

## House of Assembly

As passed all stages and awaiting assent.

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South Australia

# Statutes Amendment (SACAT No 2) Bill 2017

A BILL FOR

An Act to vest jurisdiction in the South Australian Civil and Administrative Tribunal; to make efficiency measures relating to the jurisdiction and procedures of the South Australian Civil and Administrative Tribunal; and for other purposes.

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**The Parliament of South Australia enacts as follows:**

**Part 1—Preliminary**

**1—Short title**

This Act may be cited as the *Statutes Amendment (SACAT No 2) Act 2017*.

**2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

**3—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

**Part 2—Amendment of *Adoption Act 1988***

**4—Amendment of section 42—Regulations**

- (1) Section 42(2)(j)—delete "the institution, hearing and determination of proceedings" and substitute:

the vesting of jurisdiction in the South Australian Civil and Administrative Tribunal under the *South Australian Civil and Administrative Tribunal Act 2013*

- (2) Section 42(2)(k)—delete paragraph (k)

**5—Transitional Provisions**

- (1) Any review of a decision of the Chief Executive under a scheme established by the regulations under section 42(2)(j) and (k) of the principal Act (as in existence immediately before the relevant day) initiated under those regulations before the relevant day will continue (including so as to provide for the constitution of an adoption board) and be completed as if this Act had not been enacted.

- (2) In this section—

*principal Act* means the *Adoption Act 1988*;

*relevant day* means the day on which this Part comes into operation.

**Part 3—Amendment of *Advance Care Directives Act 2013***

**6—Amendment of section 43—Interpretation**

Section 43, definition of *eligible person*, (d)—delete "that he or she" and substitute:  
or the Tribunal that the person

### **7—Amendment of section 51—Orders of Tribunal in relation to substitute decision-makers**

- (1) Section 51(1)—after "If," insert:  
of its own motion or
- (2) Section 51(1), after paragraph (c)—insert:  
or
  - (ca) is in such default in the exercise of the person's powers under the advance care directive that, in the opinion of the Tribunal, the person is not fit to continue as a substitute decision-maker,

### **8—Amendment of section 54—Tribunal must give notice of proceedings**

Section 54(2)(b)—delete paragraph (b) and substitute:

- (b) the Tribunal may, if satisfied that urgent action is required in proceedings before the Tribunal, make an order (or any other decision) as a matter of urgency without complying with subsection (1), with effect for a period not exceeding 21 days as directed by the Tribunal.

## **Part 4—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002***

### **9—Amendment of section 3—Interpretation**

Section 3(1)—after the definition of *treat* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **10—Amendment of section 21—Compensation if insufficient grounds for order**

Section 21(5)—delete subsection (5) and substitute:

- (5) An applicant for the payment of compensation under this section who is dissatisfied with a determination by the Minister as to the refusal to pay compensation, or as to the amount of compensation, may seek a review of the determination by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (6) An application for review may be made to the Tribunal—
  - (a) in a case to which subsection (4) applies—within 28 days after the 28 day period referred to in that subsection; or
  - (b) in any other case—within 28 days after the day on which notification of the determination was received.

### 11—Amendment of section 30—Compliance orders

- (1) Section 30(2)(e)—delete "appeal to the Administrative and Disciplinary Division of the District Court against the order" and substitute:

apply to the Tribunal for a review of the order
- (2) Section 30(4)(a)—delete "appeal to the Administrative and Disciplinary Division of the District Court against" and substitute:

apply to the Tribunal for a review of

### 12—Amendment of section 31—Review

- (1) Section 31(1)—delete "appeal to the Administrative and Disciplinary Division of the District Court against the order or a variation of the order" and substitute:

seek a review of the order or variation of the order by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*
- (2) Section 31(2)—delete subsection (2) and substitute:
  - (2) An application for review may be made to the Tribunal within 28 days of the making of the order or variation.

### 13—Amendment of section 43—Regulations

Section 43(3)(c)—delete "appeals against" and substitute:

reviews of

### 14—Transitional provisions

- (1) A right of appeal under section 21 or 31 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (3) In this section—

**principal Act** means the *Agricultural and Veterinary Products (Control of Use) Act 2002*;

**relevant day** means the day on which this Part comes into operation;

**Tribunal** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 5—Amendment of *Animal Welfare Act 1985***

### **15—Amendment of section 3—Interpretation**

Section 3—after the definition of *the Society* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **16—Substitution of heading to Part 4 Division 3**

Heading to Part 4 Division 3—delete the heading and substitute:

#### **Division 3—Reviews**

### **17—Substitution of section 26**

Section 26—delete the section and substitute:

#### **26—Reviews of decisions of animal ethics committees**

- (1) A right of review lies from a decision of an animal ethics committee under this Part to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) An application for review may be made to the Tribunal within 1 month after the making of the relevant decision (or such longer period as the Tribunal may allow).
- (3) Before the Tribunal makes a decision on the review, the Committee must investigate the decision under review and furnish the Tribunal with a report on its investigations for consideration by the Tribunal.

### **18—Amendment of section 27—Reviews of decisions of Minister**

- (1) Section 27(1) to (3) (inclusive)—delete subsections (1) to (3) (inclusive) and substitute:

- (1) A right of review lies from a decision of the Minister under this Part to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) Subject to subsection (5), an application for review may be made to the Tribunal within 1 month after the making of the relevant decision (or such longer period as the Tribunal may allow).

- (2) Section 27(5)—delete subsection (5) and substitute:

- (5) If the reasons of the Minister were not given in writing at the time of making a decision or order and the applicant for review then requests the Minister to state the reasons in writing, the time for making the application for review to the Tribunal runs from the time when the applicant receives the written statement of those reasons.

## 19—Transitional provisions

- (1) A right of appeal under section 26 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that proceedings may be commenced before the Tribunal rather than the Minister.
- (2) Nothing in this section affects any proceedings before the Minister commenced under section 26 of the principal Act before the relevant day.
- (3) A right of appeal under section 27 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that proceedings may be commenced before the Tribunal rather than the Supreme Court.
- (4) Nothing in this section affects any proceedings before the Supreme Court commenced under section 27 of the principal Act before the relevant day.
- (5) In this section—

*principal Act* means the *Animal Welfare Act 1985*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 6—Amendment of *Aquaculture Act 2001*

### 20—Amendment of section 3—Interpretation

Section 3—after the definition of *suitable person* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### 21—Substitution of Part 9

Part 9—delete the Part and substitute:

## Part 9—Reviews

### 60—Reviews

- (1) If—
  - (a) an applicant for an aquaculture lease is dissatisfied with—
    - (i) a decision of the Minister not to grant a corresponding licence; or
    - (ii) a decision of the Minister fixing the conditions of a corresponding licence; or
  - (b) an applicant for a corresponding licence is dissatisfied with a decision of the Minister not to grant the licence; or
  - (c) an applicant for an aquaculture licence (other than a corresponding licence) is dissatisfied with—

- (i) a decision of the Minister not to grant the licence;  
or
  - (ii) a decision of the Minister fixing the conditions of  
the licence; or
- (d) the holder of an aquaculture licence is dissatisfied with—
- (i) a decision of the Minister varying the conditions of  
the licence; or
  - (ii) a decision of the Minister refusing to consent to the  
transfer or surrender of the licence; or
  - (iii) a decision of the Minister to suspend or cancel the  
licence,

the applicant for the licence or lease, or the holder of the licence, (as the case may be), may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.

- (2) However, there is no right of review in relation to an application for a production licence or a corresponding licence if the application is made in response to a public call for applications and the application was not an application determined by the Minister under this Act to be a preferred application (see section 35(8)).
- (3) Subject to this section, an application for a review must be made within 1 month after the applicant receives notice of the relevant decision (or within such longer period as the Tribunal may allow).
- (4) The Minister must, on application by a person affected by a decision that may be the subject of a review by the Tribunal, state in writing the reasons for the Minister's decision.
- (5) If the reasons of the Minister are not given in writing at the time of making a decision and the person affected by the decision, within 1 month of the making of the decision, requires the Minister to state the Minister's reasons in writing, the time for applying for a review runs from the time when the person receives the written statement of those reasons.
- (6) For the purposes of this Part, a response made by the EPA to the Minister within the time allowed under Part 8 that the EPA does not approve the granting of a licence will be taken to be a decision of the Minister that the licence will not be granted and the EPA's reasons for its decision will be taken to be the Minister's reasons.
- (7) The EPA will be a party to a review of a decision of the Minister relating to any matter referred to the EPA under Part 8.

## 22—Transitional provisions

- (1) A right to appeal to the Administrative and Disciplinary Division of the District Court under section 60 of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal Act before the relevant day.
- (3) In this section—

*principal Act* means the *Aquaculture Act 2001*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 7—Amendment of *Associations Incorporation Act 1985*

### 23—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *transparency* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 24—Amendment of section 17—Secrecy

Section 17(2)—after paragraph (b) insert:

- (ba) in the course of proceedings before the Tribunal, produces a document to the Tribunal or divulges to the Tribunal any matter or thing coming under his or her notice in the performance of his or her official duties or in the performance of a function or exercise of a power referred to in subsection (1); or

### 25—Amendment of section 50—Reviews

- (1) Section 50(1) and (2)—delete subsections (1) and (2) and substitute:
  - (1) Subject to this section, a person aggrieved by an act or decision of the Commission under this Act may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision.
  - (2) An application for review under subsection (1) must be made within 21 days after the relevant act or decision of the Commission.
- (2) Section 50(4)—delete "appeal" and substitute:

review
- (3) Section 50(4)—delete "Court" and substitute:

Tribunal



- (4) Section 50(5)—delete subsection (5) and substitute:
- (5) Section 71 of the *South Australian Civil and Administrative Tribunal Act 2013* does not apply to or in relation to a decision of the Tribunal under this section.
- (6) This section does not apply to or in relation to a decision of the Commission under section 41.

## 26—Transitional provisions

- (1) A right of appeal under section 50 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (3) In this section—
- principal Act* means the *Associations Incorporation Act 1985*;
- relevant day* means the day on which this Part comes into operation;
- Tribunal* means the South Australian Civil and Administrative Tribunal.

## Part 8—Amendment of *Births, Deaths and Marriages Registration Act 1996*

### 27—Amendment of section 4—Definitions

Section 4—after the definition of *surrogacy order* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 28—Amendment of section 10—Execution of documents

- (1) Section 10(2)—delete "or an administrative authority" and substitute:
- , tribunal or an administrative authority
- (2) Section 10(2)—after "court," second occurring insert:
- tribunal,

### 29—Amendment of section 22—Dispute about child's name

Section 22—delete "Court" wherever occurring and substitute in each case:

Tribunal

### 30—Amendment of section 25—Application to register change of child's name

- (1) Section 25(1b)—delete "Court" and substitute:
- Tribunal

- (2) Section 25(2)(c)—delete "Court" and substitute:

Tribunal

- (3) Section 25(3)—delete "Court" and substitute:

Tribunal

### **31—Amendment of section 27—Registration of change of name**

Section 27(2)—after "court" insert:

or tribunal

### **32—Amendment of section 33—Deaths to be registered under this Act**

Section 33(2)—after "court" insert:

, tribunal

### **33—Amendment of heading to Part 6 Division 2**

Heading to Part 6 Division 2—after "Court" insert:

or Tribunal

### **34—Amendment of section 34—Application to Tribunal**

Section 34—delete "Court" and substitute:

Tribunal

### **35—Amendment of section 35—Power to direct registration of death etc**

Section 35—after "court" wherever occurring insert in each case:

, tribunal

### **36—Substitution of section 50**

Section 50—delete the section and substitute:

#### **50—Review**

A person who is dissatisfied with a decision of the Registrar made in the performance or purported performance of functions under this Act may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision.

### **37—Transitional provisions**

- (1) A right to make an application under section 22, 25 or 34, or seek a review under section 50, of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Magistrates Court.
- (2) Nothing in this section affects any proceedings before the Magistrates Court commenced before the relevant day.

