



Mr Paul McKnight
Executive Director
Justice Strategy and Policy
Department of Communities and Justice
GPO Box 31
SYDNEY NSW 2001
By email: policy@justice.nsw.gov.au

Our ref:
Your ref: 19/000037-001

Dear Mr McKnight

Review of the *Civil and Administrative Tribunal Act 2013*

Thank you for your correspondence of 27 May 2019. The Department of Planning, Industry & Environment (**DPIE**) welcomes the opportunity to respond to the review of the Act and consents to the publication of this submission.

Interaction with NCAT

The Legal Services Division of DPIE provides legal services to agencies in the DPIE cluster and performs the information access and privacy functions under the *Government Information (Public Access) Act 2009* (GIPA) and the *Privacy and Personal Information Protection Act 1998* respectively. The Legal Services Division conducts matters in the New South Wales Civil and Administrative Tribunal (**Tribunal**) Tribunal's Administrative & Equal Opportunity Division (**AEOD**) and Internal Appeal Division.

Online registry services

While online registry services are available in certain Tribunal matters this does not currently extend to the AEOD or the Internal Appeal Division. Potential benefits of online case management could include:

- 1 Online lodgement of documents. This would be of particular assistance to individuals in regional NSW;
- 2 The availability of real time information including notifications as to when documents have been lodged or directions made, which in turn decreases the number and length of purely administrative interactions between Tribunal users and staff; and
- 3 Certainty of the transmission and receipt of notifications.

Lodging documents at NSW Fair Trading and Service NSW Centres

The Tribunal has approved the physical lodgment of documents at NSW Fair Trading and Service NSW Centres.¹ Issues have arisen in relation to identifying the date of lodgement, and transmission of documents. If online lodgement is not a short term possibility we would recommend consideration be given to:

- 1 Amendment of the *Civil and Administrative Tribunal Rules 2014* to clarify the date on which documents are taken to be lodged with the Tribunal; and

¹ NCAT Annual Report 2017-2018 at p. 20.



- 2 Optimising the transmission of documents between NSW Fair Trading Service NSW Centres and the Tribunal.

Resolving matters on the papers

GIPA is a subject that lends itself to hearings on the papers because the correct and preferable decision can often be determined by an examination of the records in question and submissions. Hearings in person often do not add value to written submissions.

Establishing criteria for when a hearing is preferable in a GIPA matter and requiring the applicant who wishes to have a hearing to establish that those criteria are met could reduce the resources required to conduct cases and lead to quicker outcomes.

If you have any queries in relation to this submission, or would like any further information, please contact [REDACTED] on [REDACTED] or [REDACTED].

Yours sincerely,



James Hebron
Chief Legal Counsel

25 July 2019