

# consumer trader and tenancy tribunal



**CTTT**  
Consumer, Trader &  
Tenancy Tribunal

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annual report  
2003 - 2004



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# minister's foreword



The Consumer, Trader and Tenancy Tribunal continues to provide traders and consumers with an accessible, expeditious and cost-effective dispute resolution service which helps to build a better and fairer marketplace

The Tribunal in its role as an independent adjudicative body received approximately 60,000 applications during 2003-2004 and 78% of matters were finalised at or before the first hearing.

The Government is committed to improving the availability and quality of the services which the Tribunal provides to the people of New South Wales. In this financial year the Tribunal launched its on-line service for the Tenancy Division whereby clients lodge applications and receive prompt notification of hearing information. Since the launch 9,452 applications have been received and work is under way to extend this system to other divisions. I was also pleased to open a new Tribunal facility in Gosford earlier this year.

The Tribunal regularly seeks comment and feedback from the diverse membership of the Consultative Committees and the public. Well attended information sessions were held throughout the State including 8 regional locations. These sessions improve public awareness of the Tribunal's functions and services.

The Tribunal has proved to be an effective low cost service for the settlement of a wide range of consumer problems.

I thank management and staff for their work throughout the year.

Reba Meagher  
Minister for Fair Trading

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# letter to the minister

Minister for Fair Trading

Dear Minister

I am pleased to present the third Annual Report for the Consumer, Trader and Tenancy Tribunal.

The Report has been prepared for presentation to the Parliament of New South Wales in accordance with the requirement of the *Annual Reports (Statutory Bodies) Act 1984*.

The Report also fulfils the statutory requirements of the Chairperson under the *Consumer, Trader and Tenancy Tribunal Act 2001*.

Kay Ransome  
Chairperson  
Consumer, Trader & Tenancy Tribunal

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# chairperson's report

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The Tribunal continues to be one of the highest volume jurisdictions in Australia

This has been the second full year of the Tribunal's operations and my second year as Chairperson. The Tribunal continues to be one of the highest volume jurisdictions in Australia in receipt of 60,000 applications annually. The year has been one of consolidation as the Tribunal's practices and procedures are refined and implemented.

The Tribunal deals with a great variety of matters. Many of these matters are small claims involving relatively small amounts of money. However, in some areas the Tribunal's jurisdiction has no monetary limit and in others, such as home building, the limit is set at \$500,000. No matter what the amount of money involved, for the people concerned each dispute is of great importance.

Parties in Tribunal proceedings come from a diverse range of backgrounds and are located all over New South Wales. People are able to represent themselves and have the carriage of their own case. One of the Tribunal's primary objectives is to make its processes accessible and informal, thus reducing the costs of justice. It also aims to provide a fair outcome in a timely way. These objectives guide the Tribunal when developing its processes so as to ensure that the Tribunal is as accessible as possible and that its procedures are transparent.

The Tribunal took significant steps during the year to utilise technology to support its work and to provide a better service to parties. The Tribunal introduced an electronic service delivery channel (ESD) that enables applications to be lodged in the Tenancy Division over the Internet. The service enables applicants to access the Tribunal no matter what their location and is available 24 hours a day, seven days a week.

The use of InCourt, whereby parties receive a copy of the orders made at hearing at the conclusion of the hearing, was extended to all of the Tribunal's registries. This service avoids the delays that can be encountered in typing orders and sending them via the post.

The Tribunal expanded the number and type of information products available to parties and potential parties in matters before the Tribunal as part of its efforts to increase the transparency of Tribunal processes and to allay people's fears about appearing before the Tribunal. In particular, the video 'Get it Sorted' was produced and distributed to a wide range of interested persons and organisations. The video also plays on a continuous loop at Tribunal premises. Feedback on the video has been very positive.

The website continues to be expanded to add features that are of interest to parties and potential applicants. A schedule of future hearing dates at all locations throughout New South Wales is now available. Also available for viewing are details of hearings listed for the following 48 hours.

As part of the refinement of its procedures, I issued a number of new Chairperson's Directions during the year. The purpose of the Directions is to set out plainly for parties

# chairperson's report

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the procedures that are to apply to certain types of applications before the Tribunal. The parties thus know what to expect when they come before the Tribunal.

During the year the Tribunal acquired purpose-built premises at Gosford and is thus able to provide a better service to people on the Central Coast. Previous premises that have been used by the Tribunal in that area had been less than satisfactory for all concerned.

The Tribunal's Consultative Committees continue to be a valuable forum for obtaining feedback from frequent users of the Tribunal's services. The Committees have been established in each of the Tribunal's eight Divisions and meet twice yearly. I would like to thank all Committee members for their participation over the past year.

Members and staff continued to undertake a number of training and professional development activities to further enhance their skills. None of the Tribunal's achievements would be made if it were not for the skills and dedication of its members and staff. With their participation the Tribunal is at the forefront of providing affordable justice to the people of New South Wales.

Kay Ransome  
Chairperson

# tribunal jurisdiction

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## Objects of Act

The Consumer, Trader and Tenancy Tribunal commenced on 25 February 2002. Its powers, functions and procedures are set out in the *Consumer, Trader and Tenancy Tribunal Act 2001* (the Act) and the *Consumer, Trader and Tenancy Tribunal Regulation 2002* (the Regulation).

The objects of the Act are set out in s3:

- (a) to establish a Consumer, Trader and Tenancy Tribunal to determine disputes in relation to matters over which it has jurisdiction,
- (b) to ensure that the Tribunal is accessible, its proceedings are efficient and effective and its decisions are fair,
- (c) to enable proceedings to be determined in an informal, expeditious and inexpensive manner,
- (d) to ensure the quality and consistency of the Tribunal's decision-making.

## Legislation

The Tribunal is not a tribunal of general jurisdiction. It can only determine disputes over which it has specifically been given jurisdiction. As at 30 June 2004 the following Acts confer jurisdiction on the Tribunal:

*Community Land Management Act 1989*

*Consumer Claims Act 1998*

*Consumer Credit Administration Act 1995*

*Consumer Credit (New South Wales) Act 1995*

*Credit Act 1984*

*Credit (Finance Brokers) Act 1984*

*Credit (Home Finance Contracts) Act 1984*

*Fair Trading Act 1987*

*Holiday Parks (Long-Term Casual Occupation) Act 2002*

*Home Building Act 1989*

*Landlord and Tenant (Rental Bonds) Act 1977*

*Motor Dealers Act 1974*

*Motor Vehicle Repairs Act 1980*

*Pawnbrokers and Second-hand Dealers Act 1996*

*Property, Stock and Business Agents Act 1941*

*Residential Parks Act 1998*

*Residential Tenancies Act 1987*

*Retirement Villages Act 1999*

*Strata Schemes Management Act 1996*

*Travel Agents Act 1986*

# tribunal jurisdiction

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## legislative changes

During the year amendments were made to several Acts which affected the Tribunal's jurisdiction.

### **Amendments to the *Home Building Act 1989***

The *Building Legislation Amendment (Quality of Construction) Act 2002* commenced on 1 July 2003. The legislation made specific amendments to the *Home Building Act 1989* that relate to the handling of disputes in the CTTT pursuant to the amended section 48.

As a result of the amendments the Tribunal cannot accept a home building claim unless the applicant has participated in the Office of Fair Trading dispute resolution process. In certain circumstances the Office of Fair Trading will appoint a Building Inspector who will visit the building site and, where appropriate, issue a rectification order directing the builder/trader to rectify or complete the specified work.

Matters which cannot be resolved through the Office of Fair Trading process will proceed to the Tribunal where the claim will be determined.

Commencing 1 January 2004 further amendments came into effect, essentially imposing the same sort of contractual obligations on building consultants as on builders, (except for the statutory warranties), which also gave the Tribunal jurisdiction to deal with claims about building consultancy work with a maximum monetary value of \$500,000. Building consultancy work is defined as being limited to pre-purchase inspections.

On 16 February 2004 amendments to home building legislation commenced to provide for consumer information and cooling off periods to be stated in residential building contracts.

Amendments to the *Home Building Regulation 2004* also commenced on 16 February 2004 with the broad effect that in all contracts for home building work, terms are included that:

- all plans and specifications for work to be done under the agreement, including any variations to those plans and specifications, are taken to form part of the agreement;
- variations must be in writing to have any effect;
- all work done under the agreement will comply with:
  - the Building Code of Australia, and
  - all other relevant codes, standards and specifications, and
  - the conditions of any relevant development consent or complying
  - the development certificate.

### **Fair Trading Amendment Act 2003**

This Act amended the *Fair Trading Act 1987* to make provision with respect to conditions and warranties under consumer contracts. A consumer is entitled to rescind a contract if goods:

- do not meet the description of the product as advertised;
- do not meet the implied undertakings as to merchantable quality or fitness;

# tribunal jurisdiction

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## legislative changes

- the whole of the goods are not to the quality of the sample; and
- in the case of service, where the service does not fit the purpose for which it was supplied.

Further amendments cover manufacturers' liability to the consumer for defective goods. The Act specifies situations where a manufacturer of goods is liable to a consumer and for indemnification of a retailer, whether or not the goods were sold to the consumer through a retailer.

### ***Pawnbrokers and Second-hand Dealers Amendment Act 2002***

The first stage of amendments to the Pawnbrokers and Second-Hand Dealers legislation commenced on 15 December 2003.

One of these amendments was the introduction of a new system for the recovery of stolen goods found by consumers in licensee's premises. Under this system if a consumer identifies their goods in a licensee's premises that have been stolen or otherwise unlawfully dealt with, then that consumer can approach the local police, who may issue what is known as a Restoration Notice.

This Restoration Notice is then served on the licensee by the police, and the licensee has 28 days to either return the goods to the consumer (known as a claimant) or lodge an application with the CTTT. The licensee must keep the goods, unaltered, until the matter is resolved. The Tribunal can make orders that the goods are to be returned to the claimant.