- (3) In this section—

*principal Act* means the *Births, Deaths and Marriages Registration Act 1996*;

*relevant day* means the day on which this Part comes into operation;

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

## **Part 9—Amendment of *Conveyancers Act 1994***

### **38—Amendment of section 3—Interpretation**

- (1) Section 3(1), definition of *Court*—delete the definition
- (2) Section 3(1)—after the definition of *spouse* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### **39—Substitution of section 7A**

Section 7A—delete the section and substitute:

#### **7A—Reviews**

- (1) A person whose application for registration has been refused by the Commissioner may seek a review of the Commissioner's decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) Subject to subsection (4), an application for review may be made to the Tribunal within 1 month after the making of the Commissioner's decision.
- (3) The Commissioner must, if so required by the person, state in writing the reasons for the Commissioner's decision.
- (4) If the reasons are not given in writing at the time of the making of the Commissioner's decision and the person (within 1 month of the making of the decision) requires the Commissioner to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

### **40—Amendment of section 9AA—Commissioner may cancel, suspend or impose conditions on registration**

- (1) Section 9AA(4)—delete "appeal to the Court against the decision of the Commissioner to cancel or suspend the registration or to impose the conditions" and substitute:

seek a review by the Tribunal, under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*, of the decision of the Commissioner to cancel or suspend the registration or to impose the conditions

- (2) Section 9AA(5)—delete subsection (5) and substitute:
- (5) Subject to subsection (7), an application for review may be made to the Tribunal within 1 month after the making of the relevant decision.
- (3) Section 9AA(6)—delete "appellant" and substitute:
- person
- (4) Section 9AA(7) and (8)—delete subsections (7) and (8) and substitute:
- (7) If the reasons of the Commissioner are not given in writing at the time of the making of the decision and the person (within 1 month of the making of the decision) requires the Commissioner to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

#### **41—Amendment of section 16—Withdrawal of money from trust account**

Section 16—after "a court" wherever occurring insert in each case:  
or the Tribunal

#### **42—Amendment of section 21—Term of appointment of administrator or temporary manager**

- (1) Section 21(1)—delete "Court" and substitute:  
Tribunal
- (2) Section 21(2)—delete "Court" and substitute:  
Tribunal

#### **43—Amendment of section 22—Review of appointment of administrator or temporary manager**

Section 22(1)—delete "appeal to the Court against the appointment" and substitute:  
seek a review of the appointment by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

#### **44—Amendment of section 33—Limitation of claims**

Section 33(2)—delete "Court" and substitute:  
Tribunal

#### **45—Amendment of section 37—Review of Commissioner's determination**

- (1) Section 37(1)—delete subsection (1) and substitute:
- (1) The claimant or the conveyancer or former conveyancer by whom the fiduciary default was committed or to whom the fiduciary default relates may seek a review of the Commissioner's determination by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

(1a) An application for review may be made to the Tribunal within 3 months after the person receives notice of the determination.

- (2) Section 37(2)—delete "appeal is not instituted" and substitute:  
application for review is not made

#### **46—Amendment of section 46—Complaints**

Section 46—delete "Court" and substitute:  
Tribunal

#### **47—Amendment of section 47—Hearing by Tribunal**

- (1) Section 47(1)—delete "Court" and substitute:  
Tribunal
- (2) Section 47(2)—delete "Court" wherever occurring and substitute in each case:  
Tribunal

#### **48—Substitution of section 48**

Section 48—delete the section and substitute:

##### **48—Participation of assessors in disciplinary proceedings**

- (1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be a panel of assessors consisting of—
- (a) persons representative of conveyancers; and
  - (b) persons representative of members of the public who deal with conveyancers,

who have expertise that would be of value to the Tribunal in relation to proceedings before the Tribunal under this Part.

- (2) In any proceedings under this Part, the Tribunal may, if the President so determines, sit with 1 or more assessors from the panel.
- (3) In this section—

*President* means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

#### **49—Amendment of section 49—Disciplinary action**

- (1) Section 49(1)—delete "Court" and substitute:  
Tribunal
- (2) Section 49(2)—delete "Court" and substitute:  
Tribunal

#### **50—Amendment of section 50—Contravention of orders**

- (1) Section 50(1)—delete "Court" and substitute:  
Tribunal

- (2) Section 50(2)—delete "Court" and substitute:

Tribunal

### **51—Amendment of section 55—Commissioner and proceedings before Tribunal**

- (1) Section 55(1)—delete "Court" and substitute:

Tribunal

- (2) Section 55—after subsection (2) insert:

- (3) Subsection (1) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

### **52—Repeal of Schedule 1**

Schedule 1—delete the Schedule

### **53—Transitional provisions**

- (1) A right of appeal under the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) A right to lodge a complaint under section 46 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the complaint may be lodged with the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (3) A decision or order of the Administrative and Disciplinary Division of the District Court under Part 5 of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or order of the Tribunal.
- (4) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (5) A member of each panel of persons who may sit as assessors established under Schedule 1 of the principal Act (as in existence immediately before the relevant day) ceases to hold office on the commencement of this subsection and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.
- (6) In this section—

*principal Act* means the *Conveyancers Act 1994*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 10—Amendment of *Co-operatives National Law (South Australia) Act 2013***

### **54—Amendment of section 9—Designated authority, designated instrument and designated tribunal (*Co-operatives National Law* section 4)**

- (1) Section 9(3)(b)—delete paragraph (b) and substitute:
  - (b) the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013* is specified for the purposes of Chapter 7 Part 3 of that Law.
- (2) Section 9—after subsection (3) insert:
  - (4) In conjunction with the operation of subsection (3)(b)—
    - (a) a reference in Chapter 7 Part 3 of the *Co-operatives National Law (South Australia)* to making an appeal will be taken to be a reference to applying to the South Australian Civil and Administrative Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the relevant decision; and
    - (b) an application for review must be made within the time prescribed by the local regulations.

### **55—Transitional provisions**

- (1) A right of appeal under Chapter 7 Part 3 of the *Co-operatives National Law (South Australia)* in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) In this section—

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 11—Amendment of *Crown Land Management Act 2009***

### **56—Amendment of section 3—Interpretation**

- (1) Section 3(1), definition of *Court*, (b)—delete ", 41 and 67" and substitute:

and 41
- (2) Section 3(1), definition of *Court*, (c)—delete paragraph (c)

- (3) Section 3(1)—after the definition of *statutory encumbrance* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **57—Substitution of heading to Part 5 Division 2**

Heading to Part 5 Division 2—delete the heading and substitute:

#### **Division 2—Valuation reviews by Minister**

### **58—Insertion of heading to Part 5 Division 2A**

After section 66 insert:

#### **Division 2A—Valuation reviews and other reviews by Tribunal**

### **59—Amendment of section 67—Valuation reviews**

- (1) Section 67(1)—delete "appeal to the Court against the determination" and substitute:  
seek a review of the determination by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*
- (2) Section 67(2) and (3)—delete subsections (2) and (3) and substitute:
- (2) Without limiting the powers of the Tribunal, a variation made by the Tribunal on a review under subsection (1) may consist of an increase or decrease in the valuation to which the review relates.
  - (3) An order for costs cannot be made against an applicant for review unless the Tribunal is satisfied that the applicant's conduct in relation to the proceedings was frivolous, vexatious or calculated to cause delay.

### **60—Repeal of heading to Part 5 Division 3**

Heading to Part 5 Division 3—delete the heading

### **61—Substitution of section 68**

Section 68—delete the section and substitute:

#### **68—Other reviews**

- (1) A person who has applied for a review under section 65 (other than a review under section 65(1)(a)) and who is dissatisfied with the determination made, or taken to have been made, on the review may seek a review of the Minister's determination by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.



- (2) Subject to subsection (3), an application for review may be made to the Tribunal—
  - (a) if the Minister is taken to have confirmed the determination or other matter the subject of the review under section 65(6)—within 21 days after the date of such confirmation; or
  - (b) in any other case—within 21 days after notice of the determination on the Minister's review is given to the person.
- (3) If the reasons of the Minister are not given to the person in writing at the time of making the determination and the person (within the period specified in subsection (2) as the time within which an application for review to the Tribunal may be made) requires the Minister to state the reasons in writing—
  - (a) the Minister must state in writing the reasons for the determination; and
  - (b) the time for making the application for review to the Tribunal runs from the time at which the person receives the written statement of those reasons.
- (4) An order for costs cannot be made against an applicant for review unless the Tribunal is satisfied that the proceeding is one to which section 48 of the *South Australian Civil and Administrative Tribunal Act 2013* applies.

## **62—Transitional provisions**

- (1) A right of appeal under section 67 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Land and Valuation Court.
- (2) A right of appeal under section 68 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (3) Nothing in this section affects any proceedings before the Land and Valuation Court or the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (4) In this section—

*principal Act* means the *Crown Land Management Act 2009*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 12—Amendment of *Electricity Act 1996*

### 63—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *transmission or distribution network* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### 64—Amendment of section 35A—Price regulation by Commission

Section 35A(4)—delete "or an appeal"

### 65—Amendment of heading to Part 8

Heading to Part 8—delete "**and appeals**"

### 66—Substitution of section 76

Section 76—delete the section and substitute:

#### 76—Review by Tribunal

- (1) An application may be made to the Tribunal by—
  - (a) an applicant for review under section 75 who is dissatisfied with a decision as confirmed, amended or substituted by the Commission or the Technical Regulator on the review; or
  - (b) a person to whom an enforcement notice has been issued under Part 7 Division A3,for a review of the decision or notice under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) An application for review must be made—
  - (a) in the case of an application for review under subsection (1)(a)—within 10 working days after receipt of the written notice of the decision of the Commission or the Technical Regulator on the review under section 75 or, if the Commission or the Technical Regulator failed to make a decision on the review within the allowed period, within 10 working days after the end of that period; and
  - (b) in the case of an application for review under subsection (1)(b)—within 10 working days after the notice is issued to the relevant person.
- (3) For the purposes of proceedings before the Tribunal under this section, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* consisting of persons with knowledge of, or experience in, the electricity supply industry or the fields of commerce or economics.
- (4) In any proceedings under this section, the Tribunal will, if the President of the Tribunal so determines, sit with 1 or more assessors.

- (5) Section 37(1)(c)(i) of the *South Australian Civil and Administrative Tribunal Act 2013* does not apply to a review by the Tribunal under subsection (1)(a).

### **67—Amendment of section 77—Minister's power to intervene**

Section 77—delete "or appeal"

### **68—Repeal of Schedule 1A**

Schedule 1A—delete the Schedule

### **69—Transitional provisions**

- (1) A right of appeal to the District Court under section 76 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) A member of the expert panel holding office immediately before the relevant day will cease to hold office on the relevant day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time (and no right of action will arise against a Minister or the State on account of that termination).
- (4) In this section—

*expert panel* means the panel established under Schedule 1A of the principal Act as in force immediately before the relevant day;

*principal Act* means the *Electricity Act 1996*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 13—Amendment of *Emergency Services Funding Act 1998***

### **70—Amendment of section 3—Interpretation**

Section 3(1)—after the definition of *owner* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **71—Amendment of section 5A—Application for aggregation of non contiguous land**

Section 5A(5) and (6)—delete subsections (5) and (6) and substitute:

- (5) The applicant may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Commissioner to refuse an application under this section.

- (6) An application for review must be made within 28 days after the notice is served on the applicant under subsection (4).

## **72—Amendment of section 9—Objection to attribution of use to land**

Section 9(4)—delete subsection (4) and substitute:

- (4) An objector who is dissatisfied with the Minister's decision may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (4a) An application for review must be made within 21 days after notification of the Minister's decision to the objector.

## **73—Amendment of section 13—Alterations to assessment book**

Section 13(3)—delete subsection (3) and substitute:

- (3) The Commissioner must notify the applicant in writing of the Commissioner's decision, and if the application is refused, the notice must include the Commissioner's reasons for refusing the application.
- (4) An applicant who is dissatisfied with the decision of the Commissioner on the application may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Commissioner's decision.
- (5) An application for review must be made within 21 days after notification of the Commissioner's decision under subsection (3).

