

NTCAT Jurisdictions



This document is intended as a guide to matters that may be dealt with by NTCAT. Interested parties should carefully refer to the relevant legislation before initiating a proceeding before NTCAT.

| DATE JURISDICTION OPERATIVE IN NTCAT | LEGISLATION | ORIGINAL/REVIEW JURISDICTION <i>(see Northern Territory Civil and Administrative Tribunal Act, s 32)</i> | SUMMARY OF MATTERS THAT CAN BE DETERMINED BY NTCAT AND RELEVANT SECTIONS OF THE LEGISLATION |
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| 23 April 2014 | <i>Darwin Waterfront Corporation Act</i> | Review | <p>Section 70</p> <p>(1) After receiving a recommendation from an administrative review committee, the Corporation must make a final decision on an application under section 68.</p> <p>(3) The CEO must give a decision notice to the applicant without delay after the Corporation makes a final decision on the application, setting out:</p> <ul style="list-style-type: none"> (a) the final decision and the reasons for it; and (b) the right the applicant has, under this or another Act, to apply for a review of the decision to the Civil and Administrative Tribunal. <p>(4) A person to whom a decision notice has been given under subsection (3) may apply to the Civil and Administrative Tribunal for review of the decision.</p> |
| 7 October 2014 | <i>Poppy Regulation Act</i> | Review | <p>Review of decisions affecting poppy licences made by the Poppy Licensing Authority. These include refusing to grant a licence, amending a licence, suspending a licence and cancelling a licence.</p> <p>Section 13.</p> |
| 1 January 2015 | <i>Births Deaths and Marriages Registration Act</i> | Review | <p>Review of decisions made under the <i>Births, Deaths and Marriages Registration Act</i> by the Registrar of Births, Deaths and Marriages. These reviewable decisions may include such matters as refusal to register a name change, marriage, birth or death.</p> |

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| | | | Section 48. |
| 1 January 2015 | <i>Building Act</i> | Original & Review | <p>Various matters related to the functions of the Commissioner of Residential Building Disputes under Part 5A, Division 6 of the <i>Building Act</i>.</p> <p><u>See <i>Building Act s 54FF</i> and <i>Building (Resolution Of Residential Building Work Disputes) Regulations</i>:</u></p> <p>Regs 31 and 32(3) –provide for referrals to NTCAT by the Commissioner . Reg 74 – provides for review of ‘reviewable decisions’ of the Commissioner listed in Schedule 2 as follows:</p> <ul style="list-style-type: none"> • decision under reg 13 to reject mediation or conciliation application; • decision under reg 17 to reject technical inspection application; • decision under reg 21 to reject consumer guarantee dispute application; • decision under reg 29(3) to dismiss consumer guarantee dispute application because of absence of applicant; and • dispute decision under reg 32(1). |
| 1 January 2015 | <i>Control of Roads Act</i> | Original | <p>Determine claims for compensation for land acquired pursuant to the <i>Control of Roads Act</i>.</p> <p>Section 31.</p> |
| 1 January 2015 | <i>Energy Pipelines Act</i> | Original | <p>Determine compensation payable to a licence holder whose licence is varied in the public interest by the Minister. Determine applications seeking rectification of entries to the Register of Licences under the Act. Determine applications in respect of disputes about compensation payable under section 67B(1) or section 67B(2).</p> <p>Sections 26, 56 and 67B.</p> |
| 1 January 2015 | <i>Fences Act</i> | Original | <p>To hear and determine applications made under the <i>Fences Act</i>.</p> <p>Applications may relate to:</p> <ul style="list-style-type: none"> • the construction or line of a proposed fence; • the kind of fence proposed; • the repair of an existing fence; • responsibility as between adjoining owners for building and/or paying for the proposed fence or repairs ; • the time within which the fence shall be constructed or repaired; and/or • compensation for the loss of occupation of any land as a result of the construction of the fence |

