



# **NORTHERN TERRITORY CIVIL & ADMINISTRATIVE TRIBUNAL**

**ANNUAL REPORT**  
2022-2023



The Honourable Chansey Paech MLA  
Attorney-General and Minister for Justice  
Parliament House  
DARWIN NT 0801

Dear Attorney-General

**NTCAT ANNUAL REPORT 2022/2023**

In accordance with section 151 of the *Northern Territory Civil and Administrative Tribunal Act 2014*, I am pleased to submit for your attention the Northern Territory Civil and Administrative Tribunal's annual report for the period 1 July 2022 to 30 June 2023.

Yours faithfully

**Mark O'Reilly**  
President  
Northern Territory Civil and Administrative Tribunal

20 September 2023

## TABLE OF CONTENTS

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INTRODUCTORY .....	5
GENERAL .....	6
JURISDICTIONAL OVERVIEW .....	7
Acts.....	7
Proceedings.....	9
STAFFING.....	11
Senior Staff.....	11
Tribunal Coordinators .....	11
Staffing Challenges.....	11
Members .....	12
Legally qualified members (s16 (2)(a) of the <i>Northern Territory Civil and Administrative Tribunal Act 2014</i> ):.....	12
Other members (s16 (2)(b) of the <i>Northern Territory Civil and Administrative Tribunal Act 2014</i> ): .....	12
Deputy President .....	13
FACILITIES.....	14
Registries.....	14
Darwin Premises .....	14
PROCEDURES AND SYSTEMS.....	15
Case management .....	15
STAKEHOLDER ENGAGEMENT .....	15
RESOURCES .....	16
MATTERS IN SECTION 151(2) OF THE NTCAT ACT .....	16
‘THE NUMBER, NATURE AND OUTCOME OF MATTERS THAT HAVE COME BEFORE THE TRIBUNAL’ - S 151(2)(a) .....	16
THE NUMBER & NATURE OF MATTERS THAT ARE OUTSTANDING’ - S 151(2)(B).....	19
‘ANY TRENDS OR SPECIAL PROBLEMS THAT MAY HAVE EMERGED’ - S 151(2)(C) .....	21
High number of matters commenced in non-routine jurisdictions and likely impact on resources .....	21
Specialist Members.....	21
‘IN RELATION TO THE MATTERS THAT HAVE COME BEFORE THE TRIBUNAL - THE LEVEL OF COMPLIANCE BY DECISION MAKERS WITH REQUIREMENTS TO... NOTIFY PERSONS OF REVIEWABLE DECISIONS AND THEIR RIGHTS TO SEEK REVIEW’ - S 151(2)(d)(i)) .....	21
‘IN RELATION TO THE MATTERS THAT HAVE COME BEFORE THE TRIBUNAL - THE LEVEL OF COMPLIANCE BY DECISION MAKERS WITH REQUIREMENTS TO... PROVIDE WRITTEN REASONS FOR REVIEWABLE DECISIONS WHEN REQUESTED TO DO SO’ - S 151(2)(d)(ii) .....	22

‘FORECASTS OF THE WORKLOAD OF THE TRIBUNAL IN THE NEXT FINANCIAL YEAR’ - S 151(2)(e) .	22
‘ANY PROPOSALS FOR IMPROVING THE ADMINISTRATION AND OPERATION OF THE TRIBUNAL’ - S 151(2)(f).....	22

## INTRODUCTORY

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1. This annual report of the Northern Territory Civil and Administrative Tribunal ('NTCAT') for the 2022/2023 financial year is required by section 151 of the *Northern Territory Civil and Administrative Tribunal Act 2014* ('NTCAT Act'), which provides that:

### **151 Annual report**

- (1) The President must prepare and give to the Minister a report on the administration and operation of the Tribunal during each financial year.
- (2) The report must contain information about:
  - (a) the number, nature and outcome of matters that have come before the Tribunal; and
  - (b) the number and nature of matters that are outstanding; and
  - (c) any trends or special problems that may have emerged; and
  - (d) in relation to the matters that have come before the Tribunal – the level of compliance by decision makers with requirements to:
    - (i) notify persons of reviewable decisions and their rights to seek review; and
    - (ii) provide written reasons for reviewable decisions when requested to do so; and
  - (e) forecasts of the workload of the Tribunal in the next financial year; and
  - (f) any proposals for improving the administration and operation of the Tribunal.
- (3) The report must not contain information in relation to the evidence given in closed hearings or other confidential matters.
- (4) The report must be given to the Minister within 3 months after the end of the financial year or such other period as the Minister determines.
- (5) The Minister must table a copy of the report in the Legislative Assembly within 7 sitting days after the Minister receives the report.