## **74—Amendment of section 21—Recovery of levy not affected by objection or review**

- (1) Section 21(1)(a)—delete ", review or appeal" and substitute:  
or review
- (2) Section 21(1)(b)—delete "appeal" and substitute:  
review
- (3) Section 21(2)—delete ", review or appeal" and substitute:  
or review
- (4) Section 21(2)(b)—delete ", review or appeal" and substitute:  
or review
- (5) Section 21(2)(c)—delete ", review or appeal" and substitute:  
or review
- (6) Section 21(2)(d)—delete ", review or appeal" and substitute:  
or review

## 75—Amendment of section 26—Objection to classification of vehicle

Section 26(4)—delete subsection (4) and substitute:

- (4) An objector who is dissatisfied with the Minister's decision may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (4a) An application for review must be made within 21 days after notification of the Minister's decision to the objector.

## 76—Transitional provisions

- (1) A right of appeal or review under section 5A, 9, 13 or 26 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Supreme Court, Land and Valuation Court or District Court (as the case may be).
- (2) Nothing in this section affects any proceedings before the Supreme Court, Land and Valuation Court or District Court commenced before the relevant day.
- (3) In this section—

*principal Act* means the *Emergency Services Funding Act 1998*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 14—Amendment of *Environment Protection Act 1993*

### 77—Amendment of section 103V—Accreditation of site contamination auditors

- (1) Section 103V(2)(i)—delete "appeals to the Administrative and Disciplinary Division of the District Court against" and substitute:

reviews by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* of
- (2) Section 103V—after subsection (3) insert:
  - (4) In this section—

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 15—Amendment of *Environment Protection (Sea Dumping) Act 1984***

### **78—Amendment of section 16—Suspension and revocation of permits**

Section 16(3)—delete "appeal" and substitute:

review

### **79—Substitution of section 27**

Section 27—delete the section and substitute:

#### **27—Review of decision to refuse permit**

- (1) A person may seek a review by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* of a decision of the Minister—
  - (a) to refuse to grant a permit under this Act; or
  - (b) to vary, suspend or revoke a permit under this Act.
- (2) An application for review may be made to the Tribunal within 30 days after the date of the decision (or such longer period as the Tribunal may allow).
- (3) In this section—

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### **80—Transitional provisions**

- (1) A right of appeal under section 27 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that proceedings may be commenced before the Tribunal rather than the Supreme Court.
- (2) Nothing in this section affects any proceedings before the Supreme Court commenced before the relevant day.
- (3) In this section—

***principal Act*** means the *Environment Protection (Sea Dumping) Act 1984*;

***relevant day*** means the day on which this Part comes into operation;

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 16—Amendment of *Essential Services Commission Act 2002*

### 81—Amendment of section 3—Interpretation

Section 3—after the definition of *relevant industry regulation Act* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 82—Amendment of heading to Part 6

Heading to Part 6—delete "and appeals"

### 83—Amendment of section 32—Review by Tribunal

(1) Section 32(1) and (2)—delete subsections (1) and (2) and substitute:

- (1) The applicant for a review by the Commission under section 31, or any other party to the review who made submissions on the review, who is dissatisfied with the price determination or decision as confirmed, varied or substituted by the Commission on the review may apply to the Tribunal for a review of the determination or decision under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) For the purposes of proceedings before the Tribunal under this section, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* consisting of persons with knowledge of, or experience in, a regulated industry or the fields of commerce or economics.
- (2a) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with 1 or more assessors.

(2) Section 32(3)—delete "appeal must be made" and substitute:

application for review by the Tribunal must be made to the Tribunal

(3) Section 32(3)(a)—after "decision" insert:

of the Commission

(4) Section 32(3)—delete "(which period cannot be extended)" and substitute:

(or within such longer period as the Tribunal may allow)

(5) Section 32(4)—delete subsection (4) and substitute:

- (4) If an application for review by the Tribunal is made under this section, any other party to the review by the Commission who made submissions on the review must be given notice of the application for review and may apply to be joined as a party to the review by the Tribunal.

(6) Section 32(5)—delete "Court" wherever occurring and substitute in each case:

Tribunal

- (7) Section 32(6) to (8)—delete subsections (6) to (8) (inclusive) and substitute:
- (6) Section 37(1)(b) and (c)(i) of the *South Australian Civil and Administrative Tribunal Act 2013* do not apply to a review by the Tribunal under this section.

## 84—Repeal of Schedule 1

Schedule 1—delete the Schedule

## 85—Transitional provisions

- (1) A right of appeal under section 32 of the principal Act in existence (but not yet exercised) before the relevant day will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) A member of the expert panel holding office immediately before the relevant day will cease to hold office on the relevant day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.
- (4) In this section—

*expert panel* means the panel established under Schedule 1 of the principal Act as in force immediately before the relevant day;

*principal Act* means the *Essential Services Commission Act 2002*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 17—Amendment of *Fisheries Management Act 2007*

### 86—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *total allowable commercial catch* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### 87—Amendment of section 111—Review of certain decisions of Minister

Section 111(1)—after "review" insert:

(an *internal review*)



## 88—Substitution of heading to Part 9 Division 2

Heading to Part 9 Division 2—delete the heading and substitute:

### Division 2—External review

## 89—Substitution of section 112

Section 112—delete the section and substitute:

### 112—External review

- (1) An applicant for an internal review under Division 1 who is not satisfied with the decision of the Minister on the review may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (2) An application for a review by the Tribunal must be made within 28 days after the applicant receives the written statement of the reasons for making the decision that is to be the subject of a review by the Tribunal.

## 90—Amendment of section 124—Confidentiality

Section 124(4)—after "a court" insert:

or the Tribunal

## 91—Transitional provisions

- (1) A right of appeal to the Administrative and Disciplinary Division of the District Court under section 112 of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal Act before the relevant day.
- (3) In this section—

*principal Act* means the *Fisheries Management Act 2007*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 18—Amendment of *Food Act 2001*

### 92—Amendment of section 4—Definitions

- (1) Section 4(1), definition of *appropriate review body*—delete the definition

- (2) Section 4(1)—after the definition of *sell* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

**93—Amendment of section 35—Review of order**

- Section 35(5)—delete "appropriate review body" and substitute:

Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**94—Amendment of section 51—Review of decision to refuse certificate of clearance**

- Section 51(1)—delete "appropriate review body" and substitute:

Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**95—Amendment of section 52—Review of order**

- Section 52(4)—delete "appropriate review body" and substitute:

Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**96—Amendment of section 65—Review of decisions relating to approval**

- Section 65(1)—delete "appropriate review body" and substitute:

Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**97—Amendment of section 71—Review of decisions relating to approval**

- Section 71(1)—delete "appropriate review body" and substitute:

Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**98—Amendment of section 77—Review of decisions relating to approvals**

- Section 77(1)—delete "appropriate review body" and substitute:

Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**99—Transitional provisions**

- (1) A right of review under section 35, 51, 52, 65, 71 or 77 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.

(3) In this section—

*principal Act* means the *Food Act 2001*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 19—Amendment of *Gas Act 1997***

### **100—Amendment of section 4—Interpretation**

Section 4(1)—after the definition of *transmission pipeline* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### **101—Amendment of section 33—Price regulation by determination of Commission**

Section 33(4)—delete "or an appeal"

### **102—Amendment of heading to Part 7**

Heading to Part 7—delete "and appeals"

### **103—Substitution of section 72**

Section 72—delete the section and substitute:

#### **72—Review by Tribunal**

- (1) An application may be made to the Tribunal by—
  - (a) an applicant for review under section 71 who is dissatisfied with a decision as confirmed, amended or substituted by the Commission or the Technical Regulator on the review; or
  - (b) a person to whom an enforcement notice has been issued under Part 6 Division A3,for a review of the decision or notice under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) An application for review must be made—
  - (a) in the case of an application for review under subsection (1)(a)—within 10 working days after receipt of the written notice of the decision of the Commission or the Technical Regulator on the review under section 71 or, if the Commission or the Technical Regulator failed to make a decision on the review within the allowed period, within 10 working days after the end of that period; and
  - (b) in the case of an application for review under subsection (1)(b)—within 10 working days after the notice is issued to the relevant person.

- (3) For the purposes of proceedings before the Tribunal under this section, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* consisting of persons with knowledge of, or experience in, the gas supply industry or the fields of commerce or economics.
- (4) In any proceedings under this section, the Tribunal will, if the President of the Tribunal so determines, sit with 1 or more assessors.
- (5) Section 37(1)(c)(i) of the *South Australian Civil and Administrative Tribunal Act 2013* does not apply to a review by the Tribunal under subsection (1)(a).

#### **104—Amendment of section 73—Minister's power to intervene**

Section 73—delete "or appeal"

#### **105—Repeal of Schedule 3**

Schedule 3—delete the Schedule

#### **106—Transitional provisions**

- (1) A right of appeal to the District Court under section 72 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) A member of the expert panel holding office immediately before the relevant day will cease to hold office on the relevant day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time (and no right of action will arise against a Minister or the State on account of that termination).
- (4) In this section—

*expert panel* means the panel established under Schedule 3 of the principal Act as in force immediately before the relevant day;

*principal Act* means the *Gas Act 1997*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 20—Amendment of *Guardianship and Administration Act 1993***

### **107—Amendment of section 29—Guardianship orders**

Section 29—after subsection (2) insert:

- (2a) The Tribunal may appoint a person (other than the Public Advocate) to be an alternative guardian who is, in accordance with section 31B, to take over full or limited guardianship, as the case may be, in the event of the death, absence or incapacity of a particular guardian (the *original guardian*).

### **108—Insertion of section 31B**

After section 31A insert:

#### **31B—Alternative guardian**

- (1) If an alternative guardian is appointed under section 29(2a) in relation to a protected person, the following applies on the death, absence or incapacity of the original guardian:
  - (a) the alternative guardian takes over full or limited guardianship, as the case may be, of the protected person without further proceedings;
  - (b) the alternative guardian has the same powers and duties with respect to the protected person as the original guardian had immediately before the original guardian's death, absence or incapacity.
- (2) A person who takes over guardianship under subsection (1) must, as soon as practicable after becoming aware of the circumstances of the death, absence or incapacity of the original guardian, notify the Tribunal in writing of that fact and include any relevant documentary evidence of the circumstances.

### **109—Amendment of section 33—Applications under this Division**

- (1) Section 33(1)(ca)—delete paragraph (ca)
- (2) Section 33(1)(e)—delete paragraph (e) and substitute:
  - (e) subject to subsection (1a)—
    - (i) a person responsible for the person; or
    - (ii) any other person who satisfies the Tribunal that they have a proper interest in the welfare of the person.

- (3) Section 33—after subsection (1) insert:
- (1a) Subsection (1)(e) applies subject to the following qualifications:
- (a) an application for an order under section 30 may not be made by a person referred to in subsection (1)(e) unless the person satisfies the Tribunal that the reason for the application is a change in the circumstances of—
- (i) the person to whom the guardianship order applies; or
- (ii) the appointed guardian (not being the Public Advocate);
- (b) an application for an order under section 32(5) may not be made by a person referred to in subsection (1)(e) unless the person satisfies the Tribunal that the reason for the application is a change in the circumstances of the person to whom the relevant order under section 32(1) applies.

#### **110—Amendment of section 37—Applications under this Division**

- (1) Section 37(1)(ca)—delete paragraph (ca)
- (2) Section 37(1)(e)—delete paragraph (e) and substitute:
- (e) subject to subsection (1a)—
- (i) a person responsible for the person; or
- (ii) any other person who satisfies the Tribunal that they have a proper interest in the welfare of the person.
- (3) Section 37—after subsection (1) insert:
- (1a) An application for an order under section 36 may not be made by a person referred to in subsection (1)(e) unless the person satisfies the Tribunal that the reason for the application is a change in the circumstances of—
- (a) the person to whom the administration order applies; or
- (b) the appointed administrator (not being the Public Trustee).

#### **111—Amendment of section 39—Powers and duties of administrator**

Section 39—after subsection (3) insert:

- (3a) The regulations may provide that powers or duties of an administrator specified by the regulations must be exercised in accordance with the regulations (and such regulations may provide that a specified power or duty may not be exercised without the approval of the Tribunal).