If criminal proceedings are commenced in relation to the goods, then the process is suspended until those proceedings are concluded.

### ***Retirement Villages Amendment Act 2004***

This Act commenced on 24 March 2004 and made certain amendments to the *Retirement Villages Act 1999*.

Section 177 of the *Retirement Villages Act 1999* has been replaced and now provides that, if the residents of a retirement village do not consent to the statement of approved expenditure (ie the village budget) being amended by the operator, the operator may apply to the Tribunal for an order approving the proposed amendment.

If the proposed amendment relates to further expenditure, the Tribunal can approve the amendment only if:

- (a) there is an urgent need for the further expenditure; and
- (b) the further expenditure was not reasonably foreseeable when the budget was initially approved.

Section 150 has been amended to make it clear that the extended meaning of "owner" for the purposes of Part 10 of the Act (which deals with the vacation of premises) will cover a resident (or former occupant) whose residence contract is subject to a registered long-term lease (ie a lease that has a term of at least 50 years or is for the life of the lessee) and which includes a provision that entitles the resident or former occupant to at least 50% of any capital gains in respect of the premises.

Section 151 has been amended to provide that the liability to pay recurrent charges for

# tribunal jurisdiction

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## legislative changes

personal services provided by the operator of a retirement village (such as meals, cleaning and laundry services) ceases, in the case of a resident who has moved out or died, as from the date the resident moved out or as from the date on which the operator is notified of the resident's death.

### ***Property, Stock and Business Agents Act 2002***

This Act commenced on 1 September 2003 and repealed the *Property, Stock and Business Agents Act 1941*.

The Tribunal has jurisdiction to hear and determine disputes arising under this Act, which provides regulations for property, stock and business agents.

Section 36 of this Act provides for the review of any commission and fees charged by the licensee under the terms of the agency agreement.

Section 36(4) of the Act provides that a person who is served with a statement of claim may apply to the Tribunal if they do not agree with the costs charged by a licensee.

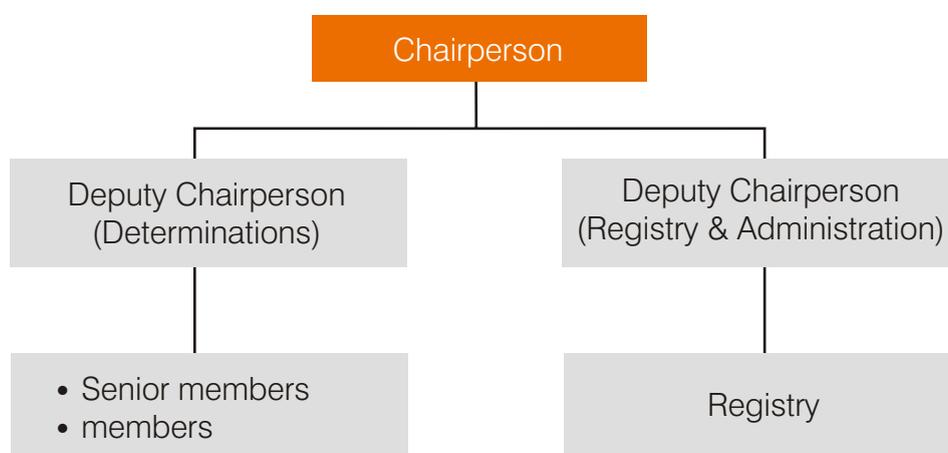
# the tribunal

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## structure

The Tribunal's membership consists of a Chairperson, two Deputy Chairpersons, Senior members and members. All members, except for the Deputy Chairperson (Registry & Administration), are appointed by the Governor on either a full-time or part-time basis. The qualifications for appointment are set out in s8 of the Act.

The Chairperson is responsible for the effective and efficient operation of the Tribunal and in this regard is assisted by the Deputy Chairpersons and the Registrar. The Registries process documents, list matters for hearing, respond to requests by parties and the public and provide administrative support to the Tribunal.



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### Library

The Tribunal has a Library to support the research needs of members and officers. The Librarian has established MemberNet which is an in-house internet resource for members. This will allow for easier communication between members and will facilitate provision of information. The Tribunal published 629 written decisions of the Tribunal were published on the AustLII website in this reporting period.

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### Client Service Standards

The Tribunal's 'Client Service Standards - Our guarantee of service' was reviewed during the year and an updated brochure published in April 2004.

The brochure explains what the Tribunal does, the timeframes under which it operates and the facilities available.

The Tribunal's Client Service Standards initiative continues to improve as a model to provide a prompt service. The Client Service Standards brochure establishes guidelines for staff to follow and demonstrates to clients that the Tribunal is addressing their concerns about issues that are important to them. Management Reports monitor how the organisation is meeting the performance objectives in the service standards.

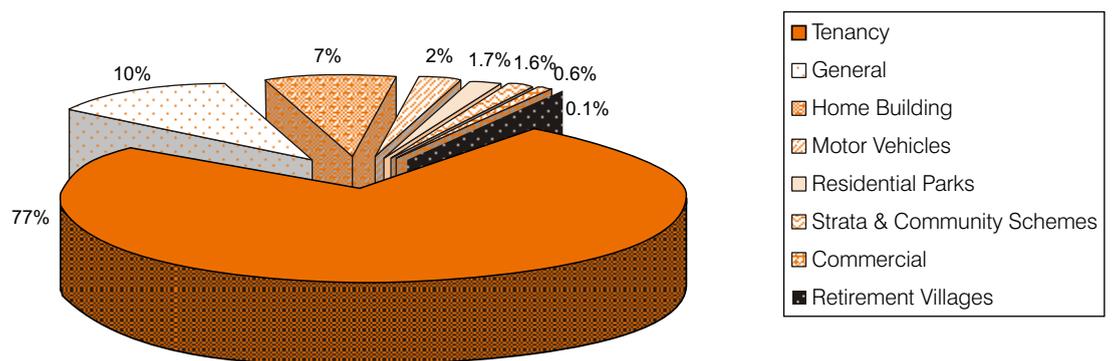
The standards strengthen the Tribunal's commitment to delivering a prompt service to clients and to become more operationally efficient.

# tribunal caseload & performance

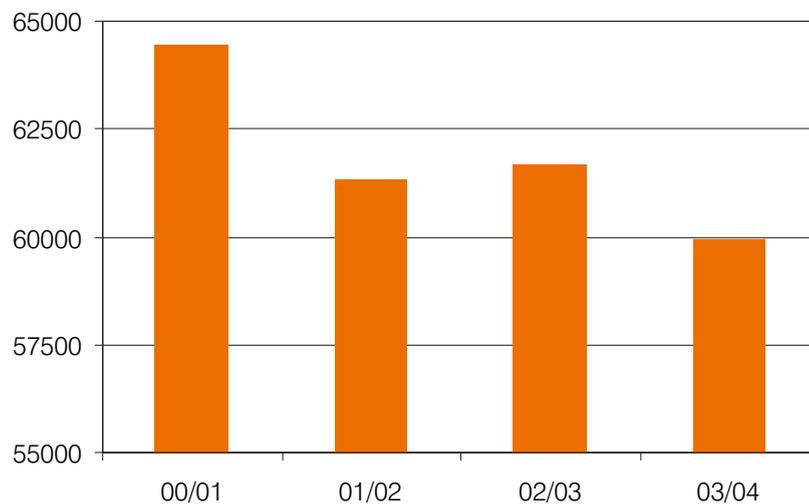
## applications lodged

During 2003-2004 59,936 applications were lodged with the Tribunal. This was a decrease of some 3% over the previous year. Tenancy Division applications made up 77% of all applications lodged.

### Divisional Percentage



### Yearly Lodgement Comparison



# tribunal caseload & performance

## time performance

### Lodgement to First Hearing - Workload

Number of applications from lodgement to 1 <sup>st</sup> hearing date	0 - 21 days	22 - 28 days	29 - 35 days	36 + days	Total
Tenancy	31681	7422	1916	1738	<b>42757</b>
General	1837	1443	755	901	<b>4936</b>
Home Building = <\$25K	396	717	593	869	<b>2575</b>
Home Building >\$25K	49	63	79	260	<b>451</b>
Home Building other*	4	17	16	31	<b>68</b>
Motor Vehicles	55	89	191	561	<b>896</b>
Residential Parks	321	208	91	312	<b>932</b>
Commercial	89	89	60	76	<b>314</b>
Retirement Villages	6	4	9	17	<b>36</b>
<b>Total CTTT</b>	<b>34438</b>	<b>10052</b>	<b>3710</b>	<b>4765</b>	<b>52965</b>

Note: excluding Strata & Community Schemes Division.

\* Other includes appeals against decision of Director-General and rectification orders.

### Performance

65% of matters were listed within 21 days of lodgement.

84% of matters were listed within 28 days of lodgement.

91% of matters were listed within 35 days of lodgement.

### Finalised Matters - Workload

Number of applications from lodgement to finalisation	0 - 28 days	29 - 35 days	36 - 49 days	50 + days	Total
Tenancy	38199	2499	3291	8986	<b>52975</b>
General	3008	574	652	1837	<b>6071</b>
Home Building = <\$25K	748	345	386	1531	<b>3010</b>
Home Building >\$25K	22	15	23	354	<b>414</b>
Home Building other *	397	32	42	230	<b>701</b>
Motor Vehicles	255	123	290	583	<b>1251</b>
Residential Parks	460	39	56	369	<b>924</b>
Strata & Community Schemes	211	39	86	498	<b>834</b>
Commercial	143	38	39	136	<b>356</b>
Retirement Villages	4	3	5	33	<b>45</b>
<b>Total CTTT</b>	<b>43447</b>	<b>3707</b>	<b>4870</b>	<b>14557</b>	<b>66581</b>

\* Other includes appeals against decision of Director-General and rectification orders.