## GENERAL

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2. This is NTCAT's ninth annual report.
3. The 2022-23 year has seen an increase in both the volume and complexity of cases dealt with by NTCAT. The volume of cases has returned to pre-Covid-19 pandemic figures while the increased number of our jurisdictions has meant that the number of complex proceedings has remained high. These increases are reflected in the significant increase in the use of sessional Tribunal Members to preside over proceedings and also the time spent on dealing with and determining proceedings. There has not, however, been a corresponding increase in NTCAT human resources who provide the critical support and administration to Tribunal Members and Tribunal users that is essential to the efficient functioning of the Tribunal.
4. NTCAT continues to be challenged by the expanding nature of its jurisdictions. NTCAT's four "high-volume" jurisdictions under the *Residential Tenancies Act 1999*; the *Guardianship of Adults Act 2016*; the *Small Claims Act 2016*; and the *Mental Health and Related Services Act 1998* account for the bulk of the Tribunal's caseload and are managed by way of regular lists. They also require accommodation of urgent listings at short notice and complex disputes requiring additional resources. The Tribunal continues to deal with the more straightforward proceedings in Original jurisdictions by way of Compulsory Conferences as well as Contested or Uncontested Hearings. More complex disputes and most proceedings in NTCAT's Review jurisdiction are dealt with by way of Directions Hearings and Hearings. Alternative Dispute Resolution remains an option for complex and review proceedings.
5. Presently NTCAT's jurisdiction is comprised of 63 pieces of legislation. That number continues to expand as do the bases within particular Acts for grounding an application to NTCAT. NTCAT is aware that a further 27 jurisdictions are to be transferred to NTCAT in 2023-24.
6. While many of the new and recently acquired jurisdictions are not high-volume, their irregularity means that they are resource intensive to administer and determine. They often require procedural adjustments and specialised knowledge of the relevant legislation and law. While NTCAT is adept at responding to new conferrals of jurisdiction, there are significant resource implications. The ever expanding sources of jurisdiction raises the issue of a required increase in NTCAT's resources including, critically, the appointment of a Deputy President.
7. While the appointment of a new full time Ordinary Member of NTCAT, Ingrid Meier, on 2 March 2023 has been a welcome addition to NTCAT's membership, this appointment was not an increase in NTCAT's membership but filled the position effectively left vacant by the outgoing President in April 2022.

# JURISDICTIONAL OVERVIEW

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## Acts

8. As at 30 June 2023, jurisdiction had been conferred upon NTCAT under the following Acts and subordinate legislation:

- *Administrators Pensions Act 1981*
- *Administration and Probate Act 1969*
- *Advance Personal Planning Act 2013*
- *Alcohol Harm Reduction Act 2017*
- *Anti-Discrimination Act 1992*
- *Animal Protection Act 2018*
- *Auctioneers Act 1935*
- *Births Deaths and Marriages Registration Act 1996*
- *Building Act 1993 (see Building (Resolution of Residential Building Work Disputes) Regulations 2012)*
- *Burial and Cremation Act 2022*
- *Business Tenancies (Fair Dealings) Act 2003*
- *Caravan Parks Act 2012*
- *Construction Contracts (Security of Payments) Act 2004*
- *Control of Roads Act 1953*
- *Cooperatives (National Uniform Legislation) Act 2015*
- *Cullen Bay Marina Act 1992*
- *Darwin Waterfront Corporation Act 2006*
- *Education Act 2015*
- *Energy Pipelines Act 1981*
- *Expungement of Historical Homosexual Offence Records Act 2018*
- *Fences Act 1972*
- *Firearms Act 1997*
- *Fisheries Act 1988*
- *Gaming Control Act 1993*
- *Gaming Machine Act 1995*
- *Geothermal Energy Act 2009*
- *Guardianship of Adults Act 2016*
- *Health Practitioner Regulation (National Uniform Legislation) Act 2010*
- *Health Practitioners Act 2004*
- *Hemp Industry Act 2019*
- *Heritage Act 2011*
- *Independent Commissioner Against Corruption Act 2017*
- *Information Act 2002*
- *Kava Management Act 1998*
- *Lands Acquisition Act 1978*



- *Legislative Assembly Members' Pension Act 1979*
- *Liquor Act 2019*
- *Local Government Act 2008*
- *Marine Act 1981*
- *Mental Health and Related Services Act 1998*
- *Mineral Titles Act 2010*
- *National Disability Insurance Scheme (Authorisations) Act 2019*
- *National Disability Insurance Act (Worker Clearance) Act 2020*
- *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction for Native Title Matters) Act 2014*
- *Pastoral Land Act 1992*
- *Petroleum Act 1984 & Petroleum Regulations 2020*
- *Planning Act 1999*
- *Poppy Regulation Act 2014*
- *Ports Management Act 2015*
- *Private Security Act 1995*
- *Racing and Betting Act 1983*
- *Residential Tenancies Act 1999*
- *Sex Industry Act 2019*
- *Small Claims Act 2016*
- *Superannuation Act 1986*
- *Teacher Registration (Northern Territory) Act 2004*
- *Termination of Units Plans and Unit Titles Schemes Act 2014*
- *Tobacco Control Act 2002*
- *Totalisator Licensing and Regulation Act 2000*
- *Training and Skills Development Act 2016*
- *Unit Titles Act 1975*
- *Unit Titles Schemes Act 2009*
- *Victims of Crimes Assistance Act 2006*