## **112—Amendment of section 44—Reporting requirements for private administrators**

- (1) Section 44(1)—delete subsection (1) and substitute:
- (1) An administrator of a protected person's estate (other than the Public Trustee) must, at such times as the Tribunal determines, provide—
- (a) the Public Trustee; and
- (b) at the request of the Tribunal—the Tribunal,  
with a statement of the accounts of the estate, showing—
- (c) the assets and liabilities of the estate; and
- (d) the income and expenditure of the estate over a specified period; and
- (e) such other particulars relating to the estate as the Public Trustee may require.
- (2) Section 44(7)—after "copy of" insert:
- the following documents (which, if not in the possession of the Tribunal, must be obtained from the Public Trustee by the Tribunal for the purposes of providing that access):
- (3) Section 44(7)—delete "; and" wherever occurring and substitute:
- ;

## **113—Amendment of section 64—Reviews and appeals**

- Section 64(i)—before "a decision" insert:
- an appeal against

## **Part 21—Amendment of *Harbors and Navigation Act 1993***

### **114—Amendment of section 4—Interpretation**

- Section 4(1)—after the definition of *speed* insert:

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **115—Amendment of section 28F—Power to deal with non-compliance**

- Section 28F(5) and (6)—delete subsections (5) and (6) and substitute:
- (5) A port operator may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Minister to take disciplinary action against the port operator under this section.

- (5a) For the purposes of proceedings before the Tribunal under this section, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* consisting of persons with expertise that would be of value to the Tribunal in relation to the proceedings.
- (5b) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with 1 or more assessors.
- (5c) Section 37(1)(c)(ii) of the *South Australian Civil and Administrative Tribunal Act 2013* does not apply in relation to a review of a decision of the Minister to take disciplinary action against a port operator under this section.

### **116—Amendment of section 80—Review of administrative decisions**

Section 80(3)—delete subsection (3) and substitute:

- (3) If the applicant is dissatisfied with the decision made on the review, the applicant may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision.

### **117—Transitional provisions**

- (1) A right to appeal to the Court of Marine Enquiry under section 28F of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) A right to a review by the Court of Marine Enquiry under section 80(3) of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (3) Nothing in this section affects any proceedings before the Court of Marine Enquiry commenced under the principal Act before the relevant day.
- (4) In this section—

*principal Act* means the *Harbors and Navigation Act 1993*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 22—Amendment of *Historic Shipwrecks Act 1981***

### **118—Amendment of section 3—Interpretation**

Section 3(1)—after the definition of *territorial waters of the State* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;



### **119—Amendment of section 11—Power of Minister to give directions in relation to custody of historic shipwrecks and relics**

Section 11(6)—delete subsection (6) and substitute:

- (6) If the Minister decides to give a person a notice under subsection (1), the person may, within 1 month after receiving the notice (or such longer period as the Tribunal may allow), seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

### **120—Transitional provisions**

- (1) A right to appeal to the Administrative and Disciplinary Division of the District Court under section 11 of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal Act before the relevant day.
- (3) In this section—

*principal Act* means the *Historic Shipwrecks Act 1981*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 23—Amendment of *Housing Improvement Act 2016***

### **121—Repeal of section 41**

Section 41—delete the section

## **Part 24—Amendment of *Land Acquisition Act 1969***

### **122—Substitution of section 12A**

Section 12A—delete the section and substitute:

#### **12A—Right of review**

- (1) A person who makes a request under section 12 in relation to a proposed acquisition which is refused by the Authority under that section may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Authority's decision.
- (2) An application for review under subsection (1) must be made within 7 days of service on the person of the notice of the Authority's decision to refuse.

- (3) The Tribunal must complete its proceedings on a review within 14 days of the application being made under subsection (1).
- (4) The merits or otherwise of the undertaking to which the proposed acquisition relates cannot be called into question in a review under this section.
- (5) Section 71 of the *South Australian Civil and Administrative Tribunal Act 2013* does not apply to or in relation to a decision of the Tribunal under this section.
- (6) In this section—

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 123—Transitional provisions

- (1) A right of review under section 12A of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than by making application to the Minister under that section.
- (2) Nothing in subsection (1) affects any proceedings arising from an application made under section 12A of the principal Act before the relevant day.
- (3) In this section—

*principal Act* means the *Land Acquisition Act 1969*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 25—Amendment of *Land Agents Act 1994*

### 124—Amendment of section 3—Interpretation

- (1) Section 3, definition of *Court*—delete the definition
- (2) Section 3—after the definition of *sell* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 125—Substitution of section 8D

Section 8D—delete the section and substitute:

#### 8D—Reviews

- (1) A person whose application for registration has been refused by the Commissioner may seek a review of the Commissioner's decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

- (2) Subject to subsection (4), an application for review may be made to the Tribunal within 1 month after the making of the Commissioner's decision.
- (3) The Commissioner must, if so required by the person, state in writing the reasons for the Commissioner's decision.
- (4) If the reasons of the Commissioner are not given in writing at the time of the making of the Commissioner's decision and the person (within 1 month of the making of the decision) requires the Commissioner to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

**126—Amendment of section 11BA—Commissioner may suspend or impose conditions on registration in urgent circumstances**

Section 11BA(4) to (8) (inclusive)—delete subsections (4) to (8) and substitute:

- (4) A person whose registration is suspended or made subject to conditions under this section may seek a review by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* of the decision of the Commissioner to suspend the registration (including the period of the suspension) or to impose the conditions.
- (5) Subject to subsection (7), an application for review must be made to the Tribunal within 1 month after the making of the relevant decision.
- (6) The Commissioner must, if so required by the person, state in writing the reasons for the Commissioner's decision.
- (7) If the reasons of the Commissioner are not given in writing at the time of making the decision and the person (within 1 month of the making of the decision) requires the Commissioner to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

**127—Amendment of section 11C—Commissioner may cancel, suspend or impose conditions on registration**

- (1) Section 11C(4)—delete "appeal to the Court against the decision of the Commissioner to cancel or suspend the registration or to impose the conditions" and substitute:

seek a review by the Tribunal, under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*, of the decision of the Commissioner to cancel or suspend the registration or to impose the conditions
- (2) Section 11C(5)—delete subsection (5) and substitute:
  - (5) Subject to subsection (7), an application for review may be made to the Tribunal within 1 month after the making of the relevant decision.

- (3) Section 11C(6)—delete "appellant" and substitute:

person

- (4) Section 11C(7) and (8)—delete subsections (7) and (8) and substitute:

- (7) If the reasons of the Commissioner are not given in writing at the time of the making of the decision and the person (within 1 month of the making of the decision) requires the Commissioner to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

### **128—Amendment of section 14—Withdrawal of money from trust account**

Section 14—after "a court" wherever occurring insert in each case:

or the Tribunal

### **129—Amendment of section 19—Term of appointment of administrator or temporary manager**

- (1) Section 19(1)—delete "Court" and substitute:

Tribunal

- (2) Section 19(2)—delete "Court" and substitute:

Tribunal

### **130—Amendment of section 20—Review of appointment of administrator or temporary manager**

Section 20(1)—delete "appeal to the Court against the appointment" and substitute:

seek a review of the appointment by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

### **131—Amendment of section 31—Limitation of claims**

Section 31(2)—delete "Court" and substitute:

Tribunal

### **132—Amendment of section 35—Review of Commissioner's determination**

- (1) Section 35(1)—delete subsection (1) and substitute:

- (1) The claimant or the agent or former agent by whom the fiduciary default was committed or to whom the fiduciary default relates may seek a review of the Commissioner's determination by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

- (1a) An application for review may be made to the Tribunal within 3 months after the person receives notice of the determination.

- (2) Section 35(2)—delete "appeal is not instituted" and substitute:

application for review is not made

### **133—Amendment of section 44—Complaints**

Section 44—delete "Court" and substitute:

Tribunal

### **134—Amendment of section 45—Hearing by Tribunal**

(1) Section 45(1)—delete "Court" and substitute:

Tribunal

(2) Section 45(2)—delete "Court" wherever occurring and substitute in each case:

Tribunal

### **135—Substitution of section 46**

Section 46—delete the section and substitute:

#### **46—Participation of assessors in disciplinary proceedings**

(1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be a panel of assessors consisting of—

- (a) persons representative of agents; and
- (b) persons representative of members of the public who deal with agents,

who have expertise that would be of value to the Tribunal in relation to proceedings before the Tribunal under this Part.

(2) In any proceedings under this Part, the Tribunal may, if the President so determines, sit with 1 or more assessors from the panel.

(3) In this section—

*President* means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

### **136—Amendment of section 47—Disciplinary action**

(1) Section 47(1)—delete "Court" and substitute:

Tribunal

(2) Section 47(1a)—delete "Court" wherever occurring and substitute in each case:

Tribunal

(3) Section 47(1b)—delete "Court" wherever occurring and substitute in each case:

Tribunal

(4) Section 47(2)—delete "Court" and substitute:

Tribunal

### **137—Amendment of section 48—Contravention of orders**

(1) Section 48(1)—delete "Court" and substitute:

Tribunal

- (2) Section 48(2)—delete "Court" and substitute:

Tribunal

### **138—Amendment of section 53—Commissioner and proceedings before Tribunal**

- (1) Section 53(1)—delete "Court" and substitute:

Tribunal

- (2) Section 53—after subsection (2) insert:

- (3) Subsection (1) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

### **139—Repeal of Schedule 1**

Schedule 1—delete the Schedule

### **140—Amendment of Schedule 2A—Special provisions relating to G.C. Growden Pty Ltd**

- (1) Schedule 2A, clause 3(3)—delete "Court" and substitute:

Tribunal

- (2) Schedule 2A, clause 4(5)—delete "appeal to the Court against the determination" and substitute:

seek a review of the determination by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

### **141—Transitional provisions**

- (1) A right of appeal under the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) A right to lodge a complaint under section 44 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the complaint may be lodged with the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (3) A decision or order of the Administrative and Disciplinary Division of the District Court under Part 4 of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or order of the Tribunal.
- (4) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (5) A member of each panel of persons who may sit as assessors established under Schedule 1 of the principal Act (as in existence immediately before the relevant day) ceases to hold office on the commencement of this subsection and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.

- (6) In this section—

*principal Act* means the *Land Agents Act 1994*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 26—Amendment of *Land Valuers Act 1994*

### 142—Amendment of section 3—Interpretation

- (1) Section 3, definition of *Court*—delete the definition  
(2) Section 3—after the definition of *land* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 143—Amendment of section 8—Complaints

Section 8—delete "Court" and substitute:

Tribunal

### 144—Amendment of section 9—Hearing by Tribunal

- (1) Section 9(1)—delete "Court" and substitute:  
Tribunal  
(2) Section 9(2)—delete "Court" wherever occurring and substitute in each case:  
Tribunal

### 145—Substitution of section 10

Section 10—delete the section and substitute:

#### 10—Participation of assessors in disciplinary proceedings

- (1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be a panel of assessors consisting of—
- (a) persons representative of land valuers; and
  - (b) persons representative of members of the public who deal with land valuers,

who have expertise that would be of value to the Tribunal in relation to proceedings before the Tribunal under this Act.

- (2) In any proceedings under this Act, the Tribunal may, if the President so determines, sit with 1 or more assessors from the panel.  
(3) In this section—

*President* means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

#### **146—Amendment of section 11—Disciplinary action**

- (1) Section 11(1)—delete "Court" and substitute:  
Tribunal
- (2) Section 11(2)—delete "Court" and substitute:  
Tribunal

#### **147—Amendment of section 12—Contravention of orders**

- (1) Section 12(1)—delete "Court" and substitute:  
Tribunal
- (2) Section 12(2)—delete "Court" and substitute:  
Tribunal

#### **148—Amendment of section 14—Commissioner and proceedings before Tribunal**

- (1) Section 14(1)—delete "Court" and substitute:  
Tribunal
- (2) Section 14—after subsection (2) insert:
  - (3) Subsection (1) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

#### **149—Repeal of Schedule 1**

Schedule 1—delete the Schedule

#### **150—Amendment of Schedule 2—Transitional provisions**

Schedule 2, subclause (1)—delete subclause (1) and substitute:

- (1) If, under Schedule 2 subclause (1) as in force immediately before the commencement of this subclause, an order had effect as if it were an order of the Administrative and Disciplinary Division of the District Court, the order will, on and from that commencement—
  - (a) have effect under this Act as if it were an order of the Tribunal; and
  - (b) be subject to the same terms and conditions as applied immediately before that commencement.

