



New South Wales

Civil and Administrative Tribunal Amendment Bill 2013

Explanatory note

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

The *Civil and Administrative Legislation (Repeal and Amendment) Bill 2013* is cognate with this Bill.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Civil and Administrative Tribunal Act 2013*:
 - (i) to provide for the constitution and the practice and procedure of, and appeals from, the Civil and Administrative Tribunal (*NCAT*), and
 - (ii) to provide for the abolition of the Vocational Training Appeal Panel and the transfer of its functions to *NCAT*, and
 - (iii) to make further provision with respect to savings and transitional matters, and
- (b) to rename the *Administrative Decisions Tribunal Act 1997* as the *Administrative Decisions Review Act 1997* and confine its operation to the process for the administrative review by *NCAT* of certain decisions of administrators and to repeal and amend certain other legislation consequent on the amendments made to that Act.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act (except for Schedule 2) on the date of assent to the proposed Act. Schedule 2 will commence on the day on which *NCAT* is formally established.

Schedule 1 Amendment of Civil and Administrative Tribunal Act 2013 No 2

Schedule 1 amends the *Civil and Administrative Tribunal Act 2013*:

- (a) to provide for the general constitution requirements and practice and procedure for NCAT, and
- (b) to provide for internal appeals in NCAT and appeals rights to the Supreme Court, District Court and Land and Environment Court from decisions of NCAT, and
- (c) to provide for the allocation of functions to the various Divisions of NCAT, the membership of the Divisions and special constitution, practice and procedure and appeal mechanisms for some of the Divisions of NCAT, and
- (d) to make further provision with respect to the constitution and the procedure of the Rule Committee of NCAT, and
- (e) to enable the President of NCAT to give procedural directions, and
- (f) to provide for the abolition of the Vocational Training Appeal Panel and the transfer of its functions to NCAT, and
- (g) to rename the Occupational and Regulatory Division of NCAT as the Occupational Division, and
- (h) to make further provision with respect to savings and transitional matters consequent on the establishment of NCAT and the transfer to it of proceedings and functions of certain existing tribunals.

Schedule 2 Repeal and amendment of certain legislation relating to Administrative Decisions Tribunal

Schedule 2.1 repeals the *Administrative Decisions Legislation Amendment Act 1997*. The Act contains uncommenced amendments to the *Administrative Decisions Tribunal Act 1997* that will become redundant with the abolition of the Administrative Decisions Tribunal and the amendment of the *Administrative Decisions Tribunal Act 1997* by the proposed Act.

Schedule 2.2 amends the *Administrative Decisions Tribunal Act 1997*:

- (a) to rename the Act as the *Administrative Decisions Review Act 1997*, and
- (b) to remove provisions relating to the establishment, membership, officers and functions of the Administrative Decisions Tribunal, and
- (c) to confine the operation of the Act to the process for the administrative review of certain decisions of administrators and confer the function of conducting such reviews on NCAT.

Schedule 2.3 amends the *Administrative Decisions Tribunal Regulation 2009* to rename it and confine its operation consistent with the amendments made to the *Administrative Decisions Tribunal Act 1997* by the proposed Act.

Schedule 2.4 repeals the *Administrative Decisions Tribunal Rules 1998*.