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| | | | the subject of the order. |
| 1 January 2015 | <i>Gaming Control Act</i> | Review | <p>Part 5B of the Act provides that an affected person may apply to NTCAT for a review of a reviewable decision. Section 68CB provides that an affected person for a reviewable decision is a person prescribed by regulation.</p> <p>The <i>Gaming Control (Reviewable Decisions) Regulations</i> provide that the following are reviewable decisions:</p> <p><i>Gaming Control (Community Gaming) Regulations</i> Reg. 14(2) Decision to approve or refuse to approve change Reg. 32 Decision to grant or refuse to grant permit Reg. 43(1) Decision to grant approval or refuse to grant approval</p> <p><i>Gaming Control (Gaming Machines) Regulations</i> Reg. 4 – Decision to grant or refuse application</p> <p><i>Gaming Control (Internet Gaming) Regulations</i> Reg. 4(2) – Decision to approve or refuse to approve computer system or change Reg. 10 – Decision to approve or refuse proposed control system or proposed change Reg. 17 – Decision to grant or refuse to grant internet gaming key employee licence Reg. 23 – Decision to renew or not to renew full internet gaming key employee licence</p> <p><i>Gaming Control (Licensing) Regulations</i> Reg. 7 – Decision to grant or refuse to grant licence Reg. 13 – Decision to take action under regulation 13(4)</p> |
| 1 January 2015 | <i>Gaming Machine Act</i> | Review | <p>Part 9A of the Act deals with reviewable decisions and provides that an affected person may apply to NTCAT for a review of the decision.</p> <p>Section 166B provides that a person is an affected person for a reviewable decision if any of the following apply:</p> <ul style="list-style-type: none"> • for a decision that relates to disciplinary action relating to a licence – the person is the licensee; • for a decision that was made in relation to an application – the person is the applicant; • the person made a submission, complaint or objection (however described) during the process that resulted in the decision being made. |

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| | | | <p>Reviewable decisions are decisions under the following sections of the <i>Gaming Machine Act</i>:</p> <ul style="list-style-type: none"> Sections 25, 34, 41, 42, 43, 49, 50, 65, 70, 71, 79, 80, 82, 116, 117, 134, 165 |
| 1 January 2015 | <i>Geothermal Energy Act</i> | Review | <p>Review certain decisions of the Minister made under the <i>Geothermal Energy Act</i>.</p> <p>The <i>Geothermal Energy Regulations</i> provide that NTCAT has jurisdiction to review decisions that are 'reviewable decisions'. 'Reviewable decisions' are decisions that are required by the <i>Geothermal Energy Regulations</i> to be notified by a reviewable decision notice (see regs 4, 5, 11, 16, 22, 25). Sections 80 and 123.</p> |
| 1 January 2015 | <i>Heritage Act</i> | Review | <p>Review decisions made pursuant to the <i>Heritage Act</i> and decide applications for confirmation of stop work orders.</p> <p>Section 91 – Application to review decisions that are 'reviewable decisions' mentioned in Schedule 1 to the <i>Heritage Act</i>, namely: decision that a place or object is not of heritage significance (s 25(1)); decision not to recommend declaration of place or object as heritage place or object (s 27); decision on application for work approval relating to heritage place or object (s 74 (1)).</p> <p>Section 81, 91, Schedule 1.</p> |
| 1 January 2015 | <i>Kava Management Act</i> | Review | <p>Part 10 of the <i>Kava Management Act</i> deals with reviewable decisions and provides that an affected person may apply to NTCAT for a review of the decision.</p> <p>Section 79 provides that a person is an affected person for a reviewable decision if any of the following apply:</p> <ul style="list-style-type: none"> for a decision that relates to disciplinary action relating to a licence – the person is the licensee; for a decision that was made in relation to an application – the person is the applicant; the person made a submission, complaint or objection (however described) during the process that resulted in the decision being made. <p>Reviewable decisions: see sections 64, 65, 67, 76, 77.</p> |
| 1 January 2015 | <i>Lands Acquisition Act</i> | Review | <p>Make recommendations about objections to the acquisition of land under the Lands Acquisition Act by persons whose interest in the land will be divested, modified or affected by acquisition.</p> |
| 1 January 2015 | <i>Licensing Act</i> | Review | <p>The Licensing Act creates a statutory position of Director-General Licensing with appeals from decisions of the Director-General (taken under a variety of other Acts) to NTCAT.</p> <p>See: <i>Gaming Machine Act, Gaming Control Act, Kava Management Act, Liquor Act, Private Security Act, Prostitution Regulation Act, Tobacco Control Act</i></p> |