### Performance

65% of matters were finalised within 28 days of lodgement.

71% of matters were finalised within 35 days of lodgement.

78% of matters were finalised within 49 days of lodgement.

# tribunal caseload & performance

## rehearings and appeals

Under s68 of the Act, a party to finalised proceedings may apply to have a matter reheard on the grounds that they may have suffered a substantial injustice.

### Workload

Rehearings Lodged Division	Number of rehearing applications	Compared with total applications received (%)
Tenancy	1338	3%
General	380	6%
Home Building	361	9%
Motor Vehicles	127	11%
Residential Parks	29	3%
Strata & Community Schemes	5	0.5%
Commercial	18	5%
Retirement Villages	3	7%
<b>Total</b>	<b>2261</b>	<b>4%</b>

Rehearings Determined Division	Number refused	Number approved	% of applications approved
Tenancy	674	243	26%
General	210	48	19%
Home Building	206	54	21%
Motor Vehicles	61	24	28%
Residential Parks	10	5	33%
Strata & Community Schemes	0	0	0%
Commercial	8	3	27%
Retirement Villages	3	0	0%
<b>Total</b>	<b>1172</b>	<b>377</b>	<b>24%</b>

### Appeals to the Supreme Court from Tribunal Decisions

A party may appeal to the Supreme Court against a decision of the Tribunal with respect to a matter of law.

The Tribunal was notified of 46 appeals to the Supreme Court in relation to its decisions.

The Supreme Court finalised 65 Tribunal appeals. Of these matters, 47 were dismissed, 16 were remitted to the Tribunal for rehearing and two orders were substituted.

Supreme Court decisions can be found at:

<http://www.lawlink.nsw.gov.au/caselaw/caselaw.nsf/pages/sc>. The CTTT Bulletin, which is published quarterly, contains information about these decisions.

# divisional reports

## tenancy division

### Legislation

- *Residential Tenancies Act 1987*
- *Landlord and Tenant (Rental Bonds) Act 1977*

The Tenancy Division can make orders up to \$10,000 in addition to orders relating to the Rental Bond.

### Application Fees

(effective 1 July 2004)

\$29

\$5 for eligible pensioners

### Members

All Tribunal members may determine matters in the Tenancy Division.

### Electronic Service Delivery

The on-line lodgement of applications was extended from a pilot scheme with the Department of Housing to all users in the Tenancy Division during the reporting year. While 18% of all tenancy applications lodged in the previous reporting year were lodged electronically by the DOH, 12,250 or 26% of total tenancy applications were lodged electronically this year. The DOH lodged 80% of these with the remaining 20% being lodged by other users such as agents, tenants and tenants' advice services.

### Order Outcomes

During the reporting period the Tenancy Division received 45,160 new applications and 1,338 rehearing applications. A total of 52,975 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	4425	8%
Withdrawn prior to hearing	3218	6%
Dismissal/Dismissal and costs	4477	8%
Termination	10111	19%
Rental bond	1137	2.2%
Specific performance	9794	18.5%
Money order	13934	26.5%
Abandoned premises and goods	139	0.5%
Excessive rent or increase	53	0.1%
Rehearing approved	506	1.2%
Rehearing refused	877	2%
Other	4304	8%
<b>Total</b>	<b>52975</b>	<b>100%</b>

# divisional reports

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## tenancy division

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### Case Study

Tenants, a couple, rented a flat from a landlord, through his managing agent. The premises came with air-conditioning which broke down during the tenancy and which the landlord refused to repair.

#### **The Claim**

After the landlord's agent told the tenants that the air-conditioning unit would not be repaired they applied to the Tribunal seeking orders that the rent be reduced and that they be awarded compensation for loss of services.

#### **The Outcome**

The tenants said that they had sold their own air-conditioning unit after they had inspected the premises and found it had a working unit. When the unit broke down the tenants advised the landlord's agent. The agent told them the landlord did not have to undertake the repairs because they had signed a residential tenancy agreement with an "additional clause" stating the unit would not be repaired.

The Tribunal found that the "additional clauses" sought to contract out of the *Residential Tenancies Act 1987*. The Act prohibits such clauses and the Tribunal cannot enforce them. The Tribunal ordered the landlord to repair the air-conditioning unit and reduced the rent until the repairs were carried out. The Tribunal did not award the tenants any compensation, finding a rent reduction appropriate in the circumstances.

# divisional reports

## general division

### Legislation

- *Consumer Claims Act 1998*
- *Pawnbrokers and Second-hand Dealers Amendment Act 2002*
- *Holiday Parks (Long-term Casual Occupation) Act 2002*

Time limits and the maximum amount in the General Division are determined by the relevant Act. Under the *Consumer Claims Act 1998* the amount is \$25,000 and the claim must be lodged within three years of supply of goods or service.

### Application Fees

(effective 1 July 2004)

\$29 for claims or disputes not exceeding \$10,000

\$59 for claims or disputes between \$10,000 and \$25,000

\$159 for claims or disputes exceeding \$25,000

\$5 for eligible pensioners

### Members

All Tribunal members may determine matters in the General Division.

### Order Outcomes

During the reporting period the General Division received 5,423 new applications and 380 rehearing applications. A total of 6,071 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	518	9%
Withdrawn prior to hearing	810	13%
Dismissal/Dismissal and costs	1243	20.5%
Money order	1917	32%
Specific performance	368	6%
Termination	8	0.1%
Abandoned premises and goods	7	0.1%
Rehearing approved	140	2%
Rehearing refused	277	4.3%
Other	783	13%
<b>Total</b>	<b>6071</b>	<b>100%</b>

# divisional reports

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## general division

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### Case Study

Ms M needed tutoring for her daughter. She contacted a home tutoring company, which sent a representative to her home to explain the services provided and costs. Ms M signed a contract for tutoring services in English and Business Studies, but then her daughter went away to live with her father for a time. Ms M then faxed the company to cancel one lesson. Her daughter returned two weeks later, and Ms M faxed the company to restart the tutoring.

The company did not reply to that fax or another eight faxes. When Ms M telephoned the company it advised her to contact the tutor directly. The tutor knew nothing of the booking for the tutoring. Ms M sought a refund of money already taken from her credit card account. The company did not return the contact except to continue to invoice her for services not provided. The invoices were to be remitted to an address in Surfers Paradise.

#### **The Claim**

Ms M sought a refund of the \$265.00 taken from her credit card account and an order that she did not have to pay the company any further amounts.

#### **The Outcome**

The respondent company did not appear at hearing of this application. The Tribunal found there had been non-performance of the contract by the respondent company. The Tribunal ordered the company to pay Ms M \$256.00 and declared that no further amount was owing by Ms M in respect of the tutoring contract.

# divisional reports

## home building division

### Legislation

- *Home Building Act 1989*

The maximum amount that can be claimed in the Home Building Division is \$500,000

### Application Fees

(effective 1 July 2004)

\$29 for claims or disputes not exceeding \$10,000

\$59 for claims or disputes between \$10,000 and \$25,000

\$159 for claims or disputes exceeding \$25,000

\$5 for eligible pensioners

### Members

Senior and specialist building members determine matters in the Home Building Division where the claim is over \$25,000.

### Dispute Resolution

The transfer of the dispute resolution processes from the Tribunal to the Home Building Service resulted in a 29% decline in applications lodged with the Tribunal during the year.

Chairperson's Directions in accordance with s12 of the Act have been issued. The directions set out the procedures to be followed in home building disputes when the amount claimed or in dispute is over \$25,000. The Tribunal continues to explore various avenues of dispute resolution including the use of expert conclaves and case conferences in settling disputes. In matters where the claim is less than \$25,000 the Tribunal is finalising 68% of matters at the first hearing. A further impact of the Home Building Service processes is a shift in the type of matters proceeding to hearing with the focus remaining on home renovation but dealing increasingly with unlicensed or inappropriately licensed traders.

### Order Outcomes

During the reporting period the Home Building Division received 3,687 new applications and 361 rehearing applications. A total of 4,125 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	338	8%
Withdrawn prior to hearing	586	14%
Dismissal/Dismissal and costs	633	15%
Money order	1247	30%
Specific performance	244	6%
Rehearing approved	118	3%
Rehearing refused	262	6.5%
Other	697	17.5%
<b>Total</b>	<b>4125</b>	<b>100%</b>

# divisional reports

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## home building division

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### Case Study

Owner-builder, Mr B, entered into an oral contract with tradesman, Mr F, to carry out internal and external rendering during the course of construction of his new home. The agreed price was \$23,000 which was paid in cash. When the work was finalised Mr B was not satisfied with the quality of the work.

#### **The Claim**

Mr B stated there were a number of problems with the quality of the rendering, in particular around the building's numerous windows. A building consultant reported that considerable remedial work was necessary including partial removal of render around the windows and doors and in areas where cracking had occurred because control joints had not been cut deeply enough. Mr B sought a money order to compensate him for the costs of rectification.

#### **The Outcome**

The Tribunal found that there was no written contract or statutory insurance in place as required by the *Home Building Act 1989*. However, Mr B was still entitled to the benefit of the warranties set out in the Act. The Tribunal found that Mr B was entitled to be compensated to cover the cost of remedial work to achieve a standard of finish to the render work that met the standards within the industry. The Tribunal ordered Mr F to pay Mr B \$21,983.

# divisional reports

## motor vehicles division

### Legislation

- *Consumer Claims Act 1998*
- *Motor Dealers Act 1974*
- *Motor Vehicle Repairs Act 1980*

The time limit for lodging an application in the Motor Vehicles Division is 3 years. The maximum claim in the Motor Vehicles Division is \$25,000 except when the dispute relates to the supply of a new private motor vehicle.