9. In addition, the following legislation, under which NTCAT will acquire jurisdiction, is expected to be transferred in 2023-24:

- *Agents Licensing Act 1979*
- *Associations Act 2003*
- *Auctioneers Act 1935*
- *Building Act 1993*
- *Bushfires Management Act 2016*
- *Commercial and Private Agents Licensing Act 1979*
- *Commercial Passenger (Road) Transport Act 1991*
- *Community housing Providers (National Uniform Legislation) Act 2013*
- *Consumer Affairs and Fair Trading Act 1993*



- *Disability Services Act 1993*
- *Environment Protection (Beverage Containers and Plastic Bags) Act 2011*
- *Electrical Safety Act*
- *Firearms Act 1997*
- *Health Care Decision Making Act 2023*
- *Livestock Act 2008*
- *Meat Industries Act 1996*
- *Motor Vehicles Act 1948*
- *Northern Territory Rates Act 1971*
- *Notifiable Diseases Act 1981*
- *Pastoral Land Act 1992*
- *Plumbers and Drainers Licensing Act 1983*
- *Public and Environmental Health Act 2011*
- *Taxation Administration Act 2007*
- *Territory Parks and Wildlife Conservation Act 1976 (the TPWC Act) and Territory Parks and Wildlife Conservation Bylaws 1984 (Bylaws)*
- *Unit Titles Act 1975*
- *Unit Titles Schemes Act 2009*
- *Waste Management and Pollution Control Act 1998*

## Proceedings

10. In the reporting period, 2591 new NTCAT matters were commenced (not including matters in the mental health review jurisdiction). Of those matters 84.5% related to the Darwin area, 8.8% concerned Alice Springs and the remainder (6.7%) related to other locations in the Northern Territory.
11. It is immediately apparent that the number of new matters commenced is significantly more than in the last reporting period and has increased from pre-pandemic years. The jurisdiction in which the largest number of matters was commenced was the small claims jurisdiction with 1413 new proceedings commenced (370 in the last reporting period). Similarly, there has been an increase in residential tenancy matters to 510 (468 in the last reporting period).).
12. During the reporting period, 265 new proceedings were commenced in NTCAT's adult guardianship jurisdiction, an increase from 216 in 2021-22. In addition, 342 reassessments of existing guardianship orders were commenced in 2022-23, an increase from 282 in 2021-22. Adult guardianship matters most often require a number of listings before they can be finally determined. Accordingly, they account for a large portion of NTCAT's regular weekly lists.
13. For the reporting period, there were 651 matters dealt with under the *Mental Health and Related Services Act 1998*. The nature of these proceedings is that they often involve ongoing

reviews of the circumstances of particular individuals as their health status evolves. The number of new matters is a decrease from the previous year (694 matters).

14. Apart from the four 'high volume' jurisdictions, new NTCAT proceedings were also commenced during the reporting period under the following Acts:
  - *Alcohol Harm Reduction Act 2017*;
  - *Anti-Discrimination Act 1992*;
  - *Building Act 1993*;
  - *Cullen Bay Marina Act 1992*;
  - *Fences Act 1972*;
  - *Firearms Act 1997*;
  - *Health Practitioner Regulation (National Uniform Legislation) Act 2010*;
  - *Health Practitioners Act 2004*;
  - *Information Act 2002*;
  - *Petroleum Act 1984*;
  - *Planning Act 1999*;
  - *Private Security Act 1995*;
  - *Teacher Registration (Northern Territory) Act 2004*;
  - *Unit Titles Act 1975*;
  - *Unit Titles Schemes Act 2009*; and
  - *Victims of Crime Assistance Act 2006*.
15. As predicted in the previous Annual report, the number of the various pieces of legislation requiring an exercise of NTCAT's jurisdiction outside of the 'high volume' four remains high. It must be expected that, as our Jurisdiction increases, the number of these types of applications will remain high and continue to grow.
16. These types of matters are resource intensive for the Tribunal. In some cases they require the Tribunal to be comprised of several Members. The *Health Practitioner Regulation (National Uniform Legislation) Act 2010*, for example, requires the Tribunal to consist of three Members. Decisions of the Liquor Commission under the *Liquor Act 2019* are ordinarily made by three Members of the Commission. In those circumstances it is appropriate that NTCAT is comprised of at least three Members for the purpose of any review proceeding. Proceedings under Acts such as the *Petroleum Act 1984*, the *Local Government Act 2008*, the *Planning Act 1999* and the *Building Act 1993* may involve significant commercial or other interests and parties are most often legally represented, often with counsel and/or senior counsel.
17. Other Acts that fall within this category, for example the *Anti-Discrimination Act 1992* and the *Information Act 2002* may raise important legal and social considerations which have wide application. The NTCAT Act at section 22(1) recognises that multiple Member Tribunals will sometimes be necessary. While the vast majority of NTCAT's proceedings are presided over by

a single member, proceedings in these eclectic jurisdictions are most often the ones which require multiple Members.