#### **151—Transitional provisions**

- (1) A right to lodge a complaint under section 8 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the complaint may be lodged with the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) A decision or order of the Administrative and Disciplinary Division of the District Court under the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or order of the Tribunal.



- (3) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (4) A member of each panel of persons who may sit as assessors established under Schedule 1 of the principal Act (as in existence immediately before the relevant day) ceases to hold office on the commencement of this subsection and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.

- (5) In this section—

*principal Act* means the *Land Valuers Act 1994*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 27—Amendment of *Livestock Act 1997***

### **152—Amendment of section 3—Interpretation—general**

Section 3(1)—after the definition of *sell* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **153—Substitution of section 51**

Section 51—delete the section and substitute:

#### **51—Review of Chief Inspector's determination of claim**

- (1) A person who has made a claim for compensation may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Chief Inspector's determination of the amount of compensation payable for particular livestock or property.
- (2) An application cannot be made under subsection (1) in relation to a determination that no compensation or a reduced amount of compensation is payable as a result of a conviction for an offence.
- (3) An application for review must be made within 21 days of receipt of the notice of the Chief Inspector's determination.
- (4) For the purposes of proceedings under this section, the following panels of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*:
  - (a) a panel consisting of persons who have experience or qualifications in valuing livestock or property that may be subject to the operation of this Act;

- (b) a panel consisting of persons who have experience or qualifications relevant to managing or dealing with the outbreak or suspected outbreak of exotic diseases in 1 or more sectors of the livestock industry.
- (5) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with assessors selected by the Minister.

#### **154—Amendment of section 72—Compliance notices**

Section 72(2)(e)—delete paragraph (e) and substitute:

- (e) must state that the person may, within 14 days, apply to the Tribunal for a review of the notice under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

#### **155—Substitution of heading to Part 9**

Heading to Part 9—delete the heading and substitute:

### **Part 9—Reviews**

#### **156—Amendment of section 73—Reviews**

- (1) Section 73(1)—delete "An appeal to the Administrative and Disciplinary Division of the District Court may be made" and substitute:

An application for review by the Tribunal may be made

- (2) Section 73(4)—delete subsection (4) and substitute:
  - (4) An application for review must be made—
    - (a) in the case of an application that relates to a decision of the Chief Inspector—
      - (i) within 1 month of the making of the decision; or
      - (ii) if a request for reasons in writing for the decision has been made under subsection (3)—within 1 month of the receipt of the reasons in writing; or
    - (b) in the case of an application that relates to a decision to issue a compliance notice—within 14 days of receipt of the notice.

#### **157—Amendment of section 88—Regulations**

- (1) Section 88(3)(c)—delete "(and provide for appeals against such determinations)"
- (2) Section 88—after subsection (3) insert:
  - (4) The regulations may confer jurisdiction on the Tribunal to review any determination made under the regulations.

## 158—Transitional provisions

- (1) A right of appeal under section 51 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than by making application to the Minister under that section.
- (2) Nothing in subsection (1) affects any proceedings arising from an application made under section 51 of the principal Act before the relevant day.
- (3) A right of appeal under section 73 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (4) Nothing in subsection (3) affects any proceedings before the District Court commenced before the relevant day.
- (5) In this section—

*principal Act* means the *Livestock Act 1997*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 28—Amendment of *Local Government Act 1999*

### 159—Amendment of section 4—Interpretation

Section 4(1), definition of *District Court*—delete the definition

### 160—Amendment of section 54—Casual vacancies

Section 54(4)(a)—delete "the District Court" and substitute:

SACAT

### 161—Amendment of section 83—Notice of ordinary or special meetings

Section 83(9)—delete "the District Court" and substitute:

SACAT

### 162—Amendment of section 87—Calling and timing of committee meetings

Section 87(14)—delete "the District Court" and substitute:

SACAT

**163—Amendment of section 156—Basis of differential rates**

Section 156(12)—delete subsection (12) and substitute:

- (12) The objector, if dissatisfied with the council's decision on the objection may, within 21 days after the objector receives notice of the council's decision (or within such longer period as SACAT may allow), apply to SACAT for a review of the decision under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

**164—Amendment of section 173—Alterations to assessment record**

Section 173(7)—delete "the District Court for an order for rectification of the assessment record" and substitute:

SACAT for a review of the decision under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**165—Amendment of section 186—Recovery of rates not affected by an objection or review**

- (1) Section 186(1)(b)—delete "appeal" and substitute:

review

- (2) Section 186(2)—delete ", review or appeal" wherever occurring and substitute in each case:

or review

**166—Amendment of section 256—Rights of review**

- (1) Section 256(1)—delete "appeal against" and substitute:

seek a review of

- (2) Section 256(3)—delete "appeal against the order to the District Court" and substitute:

seek a review of the order by SACAT under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

**167—Amendment of section 263B—Outcome of Ombudsman investigation**

Section 263B—delete "in the District Court" wherever occurring and substitute in each case:

with SACAT

**168—Amendment of section 264—Complaint lodged with SACAT**

- (1) Section 264(1)—delete "the District Court" and substitute:

SACAT

- (2) Section 264(4)—delete "rules of court" and substitute:

rules of SACAT under section 94 of the *South Australian Civil and Administrative Tribunal Act 2013*

### **169—Amendment of section 265—Hearing by SACAT**

- (1) Section 265—delete "the District Court" wherever occurring and substitute in each case:

SACAT

- (2) Section 265(2)—delete "usual powers" and substitute:

powers under the *South Australian Civil and Administrative Tribunal Act 2013*

- (3) Section 265(3)—delete "The District Court" and substitute:

SACAT

### **170—Substitution of section 266**

Section 266—delete the section and substitute:

#### **266—Constitution of SACAT**

- (1) For the purposes of proceedings before the Tribunal under this Part, the following panels of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*:
- (a) a panel consisting of persons representative of elected members in local government;
  - (b) a panel consisting of persons with experience in dealing with complaints against public officials.
- (2) In any proceedings under this Part, the Tribunal may, if the President of the Tribunal so determines, sit with 1 or more assessors.

### **171—Amendment of section 267—Outcome of proceedings**

Section 267—delete "the District Court" wherever occurring and substitute in each case:

SACAT

### **172—Repeal of Schedule 7**

Schedule 7—delete the Schedule

### **173—Transitional provisions**

- (1) A right to make any application under section 54, 83, 87 or 173 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) A right of appeal under section 156 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Land and Valuation Court.

- (3) A right of appeal under section 256 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (4) A right to lodge a complaint under Chapter 13 Part 1 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (5) Nothing in this section affects any proceedings before the District Court or Land and Valuation Court commenced before the relevant day.
- (6) A member of the panel established under Schedule 7 of the principal Act holding office immediately before the relevant day will cease to hold office on the relevant day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.
- (7) In this section—

*principal Act* means the *Local Government Act 1999*;

*relevant day* means the day on which this Part comes into operation;

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

## **Part 29—Amendment of *Mental Health Act 2009***

### **174—Amendment of section 11—Chief Psychiatrist to be notified of level 1 orders or their variation or revocation**

Section 11(2)—delete subsection (2)

### **175—Amendment of section 16—Level 2 community treatment orders**

Section 16—after subsection (4) insert:

- (4a) A level 1 community treatment order applying in relation to a person is taken to be revoked on the making of a level 2 community treatment order in relation to the person.

### **176—Amendment of section 22—Chief Psychiatrist to be notified of level 1 orders or their revocation**

Section 22(2)—delete subsection (2) and substitute:

- (2) If the order is made within 7 days after the expiry or revocation of a previous inpatient treatment order applying to the same person, the Chief Psychiatrist must ensure that the Tribunal is given a copy of the notice referred to in subsection (1) within 1 business day of the making of the order.

### **177—Amendment of section 26—Notices and reports relating to level 2 orders**

Section 26(2)—delete subsection (2) and substitute:

- (2) If the order extends an inpatient treatment order, the Chief Psychiatrist must ensure that the Tribunal is given a copy of the notice referred to in subsection (1) within 1 business day of the making of the order.

### **178—Amendment of section 29—Level 3 inpatient treatment orders**

Section 29—after subsection (4) insert:

- (4a) A level 1 or 2 inpatient treatment order applying in relation to a person is taken to be revoked on the making of a level 3 inpatient treatment order in relation to the person.

### **179—Amendment of section 81—Reviews of orders (other than Tribunal orders)**

Section 81—after subsection (2a) insert:

- (2b) If a review under this section relates to a level 1 community treatment order, the Chief Psychiatrist must, if requested by the Tribunal, cause a copy of any notice sent or given to the Chief Psychiatrist under section 11 to be given to the Tribunal within 1 business day of the Tribunal requesting the documents.
- (2c) If a review under this section relates to a level 1 inpatient treatment order, the Chief Psychiatrist must cause a copy of the notice sent or given to the Chief Psychiatrist under section 22 to be given to the Tribunal within 1 business day of the Tribunal requesting the documents.
- (2d) If a review under this section relates to a level 2 inpatient treatment order, the Chief Psychiatrist must cause a copy of the notice sent or given to the Chief Psychiatrist under section 26 to be given to the Tribunal within 1 business day of the Tribunal requesting the documents.

## **Part 30—Amendment of *Mines and Works Inspection Act 1920***

### **180—Amendment of section 4—Interpretation**

Section 4(1), definition of "*the appeal board*"—delete the definition

### **181—Substitution of sections 10A to 10C**

Sections 10A to 10C (inclusive)—delete the sections and substitute:

#### **11—Reviews—amenity issues**

- (1) A person who is required to comply with an order or direction under section 10(1)(e) may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the order or direction.

- (2) An application must be made within 1 month of the making of the order or decision.
- (3) For the purposes of proceedings before the Tribunal under this section, the following panels of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*:
  - (a) a panel consisting of persons who have experience in the conduct of mining operations;
  - (b) a panel consisting of persons who have experience in assessing the aesthetic effect of mining operations and practices on the environment in which they are carried out.
- (4) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with assessors selected by the President.

## 182—Transitional provisions

- (1) A right of appeal under section 10A of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose subject to the following provisions:
  - (a) if proceedings are yet to be commenced under section 10A(1) of the principal Act (as in existence immediately before the relevant day)—the relevant proceedings may be commenced before the Tribunal rather than by making application to the appeal board under that section;
  - (b) if proceedings are yet to be commenced under section 10A(4) of the principal Act (as in existence immediately before the relevant day)—the relevant proceedings may be commenced before the Tribunal as a review of a decision of the appeal board rather than by making application to the Minister under that section.
- (2) Nothing in subsection (1) affects any proceedings commenced before the relevant day.
- (3) A member of the Mines and Works Appeal Board holding office immediately before the day on which this subsection comes into operation will cease to hold office on that day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.
- (4) In this section—

***principal Act*** means the *Mines and Works Inspection Act 1920*;

***relevant day*** means the day on which this Part comes into operation;

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.



## Part 31—Amendment of *National Parks and Wildlife Act 1972*

### 183—Substitution of section 53A

Section 53A—delete the section and substitute:

#### 53A—Review by Tribunal

- (1) A person who has applied for a permit under section 53 may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of a decision of the Minister—
  - (a) to refuse to grant the permit; or
  - (b) to grant the permit subject to limitations, restrictions or conditions; or
  - (c) as to the term of the permit; or
  - (d) to revoke the permit.
- (2) Subject to subsection (4), an application must be made within 2 months after the applicant is notified by the Minister of the decision.
- (3) The Minister must, if required by the applicant for the review, state in writing the reasons for the decision.
- (4) If the reasons of the Minister are not given to the applicant for the review in writing at the time of making the decision and that person (within 2 months of the making of the decision) requires the Minister to state the reasons in writing, the time for making an application to the Tribunal runs from the time at which that person receives the written statement of those reasons.
- (5) For the purposes of proceedings before the Tribunal under this section, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* that consists of persons that have extensive experience in the following:
  - (a) the conservation of animals, plants or other natural resources;
  - (b) the conservation of ecosystems;
  - (c) the management of natural resources;
  - (d) primary production;
  - (e) relevant fields of the biological sciences.
- (6) In any proceedings under this section, the Tribunal may, if the President so determines, sit with 1 or more assessors selected by the President from the panel referred to in subsection (5).

