

CONSTITUENT QUESTION

House of Assembly

ASKED BY: Mrs Petrusma

ANSWERED BY: Hon Guy Barnett MP
Attorney-General and Minister for Justice

QUESTION:

Some people in my community of Franklin have expressed frustration at the lengthy and mostly costly process of interacting with the Tasmanian Justice system. I know that there have been some changes to the system since TASCAT's commencement, but what are you doing to ensure we are continuing to strengthen and modernise Tasmania's legal system even further and make it a faster, cheaper, and more accessible process for all Tasmanians?

ANSWER:

The Government is committed to ensuring that all Tasmanians have access to an efficient and effective criminal and civil justice system in which proceedings can be finalised in a timely manner.

The Government acknowledges the impact of delays in the justice system and continues to work closely with the courts to identify strategies to continue to reduce the backlog.

The Government has implemented a range of strategies in order to assist the courts to overcome the backlog, including the expansion of the Associate Judge to include criminal as well as civil matters. This complements other reforms, including the appointment of a seventh judge of the Supreme Court in 2021 and a range of legislative changes aimed at reducing backlogs.

Our 2030 Strong Plan for Tasmania's Future includes support for the Supreme and Magistrates Courts to review their case management and listing procedures to ensure the efficient use of court resources.

It will also include the introduction of legislation to mandate pre-trial conferences to identify and resolve any legal arguments. These measures will streamline the conduct of criminal trials by reducing unanticipated legal arguments.

The establishment of the Tasmanian Civil and Administrative Tribunal (TASCAT) was a landmark law reform delivered by our Government. Its creation was the culmination of significant work spanning two decades, to improve access to justice and administrative decision-making.

Having a single civil and administrative tribunal in this State has enabled a more client-centric focus, delivering greater consistency in decision-making across a range of civil and administrative matters and improved access to justice for all Tasmanians.

TASCAT undertakes a broad range of work to improve access to justice for the Tasmanian community. This includes:

- providing facilities designed to support persons living with a disability, as well as the diverse range of persons who will attend the Tribunal's premises including state of art technology to support remote attendances by parties;
- conducting hearings across the state for regional access to justice; and
- imposing fees and charges in only a limited number of matters.

TASCAT's 2022-23 Annual Report demonstrates that it is providing timely and streamlined access to justice. During the reporting period TASCAT received a total of 4463 applications and held 4051 hearings across all streams, while maintaining a high clearance rate (including 113% in the Guardianship stream and 100% in the Mental Health stream, and over 90% in the Resource Planning and Workers Compensation streams).

The Annual Report also notes the success of alternative dispute resolution practices, which reduce the need for final hearings and ensure that matters are resolved at an earlier stage with less expense.

The success of the TASCAT model is evident. Our Government is pleased to have initiated the significant TASCAT reforms that have been implemented over the last few years, and to be building further on those reforms.

The Government is currently consulting on amendments to the *Tasmanian Civil and Administrative Tribunal Act 2020*, which will transfer jurisdiction for certain administrative appeals, which currently lie to the Administrative Appeals Division of the Magistrates Court, to TASCAT. It is expected that this change will reduce the cost and time associated with these appeals, and free up Magistrates Court resources.



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