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| 1 January 2015 | <i>Liquor Act</i> | Review | <p>Where 'reviewable decisions' are made an affected person may apply to NTCAT for a review of the decision.</p> <p>Section 120ZB provides that a person is an affected person for a reviewable decision if any of the following apply:</p> <ul style="list-style-type: none"> • for a decision that relates to disciplinary action relating to a licence – the person is the licensee; • for a decision that was made in relation to an application – the person is the applicant; • the person made a submission, complaint or objection (however described) during the process that resulted in the decision being made. <p>Reviewable decisions: s.29, 31, 32A, 33, 33F, 43, 46A, 49A, 59, 63, 68, 69, 81, 84, 86E, 86G, 92, 101E, 101H, 101K, 101ZF, 106, 119.</p> <p>Part XAC.</p> |
| 1 January 2015 | <i>Mineral Titles Act</i> | Original | <p>Make recommendations about grants of mineral titles.</p> <p>Sections: 21, 78, 110, 111, 126, 133, 161, 162</p> |
| 1 January 2015 | <i>Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction for Native Title Matters) Act</i> | Original | <p>Section 4 provides that NTCAT, as the independent body mentioned in section 24MD(6B)(f) of the <i>Native Title Act</i>, may hear and make recommendations about objections mentioned in section 24MD(6B)(d) of that Act.</p> |
| 1 January 2015 | <i>Pastoral Land Act</i> | Review | <p>Determine disputes about compensation.</p> <p>Make recommendations about objections by registered native title claimants and registered native title bodies corporate to the extension or grant of a pastoral lease as it affects their rights and interests.</p> <p>Sections: 40, 72C, 117, 118, 119, 121.</p> |
| 1 January 2015 | <i>Petroleum Act</i> | Review | <p>Determine disputes about compensation.</p> <p>Sections 57H, 57J, 57KA, 57P, 57V, 81, 82, 103.</p> |

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| 1 January 2015 | <i>Planning Act</i> | Review | Determine planning appeals from decisions of the Development Consent Authority. Sections 111, 112, 113, 114, 115, 116, 117. |
| 1 January 2015 | <i>Private Security Act</i> | Review | Part 6B of the Act deals with reviewable decisions and provides that an affected person may apply to NTCAT for a review of the decision. Section 53F provides what are reviewable decisions and who the affected person is for each reviewable decision. Reviewable Decisions: Sections 18, 19, 20, 23, 25, 27, 53, 53H. |
| 1 January 2015 | <i>Prostitution Regulation Act</i> | Review | Part 3A of the Act deals with reviewable decisions and provides that an affected person may apply to NTCAT for a review of the decision. Section 47D provides what are reviewable decisions and who the affected person is for each reviewable decision. Reviewable Decisions: Sections 9, 28, 29, 31, 32, 43. |
| 1 January 2015 | <i>Tobacco Control Act</i> | Review | Part 4A of the Act deals with reviewable decisions and provides that an affected person may apply to NTCAT for a review of the decision. Section 41A provides that a person is an affected person for a reviewable decision if any of the following apply: <ul style="list-style-type: none"> • for a decision that relates to disciplinary action relating to a licence – the person is the licensee; • for a decision that was made in relation to an application – the person is the applicant; • the person made a submission, complaint or objection (however described) during the process that resulted in the decision being made. Reviewable Decisions: Sections 29, 29A, 35, 36, 38. |
| 1 January 2015 | <i>Termination of Units Plans and Unit Titles Schemes Act 2014</i> | Original and Review | Orders for termination of unit developments having less than 10 units. Appeals by objecting owners to the termination of a development comprising 10 or more units. Part 4, section 10(2)(c) – Appeals against decision of the schemes supervisor to serve explanatory notice under s 10(1)(c)(i). |

