

Planning Appeals (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 25 February 1987

(Brought in by Mr Mathews and Mr Fordham)

A BILL

to amend the *Administrative Appeals Tribunal Act 1984*
and the *Planning Appeals Board Act 1980*, to make consequential
amendments to certain other Acts and for other purposes.

Planning Appeals (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

- 5 1. The purpose of this Act is to establish a Planning division in the
Administrative Appeals Tribunal and to transfer the jurisdiction of the
Planning Appeals Board to that division.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

PART 2—AMENDMENT OF *ADMINISTRATIVE APPEALS TRIBUNAL ACT 1984*

Principal Act.

- 10 3. In this Part, the *Administrative Appeals Tribunal Act 1984* is
called the Principal Act.

No. 10155, as
amended by
Nos. 10191,
16/1986.

Planning division.**4. (1) The Principal Act is amended as follows:****(a) In section 3 (1)—****(i) for the definition of “Member” substitute—**

‘ **“Member”** means the President, a Deputy President, a senior member, or any other member of the Tribunal.’; 5

(ii) after the definition of “Registrar” insert—

‘ **“Senior member”** means a senior member of the Planning division of the Tribunal.’; 10

(b) After section 6 insert—**Members of divisions.**

“6A. (1) A member may be appointed as a member of a division of the Tribunal.

(2) A member appointed as a member of a division of the Tribunal may, if the President so determines and the member consents, act as a member of the Tribunal exercising powers in another division.”; 15

(c) In section 19 (2) for paragraph (b) substitute—

“(b) Taxation division; 20

(ba) Planning division;”;

(d) After section 20 insert—**Planning division.**

“20A. (1) Except as otherwise provided in an enactment, the Planning division of the Tribunal shall be constituted by such number of members of the Planning division (not exceeding five) as is determined by the President in a particular case. 25

(2) At a hearing of a proceeding before the Planning division at which the division is constituted by more than one member— 30

(a) if the President is a member, the President shall preside; and

(b) if the President is not a member and a Deputy President is a member, the Deputy President shall preside or, if there is more than one Deputy 35

President who is a member, the Deputy President who is a judge shall preside, or if there is more

than one such Deputy President, then one of those judges directed by the President to preside shall 40

preside, or if there is not a Deputy President who is a judge, the Deputy President directed by the President to preside, shall preside; and

(c) if neither the President nor a Deputy President is a member, the member who is a senior member, or if there is more than one senior member, the one of those members directed by the President to preside, shall preside; and

(d) if neither the President nor a Deputy President nor a senior member is a member, the member directed by the President to preside, shall preside.”.

(2) The Principal Act is amended as follows:

(a) In section 26 (2) omit “in accordance with this section”;

(b) In section 30 (6) for “a request under this section” substitute “an application under sub-section (2)”;

(c) In section 32 (3) (b) for “26 (6)” substitute “26 (5)”;

(d) In section 34 (1), for “relating to a decision made under a taxing Act or Part VII of the *Accident Compensation Act 1985*” substitute “, except in its general division,”;

(e) In section 34 (2) for “, other than a proceeding relating to a decision made under a taxing Act or Part VII of the *Accident Compensation Act 1985*” substitute “in its general division”;

(f) In section 45 (7) (a) for “sub-section (2)” substitute “sub-section (3)”;

(g) In section 46 (5) for “setting out of the terms” substitute “setting out the terms”;

(h) In section 47 (1) after “member presiding” insert “or, in the case of the Planning division constituted without a legal practitioner, the President or a Deputy President nominated by the President”;

(i) After section 48 (1) (b) insert—

“; or

(c) the Tribunal decides that the applicant has unreasonably delayed enabling the application to be heard —”.

(3) After section 49 of the Principal Act insert—

Power to amend decisions.

“49A. The Tribunal may, at any time, of its own motion or on the application of a party to a proceeding, make an order correcting a decision made by the Tribunal if there is in the decision—

(a) a clerical mistake or an error arising from any accidental slip or omission; or

(b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the decision.”.

(4) The Principal Act is amended as follows:

- (a) In section 57 (1) for “justice” substitute “judge”;
- (b) After section 66 (3) (b) insert—
 - “(c) prescribing the time within which appeals under the *Planning Appeals Act 1980* may be lodged.”.

PART 3—AMENDMENT OF *PLANNING APPEALS BOARD ACT 1980* 5

Principal Act.

5. In this Part, the *Planning Appeals Board Act 1980* is called the Principal Act.

No. 9512.
Reprinted to
No. 10262 and
amended by No.
86/1986.

Amendment of Principal Act.