### Application Fees

(effective 1 July 2004)  
\$29 for claims or disputes not exceeding \$10,000  
\$59 for claims or disputes between \$10,000 and \$25,000  
\$159 for claims or disputes exceeding \$25,000  
\$5 for eligible pensioners

### Members

All Tribunal members may determine matters in the Motor Vehicles Division. However, specialist members are initially assigned when matters are listed.

### Hearings

Motor vehicle applications in the Sydney Registry are listed in separate group lists with a conciliating member available to promote settlement by the parties.

### Alternative Dispute Resolution

When an application is lodged it is assessed to determine whether the matter has been previously referred to either the Motor Vehicle Repair Industry Authority (MVRIA), or the Office of Fair Trading (OFT). If it has not been to MVRIA or OFT, it is referred for assistance in settling the matter. This practice provides a better service to parties giving an opportunity to settle prior to a hearing. If a hearing is necessary the intervention of either MVRIA or OFT may assist in the final determination of the matter.

Of the 1197 applications lodged in the Motor Vehicle Division, 232 or 18.5% were referred to MVRIA and 495 or 39.5% were referred to OFT. Of the applications lodged, 243 or 19.5% were finalised prior to hearing. This process of early intervention reflects a better outcome and satisfaction for parties by avoiding the need to attend a hearing.

### Order Outcomes

During the reporting period the Motor Vehicles Division received 1,070 new applications and 127 rehearing applications. A total of 1,251 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	96	7%
Withdrawn prior to hearing	243	19.5%
Dismissal	278	22%
Money order	299	24%
Specific performance	54	4.5%
Rehearing approved	42	3.5%
Rehearing refused	84	7%
Other	155	12.5%
<b>Total</b>	<b>1251</b>	<b>100%</b>

# divisional reports

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## motor vehicles division

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### Case Study

Mr and Mrs J took their car to a smash repairer to have some minor rust removed. They were told the job would take about 2 weeks. When the vehicle was returned over a year later it was in a significantly worse condition.

#### **The Claim**

Mr and Mrs J state their car was in fair condition when it was left with the repairer. When it was returned they believed it was obvious the car had been left outside for long periods of time and had been exposed to harsh weather. The interior of the vehicle was all but ruined and the exterior had chips, scratches, extensive rust and marks. Further, they were advised the vehicle would not pass registration inspection, as the work carried out by the repairer did not comply with minimum safety standards. Mr and Mrs J applied to the Tribunal for compensation to restore their car to the point where it could be registered.

#### **The Outcome**

The Tribunal was satisfied that the vehicle was in generally good condition when left with the repairer, was returned in an overall poor condition and required extensive repairs. The Tribunal found that the repairer did not perform his repairs in a proper and tradesmanlike manner and did not properly care for the vehicle whilst it was in his possession. The repairer was, therefore, responsible to compensate Mr and Mrs J for the deterioration and damage their car sustained and ordered the repairer to pay Mr and Mrs J \$9,338.40.

# divisional reports

## residential parks division

### Legislation

- *Residential Parks Act 1998*
- *Landlord and Tenant (Rental Bonds) Act 1977*

### Application Fees

(effective 1 July 2004)  
\$29  
\$5 for eligible pensioners

### Members

All Tribunal members may determine matters in the Residential Parks Division. However, members with specialist experience are usually assigned to these matters.

### Dispute Resolution

The Tribunal continues to explore flexible and innovative means of dealing with applications in the Residential Parks Division. The Division frequently receives multiple applications regarding the same issue in the same residential park. The Tribunal has endeavoured to streamline case management strategies by allocating additional hearing time, providing additional Registry resources on hearing days and specialist conciliators as appropriate.

The type of applications brought to the Tribunal remains largely unchanged from previous years with tenants generally lodging applications in response to rent increases, whilst most applications by park owners are for termination of a tenancy.

### Order Outcomes

During the reporting period the Residential Parks Division received 993 new applications and 29 rehearing applications. A total of 924 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	90	10%
Withdrawn prior to hearing	85	9%
Dismissal	95	10%
Termination	120	13%
Money order	132	15%
Specific performance	87	10%
Excessive rent or increase	59	6%
Abandoned premises and goods	9	1%
Rehearing approved	20	2%
Rehearing refused	12	1%
Other	215	23%
<b>Total</b>	<b>924</b>	<b>100%</b>

# divisional reports

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## residential parks division

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### Case Study

A group of permanent residential park residents believed that the site rental they paid had become excessive due to what they believed was the park owner's withdrawal or reduction of services and facilities provided.

#### **The Claim**

The residents listed a series of changes to facilities and services previously provided by the park owner. They stated the park was not the same one they had bought into. The changes included loss of recreational space, inappropriate placement and infrequent emptying of rubbish dumpsters, reduced visitor parking and loss of street lighting. Their particular concerns was there had been a change of use of the park from permanent resident and tourist accomodation to emergency Department of Housing accomodation. The residents sought a reduction in rent to reflect the alleged loss of facilities and services.

#### **The Outcome**

The Tribunal found under the *Residential Parks Act 1998* the park owner had a duty to ensure that the peace, comfort and privacy of residents is not interfered with. By not effectively managing the park, the park owner had allowed the general amenity of the park to deteriorate to the point where it was not the park that the applicants had bought into. There was, therefore, a reduction in services and the Tribunal ordered the residents' rent be reduced.

# divisional reports

## strata & community schemes division

### Legislation

- *Community Land Management Act 1989*
- *Strata Schemes Management Act 1996*

### Application Fees

(effective 1 July 2004)

\$59

\$5 for eligible pensioners

### Members

Specialist Tribunal members and Adjudicators determine matters in the Strata and Community Schemes Division.

### Adjudications

Applications are determined on the basis of the written evidence provided. Applicants are required to demonstrate that they have attempted to mediate the matter prior to orders being made. A significant number of decisions made on the papers are now made in the Sydney Registry by specially appointed officers. This has increased consistency and has strengthened institutional knowledge.

Selected matters are set down for hearing including appeals, penalty applications and those matters that are referred by an Adjudicator to the Tribunal for determination.

Once an application is accepted the parties are invited to make submissions, usually within four weeks, and then the matter is referred to an Adjudicator for determination. Where matters are listed for a hearing before the Tribunal, in all matters other than penalties and appeals, submissions are also requested, however the parties also appear before the Tribunal. This is because those matters that are referred directly to the Tribunal are more complex in relation to both legal and factual issues.

### Order Outcomes

During the reporting period the Strata and Community Schemes Division received 940 new applications and five appeal applications. A total of 834 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	32	4%
Withdrawn prior to hearing	81	10%
Dismissal	122	15%
Interim orders dismissed	44	5%
Notice of order	499	60%
Penalty	27	3%
Specific performance	5	0.5%
Appeal allowed	2	0.2%
Other	22	2.3%
<b>Total</b>	<b>834</b>	<b>100%</b>

# divisional reports

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## strata & community schemes division

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### Case Study

The applicant, Ms D, requested orders from an Adjudicator that a satellite dish erected in a community scheme be removed. Ms D said the dish was installed without permission of the Community Association and the satellite dish was visible from outside the lot and not in keeping with the appearance of other lots in the scheme. The respondent, Ms C, said the dish was installed by a previous tenant and she would like to install the current dish in compliance with the by-laws.

#### **The Outcome**

The Adjudicator determined that Ms D had tendered evidence including photographs and minutes from the Community Association meetings, showing that there was a satellite dish installed that was visible outside of the lot and permission had not been obtained from the Community Association. This was in breach of the Community Association by-laws. The dish was not installed in compliance with the by-laws and therefore the Adjudicator was satisfied a breach of the by-laws had occurred. Ms C was ordered to remove the satellite dish from the lot.

# divisional reports

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## commercial division

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### Legislation

- *Consumer Credit Administration Act 1995*
- *Consumer Credit (New South Wales) Act 1995*
- *Credit Act 1984*
- *Credit (Finance Brokers) Act 1984*
- *Credit (Home Finance Contracts) Act 1984*
- *Travel Agents Act 1986*
- *Property, Stock and Business Agents Act 2002*

The jurisdictional limits in this Division are determined by the Act according to the type of application.

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### Application Fees

(effective 1 July 2004)

\$29 for claims or disputes not exceeding \$10,000 (or no specific amount claimed)

\$59 for claims or disputes between \$10,000 and \$25,000

\$159 for claims or disputes exceeding \$25,000

\$528 for applications under s86 or s86A of the *Credit Act 1984*

\$66 for applications under the *Consumer Credit (NSW) Code* except for applications made by a credit provider under s101 of the *Consumer Credit (NSW) Code* where it is \$516

\$5 for eligible pensioners

A fee is not payable for certain applications under the *Credit Act 1984*, *Consumer Credit (NSW) Code* or the *Credit (Home Finance Contracts) Act 1984*.

The Division deals with credit matters, matters relating to appeals against decisions concerning payment from the Travel Compensation Fund and the reviewing of commissions and fees charged by licensed agents.

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### Members

All Tribunal members may determine matters in the Commercial Division.

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### Listing Claims

#### **Under \$25,000**

Applications lodged involving a monetary claim under \$25,000 are listed in the general group list.

#### **Over \$25,000**

Applications lodged involving a monetary claim over \$25,000 are listed for an initial short hearing at which directions are made as to the future conduct of the matter.

# divisional reports

## commercial division

### Order Outcomes

During the reporting period the Commercial Division received 362 new applications and 18 rehearing applications. A total of 356 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	36	10%
Withdrawn prior to hearing	77	22%
Dismissal	91	25%
Money order	77	22%
Specific performance	5	1%
Rehearing approved	7	2%
Rehearing refused	13	4%
Other	50	14%
<b>Total</b>	<b>356</b>	<b>100%</b>

### Case Study

Mr G lived in rural NSW and needed a car to transport his children for some distance for their medical treatment each week. He entered a consumer credit contract with the X Bank Ltd to purchase a car. He became unemployed. After defaulting on repayments the bank sought to repossess the car. The bank wrote to the Tribunal noting the consumer credit contract had already been reviewed and Mr G had been granted a 'payment holiday' during the previous two years, yet the account persistently got into arrears.