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| | | | <p>Part 4, section 10(5)(b) – Application for an order with same effect as an approval certificate where schemes supervisor has not acted in time under s 10(1).</p> <p>Part 4, section 11(4) – Application for order requiring body corporate to comply with obligations under s 11(2) (in relation to notifying and holding meeting to vote on proposed termination).</p> <p>Part 4, section 12(1)(c)(iv) and 12(1)(d) – Application by objecting owner or mortgagee for order under Part 5 of Act (see s 16(2)).</p> <p>Part 4, section 12(3) – Application by proponent of termination for order for sale of objecting owner’s unit to proponent (where objecting owner has not taken action under s 12(1) or complied with s 12(2)).</p> <p>Part 4, section 12(9) – Application to extend 14 day period for proponent to notify Registrar General of termination resolution. Part 4, section 13(5)(b) – Application by objecting owner for order under Part 5 of Act (see s 16(2)) where no agreement between objecting owner and proponent regarding sale of unit Act.</p> <p>Part 4, section 13(6) – Applications by objecting owner or proponent for various orders relating to s 13 process for agreeing sale of unit to proponent.</p> <p>Part 5, section 15(a) and 16(1) – Application for order in relation to termination of a development to which Part 4 does not apply (ie less than 10 units or less than 15yrs old) - see s 17 for types of orders.</p> <p>Part 5, section 15(b) and 16(2) - Application for order in relation to termination of a development to which Part 4 applies - see s 17 for types of orders.</p> <p>Part 6, section 19(2) – Application to extend 12 month period for registration of termination under s 54G of <i>Land Title Act</i>.</p> |
| 1 January 2015 | <i>Totalisator Licensing and Regulation Act</i> | Review | <p>Section 84 provides that an affected person may apply to NTCAT for a review of a reviewable decision.</p> <p>Section 82 provides that ‘reviewable decision’ is:</p> <p>(a) a regulatory decision, unless the decision was made by a delegate of the Director-General; or</p> <p>(b) a decision made on the review, under Part 3 of the <i>Licensing (Director-General) Act</i>, of a decision that:</p> |

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| | | | <p>(i) is a regulatory decision; and</p> <p>(ii) was made by a delegate of the Director-General.</p> <p>Section 82(1) provides that a regulatory decision means a decision of the Director-General under this Act, other than a decision to grant, or refuse to grant, a licence.</p> <p>Section 83 sets out the meaning of an affected person.</p> |
| 1 January 2015 | <i>Victims of Crimes Assistance Act</i> | Review | <ul style="list-style-type: none"> • review decisions of the Director to refuse to accept a late application notified under section 31(4); • review a decision of the assessor notified under section 44(5). • applicant for an increased award may apply to the Tribunal for review of a decision of the assessor notified under section 46(9). • person required to refund an amount to the Territory may apply to the Tribunal for review of the decision of the assessor notified under section 47(3). <p>Section 48.</p> |
| 1 June 2015 | <i>Caravan Parks Act</i> | Original and Review | <p>Applications may be made to NTCAT as a mechanism by which operators and residents of a caravan park may enforce their rights under caravan park agreements and the Act. These applications include but are not limited to declaration of excessive rent, emergency repairs, termination, access to a caravan and compensation.</p> <p>Section 174 provides that NTCAT has review jurisdiction in relation to decisions made by the Commissioner under:</p> <p>(a) section 141 - application if park rules are considered unreasonable (b) section 145 - options after giving notice about relocation</p> |
| 1 June 2015 | <i>Health Practitioner Regulation (National Uniform Legislation) Act</i> <i>Health Practitioners Act</i> | Original and Review | <p>NTCAT may hear and determine matters in the original jurisdiction that are referred to it from a National Board. These referrals may include where a practitioner's conduct or the way the practitioner practises is unsatisfactory.</p> <p>NTCAT may review decisions made by a National Board (see: https://www.ahpra.gov.au).</p> <p>Section 6 of the <i>Health Practitioner Regulation (National Uniform Legislation) Act</i> provides that a person may appeal against an 'appellable decision' under section 199 of the <i>Health Practitioner Regulation National Law (NT)</i>.</p> |

