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NCAT Statutory Review  
Director, Courts Strategy  
By email: [policy@justice.nsw.gov.au](mailto:policy@justice.nsw.gov.au)

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**RE: NCAT Statutory Review**

Thank you for this opportunity to provide feedback on the operation of the Civil and Administrative Tribunal Act 2013 and changes to strengthen access to justice for people in NSW.

The intention of the formation of NCAT was to provide a low cost, accessible tribunal for dealing with civil and administrative matters.

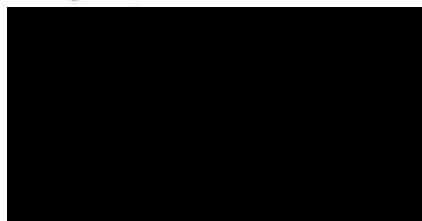
The direct experience of my office with NCAT is primarily challenging GIPA decisions, about which we have a number of comments about how NCAT handles these. We also receive regular contact from constituents who have approached the Tribunal seeking relief and have come away with a number of concerns about its operation.

The lack of tenure of members is a real concern which reduces consistency and can lead to idiosyncratic decision making. This is obviously a particular concern where members are paid on a case by case basis and a Government appointee allocates work. The lack of ongoing security should be addressed as a way of improving consistency of outcomes.

NCAT is an unstructured Tribunal without a clear set of rules in place, this is especially so in the administrative division. This can privilege established players and prove an obstacle to access by ordinary people. In saying this I also acknowledge that NCAT's role is significantly complicated by unnecessarily complicated legislation, including the GIPA scheme.

We would strongly encourage the review to include a review of outcomes including analysis of outcomes between citizens v government, tenants v landlords and consumers v retailers/suppliers. While in all cases there might be reasons, including substantive laws, why outcomes tend a certain way this data is an important start for understanding the operation of the Tribunal and if it is strengthening access to justice for people in NSW.

Regards,



David Shoebridge  
Greens NSW MP  
Spokesperson for Justice