



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.