- 6. (1) The Principal Act is amended as follows: 10
 - (a) In section 1 (1) omit “*Board*”;
 - (b) Section 1 (3) is repealed;
 - (c) Section 2 (1) is repealed;
 - (d) In section 3—
 - (i) for “*Board*” (wherever occurring), substitute “*Tribunal*”; 15
 - (ii) in the definition of “*Appeal*”, after “*Act*” insert “and includes an application for review”;
 - (iii) in the definition of “*Appellant*”, after “*Act*” insert “and includes an applicant for review”; 20
 - (iv) the definitions of “*Board*”, “*Chief chairman*”, “*Deputy chief chairman*”, “*Division*”, “*Legally-qualified member*”, “*Regulations*” and “*Senior member*” are repealed;
 - (v) for the definition of “*Member*” substitute— 25
 - “**Member**” has the same meaning as in the *Administrative Appeals Tribunal Act 1984*.’;
 - (vi) for the definition of “*Prescribed*” substitute—
 - “**President**” means the President of the *Tribunal*.’;
 - (vii) for the definition of “*Supreme Court*” substitute— 30
 - “**Tribunal**” means the *Administrative Appeals Tribunal* established under the *Administrative Appeals Tribunal Act 1984*.’;
 - (e) Part II is repealed;
 - (f) In the heading preceding section 13, for “**BOARD**” substitute “**TRIBUNAL**”; 35

(g) For section 13 substitute—

General jurisdiction.

“13. This Act applies to a proceeding before the Planning division of the Tribunal in respect of jurisdiction exercised under this Act or—

- (a) the Acts or provisions mentioned in the Schedule; or
- (b) any other Act or provision to which this Act applies.”;

(h) For section 14 (1) substitute—

Declarations.

“14. (1) A person may make application in the prescribed form to the Tribunal for a declaration concerning any matter which the person may refer to the Tribunal for determination by the Planning division.”;

(i) In section 14 (2) for “Board” (wherever occurring) substitute “Tribunal”;

(j) For section 14 (3) substitute—

“(3) A declaration made by the Tribunal under sub-section (1) shall for all purposes whatsoever be deemed conclusive proof of the subject-matter of the declaration.”;

(k) For section 14 (4) substitute—

“(4) The jurisdiction, powers and duties conferred or imposed upon the Tribunal by this section must be exercised or performed by the Tribunal constituted by the President or a member who is a judge of the County Court.”;

(l) Section 15 is repealed;

(m) Division 1 of Part IV is repealed;

(n) In the heading preceding section 22, for “Board” substitute “Tribunal”;

(o) Sections 22, 23, 24, 25 and 26 are repealed;

(p) Sub-sections (1) and (2) of section 28 are repealed;

(q) In section 28 (3) omit “Notwithstanding anything in sub-sections (1) and (2),”;

(r) Sections 37, 38 and 39 are repealed;

(s) In section 40—

(i) in sub-section (1) for “make a submission to the division hearing the appeal” substitute “make a submission to the Tribunal or the member presiding over a preliminary conference”;

(ii) in sub-section (2) for “division hearing the appeal” substitute “the Tribunal or the member presiding over a preliminary conference”;

- (iii) in sub-section (2) for “division hearing that appeal” substitute “the Tribunal or the member presiding”;
- (iv) in sub-section (3) after “who appears at” insert “a preliminary conference or”;
- (v) in sub-section (4) (a) for “division hearing the relevant appeal” substitute “Tribunal or member presiding over the preliminary conference”;
- (vi) in sub-section (4) (b) after “relevant appeal” insert “or preliminary conference”;
- (vii) in sub-section (4) (b) for “division hearing that appeal” substitute “Tribunal or member presiding over the preliminary conference”.

(2) For section 41 of the Principal Act substitute—

Call-in provisions.

“41. (1) If, before the Tribunal makes a decision on an appeal brought under the *Town and Country Planning Act 1961*, it appears to the Minister administering that Act that the appeal raises a major issue of policy and that the determination of the appeal may have a substantial effect on the achievement or development of planning objectives, the Minister—

- (a) may direct the Registrar to refer the appeal to the Governor in Council for determination; or
- (b) may invite the Tribunal—
 - (i) to decline to hear the appeal and refer it to the Governor in Council for determination; or
 - (ii) to hear the appeal but, without determining it, refer it with recommendations to the Governor in Council for determination.

(2) If, before the Tribunal makes a decision on an appeal brought under any Act other than the *Town and Country Planning Act 1961*, it appears to the Minister administering the Act under which the appeal is brought that the appeal raises a major issue of policy, the Minister may request the Minister administering the *Town and Country Planning Act 1961*—

- (a) to direct the Registrar to refer the appeal to the Governor in Council for determination; or
- (b) to invite the Tribunal—
 - (i) to decline to hear the appeal and refer it to the Governor in Council for determination; or
 - (ii) to hear the appeal but, without determining it, refer it with recommendations to the Governor in Council for determination—

and the Minister administering the *Town and Country Planning Act 1961* must comply with that request.

(3) If, after the hearing of an appeal has commenced, it appears to the Tribunal that the appeal raises a major issue of policy and, in the case of an appeal brought under the *Town and Country Planning Act 1961*, that the determination of the appeal may have a substantial effect on the achievement or development of planning objectives, the Tribunal—

(a) may invite the Minister administering the *Town and Country Planning Act 1961* to make submissions to the Tribunal; and

(b) may—

(i) decline to hear the appeal and refer it to the Governor in Council for determination; or

(ii) continue to hear the appeal but, without determining it, refer it with recommendations to the Governor in Council for determination.

(4) If an appeal is referred to the Governor in Council for determination, the Governor in Council may determine the appeal and the determination has effect as if it were a determination of the Tribunal.”.

