



**NCAT Occupational Division
Interim Procedural Direction 1**

**INTERIM CONTINUATION OF ADMINISTRATIVE DECISIONS
TRIBUNAL'S PRACTICE DIRECTIONS AND GUIDELINES**

This Interim Procedural Direction applies to:	Proceedings in the Occupational Division
Effective Date:	1 January 2014
Replaces Procedural Direction:	Not Applicable
Notes:	You should ensure that you are using the current version of this Procedural Direction. A complete set of Procedural Directions and Guidelines is available on the Tribunal website at www.ncat.nsw.gov.au

Introduction

1. The date of establishment of the New South Wales Civil and Administrative Tribunal, NCAT, is 1 January 2014, by operation of s 7 of the *Civil and Administrative Tribunal Act 2013*. On the same day, the Administrative Decisions Tribunal of New South Wales, the ADT, is abolished under cl 3 of Schedule 1 to that Act.
2. Some of the proceedings that would formerly have been heard in the ADT and proceedings that would formerly have been heard in the Medical Tribunal, the Dental Tribunal and other Health Practitioner Tribunals are now to be heard in the Occupational Division of NCAT. Furthermore, under Schedule 1 to the *Civil and Administrative Tribunal Act*, proceedings that were commenced in the ADT or those other Tribunals prior to 1 January 2014 will be heard and determined by NCAT after that date.
3. Prior to 1 January 2014, there were a number of guidelines and a practice note relating to practice and procedure published by the ADT that relate to proceedings of the type that will now be heard in the Occupational Division.
4. In order to achieve as non-disruptive a transition of proceedings from the ADT and other Tribunals to NCAT as possible, it is useful to continue the operation of the ADT guidelines and practice note on an interim basis in NCAT.
5. The Tribunal may excuse a person from complying with this Procedural Direction or any Practice Note or Guideline referred to in this Procedural Direction before or after the time for compliance.

6. Nothing in this Procedural Direction prevents the Tribunal from giving any directions concerning any aspect of practice or procedure in the Occupational Division of NCAT that the Tribunal considers appropriate in any particular proceedings before the Tribunal.
7. This Procedural Direction is made by the President under s 26 of the *Civil and Administrative Tribunal Act 2013*.

Continuation of Practice Note

8. The following Practice Note published by the ADT is continued in operation, on an interim basis, for proceedings in the Occupational Division of NCAT with such changes as are necessary to take into account the abolition of the ADT and the other Tribunals and the continuation of proceedings in NCAT in accordance with Schedule 1 to the *Civil and Administrative Tribunal Act*:

Name	Issue Date
Application to Change Hearing Dates: Practice Note	12 December 2000

9. In so far as any part of the *Application to Change Hearing Dates: Practice Note* as continued in operation by this Procedural Direction amounts to directions relating to the practice and procedures to be followed in, and to the actual conduct of, proceedings in the Occupational Division of NCAT that part is to be taken as a Procedural Direction made under s 26(1) of the *Civil and Administrative Tribunal Act*.

Continuation of Guidelines

10. The following Guidelines published by the ADT are continued in operation, on an interim basis, for proceedings in the Occupational Division of NCAT with such changes as are necessary to take into account the abolition of the ADT and the other Tribunals and the continuation of proceedings in NCAT in accordance with Schedule 1 to the *Civil and Administrative Tribunal Act*:

Name	Issue Date
Audio-Visual Link (AVL) for Hearings: Guideline	26 August 2013
Appointing a Guardian Ad Litem: Guideline	23 November 2011
Publication, Anonymisation and Suppression: Guideline	11 August 2011
Mediation: Guideline	24 November 2010

11. In so far as any part of any of the Guidelines referred to in the preceding paragraph as continued in operation by this Procedural Direction amounts to directions relating to the practice and procedures to be followed in, and to the actual conduct of, proceedings in the Occupational Division of NCAT that part is

to be taken as a Procedural Direction made under s 26(1) of the *Civil and Administrative Tribunal Act*.

(Sgd)

WRIGHT J

President

31 December 2013