18. Further, due to their complexity, these types of matters tend to require more administration and more hearing time. This is true of the preliminary stages of the proceedings including Compulsory Conferences as well as final hearings. Additionally, preparation for hearings and decision writing most often takes longer.

## STAFFING

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### Senior Staff

19. For the reporting period, NTCAT's senior staff comprised (including acting arrangements):

Judge Mark O'Reilly - President;  
Andrew Macrides - Senior Member;  
Ingrid Meier – Member;  
Demetrios Laouris – Registrar;  
Eleanor Poulter – Tribunal Manager; Acting Registrar; Christi Hamon – Listings Coordinator;  
Acting Tribunal Manager;  
Dane Armstrong – Listings Coordinator; Acting Tribunal Manager; and  
Victoria Tom – Acting Listings Coordinator.

### Tribunal Coordinators

20. The senior staff were supported by a staffing structure comprising an executive assistant and eight tribunal coordinators in both Darwin and Alice Springs.

### Staffing Challenges

21. NTCAT continues to rely on the dedication and commitment of its small but impressive staff. Previous Annual Reports have described the difficulties arising from the practice of key staff members being seconded to placements in other sections of the NTPS. In addition to this there is a regular turnover of Tribunal Coordinators for promotional reasons. NTCAT's current resources do not allow for a structure that easily accommodates advancement within NTCAT. Consequently, skilled staff are forced to look elsewhere for promotional opportunities. NTCAT's jurisdictional diversity makes it all the more important to retain experience and knowledge in-house. This dynamic reinforces the need to have stable middle management layer in the staffing structure as they are the key personnel who can continue the operations of the Tribunal and train new staff.

## Members

22. The President, Senior Members and Registrar (who is able to constitute the Tribunal for certain matters) have had the conduct of the majority of the caseload of NTCAT for the reporting period.
23. NTCAT also continues to rely upon the services of its sessional Members for the conduct of compulsory conferences; selected hearings and to constitute the Tribunal according to various legislative requirements. For example the *Mental Health and Related Service Act 1998* requires the Tribunal to include a medical professional and a community member.
24. The following were sessional members of NTCAT during the reporting period:

### *Legally qualified members (s16 (2)(a) of the Northern Territory Civil and Administrative Tribunal Act 2014):*

Mr David Alderman  
Mr David Baldry  
Mr Richard Bruxner  
Ms Nardine Collier  
Ms Cassandra Ellis  
Ms Sally Gearin  
Mr Andrew George  
Mr Richard Giles  
Mr Russell Goldflam  
Mr Kenneth Grime  
Mr Ben Grimes  
Mr Michael Grove  
Ms Lesley Hastwell  
Mr Joshua Ingrames  
Mr Julian Johnson  
Ms Megan Lawton  
Ms Jodi Mather  
Mr Ron Levy  
Mr Alister Lindsay  
Ms Jodie Mather  
Prof. Leslie McCrimmon  
Ms Samantha Miles  
Ms Lindy Morgan  
Mr Benjamin O'Loughlin  
Mr Robert Perry  
Ms Alison Phillis  
Mr Ian Read  
Mr George Roussos  
Mr Gregory Shanahan  
Ms Jodi Truman

### *Other members (s16 (2)(b) of the Northern Territory Civil and Administrative Tribunal Act 2014):* Dr Dinesha Arya

Mr John Brears  
Ms Kathryn Crawley  
Ms Renate Dwyer  
Dr Kerry Eupene  
Dr Claudia Espenschied  
Dr Mary Frost  
Dr Teresa Garrone  
Dr Jim Greenwood  
Ms Marion Guppy  
Ms Jill Huck  
Mr Barry Jenkins  
Ms Suzi Kapetas  
Ms Frances Kilgariff  
Ms Patricia Kurnoth  
Ms Kathleen Luppino  
Mr Marcus Mancer  
Ms Miriam McDonald  
Dr Monkia Moy  
Dr Peter O'Brien  
Ms Elizabeth Parrella  
Dr Steven Robertson  
Mr Paul Rysavy  
Mr Adam Sattar  
Dr Diane Szarkowicz  
Ms Elizabeth Veel  
Dr Arnold Waugh  
Mr Don Zoellner

25. NTCAT extends its gratitude to all of the sessional Members who constituted the Tribunal and/or presided over Compulsory Conferences during the reporting period. Those Members are critical to the effective operation of the Tribunal. Their significant contribution is appreciated.