- (7) In this section—

**President** means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*;

**Tribunal** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## 184—Transitional provisions

- (1) A right to apply for review by the Council under section 53A of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Council.
- (2) Nothing in this section affects any proceedings before the Council commenced before the relevant day or the consideration by the Minister of any recommendations made to the Minister by the Council following those proceedings.
- (3) In this section—

**Council** means the Parks and Wilderness Council established under the *National Parks and Wildlife Act 1972*;

**principal Act** means the *National Parks and Wildlife Act 1972*;

**relevant day** means the day on which this Part comes into operation;

**Tribunal** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 32—Amendment of *Partnership Act 1891*

### 185—Amendment of section 74—Certain convicted offenders not to carry on business as general partners

- (1) Section 74—delete "District Court" wherever occurring and substitute in each case:  
Tribunal
- (2) Section 74—after subsection (1) insert:
- (1a) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, an application for permission from the Tribunal will be taken to come within the Tribunal's original jurisdiction.
- (3) Section 74—after subsection (4) insert:
- (5) In this section—
- Tribunal** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 186—Transitional provisions

- (1) Nothing in this Part affects any proceedings before the District Court commenced under section 74 of the principal Act before the relevant day.

- (2) In respect of an application made to the Tribunal under section 74 of the principal Act after the relevant day, a notice given to the Commission before the relevant day under section 74(2) of the principal Act as in force immediately before the relevant day will be taken to be a notice under section 74(2) of the principal Act as in force immediately after the relevant day, provided that the application to the Tribunal is made not less than 28 days after the notice was given to the Commission.

- (3) In this section—

*principal Act* means the *Partnership Act 1891*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 33—Amendment of *Pastoral Land Management and Conservation Act 1989***

### **187—Amendment of section 3—Interpretation**

Section 3(1), definition of *the Tribunal*—delete the definition and substitute:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **188—Amendment of section 32—Resumption of land**

Section 32—after subsection (5) insert:

- (6) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, an application to vary any conditions of a lease under subsection (5)(b)(ii) will be taken to come within the Tribunal's original jurisdiction.

### **189—Substitution of Part 7**

Part 7—delete the Part and substitute:

## **Part 7—Reviews**

### **Division 1—Reviews by Tribunal**

#### **50—Jurisdiction of Tribunal**

- (1) A lessee who is dissatisfied with—
- (a) a decision to vary the conditions of a pastoral lease; or
  - (b) a decision not to extend the term of a pastoral lease; or
  - (c) a decision under section 41 (property plans); or
  - (d) a decision under section 45 (establishment of public access routes and stock routes); or
  - (e) a refusal of consent to a transfer, assignment, mortgage, subletting or other dealing with a pastoral lease; or

- (f) a decision to cancel a pastoral lease or impose a fine on a lessee for breach of lease conditions,

may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision.

- (2) An application for review must be made within 3 months after notification of the decision to the lessee.
- (3) For the purposes of proceedings before the Tribunal under this Part, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* consisting of persons with expertise that would, in the opinion of the Governor, be of value to the Tribunal in exercising its jurisdiction under this part.
- (4) In any proceedings under this Part, the Tribunal may, if the President of the Tribunal so determines, sit with 1 or more assessors selected by the President from the panel referred to in subsection (3).

### **51—Operation of certain decisions pending review**

- (1) Subject to this section, a decision in relation to which an application for review to the Tribunal may be made continues to operate despite the right to make such an application or the commencement of proceedings for review.
- (2) A decision to cancel a pastoral lease or impose a fine on a lessee for breach of lease conditions cannot be implemented or enforced until the period for commencing proceedings for a review of the decision has elapsed or, if an application has been made to the Tribunal, until the proceedings have been determined or withdrawn.
- (3) The operation of a decision in relation to which an application for review to the Tribunal has been made may, on the application of the lessee, be suspended by the Tribunal in whole or in part pending the determination of the matter.

### **52—Related provisions**

- (1) The Tribunal may not allow non-party intervention in proceedings before the Tribunal under this Division.
- (2) The Tribunal must require the parties to proceedings under this Division to attend a compulsory conference under section 50 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (3) Counsel for the parties to proceedings under this Division are not entitled to attend a compulsory conference under subsection (2).

## **Division 2—Review of valuation and review by Tribunal**

### **53—Valuations—right of review**

- (1) A lessee who is dissatisfied with a determination by the Valuer-General of the annual rent for the lessee's pastoral lease may, within 3 months of receiving a copy of the notice of determination—
  - (a) apply to the Valuer-General for a review of the determination; or
  - (b) apply to the Tribunal for a review of the determination.
- (2) The Valuer-General must, on the written request of a lessee who is dissatisfied with a determination of annual rent, endeavour to resolve the matter informally by conferring with the lessee, whether or not the lessee has lodged an application for review under subsection (1).
- (3) An application under subsection (1)(a) must be made, and will be dealt with, in accordance with the *Valuation of Land Act 1971*, as if it were an application for review of a valuation under that Act.
- (4) If the lessee or the Valuer-General is dissatisfied with the decision of a land valuer on a review under subsection (3), the lessee or the Valuer-General may, within 1 month of receiving notification of the decision, apply to the Tribunal for a review of the decision.
- (5) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, an application to the Tribunal under this Division will be taken to come within the Tribunal's review jurisdiction but, in the exercise of this jurisdiction, the Tribunal will consider the matter *de novo* (adopting such processes and procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings).

### **190—Amendment of section 68—Evidentiary provision**

Section 68(e)—delete paragraph (e)

### **191—Transitional provisions**

- (1) Nothing in this Part affects any proceedings before PLAT or the Land and Valuation Court commenced before the relevant day.
- (2) A right to appeal to PLAT under Part 7 Division 2 of the principal Act in existence before the relevant day (and not exercised before that day) will be exercised as if this Part has been in operation before that right arose, so that the relevant proceedings may be commenced instead before SACAT.
- (3) A right to appeal to the Land and Valuation Court under Part 7 Division 3 of the principal Act in existence before the relevant day (and not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced instead before SACAT.
- (4) The Governor may, when the Governor thinks it is appropriate to do so, by proclamation, dissolve PLAT.

- (5) When a proclamation is made under subsection (4) any member of PLAT, or member of a panel constituted for the purposes of PLAT, holding office at the time of the making of the proclamation will cease to hold office under the principal Act and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.

- (6) In this section—

*PLAT* means the *Pastoral Land Appeal Tribunal* established under the principal Act;

*principal Act* means the *Pastoral Land Management and Conservation Act 1989*;

*relevant day* means the day on which this Part comes into operation;

*SACAT* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 34—Amendment of *Petroleum and Geothermal Energy Act 2000***

### **192—Substitution of heading to Part 15**

Heading to Part 15—delete the heading and substitute:

### **Part 15—Reconsideration and reviews**

### **193—Substitution of Part 15 Division 3**

Part 15 Division 3—delete Division 3 and substitute:

### **Division 3—Reviews**

#### **128—Reviews**

- (1) An applicant who is dissatisfied with the Minister's decision on an application for reconsideration under this Part may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (2) An application for review must be made within 1 month after the applicant receives notice of the Minister's decision.
- (3) In this section—

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### **194—Transitional provisions**

- (1) A right of appeal under section 128 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.

(3) In this section—

*principal Act* means the *Petroleum and Geothermal Energy Act 2000*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 35—Amendment of *Petroleum Products Regulation Act 1995***

### **195—Amendment of section 4—Interpretation**

Section 4(1)—after the definition of *retail sale* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **196—Substitution of Part 9**

Part 9—delete the Part and substitute:

## **Part 9—Reviews**

### **47—Reviews**

(1) If—

- (a) a person who applies for the issue, renewal or variation of a licence is dissatisfied with a decision of the Minister on the application; or
- (b) a person who applies for the issue of a permit by the Minister is dissatisfied with a decision of the Minister on the application; or
- (c) a person who holds a licence is dissatisfied with a decision of the Minister to vary, suspend or cancel the licence; or
- (d) a person who holds a permit is dissatisfied with a decision of the Minister to cancel the permit,

the person may seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

- (2) The Minister must, on application by a person affected by a decision that may be the subject of a review, state in writing the reasons for the Minister's decision.
- (3) Subject to subsection (4), an application for a review must be made within 1 month after the person receives notice of the relevant decision (or such longer period as the Tribunal may allow).

- (4) If the reasons of the Minister are not given in writing at the time of making the decision that is to be the subject of a review and the person seeking the review, within 1 month of the making of the decision, requires the Minister's reasons in writing, the time for applying for a review runs from the time when the person receives the written statement of those reasons.
- (5) A decision to—
  - (a) vary, suspend or cancel a licence; or
  - (b) cancel a permit,is suspended pending the determination of a review of the decision.

### **197—Amendment of section 56—Confidentiality**

Section 56(5)—delete "A court does not have" and substitute:

Neither the Tribunal nor a court has

### **198—Transitional provisions**

- (1) A right to appeal to the Administrative and Disciplinary Division of the District Court under section 47 of the principal Act in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal Act before the relevant day.
- (3) In this section—

*principal Act* means the *Petroleum Products Regulation Act 1995*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.



## Part 36—Amendment of *Plant Health Act 2009*

### 199—Substitution of heading to Part 4 Division 5

Heading to Part 4 Division 5—delete the heading to Division 5 and substitute:

#### Division 5—Reviews

### 200—Substitution of section 36

Section 36—delete the section and substitute:

#### 36—Review by Tribunal

- (1) An applicant for a review by the Minister who is not satisfied with the decision of the Minister on the review may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (2) Subject to subsection (4), an application must be made within 28 days of the making of the Minister's decision.
- (3) The Minister must, if required by the applicant for the review, state in writing the reasons for the decision.
- (4) If the reasons of the Minister are not given to the applicant for the review in writing at the time of making the decision and that person (within 28 days of the making of the decision) requires the Minister to state the reasons in writing, the time for commencing proceedings before the Tribunal runs from the time at which that person receives the written statement of those reasons.
- (5) In this section—

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 201—Transitional provisions

- (1) A right of appeal under section 36 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) In this section—

*principal Act* means the *Plant Health Act 2009*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 37—Amendment of *Police Superannuation Act 1990***

### **202—Amendment of section 4—Interpretation**

Section 4(1)—after the definition of *surcharge notice* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **203—Amendment of section 4A—Putative spouses**

- (1) Section 4A(2)—delete "District Court for a declaration" and substitute:  
Tribunal for a determination
- (2) Section 4A(3)—delete "Court" wherever occurring and substitute in each case:  
Tribunal
- (3) Section 4A(3)—delete "declaration" wherever occurring and substitute in each case:  
determination
- (4) Section 4A(4)—delete "declaration" wherever occurring and substitute in each case:  
determination
- (5) Section 4A(5)—delete "Court has declared" and substitute:  
Tribunal has determined

### **204—Amendment of section 4B—Restriction on publication of proceedings**

- (1) Section 4B(4)(a)(i)—delete subparagraph (i) and substitute:
  - (i) by a court or the Tribunal or an employee of the Courts Administration Authority, provided that such publication or disclosure is made in connection with the administrative functions of the court or Tribunal; or
- (2) Section 4B(4)(b)(i)—delete "the Court" and substitute:  
a court or the Tribunal

### **205—Amendment of section 39—Review of Board's decisions**

- (1) Section 39(1)—delete subsection (1) and substitute:
  - (1) A person who is dissatisfied with a decision of the Board under this Act may seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* or the Board.
  - (2) An application for review may be made to the Tribunal or the Board (as the case may be) within 3 months after the person receives notice of the decision.
- (2) Section 39(4)—delete "an appeal to" and substitute:  
a review by

## 206—Amendment of section 49—Confidentiality

Section 49(1)(d)—after "a court" insert:

or the Tribunal

## 207—Transitional provisions

- (1) A declaration of the District Court under section 4A of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a determination of the Tribunal.
- (2) A reference in section 4B of the principal Act to an application under section 4A of the principal Act will, on and from the relevant day, be taken to include a reference to an application under section 4A made before the relevant day.
- (3) A right of appeal under section 39 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (4) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (5) In this section—

*principal Act* means the *Police Superannuation Act 1990*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 38—Amendment of *Primary Industry Funding Schemes Act 1998*

### 208—Amendment of section 16—Regulations

Section 16—after subsection (3) insert:

- (4) The regulations may confer jurisdiction on the South Australian Civil and Administrative Tribunal to review any determination under the regulations.

