



New South Wales

Civil and Administrative Legislation (Repeal and Amendment) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Civil and Administrative Tribunal Amendment Bill 2013*.

Overview of Bill

The objects of this Bill are:

- (a) to repeal the *Consumer, Trader and Tenancy Tribunal Act 2001* and the *Consumer, Trader and Tenancy Tribunal Regulation 2009* consequent on the abolition of that Tribunal and the establishment of the Civil and Administrative Tribunal (NCAT), and
- (b) to transfer the functions of the Vocational Training Appeal Panel in relation to appeals against decisions of the Vocational Training Tribunal to NCAT and to rename the Vocational Training Tribunal as the Vocational Training Review Panel and enable it to review certain decisions of the Commissioner for Vocational Training before an appeal can be made to NCAT, and
- (c) to make amendments to certain Acts and other legislation consequent on the abolition of various existing tribunals by the *Civil and Administrative Tribunal Act 2013* and the establishment of NCAT.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 repeals the *Consumer, Trader and Tenancy Tribunal Act 2001* and the *Consumer, Trader and Tenancy Tribunal Regulation 2009*.

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

Schedule 1 amends certain legislation:

- (a) to transfer the functions of the Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal to NCAT, and
- (b) to remove or update provisions referring or relating to the Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal that will become outdated with its abolition.

Schedule 2 Amendment of legislation concerning Administrative Decisions Tribunal

Schedule 2 amends certain legislation:

- (a) to transfer the functions of the Administrative Decisions Tribunal to NCAT, and
- (b) to remove or update provisions referring or relating to the Administrative Decisions Tribunal that will become outdated with its abolition.

Schedule 3 Amendment of legislation concerning Charity Referees

Schedule 3 amends certain legislation:

- (a) to transfer the functions of the Charity Referees under the *Dormant Funds Act 1942* to NCAT, and
- (b) to remove or update provisions referring or relating to the Charity Referees that will become outdated with its abolition.

Schedule 4 Amendment of legislation concerning Consumer, Trader and Tenancy Tribunal

Schedule 4 amends certain legislation:

- (a) to transfer the functions of the Consumer, Trader and Tenancy Tribunal to NCAT, and
- (b) to remove or update provisions referring or relating to the Consumer, Trader and Tenancy Tribunal that will become outdated with its abolition.

Schedule 5 Amendment of legislation concerning Guardianship Tribunal

Schedule 5 amends certain legislation:

- (a) to transfer the functions of the Guardianship Tribunal to NCAT, and
- (b) to remove or update provisions referring or relating to the Guardianship Tribunal that will become outdated with its abolition.

Schedule 6 Amendment of legislation concerning health practitioner tribunals

Schedule 6 amends certain legislation:

- (a) to transfer the functions of the various health practitioner tribunals established under the *Health Practitioner Regulation National Law (NSW)* to NCAT, and

- (b) to remove or update provisions referring or relating to those health practitioner tribunals that will become outdated with its abolition.

Schedule 7 Amendment of legislation concerning Local Government Pecuniary Interest and Disciplinary Tribunal

Schedule 7 amends certain legislation:

- (a) to transfer the functions of the Local Government Pecuniary Interest and Disciplinary Tribunal to NCAT, and
- (b) to remove or update provisions referring or relating to the Local Government Pecuniary Interest and Disciplinary Tribunal that will become outdated with its abolition.

Schedule 8 Amendment of legislation concerning local land boards

Schedule 8 amends certain legislation:

- (a) to transfer certain adjudicative functions of local land boards to NCAT, and
- (b) to transfer certain non-adjudicative functions of local land boards to the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services, and
- (c) to remove or update provisions referring or relating to local land boards that will become outdated with its abolition.

Schedule 9 Amendment of legislation concerning Vocational Training Tribunal and Appeal Panel

Schedule 9 amends certain legislation:

- (a) to transfer the functions of the Vocational Training Appeal Panel in relation to appeals against decisions of the Vocational Training Tribunal, and
- (b) to rename the Vocational Training Tribunal as the Vocational Training Review Panel, and
- (c) to enable the Vocational Training Review Panel to review certain decisions of the Commissioner for Vocational Training before an appeal can be made to NCAT, and
- (d) to remove or update provisions referring or relating to the Vocational Training Appeal Panel that will become outdated with its abolition.

Schedule 10 Other amendments to legislation

Schedule 10 makes certain other amendments to legislation to facilitate the establishment of NCAT, including amendments to the *Defamation Act 2005* and the *Ombudsman Act 1974*.