#### Deputy President

26. As referred to in previous Annual Reports, section 15(1) of the *Northern Territory Civil and Administrative Tribunal Act 2014* is expressed in mandatory terms: "There must be at least one Deputy President of the Tribunal". Despite our best efforts that position within NTCAT remains unfunded and non-existent. The absence of a Deputy President exacerbates NTCAT's shortfall in resources. A Deputy President would be well placed to assist with the administrative requirements of the Tribunal and to case-manage and determine complex proceedings. As referred to in the last Annual Report, a Deputy President is required to fill a certain role under the *Judicial Commission Act 2020*.

## FACILITIES

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### Registries

27. During the reporting period, NTCAT has operated from registries in Darwin (Casuarina) and Alice Springs. In addition, it maintains arrangements with the Local Court under which NTCAT documents can be lodged at Local Court registries in remote centres.
28. NTCAT's Darwin premises for the reporting period remained unchanged and was comprised of three hearing rooms and a conference room. NTCAT also has a hearing room and conference room in Alice Springs. By arrangement with the Local Court, hearings of NTCAT matters in places other than Darwin and Alice Springs are able to be conducted from court houses in those places, however, there has been an increased reliance on electronic means of attendance from remote locations since the pandemic.
29. During the reporting period, the Tribunal sat for several days in a remote community in Central Australia for one complex proceeding. The addition of a Deputy President would mean an additional full-time Member and would increase our capacity to travel to and sit from time to time in more remote locations.
30. All of NTCAT's hearing rooms and conference rooms (in Darwin and Alice Springs) are fully equipped for video conferencing and teleconferencing.

### Darwin Premises

31. Previous annual reports have identified the inadequacies of NTCAT's current premises at Casuarina. Security concerns and the lack of appropriate spaces from which to conduct mediations loom large.
32. The previous Annual Report was hopeful that by this reporting period there would be concrete plans to relocate the Tribunal. Those plans are now well advanced. Work has been undertaken by the Northern Territory Government to design new NTCAT premises at Zone B, Nichols Place in the Darwin CBD (next to the NT Local Court). NTCAT has been advised that it is likely that the new premises will be ready around mid-2024.
33. NTCAT is excited by the prospect of being established in premises that better meet our requirements. It is noted, however, that substantial out of project expenses have been identified arising from the move to Nichols Place. Those expenses will need to be funded in order to enable us to operate from the new premises. NTCAT does not currently have the capacity to meet those expenses which have been highlighted and raised with the appropriate agencies and officers.



## PROCEDURES AND SYSTEMS

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### Case management

34. Consistent with the objectives in the NTCAT Act, the Tribunal remains committed to keeping its forms and procedures as straightforward as possible. To that end we have maintained, as far as possible, a uniform process for initiating a proceeding regardless of the jurisdiction. While this is not possible in our guardianship or mental health jurisdictions it applies to most of the others.
35. Regular management meetings include consideration of current forms and procedures which are constantly under review. This enables us to respond to jurisdictional idiosyncrasies and to maintain flexibility as required by the Act.
36. Case management continues to be coordinated by the NTCAT registry according to the complexity and urgency of the proceeding. Routine applications allow for the issuing of standard orders which direct the application through a particular stream. Unusual or more complex applications are most often case-managed by a senior Member by way of a directions hearing.
37. Most contested matters are listed before a Member for a Compulsory Conference in recognition of the requirement under the Act to employ mediation and alternative dispute resolution procedures. For the reporting period, 54% of matters referred to a compulsory conference were resolved at, or as a result of, the conference. This is an increase of 10% when compared to the 2021-22 settlement rate. During the reporting period, NTCAT conducted an internal audit of the outcomes of compulsory conferences in order to explore ways to increase the rate of settlement at compulsory conference. This issue combined with the pressures of operating within a reduced budget allocation necessitated the development of a revised listing process to be trialled in the next reporting period. This was aimed at being more cost and results effective and has proven to be successful in achieving that aim.

## STAKEHOLDER ENGAGEMENT

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38. The tribunal continues to be represented on the executive committee of the Council of Australasian Tribunals ('COAT') and on the Australian Guardianship and Administration Council ('AGAC'). The NTCAT President is also a member of the Australasian Institute of Judicial Administration ('AIJA').
39. NTCAT's expanding jurisdiction means that there is a constant process of consultation with various departments of the Northern Territory Government regarding legislation conferring new jurisdiction and amendments to existing jurisdiction. It is important for that consultative



approach to continue. As our jurisdiction expands it is critical that, as far as possible, NTCAT processes remain uniform.

40. The President and Registrar of NTCAT have held regular meetings with the Northern Territory Public Guardian and Public Trustee as well as NT Top End Mental Health for the purpose of discussing operational and case management issues that arise in relevant jurisdictions.

## RESOURCES

41. The tribunal has been able to operate within its financial resources during the reporting period. The tribunal has and continues to operate as efficiently as possible, however this must be balanced against the objectives set out in section 10 of the NTCAT.
42. As already described, NTCAT anticipates that complex proceedings in our review jurisdiction will become increasingly resource intensive.

