

TERMS OF REFERENCE

Background

The South Australian Civil and Administrative Tribunal (SACAT) was established under the South Australian Civil and Administrative Tribunal Act 2013 (SACAT Act).

SACAT commenced operation on 29 March 2015 at two main locations, 100 Pirie Street and Collinswood, although it can hear matters at such other locations as might be appropriate, e.g. hospital rooms.

SACAT exercises such jurisdiction as is conferred on SACAT by a "relevant Act".

Section 96 of the SACAT Act requires an independent review to be undertaken following the first 2 years of operation of the SACAT. Pursuant to section 96, the review must include an assessment of:

- a) the performance of the SACAT; and
- b) without limiting paragraph (a) the extent to which the main objectives of the SACAT have been met over that initial 2 year period; and
- c) the extent to which it would be advantageous to extend the jurisdiction of the SACAT to matters arising under other Acts.

The review may include any other matter specified by the Attorney-General, as the Minister responsible for the SACAT Act for the purposes of the review. The review must result in the preparation of a report for the Attorney-General, which must be tabled in Parliament.

The main objectives of the SACAT are set out in Section 8 of the SACAT Act, as follows:

- (a) in the exercise of its jurisdiction, to promote the best principles of public administration, including—
 - i. independence in decision-making; and
 - ii. natural justice and procedural fairness; and
 - iii. high-quality, consistent decision-making; and
 - iv. transparency and accountability in the exercise of statutory functions, powers and
 - v. duties; and
- (b) to be accessible by being easy to find and easy to access, and to be responsive to parties, especially people with special needs; and
- (c) to ensure that applications are processed and resolved as quickly as possible while achieving a just outcome, including by resolving disputes through high-quality processes and the use of mediation and alternative dispute resolution procedures wherever appropriate; and
- (d) to keep costs to parties involved in proceedings before the Tribunal to a minimum insofar as is just and appropriate and
- (e) to use straightforward language and procedures (including, insofar as is reasonably practicable and appropriate, by using simple and standardised forms); and
- (f) to act with as little formality and technicality as possible, including by informing itself in such manner as the Tribunal thinks fit; and
- (g) to be flexible in the way in which the Tribunal conducts its business and to adjust its procedures to best fit the circumstances of a particular case or a particular jurisdiction.

Section 8 of the SACAT Act additionally requires SACAT, in relation to these objectives, to consult from time to time with such agencies, organisations or bodies as it thinks appropriate.

Terms of Reference

In undertaking the review for the purposes of section 96 of the SACAT Act, please consider and assess, including by way of research and consultation with relevant SACAT members and staff, interested stakeholders and the general public, the following matters in respect of the period commencing on 29 March 2015:

1. the performance of SACAT;
2. without limiting paragraph 1 , the extent to which the main objectives of SACAT have been met;
3. the administration and operation of the SACAT Act and of any provisions of a "relevant Act" that bear on the undertaking by SACAT of its functions, including whether you would recommend any amendment of this legislation being pursued by the Government;
4. compared to the situation that existed prior to the establishment of SACAT
 - a. the extent to which SACAT has improved access by parties to dispute resolution and improved responsiveness to parties, especially people with special needs;
 - b. the extent to which the SACAT Act and the dispute resolution processes under the Act, and (if relevant) under a "relevant Act", have achieved a reduction in the number of disputed matters proceeding to a hearing and a decrease in the time taken to resolve disputes; and
 - c. the extent to which costs to parties involved in proceedings have been reduced;
5. the extent to which it would be advantageous to extend the jurisdiction of SACAT to matters arising under such other Acts or laws as you may identify; and
6. any other matters arising from the review that are considered relevant.