#### The Claim

Mr G applied to the Tribunal to 'stay' the repossession of the car under the *Consumer Credit Code*, and for a change to the repayments due under the credit contract, to make the loan affordable for him. A stay was granted immediately by the Tribunal on the basis of Mr G's application alone, pending the outcome of the hearing.

#### The Outcome

As Mr G lived in a remote area, the Tribunal arranged for him to appear at the hearing by telephone. The Tribunal took evidence and assisted the parties to arrive at an agreement, which the Tribunal made into consent orders. The parties agreed to reduce the repayments from around \$300 per week to \$100 per week and for the stay on repossession to remain in force for two months, with both parties having the right to bring the matter back to the Tribunal to review the issue of repossession before the two months came to an end.

# divisional reports

## retirement villages division

### Legislation

- *Retirement Villages Act 1999*

### Application Fees

(effective 1 July 2004)

\$29

\$5 for eligible pensioners

### Members

Specialist Tribunal members determine matters in the Retirement Villages Division.

### Dispute Resolution

The majority of disputes in Retirement Villages Division relate to budgets and the fees charged by village operators. Very few disputes require resolution by a formal hearing before the Tribunal as specialist conciliators are appointed to assist parties to reach consent agreements. Most matters are listed for conciliation in venues either on site or close to the village to allow as many of the village residents to attend as possible. If it is appropriate, when a consent agreement is reached, the agreement is referred to the Tribunal for orders to be made by a member in chambers to reduce the need for the parties to attend in person.

Village residents are also able to obtain the assistance of a specialist advice unit located in the Office of Fair Trading.

### Order Outcomes

During the reporting period the Retirement Villages Division received 40 new applications and three rehearing applications. A total of 45 applications were finalised in the reporting period.

Order Types	Number	Percentage
Withdrawn at hearing	6	13%
Withdrawn prior to hearing	7	16%
Dismissal	9	20%
Termination	2	4%
Specific performance	5	11%
Rehearing approved	0	0%
Rehearing refused	3	7%
Other	13	29%
<b>Total</b>	<b>45</b>	<b>100%</b>

# divisional reports

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## retirement villages division

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### Case Study

Mrs W purchased a serviced unit in a retirement village which had a mixture of two-thirds of self-care units and a third of serviced units. On 12 April 2002 Mrs W vacated her unit, which was sold on 28 March 2003. After vacating her unit, Mrs W continued to pay recurrent charges for a serviced unit. Under s151 of the Act, a former resident is not liable for charges for personal services after 28 days consecutive absence from the retirement village. If the parties are unable to agree the Tribunal may make an order apportioning the recurrent charges payable by the former resident between personal services and general services.

#### **The Claim**

Occupants of self-care units paid recurrent charges of \$2,000 for the relevant year. Serviced units in comparison paid \$12,000. The operator had reduced the recurrent charges by \$40.00 per week being the cost of food purchases as all other personal services were certain fixed costs such as staff numbers and salaries.

#### **The Outcome**

The Tribunal found that the charges for personal services are not payable 28 days after the unit is vacated. In this case, this was the difference between \$2,000 in cost for a self-care unit and \$12,000 for a serviced unit, being \$10,000. An amount of \$10,000 was refunded to Mrs W.

# flexible proceedings

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## Procedure Generally

Under the Act, the Tribunal is able to determine its own procedure. The Tribunal can be as informal as circumstances permit. It is provided with a range of tools to resolve disputes as effectively and as efficiently as practicable.

## Alternative Dispute Resolution

### **Conciliation and Preliminary Measures**

The Tribunal has a duty to use its best endeavours to bring parties in the proceedings to a settlement that is acceptable to all the parties. In the event that this assistance does not result in an agreement, then the Tribunal will proceed to adjudicate the dispute. As parties usually appear in person, that is, without a representative, the process of conciliation is useful to clarify issues and allow parties the freedom to express their needs and feelings. It often diffuses uncertainty and enables parties to achieve the outcome they prefer.

Conciliation is offered at the first hearing. If an agreement is made there will normally be no further hearings and the agreement will be confirmed in final and binding orders. If settlement does not occur, the Tribunal will endeavour to hear and determine those matters on the same day. The objective is to finalise as many matters as possible with minimum inconvenience to parties.

In Sydney, the Tribunal allocates members to group lists to foster the process. Since April 2004 the Tribunal has been trialing the use of specially trained Deputy Registrars to work with parties in metropolitan hearing rooms. The trial has proven the merit of the Tribunal allocating resources to this process and in the forthcoming year permanent arrangements will be made for the regional areas Central Coast-Hunter, Western Sydney, South Western Sydney, and Southern Suburbs-South Coast.



## Mediation

This form of alternative dispute resolution is used in larger matters being matters where there is a large amount of money in dispute or where there are many applications about similar issues in a retirement village or residential park community. In Village and Park Division matters the Tribunal sends a trained member to mediate on location. This saves parties from travelling and maximises the time that they can apply to resolving the issues.

## Case Conference

Case conferences are used particularly in the Home Building Division to explore settlement possibilities within the 'round table' context. Parties demeanour in these meetings often helps reduce tension and find new workable arrangements.

# flexible proceedings

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## Telephone Directions Pilot

In the Upper North Coast the telephone directions and hearing pilot program for complex matters from the Far North Coast has continued throughout the year. The pilot feedback system from Tribunal members has shown that the preparedness of parties has increased after the directions hearing has taken place and the matter then listed for formal hearing. The member conducting the telephone directions hearing also assists parties in reaching an agreement and clarifying the issues at hand. From this, a number of matters have been withdrawn after the directions hearing has taken place.

In June 2004 a further analysis of the pilot showed that most benefit was gained in the higher value Home Building Division matters where parties were usually represented. Since then, the procedure has concentrated on these matters.

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## Hearings and Listings

The Tribunal changed its listing procedures in August 2003 to list for two equal morning and afternoon sessions of three hours each. All applications seeking orders for less than \$25,000 are initially listed in a group list along with a number of similar matters before the Tribunal at set times. Specialist conciliation resources were made available where possible. This allowed the Tribunal to improve its goal of listing all matters for the first time within 28 days of lodgement. As 78% of matters were resolved at or before this first hearing, it maximised the efficiency of the Tribunal and provided certainty and predictability of hearing times for parties at the Tribunal.

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## Group Lists

Within a session it is usual for there to be two listings each of six matters. This is called a group list and most matters are listed for their first hearing in this manner. The exception is where matters are initially listed for a directions hearing.

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## Published Hearing Lists

Details of hearings listed for the upcoming 48 hours are available for viewing on the Tribunal's website. A schedule of future hearing dates at all locations throughout New South Wales is also available.

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## Specialised Lists

Specialised lists are scheduled for hearing Motor Vehicle Division matters and Home Building Division matters. These Divisions benefit by allocating members with the appropriate technical knowledge.

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## Appearance by Telephone

In some matters a party requests permission to appear by telephone, for example because they are interstate. If the request can be met, the Registry will list the matter with the appropriate equipment.

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## Decision on the Papers

Sometimes a party puts their case in writing because they are unable to appear in any form (in person, by telephone or through a representative). A copy of their case is given to the other party and the decision is usually made in the hearing room.

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## Return of Summons

These are special lists held every Tuesday in a hearing room at a Registry to determine access to summonsed documents. At the time of this report uncontested access orders were being made by a Deputy Registrar.

# facilities and services

## ethnic affairs priorities statement

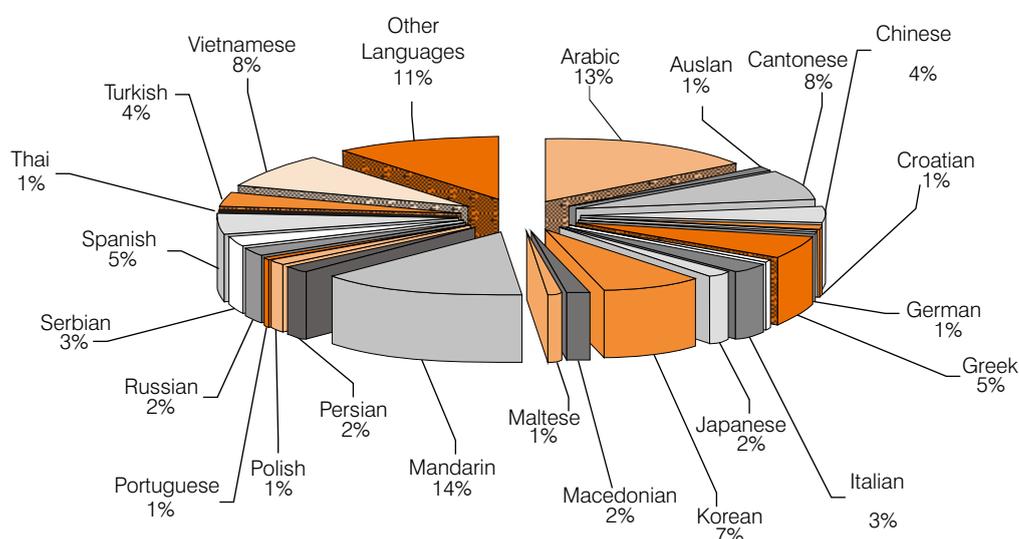
Language assistance is provided to clients free of charge via:

- telephone interpreter service,
- in person interpreter service, and
- staff accredited as language aids.