## MATTERS IN SECTION 151(2) OF THE NTCAT ACT

43. The following paragraphs address the matters listed in section 151(2) of the NTCAT Act.

### ‘THE NUMBER, NATURE AND OUTCOME OF MATTERS THAT HAVE COME BEFORE THE TRIBUNAL’ - S 151(2)(a)

44. The following tables include breakdowns of proceedings commenced and concluded in 2022-23.
45. As in previous Annual Reports the statistics for the guardianship and mental health review jurisdictions are presented separately. The historical reason for this is that proceedings in those jurisdictions are peculiar. Both the *Guardianship of Adults Act 2016* and the *Mental Health and Related Services Act 1998* require the Tribunal to review or reassess orders made under them. Accordingly proceedings are staged. From a resource point of view, each review or reassessment is effectively a new proceeding but is not reflected by the creation of a new NTCAT file.

**Table 1**

#### Proceedings Commenced: Jurisdictions other than Adult Guardianship & Mental Health Review

JURISDICTION	2018/19	2019/20	2020/21	2021/22	2022/23
<i>Alcohol Harm Reduction Act 2017</i>	0	1	5	3	2
<i>Anti-Discrimination Act 1992</i>	8	7	18	4	2
<i>Births, Deaths and Marriages Registration Act 1996</i>	0	0	2	0	0
<i>Building Act 1993</i>	3	1	9	7	7

<i>Business Tenancies (Fair Dealings) Act 2003</i>	0	0	1	0	0
<i>Caravan Parks Act 2012</i>	3	1	0	1	0
<i>Cullen Bay Marina Act 1992</i>	0	0	0	0	1
<i>Fences Act 1972</i>	7	0	4	0	1
<i>Firearms Act 1972</i>	0	0	1	0	1
<i>Health Practitioner Regulations (N.U.L) Act 2010</i>	2	1	4	5	9
<i>Health Practitioners Act 2004</i>	0	0	0	0	2
<i>Heritage Act 2011</i>	0	2	0	0	0
<i>Information Act 2002</i>	4	5	2	6	2
<i>Lands Acquisition Act 1978</i>	0	0	1	0	0
<i>Liquor Act 1978</i>	3	2	4	1	0
<i>Local Government Act 2008</i>	0	0	4	4	0
<i>Mineral Titles Act 2010</i>	0	1	0	3	0
<i>Pastoral Land Act 1992</i>	0	0	1	1	0
<i>Petroleum Act 1984</i>	0	0	0	4	2
<i>Planning Act 1999</i>	7	6	9	2	2
<i>Private Security Act 1995</i>	0	0	2	2	4
<i>Racing and Betting Act 1983</i>	0	1	0	0	0
<i>Residential Tenancies Act 1999</i>	722	575	422	468	510
<i>Small Claims Act 2016</i>	1345	1384	1170	370	1413
<i>Superannuation Act 1986</i>	0	1	0	0	0
<i>Teacher Registration (Northern Territory) Act 2004</i>	0	0	3	0	4
<i>Unit Titles Act 1975</i>	9	9	10	15	11
<i>Unit Titles Schemes Act 2009</i>	0	1	1	2	1
<i>Victims of Crime Assistance Act 2006</i>	6	3	10	7	3
<b>TOTAL</b>	<b>2119</b>	<b>2001</b>	<b>1683</b>	<b>905</b>	<b>1977</b>

**Table 2**

**Proceedings Commenced: Adult Guardianship**

<b>JURISDICTION</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
<i>Advanced Personal Planning Act 2013 (new applications)</i>	1	7	1	10	7
<i>Guardianship of Adults Act 2016 (new applications)</i>	208	240	250	216	265
<i>Guardianship of Adults Act 2016 (reassessments of existing orders initiated)</i>	444	368	349	282	342
<b>TOTAL</b>	<b>653</b>	<b>615</b>	<b>600</b>	<b>508</b>	<b>614</b>

**Table 3**

**Matters requiring discrete orders: Mental Health Review**

<b>DISCRETE ORDER</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
Involuntary detention due to mental illness	261	241	226	172	196
Involuntary detention due to mental disturbance	20	19	19	12	15
Review tribunal order	44	42	43	31	33
Revoke admission & discharge from facility	2	3	0	0	6
Discharge within seven days	3	0	6	4	10
Community Management Order made	209	225	223	232	236
Community Management Order declined	5	7	6	7	4
Review report – further action	2	1	0	4	3
Review report – no further action	55	43	45	68	33
Authorise electroconvulsive therapy	22	22	27	19	20
Authorise non-psychiatric treatment	5	19	7	11	4
Authorise major medical procedure	5	1	1	1	7
Warrant to apprehend a person for assessment	56	87	37	60	29
Adjournment	76	77	60	65	56
No order made	5	5	3	8	0
<b>TOTAL</b>	<b>726</b>	<b>750</b>	<b>703</b>	<b>694</b>	<b>651</b>