### 209—Transitional provisions

- (1) Any objection being considered by the Minister under a regulation under the principal Act immediately before the relevant day will be dealt with as if this Act had not been enacted.
- (2) In this section—

*principal Act* means the *Primary Industry Funding Schemes Act 1998*;

*relevant day* means the day on which this Part comes into operation.

## Part 39—Amendment of *Primary Produce (Food Safety Schemes) Act 2004*

### 210—Substitution of heading to Part 5

Heading to Part 5—delete the heading and substitute:

#### **Part 5—Reviews**

### 211—Substitution of section 34

Section 34—delete the section and substitute:

#### **34—Review by Tribunal**

- (1) An applicant for a review by the Minister who is not satisfied with the decision of the Minister on the review may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (2) Subject to subsection (4), an application must be made within 28 days of the making of the Minister's decision.
- (3) The Minister must, if required by the applicant for the review, state in writing the reasons for the decision.
- (4) If the reasons of the Minister are not given to the applicant for the review in writing at the time of making the decision and that person (within 28 days of the making of the decision) requires the Minister to state the reasons in writing, the time for commencing proceedings before the Tribunal runs from the time at which that person receives the written statement of those reasons.
- (5) In this section—

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### 212—Transitional provisions

- (1) A right of appeal under section 34 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) In this section—

*principal Act* means the *Primary Produce (Food Safety Schemes) Act 2004*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 40—Amendment of *Public Corporations Act 1993***

### **213—Amendment of section 24—Formation of subsidiary by regulation**

Section 24(2)(da)— after "court" insert:  
or tribunal

## **Part 41—Amendment of *Residential Tenancies Act 1995***

### **214—Repeal of section 37**

Section 37—delete the section

## **Part 42—Amendment of *Safe Drinking Water Act 2011***

### **215—Amendment of section 3—Interpretation**

- (1) Section 3(1), definition of *District Court*—delete the definition
- (2) Section 3(1)—after the definition of *spouse* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **216—Substitution of section 10**

Section 10—delete the section and substitute:

#### **10—Reviews**

- (1) A person may seek a review by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* of—
  - (a) a condition imposed by the Minister in relation to a registration under this Part; or
  - (b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or
  - (c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or
  - (d) a decision of the Minister to suspend a registration under this Part.
- (2) An application for review may be made to the Tribunal within 28 days of the date of the relevant decision (or such longer period as the Tribunal may allow).

### 217—Amendment of section 14—Related matters

Section 14(4) and (5)—delete subsections (4) and (5) and substitute:

- (4) A drinking water provider required to make an alteration under subsection (3) may seek a review of the requirement by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (5) An application for review may be made to the Tribunal within 28 days after the date of the imposition of the requirement (or such longer period as the Tribunal may allow).

### 218—Amendment of section 38—Notices

- (1) Section 38(2)(e)—delete "appeal to the District Court against the notice" and substitute:

seek a review of the notice by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

- (2) Section 38(4)—delete "appeal to the District Court against the notice" and substitute:

seek a review of the notice by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*

### 219—Amendment of section 42—Reviews

- (1) Section 42(1) and (2)—delete subsections (1) and (2) and substitute:

- (1) A person who has been issued with a notice under this Division may seek a review of the notice by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) An application for review may be made to the Tribunal within 14 days after the notice is served on the person (or such longer period as the Tribunal may allow).

- (2) Section 42—after subsection (3) insert:

- (4) Subsection (3) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

### 220—Transitional provisions

- (1) A right of appeal under section 10, 14 or 42 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (3) In this section—

*principal Act* means the *Safe Drinking Water Act 2011*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 43—Amendment of *South Australian Civil and Administrative Tribunal Act 2013***

### **221—Amendment of section 25—Decision if 2 or more members constitute Tribunal**

- (1) Section 25—delete "If" and substitute:

Subject to subsection (2), if

- (2) Section 25—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
- (2) If the constitution of the Tribunal, as described in subsection (1), includes 1 or more assessors, questions of law or procedure will be determined by the presiding member.

### **222—Amendment of section 34—Decisions within review jurisdiction**

Section 34(2a)—delete subsection (2a) and substitute:

- (2a) For the purposes of this Act—
- (a) unless paragraph (b) applies—the *decision-maker* for a reviewable decision is the person or body that made or is taken to have made the reviewable decision;
- (b) the rules may provide—
- (i) that the decision-maker for a reviewable decision will, instead of being the person or body under paragraph (a), be a person or body that is assigned by the rules as being a suitable entity to act as the decision-maker for the purposes of this Act (or specified provisions of this Act); or
- (ii) that a reference to the decision-maker for a reviewable decision in this Act (or specified provisions of this Act) will be taken to include a reference to a person or body that is designated by the rules as being a suitable entity to act jointly with the person or body under paragraph (a) for the purposes of this Act (or specified provisions of this Act),

and rules made under this paragraph will then have effect in accordance with their terms.

**223—Amendment of section 47—Dismissing proceedings on withdrawal or for want of prosecution**

Section 47(5)—after "the Tribunal" insert:

or a registrar who is authorised in writing by the President of the Tribunal to make such an order (whether generally or in relation to particular classes of matters or otherwise)

**224—Amendment of section 56—Representation**

Section 56(3)—delete subsection (3)

**225—Amendment of section 70—Internal reviews**

Section 70(1a)—delete "subsection (1)(b)" and substitute:

this section

**226—Amendment of section 73—Effect of review or appeal on decision**

Section 73(4)—delete "Presidential" and substitute:

legally qualified

**227—Amendment of section 75—Functions of registrars**

Section 75(1)(a)—after "assist" insert:

, or act on behalf of,

**228—Amendment of section 85—Tribunal may review its decision if person was absent**

Section 85(1), definition of *relevant hearing*—delete the definition and substitute:

*relevant hearing*, in relation to a decision of the Tribunal, means a hearing at which the decision was made or which preceded the making of the decision (including a compulsory conference) but does not include mediation.

**229—Insertion of section 93B**

After section 93A—insert:

**93B—False or misleading statements**

A person who knowingly makes a false or misleading statement for the purposes of, or in connection with, consideration by the registrar or the Tribunal (including the Tribunal as constituted of a registrar or other member of staff of the Tribunal) as to whether to waive, remit or make such other provision in relation to the payment of fees in respect of proceedings before the Tribunal, is guilty of an offence.

Maximum penalty: \$1 250 or imprisonment for 3 months.



### **230—Amendment of section 94—Rules**

Section 94(1)—after paragraph (c) insert:

- (ca) providing for the provision of written statements of reasons for decisions of the Tribunal at first instance for the purposes of an internal review of the decision by the Tribunal under section 70; and

## **Part 44—Amendment of *Southern State Superannuation Act 2009***

### **231—Amendment of section 3—Interpretation**

Section 3(1)—after the definition of *Superannuation Funds Management Corporation of South Australia* or *Corporation* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **232—Amendment of section 7—Putative spouses**

- (1) Section 7(2)—delete "District Court for a declaration" and substitute:  
Tribunal for a determination
- (2) Section 7(3)—delete "Court" wherever occurring and substitute in each case:  
Tribunal
- (3) Section 7(3)—delete "declaration" wherever occurring and substitute in each case:  
determination
- (4) Section 7(4)—delete "declaration" wherever occurring and substitute in each case:  
determination
- (5) Section 7(5)—delete "Court has declared" and substitute:  
Tribunal has determined

### **233—Amendment of section 8—Restriction on publication of proceedings**

- (1) Section 8(4)(a)(i)—delete subparagraph (i) and substitute:
  - (i) by a court or the Tribunal or an employee of the Courts Administration Authority, provided that such publication or disclosure is made in connection with the administrative functions of the court or Tribunal; or
- (2) Section 8(4)(b)(i)—delete "the Court" and substitute:  
a court or the Tribunal

### **234—Amendment of section 25—Review of Board's decisions**

- (1) Section 25(1)—delete subsection (1) and substitute:
- (1) A person who is dissatisfied with a decision of the Board under this Act may seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* or the Board.
  - (1a) An application for review may be made to the Tribunal or the Board (as the case may be) within 3 months after the person receives notice of the decision.
- (2) Section 25(2)—delete "an appeal to" and substitute:  
a review by

### **235—Amendment of section 28—Confidentiality**

Section 28(1)(e)—after "a court" insert:  
or the Tribunal

### **236—Transitional provisions**

- (1) A declaration of the District Court under section 7 of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a determination of the Tribunal.
- (2) A reference in section 8 of the principal Act to an application under section 7 of the principal Act will, on and from the relevant day, be taken to include a reference to an application under section 7 made before the relevant day.
- (3) A right of appeal under section 25 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (4) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (5) In this section—

*principal Act* means the *Southern State Superannuation Act 2009*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 45—Amendment of *Superannuation Act 1988***

### **237—Amendment of section 4—Interpretation**

Section 4(1)—after the definition of *TEC contract* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **238—Amendment of section 4A—Putative spouses**

- (1) Section 4A(2)—delete "District Court for a declaration" and substitute:  
Tribunal for a determination
- (2) Section 4A(3)—delete "Court" wherever occurring and substitute in each case:  
Tribunal
- (3) Section 4A(3)—delete "declaration" wherever occurring and substitute in each case:  
determination
- (4) Section 4A(4)—delete "declaration" wherever occurring and substitute in each case:  
determination
- (5) Section 4A(5)—delete "Court has declared" and substitute:  
Tribunal has determined

### **239—Amendment of section 4B—Restriction on publication of proceedings**

- (1) Section 4B(4)(a)(i)—delete subparagraph (i) and substitute:
  - (i) by a court or the Tribunal or an employee of the Courts Administration Authority, provided that such publication or disclosure is made in connection with the administrative functions of the court or Tribunal; or
- (2) Section 4B(4)(b)(i)—delete "the Court" and substitute:  
a court or the Tribunal

### **240—Amendment of section 44—Review of Board's decisions**

- (1) Section 44(1)—delete subsection (1) and substitute:
  - (1) A person who is dissatisfied with a decision of the Board under this Act may seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* or the Board.
  - (2) An application for review may be made to the Tribunal or the Board (as the case may be) within 3 months after the person receives notice of the decision.
- (2) Section 44(4)—delete "an appeal to" and substitute:  
a review by

### **241—Amendment of section 55—Confidentiality**

Section 55(1)(e)—after "a court" insert:  
or the Tribunal

### **242—Transitional provisions**

- (1) A declaration of the District Court under section 4A of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a determination of the Tribunal.

