

FACT SHEET

Tasmanian Civil and Administrative Tribunal Amendment Bill 2021

Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021

Tasmania is establishing the Tasmanian Civil and Administrative Tribunal (TASCAT) to improve access to justice for the Tasmanian community and allow for the better utilisation of administrative support and resources for proceedings in Tasmania.

Stage 1 of TASCAT involved the co-location of nine Tribunals and Boards at new premises in Hobart following passage of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the Act) last year.

The legislation to implement Stage 2 of TASCAT consists of the *Tasmanian Civil and Administrative Tribunal Amendment Bill 2021* (the Amendment Bill) and the *Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021* (the Consequential Bill).

With the passage of this legislation, TASCAT will be able to formally commence operations as a single tribunal, amalgamating the powers, processes and procedures of the nine co-located Tribunals and Boards, and delivering a combined civil and administrative tribunal for the first time in Tasmania.

The Amendment Bill will amend the Act to insert key provisions that are required for the Tribunal to carry out its functions, including in relation to:

- Constitution of TASCAT for matters in particular streams;
- Exercising of TASCAT's original and review jurisdiction, conferred by 40 pieces of existing Tasmanian legislation ('relevant Acts');
- Principles, powers and procedures that apply to proceedings, including in relation to parties, representation, compulsory conferences and alternative dispute resolution processes, costs and evidentiary provisions;
- Transferral of federal jurisdiction proceedings to the Magistrates Court; and
- Appeals from TASCAT to the Supreme Court of Tasmania.

The Amendment Bill will also insert provisions into the Act that will apply to specific streams of matters that are dealt with by TASCAT, particularly in relation to the Resource and Planning Stream and the Guardianship stream.

The Consequential Bill amends various pieces of legislation to substitute updated references to the Act and TASCAT, and repeals provisions that will no longer be required because they will be dealt with through TASCAT's consolidated powers, processes and procedures under the amended Act.

Work to progress Stage 3 of the reforms will continue after the commencement of TASCAT, and will involve the future transfer of further powers and functions to TASCAT.