In March 2004 the Tribunal conducted an information session targeted at non-English speaking background community workers. Almost 200 people attended this session which was held in Parramatta and provided information including:

- where to obtain, complete and lodge application forms,
- what to bring to a hearing,
- the conciliation and hearing process, and
- how to advise the Tribunal of any special needs.

The Tribunal collects and analyses data relating to the number of interpreters provided by the Tribunal to its clients. Relevant information such as the hearing location and language used is provided in the following table.



### Staff Profile

About 32% of Tribunal staff consists of people whose language first spoken as a child was not English.

The Tribunal has 15 registry officers providing language assistance in nine different languages. Fair Trading in total has 99 officers covering 22 languages who can provide information to Tribunal clients.

# facilities and services

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## facilities

### Registry Locations

#### **Sydney Registry**

Level 12, 175 Castlereagh Street  
Sydney NSW 2000  
GPO Box 4005, Sydney 2001

#### **Liverpool Registry**

Level 3, 33 Moore Street  
Liverpool NSW 2170  
PO Box 723, Liverpool BC 1871

#### **Parramatta Registry**

Level 2, 10 Valentine Avenue  
Parramatta NSW 2150  
PO Box 4117, Parramatta 2124

#### **Wollongong Registry**

Level 3, 43 Burelli Street  
Wollongong NSW 2500  
PO Box 319, Wollongong 2520

#### **Penrith Registry**

Level 1, 308 High Street  
Penrith NSW 2750  
PO Box 988, Penrith 2751

#### **Tamworth Registry**

Suite 3-5, Kable Korner Complex  
Cnr Kable Ave & Darling Street  
PO Box 1033, Tamworth 2340

#### **Hurstville Registry**

Level 3, 4-8 Woodville Street  
Hurstville NSW 2220  
PO Box 148, Hurstville BC 1481

#### **Newcastle Registry**

Level 1, 175 Scott Street  
Newcastle NSW 2300  
PO Box 792, Newcastle 2300

### Security Arrangements

The Tribunal's security arrangements for the reporting period were supplied by seven security providers. These security contractors were selected in the previous reporting period by tender with the assistance of Business & Procurement Consulting of Public Works. The location of the seven contractors in both metropolitan and regional bases enhances services provided in those locations and minimises costs to the Tribunal.

# regional reports

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The Tribunal has eight regional Registries. In addition to the hearing rooms at the Registries, the Tribunal maintains three other hearing venues.

The Tribunal has developed an "InCourt" module which allows Tribunal orders to be produced in the hearing room at the end of a hearing. Members operate the system from the hearing bench whilst the hearing is in progress. The member notes attendance, amends parties' names if necessary and makes any orders using the custom-made system. At the end of the hearing parties are able to collect the order from the hearing attendant before leaving the Registry. InCourt was initially piloted in Sydney and in this reporting period has been expanded to regional venues and in many group lists. At the conclusion of the hearing parties are now able to collect a printed copy of their orders. This has allowed for a much more efficient use of Registry resources and is much appreciated by parties. The InCourt system continues to be expanded to provide additional services to clients.

Digital sound recording has also been expanded to a greater number of hearing rooms.

As Electronic Service Delivery was expanded officers visited many interest groups including regular users such as real estate agents and tenancy groups. The purpose of the visits was to assist users to successfully lodge applications on-line.

Regional Consultative Meetings continued to be held with the community, key interest groups and users throughout New South Wales to consult and obtain feedback on issues such as listing and procedural initiatives.

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## Sydney

The Sydney Registry processed 23% of total applications received by the Tribunal. The Sydney Registry is responsible for listing hearings in the Sydney metropolitan area. Hearings are conducted every day of the week. Mondays, Wednesdays and Thursdays are allocated for group list hearings. Special group lists have been established for Motor Vehicle matters and there is a specialist Building Directions list to ensure that resources are available to serve the needs of those particular types of matters.

Telephone conference facilities have been expanded to allow for an increased number of telephone hearings for appropriate matters.

The Tribunal's hearing rooms have recently been refurbished with some of the mediation rooms now allocated to the Strata Schemes and Mediation Unit of the Office of Fair Trading to ensure all rooms are fully utilised. The Strata Schemes and Mediation Unit have also been located adjacent to Tribunal premises.

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## Newcastle

The Newcastle Registry processed 14% of the Tribunal's workload. The Newcastle Registry is responsible for listing matters for hearing for the Newcastle, Maitland, Gosford and Taree venues. Hearings are conducted in Newcastle on Mondays, Tuesdays and Thursdays, in Maitland every Wednesday and Taree each alternate Wednesday.

A new purpose-built facility for the Tribunal opened for business in Gosford in April 2004. The premises are located on Level 2, Gateway Centre, 237 Mann Street, Gosford and hearings are conducted Tuesdays, Wednesdays and Fridays.

These new facilities cater for approximately 300,000 people in an area stretching from the Hawkesbury River in the south, to the shores of Lake Macquarie in the north, and west to the Dooralong and Yarramalong Valleys.

# regional reports

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## Penrith

The Penrith Registry handles 14% of the Tribunal's total workload. The Penrith Registry is responsible for applications from the Blue Mountains, Hawkesbury, Central West and Lower Central West areas. Hearings are conducted at the Penrith Registry each Tuesday, Thursday and Friday. Hearings are also held at the Tribunal's hearing rooms at Blacktown each Wednesday.

## Liverpool

The Liverpool Registry continues to process 13% of the Tribunal's total workload.

Hearings are conducted at the Liverpool Registry each Tuesday, Wednesday and Friday. Hearings are held at the Campbelltown hearing rooms on Monday and Thursdays.

The Liverpool Registry is responsible for applications from South West Sydney and the foot of the Southern Highlands.

## Hurstville

The Hurstville Registry processes 8% of the Tribunal's total workload and conducts hearings on Tuesdays, Wednesdays, Thursdays and Fridays.

In partnership with the Hurstville Fair Trading Centre the Registry held a NAIDOC Open Day in June 2004. The Open Day gave Aboriginal and Torres Strait Islander people the chance to celebrate their culture with the wider community. Aboriginal dancing, art/cultural displays, storytelling and information stalls were available to all who attended.



## Parramatta

The Parramatta Registry processes 8% of the Tribunal's total workload. The Parramatta Registry conducts hearings on each weekday.

Hearings which were previously held at the Commonwealth Court Complex were transferred to the Parramatta Registry in this reporting period. The transfer of the hearings led to an improved service to clients as the Registry location is convenient as it is in the business district of Parramatta and is close to public transport and other public amenities.

Throughout the year, the Western Sydney Tenants Service conducted a project which trialed the use of a duty advocate role at the Blacktown venue. The advocate is able to provide an information service to tenants attending the Tribunal. Duty advocates continue to offer the service and attend the Parramatta Registry on selected hearing days.

# regional reports

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## Wollongong

The Wollongong Registry processes 10% of the Tribunal's total workload. The Registry conducts hearings each Tuesday and Friday. In the Wollongong hearing venue there are three hearing rooms and eight conciliation rooms. Wollongong Registry is also responsible for the South Coast, Riverina and Southern Tablelands Regions.

During the year the Tenants' Advice and Advocacy Service also provided for the attendance of a duty advocate. This service is provided to Wollongong and outer metropolitan venues throughout New South Wales.

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## Tamworth

The Tamworth Registry processes 10% of the Tribunal's total workload. The Registry is responsible for applications from an area covering approximately two-thirds of regional New South Wales including the Far North Coast, Mid North Coast, North and Far West, Upper Hunter, Upper Central West and the Northern Tablelands.

The weekly telephone directions and hearing pilot has continued for complex matters from the Far North Coast to be listed before a member in Tamworth to assist parties prepare for a hearing and encourage a settled agreement before hearing.

The Tribunal began sitting in Gunnedah each fortnight from November 2003 after the Registry officers recognised a need for hearings to be conducted there.

# technology

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## information management

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### Electronic Service Delivery (ESD)

On 23 October 2003 the Minister for Fair Trading launched the Tribunal's new Electronic Service Delivery initiative. This service allows clients to lodge an application and pay the fee by credit card on-line. This service is currently available for Tenancy Division applications. The benefits of ESD to users include prompt lodgement of applications, convenient payment options and in most cases immediate notification of hearing details. Secure on-line monitoring of the progress of an application is also available at the website.

The Tribunal collaborated with internal and external regular users and interest groups including CTTT officers, real estate agents, Department of Housing and tenant's advocates in developing the service concept and workflow. It is planned to extend the availability of an on-line service to other divisions within the Tribunal's jurisdiction.

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### Case Management System (CMS)

The Office of Fair Trading (OFT) provides network and desktop services to the Tribunal. The Tribunal's technology is seamlessly integrated with the OFT network. As the Department of Commerce was formed, Information and Communication officers worked closely to ensure continuous operation of CMS whilst integrating it with ESD.

Throughout the year the Tribunal has continually refined processes to facilitate changes and efficiencies with the CMS. The Tribunal has received approval from the Department of Commerce IT Committee to develop a business case to support the upgrade of the CMS to a state of the art code base. This will ensure that in the future the Tribunal will be able to continue to use technology to support and enhance effective business processes.

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### Digital Sound Recording

This year the Tribunal continued to make progress on the Digital Sound Recording project for all venues. This project will deliver digital sound recording services for Tribunals in the Department of Commerce.

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### Website

**[www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)**

The Tribunal continues to improve the information and service delivery it provides to the public. The website is regularly maintained and enhanced to make it a central source of information on the Tribunal. Application forms, Schedule of Fees, CTTT Bulletin, Chairperson's Directions, Hearing Lists and Hearing Calendar are available on the website. The site also contains a 'What's New' box, a search engine and useful links page. During the reporting period there were 34,783 visits to the Tribunal's website.

