

CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT BILL 2023

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The policy underlying the Civil and Administrative Tribunal Amendment Bill 2023 (**the Bill**) is that reflected in section 92 of the *Civil and Administrative Tribunal Act 2013 (CAT Act)*, namely that this Act should be reviewed and amended where appropriate to ensure that its policy objectives remain valid and that its terms remain appropriate for securing those objectives.

The statutory review of the CAT Act considered a wide range of stakeholder views in concluding that it was generally meeting its objects. The amendments contained in the Bill implement the recommendations arising out of the statutory review and will ensure the CAT Act is able to best facilitate the just, quick and cheap resolution of the real issues in proceedings before the NSW Civil and Administrative Tribunal (**Tribunal**).

The Bill will not make fundamental changes to the operation of the CAT Act or the Tribunal itself, but will improve existing statutory processes and safeguards.

Objectives: What is the policy's objective couched in terms of the public interest?

The Tribunal is a crucial pillar of access to justice in NSW. It was introduced to consolidate the jurisdiction of 23 former tribunals and other bodies into a single point of access for most tribunal services, providing a forum for community members to justly resolve disputes and other civil matters more quickly and cheaply compared to traditional court proceedings.

There is a strong public interest in ensuring the Tribunal is:

- accessible and responsive to the need of all users
- delivering decisions that are timely, fair, consistent and of a high quality
- accountable and has processes that are open and transparent.

The various reforms in the Bill are intended to help achieve these aims.

Options: What alternative policies and mechanisms were considered in advance of the Bill?

No alternative policies or mechanisms were considered as the statutory review was focused on the objects and terms of the CAT Act. The implementation of its recommendations as reflected in the Bill can only be achieved through legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The amendments in the Bill were recommended in the statutory review to improve the Tribunal's processes and procedures while also clarifying aspects of the CAT Act, enhancing the experience of Tribunal users and access to justice in NSW. It will also ensure that the Tribunal and its governing legislation are fit-for-purpose, up-to-date and model best practice.

If the recommendations arising out of the statutory review of the CAT Act are not implemented, this would prevent improvements being made to the CAT Act and the procedures of the Tribunal. The underlying purpose of the statutory review and section 92 of the CAT Act would not be fulfilled.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence on the date of assent. It will result in minor changes to procedure in matters before the Tribunal but there is not expected to be any resourcing impact. The Tribunal supports the amendments.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Government consulted key stakeholders extensively during the statutory review, including close engagement with the Tribunal. A total of 94 submissions were received from interested parties and stakeholders.

Targeted consultation occurred with stakeholders that represent the interests of tribunal user groups, including peak bodies in the legal, disability advocacy and property sectors. Key stakeholders were also consulted on the drafting and final form of the Bill.