with the Tasmanian Civil and Administrative Tribunal as the appropriate body to which a person aggrieved may</p>

	<p>appeal a decision of the Secretary under subsection (1) to cease or vary the payment of compensation under the Principal Act to an employee where it appears to the Secretary that the employee is neglecting their spouse or dependants. The Secretary may decide to pay that sum to any member of the employee's family instead. Where the Tribunal makes a decision in regard to the Secretary's decision, that decision is final.</p> <p>This clause also amends section 44 by removing subsection (3). This section provides that the hearing and determining of the appeal is to occur in the manner set out by statutory instruments. This subsection is removed as the provisions of the <i>Tasmanian Civil and Administrative Tribunal Act 2020</i> are to apply with respect to a review of a decision under subsection (1).</p>
	<p>PART 75 – REPEAL OF ACT</p>
<p>Clause 281</p>	<p>Repeal of Act</p> <p>This is a standard provision for amending legislation, repealing the amending Act one year after all amendments have been incorporated into the Principal Acts.</p>