

## DRAFT SECOND READING SPEECH

Hon Elise Archer MP

### *Tasmanian Civil and Administrative Tribunal Bill 2020*

*\*check Hansard for delivery\**

Madam Speaker, I move that the Bill now be read a second time.

Firstly, I am proud to be the Minister introducing this Bill which is the first legislative step in establishing a Tasmanian Civil and Administrative Tribunal (TasCAT) and to be part of the Government that is bringing in this new era for Tasmania's tribunals.

Tasmania is currently the only state that does not yet have a single tribunal, noting the concept of a single Civil and Administrative Tribunal for Tasmania has been discussed and considered by Governments for over almost two decades. As Attorney-General and Minister for Justice, I am pleased to have prioritised this significant reform to establish the TasCAT.

As someone who has practised in protective jurisdictions, I am particularly pleased to pursue reform in this area as TasCAT will bring about improved access to justice for all Tasmanians. It will also allow for the better utilisation of administrative support and resources for tribunal matters in Tasmania.

TasCAT will also assist to promote alternative dispute resolution programs and provide greater consistency in decision making, while enabling seamless and sensitive service delivery to a diverse range of clients.

A significant amount of work has been undertaken in 2020 to deliver a new single tribunal for Tasmania.

It is particularly exciting because this journey is now coming to life with the new and very modern, purpose-built co-location facility, which I was pleased to recently open, at 38 Barrack Street in Hobart.

In July this year, the following nine Tribunals and Boards co-located at the new tribunal premises:

- The Anti-Discrimination Tribunal;
- The Asbestos Compensation Tribunal;
- The Forest Practices Tribunal;
- The Guardianship and Administration Board;
- The Health Practitioners Tribunal;
- The Mental Health Tribunal;
- The Motor Accidents Compensation Tribunal;
- The Resource Management and Planning Appeal Tribunal; and
- The Workers Rehabilitation and Compensation Tribunal.

Much of the work done on the facility was completed during the height of the COVID-19 pandemic and I am pleased that this project was able to support jobs in our building and construction industry during these difficult times.

The Tasmanian businesses and their employees involved with the project are to be congratulated for their hard work, who have done an excellent job completing work to tight deadlines for the building, despite the extraordinary circumstances and obstacles that arose due to the COVID-19 pandemic. There has been a focus on using Tasmanian materials and products used throughout this building and a strong emphasis on ensuring the building caters for the different needs of the clients who will be using the facility.

With the Bill now before the House, I move to introduce the legislative framework that will establish and underpin TasCAT. The establishment of TasCAT is a large undertaking. In order to ensure that the transition from multiple Tribunals and Boards to a single civil and administrative tribunal occurs in an appropriate way, TasCAT will be established in three stages.

Stage one will establish TasCAT legislatively, but will allow those Tribunals and Boards that will amalgamate to continue functioning as independent bodies, co-located at Barrack Street in Hobart. This Bill is part of stage one of the establishment of TasCAT. It is important to note that this Bill, in and of itself, will not allow TasCAT to function. A stage two Bill will be needed before TasCAT can formally commence.

Stage two of the establishment of TasCAT will include the formal transfer of powers and staff from co-located Tribunals and Boards to TasCAT. During stage two, the relevant Tribunals and Boards will be disestablished. Substantive processes, powers and procedures for TasCAT will be included in a second Bill, which I expect to table early next year.

Stage three will occur after the commencement of TasCAT, and will involve the transfer of further powers and functions to TasCAT.

One of the benefits of taking a staged approach to the establishment of TasCAT is that this will allow the Government to carefully consult during each stage of the establishment process.

I acknowledge that there may be some concerns about the effects of amalgamation of existing Boards and Tribunals into TasCAT. Reform can be challenging and we are certainly in challenging times. In order to ensure a smooth transition from separate Boards and Tribunals to TasCAT, the Government will make minimal changes to existing provisions in legislation that will confer jurisdiction on TasCAT.

In particular, we will ensure that any consequential amendments in our stage two legislation make the minimum necessary changes to provisions relating to expert membership, costs and legal representation.

I will now turn to several specific aspects of this Bill.

Part 3 of the Bill covers the membership and staffing of TasCAT. Part 3 of the Bill provides for the appointment, suspension and revocation of appointment of members. The members of TasCAT will be a President, Deputy Presidents, senior members and ordinary members. The Bill also allows for the appointment of Acting Presidents and Deputy Presidents as well as supplementary Deputy Presidents and members.

In addition to members, the Bill provides for a Registrar, Deputy Registrars and other State Service officers and employees to be part of TasCAT. These staff will perform vital registry, administrative and other tasks.

The Bill also sets out the structure of TasCAT, which is mainly dealt with in Part 5 and in Schedules 2 and 3. TasCAT will be organised into two Divisions: a General Division and a Protective Division.

Underneath these Divisions, streams will deal with specialised proceedings such as mental health, anti-discrimination and guardianship matters. This structure will allow for appropriate and specialised procedures and practices to be adopted and implemented within each Division and stream of TasCAT.

As I have indicated, nine Tribunals and Boards have co-located at the new premises, and these bodies will operate separately until TasCAT formally commences on the establishment day (set as 1 July 2021 in clause 4 of the Bill).

In order to facilitate effective and efficient co-location, Part 6 of the Bill sets out provisions relating to confidentiality and use of facilities that apply prior to the establishment day. These provisions will ensure that information can be shared, that staff of the co-locating Boards and Tribunals will be able to assist with matters involving other Boards and Tribunals, and that appropriate directions can be given about the use of the premises at Barrack Street.

Future Bills will expand TasCAT's jurisdiction and will provide further powers including in relation to costs, diversity proceedings and alternative dispute resolution.

In closing, I would like to thank all those individuals and organisations who have made submissions over the years regarding the establishment of a Single Tribunal in Tasmania. A significant number of submissions were made in response to the 2015 Discussion Paper *A Single Tribunal for Tasmania*. Other submissions were made in response to a draft version of the Bill released earlier this year. All of the submissions made over the years have been carefully considered and have contributed to this Bill.

I would also like to take this opportunity to thank the Presidents, Chairs, Commissioners, Registrars and staff of the co-locating Boards and Tribunals for their assistance in the process of establishing TasCAT. Through the Single Tribunal Steering Committee and the Single Tribunal Reference Group, each Board and Tribunal that will become part of TasCAT has contributed significantly to this project. Their input and assistance has been vital and will continue to be needed as we move closer to the establishment of TasCAT.

Under their leadership, I am confident TasCAT will streamline service delivery and improve access to justice in Tasmania.

Madam Speaker, I am proud to commend the Bill to the House.