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### InCourt

Last year the Tribunal implemented the InCourt application pilot in hearing rooms in the Sydney City hearing venue. InCourt facilitates the production of orders from the members' bench within each hearing room. In most matters clients attending a hearing in a venue where InCourt is in operation will be able to collect a printed copy of the order made as they leave the hearing if the application concerned a tenancy issue.

During the year the Tribunal began the rollout of InCourt to all Tribunal hearing venues where the technology can be made available. This includes Parramatta, Penrith, Hurstville, Newcastle, Tamworth, Wollongong and Liverpool. The Tribunal is now planning to include more of its jurisdictions in the InCourt application.

# technology

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## information management

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### MemberNet

MemberNet is an intranet service developed to give Tribunal members access to relevant information wherever internet access is available. Members can log into MemberNet to access announcements, form templates and other relevant documents. MemberNet also provides internet links to on-line legislation and decisions databases. Members can communicate with each other using a message board installed on the site.

The Tribunal is planning to develop and implement a new intranet service, RegistryNet. RegistryNet will provide a similar service for Registry officers as that provided to members via MemberNet.

Using RegistryNet, Registry officers will be able to gain access to procedures, memoranda, reports, forms, directions and newsletters. RegistryNet will provide Registry officers with an efficient method of locating information.

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### Tribunal News Network (TNN)

The TNN is a newsletter developed and distributed by the Information, Communication and Technology Unit within the Tribunal to advise Registry officers and members about changes, upgrades and general issues regarding the technology implemented at the Tribunal.

The TNN is an electronic publication distributed across the Tribunal's computer network, with an e-mail forwarded to advise when a new newsletter is available.

# information and education

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## Client Feedback Mechanism

From May 2004, the Tribunal introduced an on-line 'Registry Feedback Form' as a tool to manage and improve the quality and consistency of services provided to clients. On-line feedback received will be considered and, where possible, used to improve Tribunal services.

The Chairperson of the Tribunal responds to complaints relating to the conduct of proceedings by the Tribunal. Any complaints concerning the Registry and its procedures are addressed by the Registrar. The Tribunal is committed to responding to complaints within 21 days.

In 2003-2004, the Tribunal received a total of 429 written complaints. The majority of complaints related to dissatisfaction with the outcome of the proceedings. Steps are being taken to improve and better serve the Tribunal's clients, including improving access and focussing on consistency in decision making.

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## Information Sessions

The Tribunal conducts information sessions to improve awareness of the Tribunal's diverse services available to people in New South Wales. During 2003-2004, the Tribunal conducted 10 information sessions statewide including regional centres. Eight of the information sessions had a tenancy focus and covered information relating to Tribunal proceedings, the types of orders made and how hearings are conducted. Two information sessions had a specialised focus. In December 2003, the Tribunal conducted a Strata and Community Schemes information session with the purpose of imparting knowledge about Strata and Community Schemes processes with regards to mediation and hearings. In March 2004, the Tribunal conducted an information session designed to promote services available to clients and explain the operations of the Tribunal to community workers who work with clients from a non-English speaking background.

More than 1000 people attended the information sessions held during the reporting period. Feedback indicated that information sessions contributed to a greater insight into the decision-making process and were beneficial in assisting those who attended to better understand the evidential requirements. Information sessions also provided the participants with the opportunity to clarify Tribunal's procedures and processes.

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## List of Divisional Consultative Forums

The Tribunal has established Consultative Committees for each Division that meet throughout the year. The Tribunal and interest groups exchange information and provide feedback about proposals for procedural and listing initiatives. As a result of feedback received, the Tribunal can make changes to improve services to clients.

The organisations represented on the Committee are set out below:

### Tenancy Division

- ARCH
- Combined Pensioner & Superannuants' Association
- Department of Housing
- Department of Housing Appeals Committee
- EAC
- Financial Counsellors Association of NSW & ACT
- Gandangara Local Lands
- Legal Aid Commission
- NSW Aboriginal Housing Office
- NSW Federation of Housing Association Inc
- Office of Community Housing
- Office of Fair Trading
- Property Industry Council
- Property Owners' Association of NSW
- Public Tenants' Council (Central Sydney)
- Real Estate Institute of NSW
- Redfern Legal Centre
- South West Tenant's Advice and Advocacy Service
- Southern Sydney Tenancy Service
- Tenants' Union of NSW

# information and education

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## List of Divisional Consultative Forums (continued)

### **General Division**

- Australian Consumers Association
- Australian Industry Group
- Australian Retailers Association NSW
- Combined Pensioners & Superannuants Association
- Community Relations Commission
- Disability Council of NSW
- Fair Trading Advisory Council
- Financial Counsellors Association of NSW & ACT
- Law Access NSW
- NSW Pawn Brokers Association of NSW
- Office of Fair Trading
- Recreational Van and Home Owners Association

### **Home Building Division**

- Australian Institute of Building
- Building and Construction Council of NSW Inc
- Civil Contractors Federation
- Housing Industry Association
- Institute of Building Consultants
- Institute of Strata Title Management Ltd
- Institution of Engineers Australia
- Law Society of NSW
- Master Builders Association
- Master Painters Association
- Master Plumbers & Mechanical Contractors Association NSW
- National Electrical & Communications Association of NSW
- NSW Bar Association
- Office of Fair Trading
- Royal Australian Institute of Architects
- Swimming Pool and Spa Association
- Timber Flooring & Finishing Association of NSW

### **Motor Vehicle Division**

- Australian Manufacturing Workers Union
- Institute of Automotive Mechanical Engineers
- Motor Traders Association
- Motor Vehicle Repair Industry Authority
- National Roads & Motorists Association
- Office of Fair Trading
- Service Station Association

### **Residential Parks Division**

- Affiliated Park Residents Association
- Caravan & Camping Industry Association
- Combined Pensioners & Superannuants Association
- Energy & Water Ombudsman NSW
- Northern Alliance of Park Residents' Association of NSW Inc
- Office of Fair Trading
- Recreational Van and Home Owners Association
- Western Sydney & Hawkesbury Parks Residents' Association

### **Strata and Community Schemes Division**

- Combined Pensioner & Superannuants' Association
- Institute of Strata Title Management Ltd
- Management Rights Association (NSW) Inc
- Office of Fair Trading
- Property Owners Association of NSW
- Tenants' Union of NSW

### **Commercial Division**

- Consumer Credit Legal Centre
- Credit Helpline
- Financial Counsellors Association of NSW & ACT
- Kemp Strang Lawyers
- Legal Aid Commission
- Office of Fair Trading
- Redfern Legal Centre
- Wesley Community Legal Service

### **Retirement Villages Division**

- Aged & Community Services Association of NSW & ACT Inc
- Combined Pensioner & Superannuants' Association
- Council on the Ageing (NSW) Inc
- Housing Industry Association
- Nursing Homes and Extended Care Association
- Office of Fair Trading
- Retirement Village Association of NSW & ACT
- Retirement Villages Residents Association
- The Aged-Care Rights Service Inc
- Wesley Mission

# information and education

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## Open Day

In conjunction with Law Week 2004, the Tribunal held an open day on 18 May 2004 to raise awareness within the community and to give people an opportunity to find out more about the services provided by the Tribunal. Three sessions were presented to 123 people. Topics included an overview of Tribunal processes and proceedings, such as conciliation, adjournment requests and rehearings.

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## Student Attendance at Tribunal

The Tribunal conducted tailored information sessions to high school and college students, and legal groups. These sessions attracted 51 attendees and involved an introductory talk about Tribunal services, a guided tour, and concluded with students observing hearings from specific divisions relating to their interest.

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## Member/Senior Staff Attendance by Request

Tribunal senior officers and members attended various functions as guest speakers. Examples include:

- Officers spoke at a session held by Redfern Legal Centre to discuss Tribunal jurisdiction regarding the Commercial, General and Home Building Divisions in July 2003.
- An officer was a guest speaker at a Moneycare Financial Counsellor Training Course in September 2003.
- A Tribunal member spoke at the LJ Hooker Northern District meeting in March 2004.
- A Tribunal member spoke at the Southern District Law Society meeting in March 2004.
- In March 2004 and June 2004, Tribunal members addressed staff at Renting Services of the Office of Fair Trading about Residential Parks and Tenancy issues respectively.
- The Chairperson addressed NSW Young Lawyers Association Property Law Seminar in March 2004.
- The Chairperson addressed the Institute of Building Consultants in February 2004.

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## Video

The filming of the Tribunal's video, 'Get it Sorted' was completed in January 2004. The video illustrates the hearing process, assists parties to prepare themselves adequately, demonstrates how a hearing progresses from beginning to end and illustrates how Tribunal orders may be enforced.

Copies of the video were distributed to members of the Tribunal's Consultative Forum's who cover a wide range of organisations representing the eight divisions within the Tribunal. Copies were also provided to local libraries within the State, some TAFE Colleges and Aboriginal organisations.

The video can be viewed at the Tribunal's Registries and is available at other locations such as Fair Trading Centres and local libraries.

# information and education

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## Interstate and Overseas Delegates

### **Queensland**

In August 2003, a delegate from the Residential Tenancies Authority of Queensland visited the Tribunal and met with the Deputy Chairpersons.

### **Western Australia**

In September 2003, the Chairperson met with the West Australian Minister for Consumer and Employment Protection to discuss jurisdictional issues.

### **China**

Delegates from the Complaint Reception Office in Shanghai Municipal Government visited the Tribunal in November 2003. The Deputy Chairpersons met with the delegates and discussed functions and processes of the Tribunal.

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## Fifth Australasian Residential Tenancies Conference

The Australasian Residential Tenancies Conference is a conference for residential tenancies' professionals who are involved in dispute resolution and the management or administration of tribunals and residential tenancies' legislation. Last year's conference was held during October 2003 in Christchurch, New Zealand. The Chairperson and the Deputy Chairperson (Registry and Administration) attended and presented papers.

