

Review of the *Civil and Administrative Tribunal Act 2013*

Factsheet



In January 2014, the NSW Government consolidated 22 tribunals into one new body - the NSW Civil and Administrative Tribunal, or NCAT.

NCAT has broad powers to deal with a wide range of civil disputes, including tenancy and strata, administrative review of government decisions, discrimination, guardianship, and professional disciplinary matters.

The Department of Justice is conducting a review to find out how well NCAT is working, and to look at reforms that could strengthen access to justice for people in NSW.

Background

NCAT was established to provide a simple, quick, and effective process for resolving disputes and reviewing administrative action. To achieve this, NCAT has a number of features that make it different from a court. These include:

- services and processes to support parties to represent themselves in most matters
- plain language forms and documents
- simplified processes
- a range of dispute resolution mechanisms, in addition to adjudication by Tribunal members. Depending upon the Division and the matter, these may include conciliation, mediation, conclave, preliminary sessions (planning meetings and case conferences) and directions hearings.

The Department is conducting a review of the *Civil and Administrative Tribunal Act 2013*, which established NCAT, to examine if the law is working well, and whether further reforms could improve it. As part of this review, the Department would like to hear from a broad range of NCAT users and stakeholders about how well they think NCAT is working, and ideas that can promote increased access to justice before the Tribunal.

What is the timeframe for the review?

- The Department is calling for written submissions by **10 July 2019**.
- We expect to conduct face to face roundtable discussions on important issues identified between **September and November 2019**.
- The Department will prepare a final report and consider options for the NSW Government's response to issues raised by stakeholders.



What will the review look at?

We expect to receive submissions on a broad range of issues relating to the operation of the *Civil and Administrative Tribunal Act 2013*. However, you may wish to consider the following questions:

- Is it easy or difficult for people to work out whether NCAT is the right body to resolve their legal issue?
- Is NCAT accessible and responsive to its users' needs?
- Are there things that NCAT could do to make it easier for people appearing in the Tribunal to understand the process and participate?
- Does NCAT resolve legal disputes quickly, cheaply and fairly?
- Should NCAT resolve some matters just by looking at the documents submitted by the parties, without a hearing in person?
- Does NCAT need additional powers to be able to enforce its decisions?

What can't the review look at?

- Many other pieces of legislation give powers to NCAT to resolve civil disputes. We can't look at the way those other Acts operate, or whether those other pieces of legislation should change. We will be looking at the way the *Civil and Administrative Tribunal Act 2013* works.
- Recent court decisions have confirmed that NCAT is a tribunal, and not a court of the State. We won't be re-examining that issue.

How can I participate?

- Written submissions should be sent to: The Director, Courts Strategy, Department of Justice, GPO Box 31, Sydney NSW 2001 or by email to policy@justice.nsw.gov.au
- If you would like to provide comments in an alternative format please call (02) 8346 1768. If you are Deaf, Hard of Hearing or have a speech-related disability, you can also contact us via the National Relay Service on 1800 555 660.
- All submissions will be treated as public and may be published, unless you indicate that all or part of your submission should be treated as confidential.
- You can also contact us to register your interest in participating in a roundtable discussion.

For more information

The *Civil and Administrative Tribunal Act 2013* can be viewed online at www.legislation.nsw.gov.au

For more information about the review, go to the Department of Justice's website www.justice.nsw.gov.au and click on the 'Legal & Regulatory Information & Services' tab. Scroll down to the 'Public consultation' tab and follow the link to 'statutory reviews'.

You can also register your interest with 'Have your Say' at www.nsw.gov.au/improving-nsw/have-your-say.