(3) The Principal Act is amended as follows:

(a) Sections 42 and 43 are repealed;

(b) Division 3 of Part IV is repealed;

(c) Sections 55 and 57 are repealed;

(d) In section 58, sub-sections (1), (2) and (4) are repealed;

(e) Sections 60, 62 and 64 are repealed;

(f) Part V is repealed;

(g) In Part VI, for section 67 substitute—

Provision of this Act to prevail.

“67. If a provision of the *Administrative Appeals Tribunal Act 1984* is inconsistent with a provision of this Act, the provision of this Act prevails.”;

(h) For section 68 substitute—

Exclusion of certain sections of *Administrative Appeals Tribunal Act 1984*.

“68. Sections 29, 30, 32, 36 and 37 of the *Administrative Appeals Tribunal Act 1984* do not apply to applications under this Act.”;

(i) For section 69 substitute—

Costs on appeal not to be awarded by Supreme Court.

“69. Despite section 52 of the *Administrative Appeals Tribunal Act* 1984, the Supreme Court must not make any order with respect to costs on an appeal from the Planning division of the Tribunal under section 52 of that Act.”; 5

(j) Sections 70, 71, 72, 73, 75 and 79 are repealed;

(k) For the Schedule, substitute the Schedule set out in Schedule 1 to this Act.

New Part VA inserted. 10

7. After Part V of the Principal Act insert—

“PART VA—JURISDICTION IN PLANNING MATTERS”

Jurisdiction to hear and determine planning matters.

“66A. (1) The Supreme Court, the County Court or a Magistrates’ Court does not have jurisdiction to hear, or continue to hear, or determine any proceedings in which a person bringing the proceedings brings in issue the matter of the exercise of, or the failure to exercise, a power if— 15

(a) the Tribunal has power to review the matter of the exercise of, or failure to exercise, that power; and 20

(b) the matter—

(i) has not been referred to the Tribunal; or

(ii) if so referred, has not been determined by the Tribunal; or

(iii) if so determined, the time for appeal against the determination has not expired; or 25

(iv) if an appeal has been brought against the determination, the appeal has not been determined.

(2) If the Supreme Court, the County Court or a Magistrates’ Court is of the opinion that there are special circumstances which justify the hearing by the Court of proceedings to which sub-section (1) applies, the Court may direct that sub-section (1) does not apply to those proceedings. 30

(3) If a Court determines any proceedings to which sub-section (1) applies but does not give a direction under sub-section (2), nothing in this section invalidates the decision of the Court.”. 35

Miscellaneous amendments of Principal Act.

8. The Principal Act is amended or repealed as set out in Schedule 2.

PART 4—CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS**Consequential amendments.**

5 **9.** On the coming into operation of an item in Schedule 3 or 4 amending or repealing an Act or provision of an Act, that Act or provision is amended or repealed as set out in that item.

Transitional provisions.

10 **10.** (1) The *Planning Appeals Board Act* 1980 and regulations made under that Act, as in force immediately before the commencement of this section, continue to apply to and in relation to an appeal to the Planning Appeals Board the hearing of which commenced before the commencement of this section as if this Act had not been enacted.

15 (2) The constitution of the Planning Appeals Board for the purpose of hearing and determining appeals to which sub-section (1) applies shall be determined in accordance with the *Planning Appeals Board Act* 1980 as in force immediately before the commencement of this section and as if the members of the Planning division of the Tribunal were members of that Board.

20 (3) If, before the commencement of this section, an appeal to the Planning Appeals Board has been commenced but a hearing has not been held—

- 25 (a) an application for review shall be deemed to have been made to the Administrative Appeals Tribunal; and
- (b) the Registrar of the Planning Appeals Board shall transmit all documents relating to the appeal to the Registrar of the Administrative Appeals Tribunal; and
- (c) the Administrative Appeals Tribunal shall hear and determine the matter.

30 (4) A person who was a member of the Planning Appeals Board immediately before the commencement of this section—

- (a) becomes, on that commencement, a member of the Administrative Appeals Tribunal and, in the case of the chief chairman, a Deputy President of the Tribunal; and
- 35 (b) shall be deemed to have been appointed as a member of the Planning division for the remainder of the term for which, and on the same terms and conditions on which, he or she was appointed to the Planning Appeals Board.

Saving of Regulations.

40 **11.** Regulations in force under the *Planning Appeals Board Act* 1980 immediately before the commencement of this section have effect in relation to the Planning division of the Tribunal as if they had been

made under the *Administrative Appeals Tribunal Act 1984* and may be amended or revoked by regulations made under that Act.

SCHEDULES**SCHEDULE 1**

Section 6 (3).

New Schedule inserted

“SCHEDULE**Section 13.***Alpine Resorts Act 1983**Cluster Titles Act 1974**Section 37 of the Drainage Areas Act 1958**Drainage of Land Act 1975**Environment Protection Act 1970**Extractive Industries Act 1966**Section 95 of the Health Act 1958**Historic Buildings Act 1981**Section 41 of the Latrobe Regional Commission Act 1983**Divisions 9 and 10 of Part XIX and Division 5 of Part XXI of the Local Government Act 1958**Division 2 of Part IVA of the Mines Act 1958**Section 9 of the Port Phillip Coastal Planning and Management Act 1966**Soil Conservation and Land Utilization Act 1958**Strata Titles Act 1967**Town and Country Planning Act 1961**Section 56 of the Transport Act 1983 and any regulation made under that section**Section 24 of the Upper Yarra Valley and Dandenong Ranges Authority Act 1976**Water Act 1958”***SCHEDULE 2**

Section 8.

