



Health Professional Councils Authority

Level 6 North Wing 477 Pitt Street Sydney NSW 2000

Locked Bag 20 Haymarket NSW 1238

Phone: 1300 197 177 Fax: (02) 9281 2030

Email: mail@hpca.nsw.gov.au Online: www.hpca.nsw.gov.au

The Director
Courts Strategy
Department of Justice
GPO Box 31
SYDNEY 2001

[REDACTED]

[REDACTED]

Dear [REDACTED]

Thank you for asking the Health Professional Councils Authority (the HPCA) to comment on the current statutory review of the Civil and Administrative Tribunal Act 2013 (CAT Act).

The HPCA provides administrative, legal and financial support to the 15 health profession Councils established under the Health Practitioner Regulation National Law (NSW) (the National Law). Collectively the Councils are significant users of the services of the Occupational Division of the Tribunal as well as contributing to the funding of the Tribunal. The Councils also appear from time to time in the Administrative Division of the Tribunal.

The HPCA has canvassed the views of the various Councils and, with the exception of some operational issues that are not within the scope of this review, no significant issues of concern with the overall operation of the Tribunal have been raised. To the extent that those operational issues require statutory amendment, they should be implemented via the relevant enabling legislation.

To address each of the questions asked in the factsheet accompanying the request for comment:

1. Is it easy or difficult for people to work out whether NCAT is the right body to resolve their legal issue?

It is not our experience that this has been an issue of substantial concern in the Health List of the Occupational Division.

2. Is NCAT accessible and responsive to its users' needs?

From the perspective of the HPCA and the Councils the Tribunal is both responsive and accessible to the needs of litigants.

However, the Councils as significant users of the services of the Occupational Division and providers of significant funding and have been unable to obtain data from the Tribunal that assists in understanding the timeliness of matters being determined by that Division. Specifically the Councils wish to see information attesting to the timeliness of matters being referred for directions hearing, listed for hearing and finalised by the publication of the reasons for decision following the hearing.

3. Are there things that NCAT could do to make it easier for people appearing in the Tribunal to understand the process and participate?

From the perspective of the HPCA and the Councils the Tribunal's Senior and Judicial Members are very attuned to the needs of unrepresented litigants and do all that can reasonably and appropriately be done to assist those parties.

4. Does NCAT resolve legal disputes quickly, cheaply and fairly?

It is the HPCA's broad experience that the Tribunal does deal with matters quickly, fairly and justly. However the ability to access data as set out in our response to question 2 above would allow us to both be more confident as to this matter and to promote the Tribunal's success to our stakeholders.

5. Should NCAT resolve some matters just by looking at the documents submitted by the parties, without a hearing in person?


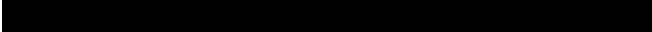
From the perspective of the HPCA and Councils, the ability for the Tribunal to dispense with a hearing in appropriate circumstances already exists in the relevant enabling legislation (the National Law). It is our understanding that this is used appropriately.

6. Does NCAT need additional powers to be able to enforce its decisions?

This question is not relevant to the Councils or the HPCA.

More broadly from our perspective the objectives and objects of the CAT Act remain relevant and the terms of the Act are appropriate for securing those objectives.

We would be pleased to participate in any further discussions concerning the statutory review and to be consulted about any amendments to the CAT Act that may be recommended by the review and considered by Government.

If the HPCA can assist further with your review please contact 


Yours sincerely

