

New Bill Introduced: *South Australian Civil and Administrative Tribunal Bill 2013*

Wednesday this week, 24 July 2013, saw the introduction of the *South Australian Civil and Administrative Tribunal Bill 2013* ("the Bill") into Parliament. The Bill seeks to establish the South Australian Civil and Administrative Tribunal ("SACAT").

This Bill is important because it brings about significant reform in the area of administrative law, including the introduction of a single generalist body to conduct merit review functions that will cause various decisions made by Councils to be subject to review by SACAT.

This is a dramatic and much needed change to the administrative review system in South Australia.

The report introducing the Bill recognises that South Australia, being one of the last States to introduce such a Tribunal, is long overdue for a significant reform regarding accessibility to justice. The SACAT is intended to simplify access to justice and deal with a broad range of administrative, commercial and personal matters.

The SACAT will be implemented in phases to allow the Government to undertake extensive consultation with existing tribunals and other bodies on matters that could be included within the remit of SACAT.

The phased implementation and extensive consultation is necessary for a number of reasons. Firstly, to inform the drafting of the Statutes Amendment Bill or Bills and to ensure there is minimal disruption during the transition and implementation process. The Statutes Amendment Bill or Bills will be needed to amend the various Acts that presently confer jurisdiction on courts, tribunals, boards and other persons or bodies to deal with the disciplinary and other administrative decisions and reviews. Secondly, this phased implementation period is to enable the appointment of the President of the Tribunal which will ensure that he or she plays an integral part in overseeing,

assisting and informing the nature, extent and scope of the integration of existing tribunals, boards and other bodies into the Tribunal.

The Bill is currently released for comment and is expected to be debated in September. The appointment of the SACAT President and the introduction of the Statute Amendment Bill or Bills will take place after the Bill is enacted. We anticipate that of particular relevance there will be amendments to the *Local Government Act 1999*, the *Development Act 1993*, the *Freedom of Information Act 1991* and the *Ombudsman Act 1972*. However, it is not yet known precisely which Acts will be amended or when they will be brought within the jurisdiction of SACAT.

Given our recognised expertise in administrative law issues we have particularly noted that our varied training outputs over the past few years will pay particular dividends in relation to:

- the extent and range of 'reviewable decisions' which a person may seek the Tribunal to review;
- the ability of the Tribunal to review a decision by way of rehearing;
- the Council being a party to such reviews; and
- a requirement upon the Council to produce relevant materials and an adequate written statement of reasons for its decision.

This is a dramatic and much needed change to the administrative review system in South Australia. We will continue to provide updates on the implementation of SACAT and will advise on what Acts come within its jurisdiction and any impact that will have on Councils.

The SACAT is intended to simplify access to justice and deal with a broad range of administrative, commercial and personal matters.

If you have any questions please contact Natasha Jones on 8113 7102 or njones@kellyjones.com.au, Michael Kelly on 8113 7103 or mkelly@kellyjones.com.au or Gene Norton on 8113 7108 or gnorton@kellyjones.com.au