Miscellaneous Amendments to the *Planning Appeals Board Act 1980*

<i>Section</i>	<i>Extent of Amendment</i>
27	For “Board” (wherever occurring) substitute “Tribunal”.
28	For “Board” (wherever occurring) substitute “Tribunal”. For “chief chairman” (wherever occurring) substitute “President”. For “he” (wherever occurring) substitute “ the President”. For “his” substitute “his or her”.
29	For “Board” (wherever occurring) substitute “Tribunal”.
30	For “chief chairman” (wherever occurring) substitute “President”. For “he” substitute “the President”.
31 (1)	For “Board” substitute “Tribunal”.
31 (3)	For “chief chairman” (wherever occurring) substitute “President”. For “he” substitute “the President”.
31 (4)	For “a division” substitute “the Tribunal”. For “his or their” substitute “the”.
32	For “chief chairman” (wherever occurring) substitute “President”.

SCHEDULE 2—*continued*

<i>Section</i>	<i>Extent of Amendment</i>
32 (3)	For "him" substitute "the person". For "he" substitute "the person". For "Board" substitute "Tribunal".
33	For "chief chairman" (wherever occurring) substitute "President".
33 (1)	For "he" substitute "the President".
34	For "chief chairman" (wherever occurring) substitute "President".
34 (2) (c)	For "him" substitute "the applicant".
34 (2) (d)	For "him" substitute "the applicant".
34 (2) (e)	For "him" substitute "the objector". For "he" substitute "the objector".
35	For "Board" (wherever occurring) substitute "Tribunal". For "Secretary for Minerals and Energy" (wherever occurring) substitute "Director-General of Industry, Technology and Resources".
36 (1)	For "he" substitute "that person".
36 (2)	For "chief chairman" substitute "President". For "he" substitute "that person". For "division" substitute "Tribunal". For "his or their" substitute "the".
36 (3)	For "division" (wherever occurring) substitute "Tribunal". For "him" substitute "the person". For "his" substitute "that person".
40	For "chief chairman" (wherever occurring) substitute "President". For "division" (wherever occurring) substitute "Tribunal". For "Board" (wherever occurring) substitute "Tribunal".
40 (2)	For "him" substitute "the Minister". For "he" substitute "the Minister".
40 (3)	Omit "his". After "behalf" insert "of the Minister".
51	For "Board" (wherever occurring) substitute "Tribunal".
52 (1) (a)	For "him" substitute "the appellant".
52 (2)	For "Board" (wherever occurring) substitute "Tribunal".
53 (1)	For "division" (wherever occurring) substitute "Tribunal". For "chief chairman" (wherever occurring) substitute "President".
53 (2)	For "a division" substitute "the Tribunal".
53A (1)	For "division" (wherever occurring) substitute "Tribunal". For "chief chairman" (wherever occurring) substitute "President".
53A (2)	For "a division" substitute "the Tribunal".
54 (1)	For "Board" substitute "Tribunal". For "division" (wherever occurring) substitute "Tribunal". For "chief chairman" (wherever occurring) substitute "President".
56	For "compulsory" (wherever occurring) substitute "preliminary". For "a division" (wherever occurring) substitute "the Tribunal". For "that division" (wherever occurring) substitute "the Tribunal". For "chief chairman" (wherever occurring) substitute "President".
56 (2)	For "he" substitute "that member".
56 (3)	For "\$500" substitute "5 penalty units". For "him" substitute "that person".

SCHEDULE 2—continued

Section	Extent of Amendment
58 (3)	For “compulsory” (wherever occurring) substitute “preliminary”. For “him” substitute “the party”. Omit “held pursuant to Division 3 of Part IV”. For “division” substitute “Tribunal”.
59	For “chief chairman” (wherever occurring) substitute “President”.
59 (1)	For “compulsory” (wherever occurring) substitute “preliminary”. Omit “pursuant to the provisions of Division 3 of Part IV.”. After “the determination of the chief chairman” omit “, senior member”. For “Board” (wherever occurring) substitute “Tribunal”.
59 (1) (b)	Omit “himself”. Omit “or authorize a senior member to so determine the appeal”.
61	For “Board” substitute “Tribunal”.
63 (1)	After “Subject to this Act” insert “and the <i>Administrative Appeals Tribunal Act 1984</i> ”. For “Board” substitute “Planning division of the Tribunal”.
63 (2)	For “Board” substitute “Tribunal”.
76 (1)	For “the chief chairman and the spouse and children of the chief chairman” substitute “the person who is chief chairman immediately before the commencement of this Act and spouse and children of that person”.
77	For “Board” (wherever occurring) substitute “Tribunal”. Omit “his” (wherever occurring). For “he” substitute “the person”.