**Table 4**

**Proceedings Concluded: Jurisdictions other than Adult Guardianship & Mental Health Review**

<b>JURISDICTION</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
<i>Alcohol Harm Reduction Act 2017</i>	0	1	4	4	2
<i>Anti-Discrimination Act 1992</i>	7	8	8	12	6
<i>Births, Deaths and Marriages Registration Act 1996</i>	0	0	1	1	0
<i>Building Act 1993</i>	1	2	0	9	20
<i>Business Tenancies (Fair Dealings) Act 2003</i>	0	0	0	1	0
<i>Caravan Parks Act 2012</i>	3	1	0	0	0
<i>Cullen Bay Marina Act 1992</i>	0	0	0	0	1
<i>Fences Act 1972</i>	8	1	4	0	1
<i>Firearms Act 1972</i>	0	0	0	1	1
<i>Health Practitioner Regulations (N.U.L) Act 2010</i>	6	0	1	7	8

<i>Health Practitioners Act 2004</i>	0	0	0	0	1
<i>Heritage Act 2011</i>	0	1	0	1	0
<i>Information Act 2002</i>	0	6	4	6	2
<i>Lands Acquisition Act 1978</i>	0	0	0	1	0
<i>Liquor Act 1978</i>	0	1	6	0	0
<i>Local Government Act 2008</i>	0	0	0	8	0
<i>Mineral Titles Act 2010</i>	1	0	0	2	0
<i>Pastoral Land Act 1992</i>	0	0	0	1	1
<i>Petroleum Act 1984</i>	0	0	0	0	2
<i>Planning Act 1999</i>	8	4	7	6	2
<i>Private Security Act 1995</i>	0	2	1	1	5
<i>Racing and Betting Act 1983</i>	0	0	1	0	0
<i>Residential Tenancies Act 1999</i>	733	569	429	472	512
<i>Small Claims Act 2016</i>	1323	1542	904	1136	725
<i>Superannuation Act 1986</i>	0	1	0	0	0
<i>Teacher Registration (Northern Territory) Act 2004</i>	0	0	0	2	1
<i>Unit Titles Act 1975</i>	10	7	9	18	11
<i>Unit Titles Schemes Act 2009</i>	1	1	1	0	2
<i>Victims of Crime Assistance Act 2006</i>	7	4	7	7	7
<b>TOTAL</b>	<b>2108</b>	<b>2154</b>	<b>1387</b>	<b>1697</b>	<b>1310</b>

**Table 5**

**Hearing Outcomes: Adult Guardianship**

<b>TYPE OF ORDER (Section of <i>Guardianship of Adults Act 2016</i>)</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
New guardianship order (s11)	173	154	191	171	161
Continued guardianship order – reassessment (s11, s38)	400	322	313	263	256
Interim (urgent) guardianship order (s20)	91	66	92	77	70
Specified measures (s35)	28	11	50	6	0
Vary guardianship order (s39)	59	343	83	58	68
Revoke guardianship order (s39)	23	10	26	17	27
Register interstate order (s54)	8	10	6	4	13

**THE NUMBER & NATURE OF MATTERS THAT ARE OUTSTANDING’ - S 151(2)(B)**

46. Not including adult guardianship and mental health review proceedings, there were 921 matters that remained active at the end of the reporting period. The increase from the last reporting period (321 matters) can be explained by the changed practises of one corporate applicant responsible for a large number of applications. Data regarding ‘active’ adult

guardianship and mental health review matters are not included in the table below because files in those jurisdictions can remain open indefinitely.

**Table 6**  
**Proceedings Active: Jurisdictions other than Adult Guardianship and Mental Health Review**

<b>JURISDICTION</b>	<b>ACTIVE (as at 30 June 2019)</b>	<b>ACTIVE (as at 30 June 2020)</b>	<b>ACTIVE (as at 30 June 2021)</b>	<b>ACTIVE (as at 30 June 2022)</b>	<b>ACTIVE (as at 30 June 2023)</b>
<i>Alcohol Harm Reduction Act 2017</i>	0	0	1	0	0
<i>Anti-Discrimination Act 1992</i>	2	3	13	6	3
<i>Births, Deaths and Marriages Registration Act 1996</i>	0	0	1	0	0
<i>Building Act 1993</i>	2	1	9	8	0
<i>Business Tenancies (Fair Dealings) Act 2003</i>	0	0	1	0	0
<i>Cullen Bay Marina Act 1992</i>	0	0	0	0	0
<i>Fences Act 1972</i>	0	0	0	0	0
<i>Firearms Act 1972</i>	0	0	1	0	0
<i>Health Practitioner Regulations (N.U.L) Act 2010</i>	2	3	3	4	4
<i>Health Practitioners Act 2004</i>	0	0	0	0	1
<i>Heritage Act 2011</i>	0	1	0	0	0
<i>Information Act 2002</i>	4	0	1	1	1
<i>Lands Acquisition Act 1978</i>	0	0	1	0	0
<i>Liquor Act 1978</i>	3	4	0	2	0
<i>Local Government Act 2008</i>	0	0	4	0	0
<i>Mineral Titles Act 2010</i>	0	1	0	1	1
<i>Pastoral Land Act 1992</i>	0	0	1	1	0
<i>Petroleum Act 1984</i>	0	0	0	4	4
<i>Planning Act 1999</i>	0	4	6	2	2
<i>Private Security Act 1995</i>	2	0	1	2	1
<i>Racing and Betting Act 1983</i>	0	1	0	0	0
<i>Residential Tenancies Act 1999</i>	87	117	79	132	126
<i>Small Claims Act 2016</i>	260	610	792	122	764
<i>Teacher Registration (Northern Territory) Act 2004</i>	0	0	3	1	4
<i>Unit Titles Act 1975</i>	1	4	5	6	7
<i>Unit Titles Schemes Act 2009</i>	0	0	0	2	1
<i>Victims of Crime Assistance Act 2006</i>	3	3	5	7	2
<b>TOTAL</b>	<b>366</b>	<b>752</b>	<b>927</b>	<b>301</b>	<b>921</b>