- (2) A reference in section 4B of the principal Act to an application under section 4A of the principal Act will, on and from the relevant day, be taken to include a reference to an application under section 4A made before the relevant day.
- (3) A right of appeal under section 44 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (4) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.
- (5) In this section—

*principal Act* means the *Superannuation Act 1988*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 46—Amendment of *Supported Residential Facilities Act 1992***

### **243—Amendment of section 3—Interpretation**

- (1) Section 3, definition of *District Court*—delete the definition
- (2) Section 3—after the definition of *supported residential facility* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

### **244—Substitution of heading to Part 3 Division 3**

Heading to Part 3 Division 3—delete the heading and substitute:

#### **Division 3—Tribunal**

### **245—Insertion of section 19**

Before section 20 insert:

#### **19—Tribunal to sit with assessors**

- (1) For the purposes of proceedings before the Tribunal under this Act, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* that consists of persons that have extensive experience in the following:
  - (a) the provision or supervision of personal care services;
  - (b) acting as advocates for people who are elderly, disabled or intellectually impaired;

- (c) developing or implementing policies that relate to the control or development of supported residential facilities within the State;
  - (d) monitoring or inspecting supported residential facilities.
- (2) In any proceedings under this Act, the Tribunal may, if the President so determines, sit with 1 or more assessors selected by the President from the panel referred to in subsection (1).
- (3) In this section—

*President* means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

#### **246—Substitution of section 20**

Section 20—delete the section and substitute:

##### **20—Reasons for decision**

At the conclusion of proceedings under this Act, the Tribunal must, if requested to do so, furnish a party with a written statement of the reasons for its decision (although the statement may take the form of a transcript of reasons delivered orally).

#### **247—Amendment of section 24—Application for licence**

Section 24(10)(c)—delete "appeal rights" and substitute:  
rights of review

#### **248—Amendment of section 27—Application for renewal of licence**

Section 27(4)(b)—delete "appeal rights" and substitute:  
rights of review

#### **249—Amendment of section 31—Cancellation of licences**

- (1) Section 31(6)(i)—delete "District Court" and substitute:  
Tribunal
- (2) Section 31(6)(i)—delete "Court" and substitute:  
Tribunal
- (3) Section 31(6)—after paragraph (i) insert:  
and
- (j) for the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*, an application to the Tribunal under paragraph (i) will be taken to come within the Tribunal's original jurisdiction.

#### **250—Amendment of heading to Part 4 Division 2**

Heading to Part 4 Division 2—delete "appeals" and substitute:  
reviews

## 251—Substitution of section 32

Section 32—delete the section and substitute:

### 32—Review of decision or order

- (1) A person may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of any decision or order of a licensing authority under this Part.
- (2) An application for review under subsection (1) must be made within 28 days after receipt by the person of notice in writing of the relevant decision or order.
- (3) If the application for review is in respect of an application for renewal of a licence, the licensing authority or the Tribunal may order that the licence remain in force until the determination of the review.
- (4) An order by the licensing authority or the Tribunal under subsection (3)—
  - (a) is subject to such conditions as are specified in the order; and
  - (b) may be varied or revoked—
    - (i) in any case—by further order of the Tribunal; or
    - (ii) if the order was made by the licensing authority—by further order of the licensing authority or the Tribunal.
- (5) If a person contravenes, or fails to comply with, a condition imposed under subsection (4), the person is guilty of an offence.  
Penalty: Division 6 fine.

## 252—Substitution of section 44

Section 44—delete the section and substitute:

### 44—Right of review

- (1) A resident or proprietor who is dissatisfied with a decision or order of a licensing authority under section 43 may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision or order.
- (2) An application for review under subsection (1) must be made within 28 days after receipt by the person of notice in writing of the relevant decision or order.
- (3) Unless otherwise determined by the Tribunal, where proceedings are commenced for review of a decision or order of a licensing authority, the operation of the decision or order is suspended until the determination of the review.

## 253—Amendment of section 54—Default notices

Section 54(4) to (7)—delete subsections (4) to (7) (inclusive) and substitute:

- (4) A person to whom a notice is issued under subsection (1) may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the notice.
- (5) An application for review under subsection (4) must be made within 14 days after the person receives the notice.
- (6) Unless otherwise determined by the Tribunal, the operation of the notice is suspended until the determination of the review.

## 254—Transitional provisions

- (1) A right of appeal under section 32, 44 or 54 of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) A right to apply to the District Court under section 31(6)(i) of the principal Act for resolution of a dispute with respect to a matter in existence before the relevant day, with the effect that the relevant proceedings would have been commenced before the District Court, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (3) An order or direction of the District Court under section 31(6)(i) of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or order of the Tribunal.
- (4) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (5) In this section—

*District Court* means the Administrative and Disciplinary Division of the District Court;

*principal Act* means the *Supported Residential Facilities Act 1992*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## Part 47—Amendment of *Survey Act 1992*

### 255—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of "*Court*"—delete the definition
- (2) Section 4(1)—after the definition of "*Surveyor-General*" insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

**256—Amendment of section 37—Consequence of investigation by Institution of Surveyors**

- (1) Section 37(1)—delete "Court" and substitute:

Tribunal

- (2) Section 37(3)—delete "Court" and substitute:

Tribunal

**257—Amendment of section 38—Disciplinary powers of Tribunal**

- (1) Section 38(1)—delete "Court" and substitute:

Tribunal

- (2) Section 38(2)—delete "Court" and substitute:

Tribunal

- (3) Section 38(3)—delete "Court" wherever occurring and substitute in each case:

Tribunal

- (4) Section 38(6)—delete "Court" and substitute:

Tribunal

- (5) Section 38(6)—delete "respondent" wherever occurring and substitute in each case:

person

- (6) Section 38(6)—delete "respondent's" wherever occurring and substitute in each case:

person's

- (7) Section 38(8)—delete "Court" wherever occurring and substitute in each case:

Tribunal

- (8) Section 38(8)—delete "respondent" and substitute:

person

- (9) Section 38(9)—delete "Court" and substitute:

Tribunal

**258—Substitution of section 38A**

Section 38A—delete the section and substitute:

**38A—Participation of assessors in disciplinary proceedings**

- (1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be a panel of assessors consisting of—
- (a) persons representative of surveyors; and
  - (b) persons representative of members of the public who deal with surveyors.



(2) In any proceedings under this Division, the Tribunal may, if the President so determines, sit with 1 or more assessors selected from the panel by the President.

(3) In this section—

*President* means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **259—Amendment of section 39—Return of licence or certificate of registration**

Section 39—delete "Court" and substitute:

Tribunal

## **260—Amendment of section 40—Restrictions on disqualified persons**

(1) Section 40(1)—delete "Court" and substitute:

Tribunal

(2) Section 40(2)—delete "Court" and substitute:

Tribunal

(3) Section 40(3)—delete "Court" wherever occurring and substitute in each case:

Tribunal

(4) Section 40(4)—delete "Court" and substitute:

Tribunal

## **261—Amendment of section 41—Consequences of action against surveyor in other jurisdictions**

(1) Section 41(1)—delete "Court" and substitute:

Tribunal

(2) Section 41(2)—delete "Court" and substitute:

Tribunal

## **262—Substitution of heading to Part 3 Division 5**

Heading to Part 3 Division 5—delete the heading and substitute:

### **Division 5—Reviews by Tribunal**

## **263—Amendment of section 42—Reviews by Tribunal**

(1) Section 42(1) and (2)—delete subsections (1) and (2) and substitute:

(1) An application for review by the Tribunal may be made under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* in the following cases:

(a) an applicant for a licence or registration under this Act may seek a review of a decision of the Institution of Surveyors to grant a conditional licence or to refuse to grant the licence or registration;

- (b) an applicant for renewal of a licence or registration under this Act may seek a review of a decision of the Institution of Surveyors to grant a conditional renewal or to refuse to grant the renewal (whether or not until fulfilment of specified conditions);
  - (c) a person who is reprimanded by the Institution of Surveyors under this Act may seek a review of the reprimand.
- (2) An application for review must be made within 1 month of the making of the decision.
- (2) Section 42(5)—delete subsection (5)
- (3) Section 42(7)—delete "instituting an appeal" and substitute:  
applying for a review by the Tribunal
- (4) Section 42(8)—delete subsection (8) and substitute:
  - (8) If the Institution of Surveyors or the Tribunal is satisfied that an applicant for renewal of a licence or registration under this Act has commenced or intends to commence proceedings for a review of a decision under this section, it may extend the period of the licence or registration until the determination of the matter and may impose such conditions on the licence or registration as it thinks fit.

#### **264—Amendment of section 59A—Parties to proceedings before Tribunal**

Section 59A(1)—delete "of the Court" and substitute:  
before the Tribunal

#### **265—Repeal of Schedule 1**

Schedule 1—delete the Schedule

#### **266—Transitional provisions**

- (1) A right to lodge a complaint with the District Court under Part 3 Division 4 of the principal Act with respect to a matter in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) A right of appeal to the District Court under Part 3 Division 5 of the principal Act with respect to a matter in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (3) A decision or approval of the District Court under Part 3 of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or approval of the Tribunal.
- (4) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.

- (5) A member of each panel of persons who may sit as assessors established under Schedule 1 of the principal Act (as in existence immediately before the relevant day) ceases to hold office on the commencement of this subsection and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.

- (6) In this section—

*principal Act* means the *Survey Act 1992*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 48—Amendment of *Tobacco Products Regulation Act 1997***

### **267—Amendment of section 4—Interpretation**

Section 4(1)—after the definition of *retail* insert:

*SACAT* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **268—Substitution of section 13**

Section 13—delete the section and substitute:

#### **13—Review**

- (1) A person who is dissatisfied with a decision taken by the Minister on a review may apply to SACAT under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision.
- (2) An application for review must be made within 1 month after the person receives notice of the Minister's decision.

### **269—Transitional provisions**

- (1) A right of appeal under section 13 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) In this section—

*principal Act* means the *Tobacco Products Regulation Act 1997*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

## **Part 49—Amendment of *Water Industry Act 2012***

### **270—Amendment of section 4—Interpretation**

- (1) Section 4(1), definition of *District Court*—delete the definition
- (2) Section 4(1)—after the definition of *Technical Regulator* insert:

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

### **271—Amendment of section 35—Price regulation**

Section 35(2)—delete "or appeal"

### **272—Amendment of section 80—Enforcement notices**

- (1) Section 80(2)(h)—delete "or institute an appeal against the notice"
- (2) Section 80(2)(h)—after "Act" insert:

and the *South Australian Civil and Administrative Tribunal Act 2013*
- (3) Section 80(4)—delete "appeal to the District Court against" and substitute:

apply to the Tribunal for a review of

### **273—Amendment of section 83—Injunctions**

Section 83(12)—delete subsection (12)

### **274—Amendment of heading to Part 9**

Heading to Part 9—delete "**and appeals**"

### **275—Amendment of section 85—Review by Tribunal**

- (1) Section 85(1)—delete subsection (1) and substitute:
  - (1) An application may be made to the Tribunal by—
    - (a) an applicant for review under section 84 who is dissatisfied with a decision as confirmed, amended or substituted by the Commission or the Technical Regulator on the review; or
    - (b) a person to whom an enforcement notice has been issued under Part 8 Division 4,for a review of the decision or notice under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.
- (2) Section 85(2)—delete "An appeal" and substitute:

An application for review
- (3) Section 85(2)(a)—delete "an appeal" and substitute:

a review

- (4) Section 85(2)(a)—delete "appealed against" and substitute:  
of the Commission or the Technical Regulator on the review under section 84
- (5) Section 85(2)(b)—delete "an appeal" and substitute:  
a review
- (6) Section 85(3) to (5)—delete subsections (3) to (5) (inclusive) and substitute:
  - (3) For the purposes of proceedings before the Tribunal under this section, a panel of assessors must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* consisting of persons with knowledge of, or experience in, the water industry or the fields of commerce or economics.
  - (4) In any proceedings under this section, the Tribunal may, if the President of the Tribunal so determines, sit with 1 or more assessors.
  - (5) Section 37(1)(c)(i) of the *South Australian Civil and Administrative Tribunal Act 2013* does not apply to a review by the Tribunal under subsection (1)(a).

#### **276—Amendment of section 86—Minister's power to intervene**

Section 86—delete "or appeal"

#### **277—Repeal of Schedule 1**

Schedule 1—delete the Schedule

#### **278—Transitional provisions**

- (1) A right of appeal under section 85 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the District Court.
- (2) Nothing in this section affects any proceedings before the District Court commenced before the relevant day.
- (3) A member of the expert panel holding office immediately before the relevant day will cease to hold office on the relevant day and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.
- (4) In this section—

*expert panel* means the panel established under Schedule 1 of the principal Act as in force immediately before the relevant day;

*principal Act* means the *Water Industry Act 2012*;

*relevant day* means the day on which this Part comes into operation;

*Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.