SCHEDULE 3

Section 9.

Consequential Amendments

Item	Title of Act	Section	Extent of Amendment or Repeal
1.1	<i>Alpine Resorts Act 1983</i>	23	For “and the <i>Planning Appeals Board Act 1980</i> ” substitute “, the <i>Planning Appeals Act 1980</i> and the <i>Administrative Appeals Tribunal Act 1984</i> ”.
1.2			After section 23 insert— Provision of this Act to prevail. “23A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.
2.1	<i>Cluster Titles Act 1974</i>	3	After “context or subject-matter—” insert— ““ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”.
2.2			The definition of “Planning Appeals Board” is repealed.
2.3		20 (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.

SCHEDULE 3—continued

Item	Title of Act	Section	Extent of Amendment or Repeal
2.4	Cluster Titles Act 1974— continued	20 (9)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
2.5		23	In paragraph (b) of the definition of “Clearing Statement”, for “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
2.6		25 (1)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
2.7			After section 34 insert— Provision of this Act to prevail. “34A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.
2.8			In the Fourth Schedule in paragraph 1 for “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
2.9			In the Sixth Schedule for “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
3.1	Drainage Areas Act 1958	37 (3)	For “Planning Appeals Board established under the <i>Planning Appeals Board Act 1980</i> ” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> ”.
3.2		37 (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
3.3			After section 37 (4) insert— “(4A) The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this section shall be constituted by— (a) a member of the Planning division who is a legal practitioner; and (b) at least two other members of the Planning division suitably qualified and experienced.”.
3.4		37 (5), (6)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
3.5			After section 37 insert— Provision of this Act to prevail. “37A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision in this Act, the provision of this Act prevails.”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
4.1	<i>Drainage of Land Act 1975</i>	3 (1)	After “subject-matter —” insert— “ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”
4.2			The definition of “Planning Appeals Board” is repealed.
4.3		4	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.4			After section 4 insert— Constitution of Tribunal. “4A. The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this Act shall be constituted by— (a) a member of the Planning division who is a legal practitioner; and (b) at least two other members of the Planning division suitably qualified and experienced.”
4.5		9C	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.6		9D (1)	For “and the <i>Planning Appeals Board Act 1980</i> ” substitute “, the <i>Administrative Appeals Tribunal Act 1984</i> and the <i>Planning Appeals Act 1980</i> ”.
4.7		9D (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.8			Before Part II insert— Powers of Tribunal. “9E. (1) The Administrative Appeals Tribunal, while exercising jurisdiction conferred on it by this Part— (a) may do any matter or thing in relation to any proceedings under this Part (including the ordering of the payment of costs by any party) in the same manner and to the same extent as the Supreme Court may do in relation to any application or proceedings before the Supreme Court; and