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| | | | <p>Appellable decisions include:</p> <ul style="list-style-type: none"> (a) a decision by a National Board to refuse to register the person; (b) a decision by a National Board to refuse to endorse the person's registration; (c) a decision by a National Board to refuse to renew the person's registration; (d) a decision by a National Board to refuse to renew the endorsement of the person's registration; (e) a decision by a National Board to impose or change a condition on a person's registration or the endorsement of the person's registration, other than— <ul style="list-style-type: none"> (i) a condition relating to the person's qualification for general registration in the health profession; and (ii) a condition imposed by section 112(3)(a); (f) a decision by a National Board to refuse to change or remove a condition imposed on the person's registration or the endorsement of the person's registration; (g) a decision by a National Board to refuse to change or revoke an undertaking given by the person to the Board; (h) a decision by a National Board to suspend the person's registration; (i) a decision by a panel to impose a condition on the person's registration; (j) a decision by a health panel to suspend the person's registration; (k) a decision by a performance and professional standards panel to reprimand the person. |
| 1 June 2015 | <i>Local Government Act</i> | Original and Review | <p><i>NTCAT has jurisdiction in the following matters:</i></p> <ul style="list-style-type: none"> (a) to determine eligibility for membership of a council (Section 40); (b) to declare a decision of a council, local authority, local board or council committee void where it is vitiated by conflict of interest (Section 74); (c) to review a decision of a disciplinary committee (Section 82); (d) to determine an electoral dispute (Section 94); (e) to review a surcharge (Section 213); and (f) to review a decision by a council on review of a reviewable decision. |
| 1 June 2015 | <i>Residential Tenancies Act</i> | Original and Review | <p>Applications may be made to NTCAT as a mechanism by which landlords and tenants of residential premises may enforce their rights under tenancy agreements and the Act. These applications include but are not limited to declaration of excessive rent, emergency repairs, termination, access to premises, determination of security deposit disputes and compensation.</p> <p>Decisions made by NTCAT in its original jurisdiction may be reviewed under section 140 of the Northern Territory Civil and Administrative Tribunal Act by NTCAT (but by a different member/s who heard the</p> |

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| | | | original application). |
| 9 June 2015 | <i>Marine Act</i> | Review | <p>Section 141 provides that, a person aggrieved by a decision of the Director may apply to NTCAT for the review of a decision:</p> <ul style="list-style-type: none"> (a) refusing an application for the grant or renewal of a licence; or (b) determining or varying the conditions upon which a licence was granted, varied or renewed; or (c) cancelling or suspending a licence; or (d) requiring information or prescribed records to be furnished. |
| 9 June 15 | <i>Ports Management Act</i> | Review | <p>Section 145 provides that an affected person for a reviewable decision may apply to NTCAT for a review of the decision.</p> <p>Reviewable decisions are specified in Schedule 1. Affected persons, for a reviewable decision, are persons specified in Schedule 1 opposite the decision.</p> <p>The following are reviewable decisions:</p> <ul style="list-style-type: none"> • A decision by the regional harbourmaster for a designated port to withhold an approval under section 53(1) or impose a condition on such an approval; • A decision by the Minister to refuse an application under section 54(1); • A decision by the Minister under section 55(1) to suspend or cancel a licence under Part 6; • A decision of a pilotage authority of a kind mentioned in section 84(1); • A decision by the Minister under section 89(1) to terminate, or suspend for a specified period, the appointment of a person as a pilotage services provider; • A decision by the Minister under section 89(3) to vary a condition of the appointment of a person as a pilotage services provider. |
| 1 July 2015 | <i>Administrators and Pensions Act</i> | Review | <p>Part 4 provides for a review of decisions to NTCAT.</p> <p>Section 7B provides that a person or the executor or administrator of a person's estate who is aggrieved by a decision made under the Act in relation to the person, may apply to NTCAT for a review of the decision within the time mentioned in section 7C.</p> |