## ‘ANY TRENDS OR SPECIAL PROBLEMS THAT MAY HAVE EMERGED’ - S 151(2)(C)

### High number of matters commenced in non-routine jurisdictions and likely impact on resources

47. NTCAT’s resources will continue to be increasingly challenged by complex proceedings in its non-routine jurisdictions.
48. Accommodating these constant and often challenging and resource intensive proceedings will remain and expand as a part of NTCAT’s core business.

### Specialist Members

49. NTCAT continues to struggle with the need to appoint specialist Members in some jurisdictions. The *Mental Health and Related Services Act 1998*, for example, requires that one Member of the Tribunal must be a medical practitioner. NTCAT has a pool of psychiatrists who sit on the Tribunal regularly. Overwhelmingly, these are interstate practitioners due to the small pool of professionals in the Northern Territory and the consequent likelihood of conflicts of interest. As Members retire from the Tribunal they can be difficult to replace.
50. The problem is exacerbated in those jurisdictions in which NTCAT exercises jurisdiction only occasionally. For example, it is difficult to identify and recruit dental practitioners and other professionals required for reviews of decisions of various disciplinary boards. This will to some extent be alleviated by an amendment that has been made to the Act to allow for quick, short-term appointments to the Tribunal for specific proceedings.

## ‘IN RELATION TO THE MATTERS THAT HAVE COME BEFORE THE TRIBUNAL - THE LEVEL OF COMPLIANCE BY DECISION MAKERS WITH REQUIREMENTS TO... NOTIFY PERSONS OF REVIEWABLE DECISIONS AND THEIR RIGHTS TO SEEK REVIEW’ - S 151(2)(d)(i))

51. There were no concerns arising from proceedings before the Tribunal about compliance by decision makers with the requirement to provide notice of decisions and a right of review. It should be noted that in circumstances where a person is not notified about a decision or the right of review, the chances of it coming before NTCAT are reduced. NTCAT would not be aware of matters where a failure to notify of a right of review has meant that no review is ever applied for.



‘IN RELATION TO THE MATTERS THAT HAVE COME BEFORE THE TRIBUNAL - THE LEVEL OF COMPLIANCE BY DECISION MAKERS WITH REQUIREMENTS TO... PROVIDE WRITTEN REASONS FOR REVIEWABLE DECISIONS WHEN REQUESTED TO DO SO’ - S 151(2)(d)(ii)

52. One proceeding commenced within the reporting period raised a question as to whether a decision maker had properly complied with a request to provide written reasons (per section 35 of the NTCAT Act). That question was considered and determined by the Tribunal outside of the reporting period. The decision maker was found to have adequately complied.

‘FORECASTS OF THE WORKLOAD OF THE TRIBUNAL IN THE NEXT FINANCIAL YEAR’ - S 151(2)(e)

53. Based on activity in the past three reporting periods; lodgements for 2022-23 so far; and pending matters, the following estimates are made for 2022-23:
- Small Claims and other similar disputes: 900 matters;
  - Residential Tenancies: 500 - 700 matters;
  - Guardianship: 550 matters (i.e. new applications and reassessments);
  - Mental Health: 700 - 750 matters;
  - Matters in non-routine jurisdictions: 100-150.
54. It is important to recognise that the above estimates do not distinguish between simple and complex matters. A single lodgement may require few resources or many.

‘ANY PROPOSALS FOR IMPROVING THE ADMINISTRATION AND OPERATION OF THE TRIBUNAL’ - S 151(2)(f)

55. The primary need of the Tribunal is that there is a reconsideration of its resources. The current level of resourcing is stagnant and inadequate. It does not recognise the complexity of the work that NTCAT undertakes or the expanding nature of its jurisdictions. The appointment of a Deputy President and additional staffing would immediately improve the administration and operation of the Tribunal.