SCHEDULE 3—continued

Item	Title of Act	Section	Extent of Amendment or Repeal
4.8	<i>Drainage of Land Act</i> 1975—continued		<p>(b) where it appears to the Tribunal to be desirable in the interests of justice so to do, it may make an order directing any party to any such proceedings to do or refrain from doing any act pending the hearing or determination of the proceedings and any such order may be made subject to such terms and conditions (if any) as the Tribunal thinks fit.</p> <p>(2) Without derogating from the generality of sub-section (1) the powers of the Tribunal referred to in sub-section (1) shall be construed as including power to—</p> <p>(a) make any order for the payment of compensation; and</p> <p>(b) determine which party or parties to an action should bear the costs of the removal or modification of any works and where it determines that more than one party to an action should bear those costs, apportion the costs as between those parties in such proportions as it considers appropriate.</p> <p>(3) Any person who fails or refuses to obey an order made by the Tribunal under sub-section (1) (b) is guilty of an offence and liable to a penalty of not more than 10 penalty units and to a further penalty of not more than 2 penalty units for each day during which the offence continues after conviction.</p> <p>(4) An order made by the Tribunal under sub-section (1) may be made a rule of the Supreme Court on the application of any party to the proceedings in relation to which the order was made.”</p>
6.9		14	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.10		15 (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.11		16	For “ <i>Planning Appeals Board Act 1980</i> ” substitute “ <i>Administrative Appeals Tribunal Act 1984</i> and the <i>Planning Appeals Act 1980</i> ”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
4.12	<i>Drainage of Land Act 1975—continued</i>		For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.13		17 (b), (d)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.14		18	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.15		19	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.16		27	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.17		30 (1) (b)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.18		32	After “In this Part —” insert— “ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”
4.19			The definition of “Planning Appeals Board” is repealed.
4.20		36 (2)	For “Planning Appeals Board established under the <i>Planning Appeals Board Act 1980</i> ” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> ”.
4.21		36 (5)	Sub-section (5) is repealed.
4.22		38 (7), (12)	For “Planning Appeals Board established under the <i>Planning Appeals Board Act 1980</i> ” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> ”.
4.23		38 (17)	Sub-section (17) is repealed.
4.24		38 (18)	Sub-section (18) is repealed.
4.25			After section 52 insert— Provision of this Act to prevail. “53. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act the provision of this Act prevails.”
5.1	<i>Environment Protection Act 1970</i>	4 (1)	After “context or subject-matter—” insert— “ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
5.2	<i>Environment Protection Act</i> 1970—continued		The definition of “Planning Appeals Board” is repealed.
5.3		32 (1), (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.4		33 (1), (2), (3), (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.5		33A (1), (2), (3), (4), (5), (6)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.6		33B (3)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.7		33C (1), (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.8		34 (1), (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.9		35 (1), (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.10		36	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.11		36A (1), (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.12		36B (1)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
5.13		37	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
5.14			After section 37 insert— Provision of this Act to prevail. “37A. If a provision of the <i>Administrative Appeals Tribunal Act</i> 1984 is inconsistent with a provision of this Act, the provision of this Act prevails.”.
6.1	<i>Extractive Industries Act</i> 1966	9 (2)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
6.2		9 (3)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
6.3			For “ <i>Planning Appeals Board Act</i> 1980” substitute <i>Administrative Appeals Tribunal Act</i> 1984”.
6.4		17 (5)	For “ <i>Planning Appeals Board Act</i> 1980” (wherever occurring) substitute “ <i>Administrative Appeals Tribunal Act</i> 1984”.
6.5			For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
6.6	<i>Extractive Industries Act 1966—continued</i>	41A	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
6.7		41A (1)	For “the Board” substitute “the Tribunal”.
6.8		41A (2)	For section 41A (2) substitute— “(2) The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this Act shall be constituted by— (a) a member of the Planning division who is a legal practitioner; and (b) at least two other members of the Planning division who have suitable knowledge and experience.”.
6.9			After section 41A insert— Provision of this Act to prevail. “41AA. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.
7.1	<i>Geelong Regional Commission Act 1977</i>	4 (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
8.1	<i>Health Act 1958</i>	95 (1), (5) (c), (5A)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
8.2		95 (6), (7)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
8.3		95 (8)	For “Board” substitute “Tribunal”.
8.4		95 (10)	For sub-section (10) substitute— “(10) In this section “Administrative Appeals Tribunal” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”.
8.5			After section 95 insert— Provision of this Act to prevail. “95A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.
9.1	<i>Historic Buildings Act 1981</i>	3	After “context or subject-matter—” insert— “Administrative Appeals Tribunal” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
9.2	<i>Historic Buildings Act 1981—continued</i>	29	For “a special division of the Planning Appeals Board” substitute “the Administrative Appeals Tribunal”.
9.3		30	For “special division of the Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
9.4		31 (1)	For “special division of the Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
9.5			After section 31 insert— Constitution of Tribunal. “31A. The Administrative Appeals Tribunal for the purposes of the exercise of powers and performance of duties conferred or imposed on it by section 29, 30 or 31 shall be constituted by— (a) a member of the Planning division who is a senior member; and (b) a member of the Planning division who is an architect practising in the area of building restoration or conservation; and (c) one other member of the Planning division who is suitably qualified and experienced.” Provision of this Act to prevail. “31B. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.
10.1	<i>Latrobe Regional Commission Act 1983</i>	41 (8)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
10.2			Omit “under the <i>Planning Appeals Board Act 1980</i> ”.
10.3		41 (10)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
10.4		41 (17)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
10.5			For “the Board” substitute “the Tribunal”.
10.6		41 (20)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
10.7			After section 41 insert— Provision of this Act to prevail. “41A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
11.1	<i>Local Government Act 1958</i>	564	For “Planning Appeals Board established under the <i>Planning Appeals Board Act 1980</i> ” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> ”.
11.2		569AA (1A)	For sub-section (1A) substitute— ‘(1A) In this Division “Administrative Appeals Tribunal” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .’
11.3		569 (5)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.4		569B (8AC)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.5		569C	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.6		569E (3) (e), (9), (9AA), (9AC)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.7		569E (9AE)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
11.8		569E (9AF), (10)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.9		569I	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
11.10		570	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
11.11		570 (2)	Omit “who constituted the division”.
11.12		571	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.13		573 (1A), (1AA)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.14			After section 574 insert— Provision of this Division to prevail. “574A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Division the provision of this Division prevails.”.