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| 1 July 2015 | <i>Anti-Discrimination Act</i> | Review | <p>The <i>Anti-Discrimination Act</i> provides that complaints may be lodged with the Anti-Discrimination Commissioner. If the complaint is accepted by the Commissioner, the Commissioner evaluates the complaint and determines whether to refer the complaint to NTCAT if the Commissioner believes the complaint has a reasonable prospect of success at a hearing.</p> <p>If the Commissioner decides not to refer the complaint to NTCAT, the complainant may within 21 days apply to have the complaint heard by NTCAT.</p> <p>See section 86.</p> |
| 1 July 2015 | <i>Legislative Assembly Members' Superannuation Fund Act</i> | Review | <p>Section 27B provides that a person entitled, or claiming to be entitled, to a benefit under that Act may apply to the Trustee Board for payment of that benefit.</p> <p>The applicant may under Part 5A of the <i>Superannuation Act</i> seek the review of the decision by NTCAT. See s.27B(5).</p> |
| 1 July 2015 | <i>Superannuation Act</i> | Review | <p>The <i>Superannuation Legislation Amendment and Repeal Act 2014</i> abolished the Superannuation Review Board and transferred jurisdiction to NTCAT.</p> <p>Part 5A of the Act deals with reviewable decisions and provides that an <i>affected person</i> may apply to NTCAT for a review of the decision.</p> <p>Section 49B deals with the meaning of 'reviewable decision.'</p> <p>49B Meaning of <i>reviewable decision</i></p> <p>(1) Each of the following is a <i>reviewable decision</i>:</p> <p>(a) a decision made by the Commissioner about the operation or management, in relation to a particular person, of:</p> <ul style="list-style-type: none"> (i) the NTGPAS Scheme; or (ii) the NTGDI Scheme; or (iii) the NTSS Scheme; <p>(b) a decision made by the Trustee Board about the operation or management, in relation to a particular person, of:</p> <ul style="list-style-type: none"> (i) the LAMS Scheme; or (ii) a scheme in relation to which the Trustee Board exercises powers or performs functions under section 8B(1)(d). |
| 1 July 2015 | <i>Co-operatives (National Uniform)</i> | Review | <p>Section 9(3)(b) provides that NTCAT is the designated tribunal for Part 7.3 of the Cooperatives National Law (Set out in the appendix to the Act).</p> |

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| | <i>Legislation) Act</i> | | <p>The decisions under Part 7.3, that may be the subject of an appeal to NTCAT include:</p> <ul style="list-style-type: none"> • refusal to approve draft rules • refusal to approve a disclosure statement • refusal to register co-operative • refusal to approve amendment of rules • refusal to register amendment of rules • remuneration of liquidator • notice that participating co-operative not authorised to carry on business in this jurisdiction |
| 1 January 2016 | <i>Education Act</i> | Review | <p>Section 179 provides that an <i>affected person</i> for a <i>Tribunal reviewable decision</i> may apply to the</p> <p>Section 171 provides that the following are <i>Tribunal reviewable decisions</i>:</p> <ul style="list-style-type: none"> (a) a decision under section 46(3)(b) to refuse an application to provide home education; (b) a decision under section 46(6)(e) to impose a condition on the approval of an application under section 46(1); (c) a decision under section 49(3) to cancel an approval to provide home education; (d) a decision under section 53(2)(b), (c) or (d) to refuse or vary special arrangements or order alternative arrangements in relation to a child with a disability; (e) a decision under section 83(4)(a) to refuse, or partially grant, an application for an application for additional semesters; (f) a decision under section 84(1) to cancel the enrolment of a student; (g) a decision under section 92(6) to confirm a decision to exclude a student; (h) a decision under section 93(6) not to revoke a decision to expel a student. <p>Section 178 provides who is an <i>affected person</i> for a <i>Tribunal reviewable decision</i>.</p> |