



New South Wales

Suitors' Fund Amendment (Costs of NCAT Appeals) Bill 2016

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Suitors' Fund Act 1951* to allow Appeal Panels of NCAT to grant indemnity certificates to respondents to successful internal appeals made under section 80 of the *Civil and Administrative Tribunal Act 2013*.

An indemnity certificate allows a respondent, in certain circumstances, to be reimbursed out of the Suitors' Fund all or part of the appellant's costs of the appeal paid by the respondent. In certain circumstances, an indemnity certificate entitles an appellant to be paid all or part of the appellant's costs of the appeal directly from the Suitors' Fund. In either instance, the effect of granting an indemnity certificate is to ensure that a person who makes an internal appeal to an Appeal Panel of NCAT on a question of law and succeeds on that appeal can recover costs of the appeal that are ordered to be paid by the Appeal Panel.

Indemnity certificates cannot be granted to corporations with paid-up share capital of \$200,000 or more, or to corporations related to body corporates with such capital.

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 on the date of assent to the proposed Act.

Schedule 1 Amendment of Suitors' Fund Act 1951 No 3

Schedule 1 gives effect to the object described in the above Overview and makes certain consequential amendments.



New South Wales

Suitors' Fund Amendment (Costs of NCAT Appeals) Bill 2016

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Suitors' Fund Act 1951 No 3	3



New South Wales

Suitors' Fund Amendment (Costs of NCAT Appeals) Bill 2016

No. , 2016

A Bill for

An Act to amend the *Suitors' Fund Act 1951* in relation to the costs of certain appeals to the Civil and Administrative Tribunal of New South Wales.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Suitors' Fund Amendment (Costs of NCAT Appeals) Act 2016*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

5

Schedule 1	Amendment of Suitors' Fund Act 1951 No 3	1
[1] Section 2 Definitions		2
	Omit "(1A) or (1AA)" from the definition of <i>Indemnity certificate</i> in section 2 (1).	3
	Insert instead "(1A), (1AA) or (1AB)".	4
[2] Section 2 (1), definition of "NCAT"		5
	Insert in alphabetical order:	6
	<i>NCAT</i> means the Civil and Administrative Tribunal of New South Wales established under the <i>Civil and Administrative Tribunal Act 2013</i> .	7 8
[3] Section 2 (3)		9
	Insert after section 2 (2):	10
	(3) Without limiting the definition of <i>Court</i> , this Act also applies to and in respect of NCAT and its Appeal Panels.	11 12
[4] Section 6 Costs of certain appeals		13
	Insert after section 6 (1AA):	14
	(1AB) Where an appeal to an Appeal Panel of NCAT under section 80 of the <i>Civil and Administrative Tribunal Act 2013</i> on a question of law succeeds, that Appeal Panel may, upon application made in that behalf, grant to the respondent to the appeal, or to any one or more of several respondents to the appeal, an indemnity certificate in respect of the appeal.	15 16 17 18 19
[5] Section 6 (2B) (b)		20
	Insert "or other body" after "court".	21
[6] Section 6 (5)		22
	Omit "or District Court of New South Wales".	23
	Insert instead ", District Court of New South Wales, or an Appeal Panel of NCAT".	24
[7] Section 6 (5A)		25
	Omit "(1A) or (1AA)". Insert instead "(1A), (1AA) or (1AB)".	26