SCHEDULE 3—continued

Item	Title of Act	Section	Extent of Amendment or Repeal
11.15	<i>Local Government Act</i> 1958—continued	575 (1)	After “subject-matter —” insert— “ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act</i> 1984.”.
11.16			The definition of “Planning Appeals Board” is repealed.
11.17		579	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
11.18		580 (1) (b) (ii)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
11.19			After section 580 insert— Provision of this Division to prevail. “580A. If a provision of the <i>Administrative Appeals Tribunal Act</i> 1984 is inconsistent with a provision of this Division the provision of this Division prevails.”.
11.20		651 (1B)	For “Planning Appeals Board established under the <i>Planning Appeals Board Act</i> 1980” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act</i> 1984”.
11.21		651A (5)	For “Planning Appeals Board established under the <i>Planning Appeals Board Act</i> 1980” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act</i> 1984”.
11.22			After section 651A insert— Constitution of Tribunal. “651B. The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this Division shall be constituted by— (a) a member of the Planning division who is a legal practitioner; and (b) at least two other members of the Planning division suitably qualified and experienced.”.
11.23			After section 652 insert— Provision of this Division to prevail. “652A. If a provision of the <i>Administrative Appeals Tribunal Act</i> 1984 is inconsistent with a provision of this Division the provision of this Division prevails.”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
11.24	<i>Local Government Act 1958—continued</i>	861A (1) (c) (ii)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
12.1	<i>Local Government (General Amendment) Act 1982</i>	28 (1)	In paragraph (c) (ii) of the proposed section 861A (1) for “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
13.1	<i>Mines Act 1958</i>	3 (1)	After the definition of “Action” insert— “Administrative Appeals Tribunal” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”
13.2			The definition of “Planning Appeals Board” is repealed.
13.3		512G (1)	For “ <i>Planning Appeals Board Act 1980</i> ” (wherever occurring) substitute “ <i>Administrative Appeals Tribunal Act 1984</i> ”.
13.4			For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
13.5		512G (2), (3), (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
13.6		512G (4)	For section 512G (4) substitute— “(4) The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this Division shall be constituted by— (a) a member of the Planning division who is a legal practitioner; and (b) at least two other members of the Planning division who have suitable knowledge and experience.”
13.7			After section 512G insert— Provision of this Act to prevail. “512GA. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”
14.1	<i>Port Phillip Coastal Planning and Management Act 1966</i>	9 (2), (3), (4)	For “chief chairman of the Planning Appeals Board” substitute “President of the Administrative Appeals Tribunal”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
14.2	<i>Port Phillip Coastal Planning and Management Act 1966—continued</i>		<p>After section 9 insert—</p> <p>Powers of President.</p> <p>“9A. The jurisdiction, powers and duties conferred or imposed on the President by section 9 may be exercised or performed by the President of the Administrative Appeals Tribunal or by a Deputy President nominated by the President.”</p> <p>Provision of this Act to prevail.</p> <p>“9B. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”</p>
15.1	<i>Soil Conservation and Land Utilization Act 1958</i>	3 (1)	<p>After “subject-matter—” insert—</p> <p>‘“Administrative Appeals Tribunal” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i>.’</p>
15.2			The definition of “Planning Appeals Board” is repealed.
15.3		14 (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
15.4		17 (3) (b)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
15.5		23 (4) (d)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
15.6		35 (3)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
15.7		35A (1)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
15.8		35B (a)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
15.9			<p>After section 35B insert—</p> <p>Provision of this Act to prevail.</p> <p>“35C. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”</p>

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
16.1	<i>Strata Titles Act 1967</i>	3	After “context or subject-matter—” insert— “ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”
16.2			The definition of “Planning Appeals Board” is repealed.
16.3		6 (7)	For “Planning Appeals Board” (wherever occurring) substitute “ Administrative Appeals Tribunal ”.
16.4		9 (a)	For “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.
16.5		34 (1) (a)	For “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.
16.6			After section 46 insert— Provision of this Act to prevail. “47. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”
17.1	<i>Town and Country Planning Act 1961</i>	3 (1)	After the definition of “Acquiring authority” insert— “ Administrative Appeals Tribunal ” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> .”
17.2			The definition of “Planning Appeals Board” is repealed.
17.3			In the definition of “Registrar” for “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.
17.4		17 (1E) (a)	For “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.
17.5		18C (1) (c)	For “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.
17.6		18D (1)	For “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.
17.7		19 (1)	For “Planning Appeals Board” substitute “ Administrative Appeals Tribunal ”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
17.8	<i>Town and Country Planning Act 1961—continued</i>		<p>After section 19 insert— Constitution of Tribunal. “19A. The Administrative Appeals Tribunal, for the purposes of the exercise of powers and performance of duties conferred or imposed on it by this Act shall be constituted—</p> <p>(a) by—</p> <p>(i) a member of the Planning division who is a legal practitioner; and</p> <p>(ii) at least one member of the Planning division who has experience in town and country planning; or</p> <p>(b) if the President so determines in a particular case, by a member of the Planning division who has experience in town and country planning.”.</p>
17.9		20 (1)	For “ <i>Planning Appeals Board Act 1980</i> ” (wherever occurring) substitute “ <i>Planning Appeals Act 1980</i> ”.
17.10		20 (2)	For “ <i>Planning Appeals Board Act 1980</i> ” substitute “ <i>Planning Appeals Act 1980</i> ”.
17.11		22 (1), (1A), (4)	For “ <i>Planning Appeals Board</i> ” substitute “ <i>Administrative Appeals Tribunal</i> ”.
17.12		22c	For “ <i>chief chairman of the Planning Appeals Board</i> ” substitute “ <i>President of the Administrative Appeals Tribunal</i> ”.
17.13		22E	For “ <i>Planning Appeals Board</i> ” (wherever occurring) substitute “ <i>Administrative Appeals Tribunal</i> ”.
17.14		24 (1)	For “ <i>Planning Appeals Board</i> ” substitute “ <i>Administrative Appeals Tribunal</i> ”.
17.15		24 (2)	For “ <i>Planning Appeals Board</i> ” (wherever occurring) substitute “ <i>Administrative Appeals Tribunal</i> ”.
17.16		24 (2AA) (a)	For “ <i>Planning Appeals Board</i> ” substitute “ <i>Administrative Appeals Tribunal</i> ”.
17.17			After “reference to” insert “the <i>Planning Appeals Board</i> ”.

SCHEDULE 3—*continued*

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
17.18	<i>Town and Country Planning Act 1961— continued</i>	24 (2AA) (b)	After “determination by” insert “the Planning Appeals Board.”.
17.19		24 (2A), (2B)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
17.20		24A	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
17.21		42 (2)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
17.22		48A (3)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
17.23			After section 48A insert— Provision of this Act to prevail. “48B. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.
17.24		52c (1), (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
18.1	<i>Transport Act 1983</i>	56 (3) (g)	For “Planning Appeals Board established under the <i>Planning Appeals Board Act 1980</i> ” substitute “Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act 1984</i> ”.
19.1	<i>Upper Yarra Valley and Dandenong Ranges Authority Act 1976</i>	24 (7), (8)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
19.2		24 (16)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
19.3			For “Board” substitute “Tribunal”.
20.1	<i>Water Act 1958</i>	33B (3), (4)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
20.2		33B (5)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
20.3			For “ <i>Planning Appeals Board Act 1980</i> ” substitute “ <i>Administrative Appeals Tribunal Act 1984</i> ”.

SCHEDULE 3—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
20.4	<i>Water Act</i> 1958— continued		After section 33B, insert— Provision of this Act to prevail. “33BA. If a provision of the <i>Administrative Appeals Tribunal Act</i> 1984 is inconsistent with a provision of this Act the provision of this Act prevails.”.

SCHEDULE 4

Section 9.

Further Consequential Amendments

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
1.1	<i>Planning Appeals Act</i> 1980	41	For “ <i>Town and Country Planning Act</i> 1961” (wherever occurring) substitute “ <i>Planning and Environment Act</i> 1987”.
1.2			In Schedule 1— (a) after “Division 2 of Part IVA of the <i>Mines Act</i> 1958” insert “ <i>Planning and Environment Act</i> 1987”; (b) omit “ <i>Town and Country Planning Act</i> 1961”; (c) omit “Section 24 of the <i>Upper Yarra Valley and Dandenong Ranges Authority Act</i> 1976”.
2.1	<i>Alpine Resorts Act</i> 1983	23A	Section 23A is repealed.
3.1	<i>Latrobe Regional Commission Act</i> 1983	41A	Section 41A is repealed.
4.1	<i>Planning and Environment Act</i> 1987	3	Before the definition of “Amendment” insert— “Administrative Appeals Tribunal” means the Administrative Appeals Tribunal established under the <i>Administrative Appeals Tribunal Act</i> 1984.”.
4.2		39 (3)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.3		81 (3) (b)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.4		84 (b) (i)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.5			For “Board” substitute “Tribunal”.

SCHEDULE 4—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
4.6	<i>Planning and Environment Act 1987—continued</i>	90 (a)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.7			In the heading preceding section 94, for “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.8		94	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.9		95	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.10		96	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.11		97	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.12		98	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.13		99	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.14		101 (2)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.15			In “ <i>Planning Appeals Board Act 1980</i> ” omit “ <i>Board</i> ”.
4.16		101 (3)	In “ <i>Planning Appeals Board Act 1980</i> ” omit “ <i>Board</i> ”.
4.17		102	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.18		103	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.19		104	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.20		106	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.21		107	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.

SCHEDULE 4—*continued*

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
4.22	<i>Planning and Environment Act 1987—continued</i>	108	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.23		108 (2)	Omit “Planning Appeals Board’s”. After “directions” insert “of the Administrative Appeals Tribunal”.
4.24		109	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.25		110	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.26		115 (a)	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.27		132	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.28		133	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.29		134	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.30		135	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.31		136	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.32		136 (7)	For “Board” (wherever occurring) substitute “Tribunal”.
4.33		137	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.34		139 (1)	For “Planning Appeals Board” substitute “Administrative Appeals Tribunal”.
4.35			After the heading to Division 5 of Part 7 insert— Constitution of Administrative Appeals Tribunal. “163A. The Administrative Appeals Tribunal, for the purposes of the exercise of powers and

SCHEDULE 4—continued

<i>Item</i>	<i>Title of Act</i>	<i>Section</i>	<i>Extent of Amendment or Repeal</i>
4.35	<i>Planning and Environment Act 1987—continued</i>		<p>performance of duties conferred or imposed on it by this Act shall be constituted—</p> <p>(a) by—</p> <p>(i) a member of the Planning division who is a legal practitioner; and</p> <p>(ii) at least one member of the Planning division who has experience in town and country planning; or</p> <p>(b) if the President so determines in a particular case, by a member of the Planning division who has experience in town and country planning.”</p> <p>Provision of this Act to prevail. “163B. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.</p>
4.36		164	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.37		192	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.38		198	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
4.39		230	For “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”.
5.1	<i>Port Phillip Coastal Planning and Management Act 1966</i>		<p>After section 9 insert—</p> <p>Provision of this Act to prevail. “9A. If a provision of the <i>Administrative Appeals Tribunal Act 1984</i> is inconsistent with a provision of this Act, the provision of this Act prevails.”.</p>