The Tribunal will host the sixth conference in October 2005.

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## Publications

### **Chairperson's Directions**

The Chairperson is responsible for the effective and efficient management of the Tribunal and this is achieved, in part, by issuing Chairperson's Directions about the practice and procedure to be followed by Tribunal members and parties attending the Tribunal for dispute resolution.

During the reporting period several Chairpersons' Directions were issued including how Home Building Division claims over \$25,000 would proceed through the Tribunal process. This is particularly useful for parties involved in these complex matters. Other Chairperson's Directions were issued in relation to the Home Building Division during this period relating to the appointment of independent experts and the acceptance of claims that have not been through the Office of Fair Trading investigation procedures. A further Chairperson's Direction was issued in relation to the making of requests to adjourn proceedings. A Code of Conduct for Expert Witnesses came into effect from 1 July 2003.

All Chairpersons' Directions are available on the Tribunal's website.

### **Bulletin**

The CTTT Bulletin was published in July 2003, October 2003, January 2004 and April 2004. The Bulletin provides information about decisions of the Supreme Court in relation to appeals from the Tribunal, as well as other court decisions that are relevant to the Tribunal's jurisdiction. In addition, the Bulletin provides updates on issues and guidelines, for example, changes to legislation and new Chairperson's Directions. Other current events are also promoted within the Bulletin, such as the commencement of electronic service delivery or the availability of the Tribunal video.

# information and education

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## **General Information Brochure**

The Tribunal's new General Information Brochure was published in May 2004. The brochure was particularly developed to assist respondents to Tribunal proceedings and is issued to parties with their first notice of conciliation and hearing.

The brochure provides basic information about how a dispute proceeds through the Tribunal process. It explains what the Tribunal is all about, what happens when an application is lodged and outlines the Tribunal's practice in relation to joint liability, withdrawals, representation, dispute resolution and types of hearings. It also explains how parties can apply to change an order, how Tribunal orders are enforced and if parties can be ordered to pay costs.

## **School Resources**

A resource document titled 'Schools Project' was developed for students during the reporting period. It outlines the Tribunal's background, composition and processes. Schools Project can be viewed and downloaded from the Tribunal's website.

Schools Project was created in response to an increased demand and feedback received from schools and other educational institutions. This resource provides students with current Tribunal jurisdiction and practices without the need to travel to a Registry and witness hearings. It was designed with a clear and concise user-friendly format.

The Tribunal's Information and Education Team continues to facilitate visits from school groups to the Sydney CBD or local regional Registries. These visits include a talk on the Tribunal's role and procedures, a tour of the public facilities and viewing of a list call over and if possible, sitting in on Tribunal hearings.

## **Decisions on AustLII**

The Tribunal publishes written reasons and reserved decisions on the AustLII website at [www.austlii.edu.au](http://www.austlii.edu.au). At the end of June 2004 the Tribunal had placed 1,834 reasons and decisions on the AustLII site.

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## Transparency

### **Access to Files - FOI**

Two applications under the *Freedom of Information Act 1989* (FOI Act) were received during 2003-2004. Of those applications, one was finalised during the reporting period and one was yet to be finalised. The finalised FOI request was granted in part as some of the documents required were exempt under the legislation. Fees of \$150 were charged.

Pursuant to s10 of the FOI Act the Tribunal is not classified as an agency in relation to its judicial functions. Any document relating to the judicial functions of the Tribunal is exempt under clause 11 of schedule 1 of the FOI Act.

However, the Tribunal adheres to the objects of the FOI Act and ensures that its processes are open and accountable. The Tribunal provides information on its website to assist parties involved in proceedings before the Tribunal. This information includes

# information and education

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Chairperson's Directions, a quarterly Bulletin and information sheets.

In addition, all parties to a matter generally have access to their file/s in accordance with Part 8 of the *Consumer, Trader and Tenancy Tribunal Regulation 2002*.

The Registrar may also grant access to a person, who is not a party to proceedings, to a record of proceedings where the Registrar considers there is sufficient reason to do so.

## **Access to Tribunal Files by Third Parties**

The Chairperson may elect to provide the Minister, Director General or an authorised agent or representative of a party with information as set out in ss70, 72 and 85 of the Act. Requests from other third parties are dealt with under s73 of the Act and the Privacy and Personal Information Principles, which restricts disclosure of information.

A full statement about privacy management is available on the Tribunal's website.

Access to information is normally allowed by the Registrar without the parties' permission in the following circumstances:

- written reasons and reserved decisions are published on AustLII;
- information about party names is published daily on the hearings lists;
- where the police are investigating an allegation about perjury in the Tribunal, access to any record is available;
- the media is given information upon request which would be available if the person had been present in an open and public hearing (this is usually the orders).

# organisational development

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## Occupational Health and Safety (OH&S)

The Tribunal's OH&S Committee continues to meet on a quarterly basis. The Committee is made up of management and employee representatives. During the reporting period two employee representatives of the Committee resigned. Two officers nominated to join the Committee and subsequently received training in OH&S consultation as required under s31 of the *Occupational Health and Safety Regulations 2001*. During the reporting period, the Tribunal regularly undertook hazard reviews and dealt with any safety issues which required rectification. These included:

- all electrical appliances were checked for safety and tagged
- a review of first aid arrangements to ensure appropriate facilities were available at each Registry
- distribution of information concerning first aid and injury management
- review of fire safety arrangements and evacuation plans
- replacement of furniture to ensure ergonomic safety
- distribution of information on safe lifting.

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## Spokeswomen's Program

The Tribunal supports the Spokeswomen Program by allocating resources to allow the Tribunal's spokeswoman to participate in various activities within the Tribunal and the Department. The Spokeswoman's Program has resulted in the following:

- creation of a resource centre in the Sydney Registry
- increased networking within the Tribunal and Department
- attendance at OFT Spokeswomen's planning day and spokeswomen's training,
- Spokeswomen's conference and women's information day in Sydney and Parramatta
- involvement in arranging the OFT Sydney IWD celebration
- promoted and arranged lunch time massage in Sydney and Parramatta
- participated in various OFT committees; Chairperson OH&S, Fire Warden, First Aid, EEO
- regular reporting including financial reporting on a quarterly basis to Women's Liaison Officer
- promoted the Employee Assistance Program Service
- provided information relating to Spokeswomen's information and OH&S for publication in the Tribunal's newsletter
- initiated twice weekly meditation and relaxation sessions and weekly yoga sessions and other exercise programs for staff.

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## Staff Training

Training and development initiatives for the Tribunal's Registry officers continued throughout the year. Over 60 Registry officers participated in the Office of Fair Trading's corporate training programs targeted to enhance people management and customer service skills.

During the year, a Tribunal officer was successful in obtaining a scholarship on the Public Sector Management Program. The Program incorporates the latest development in

# organisational development

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public sector management and theory and has been developed to offer participant-centred, flexible and varied learning opportunities. In conjunction with the Motor Vehicle Repair Industry Authority, officers participated in mediation training conducted by LEADR. It is anticipated that these skills will be utilised through the Tribunal's conciliation process.

To further enhance the Tribunal's commitment to implementing best practice methodologies, a number of officers received cross development opportunities through secondments to other organisations such as the Workers Compensation Commission and Government and Related Employees Appeals Tribunal.

Monthly training programs focusing on procedural and legislative changes continued this year as part of the Tribunal's strategy to achieve ongoing improvements in its operational areas.

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## Elsa Dixon Employment Program

During the year the Tribunal temporarily employed an Aboriginal project officer under the Elsa Dixon Employment Program. The Program is funded by the NSW Department of Education & Training and aims to encourage permanent employment, enhance career prospects and promote innovation for Aboriginal people looking for a career in the public sector. The project officer undertook a community education role promoting services relating to residential tenancy matters to Aboriginal communities.

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## Law Students Program

During the year, two Bachelor of Law students from the University of Wollongong gained work experience in the Tribunal. They each observed and assisted with Registry functions for 20 days. The students also worked on individual projects, developing the schools' information page on the Tribunal's website, and developing legal research tools and reference material for the Tribunal membership.

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## Aboriginal and Torres Strait Islander Cadetship Program

The Office of Fair Trading has commenced action to engage an Aboriginal or Torres Strait Islander law student as a cadet. The Tribunal has been engaged in discussions with OFT and the successful candidate should commence as a cadet with the Tribunal in 2004-2005.

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## Work for the Dole and Mature Age Workers Program

The Tribunal's Tamworth Registry has been fortunate to be involved with participants of both the Work for the Dole Program and the Mature Age Workers Program. During September 2003, four jobseekers worked in the Registry and had the opportunity to gain valuable relevant work experience. These programs are designed to allow the participants to improve, upgrade and learn new skills whilst providing the Registry with clerical assistance. As a consequence, one participant has gained full-time employment in Tamworth and another has gained temporary employment within the Tamworth Registry.

# organisational development

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## Community Development Employment Program (CDEP)

The Penrith and Wollongong Registries became involved in the CDEP during the year. The work experience program gave young local Aboriginal persons the opportunity to gain administrative skills and knowledge of the operations of the Tribunal. Duties performed included the registration of applications, the production of orders and client service.

Following the initial training period, the Tribunal was able to offer a temporary position to one of the trainees within the Wollongong Registry. The clerical and administrative duties performed by the trainees assist them when entering the job market and provides the Tribunal with an opportunity to assist the local community.

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## Year 10 Student Placement

A Year 10 student from Northmead High School attended the Tribunal for one week's work experience. The student was provided with a snapshot of the day-to-day functions of a Tribunal Registry going to the Penrith, Parramatta and Sydney Registries. During the week the student completed administrative tasks, acted as court officer, assisted in the Information Technology team, assisted the librarian and had the opportunity to view Tribunal hearings.

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## Internal Communication

### **News From The Inside**

The first Registry internal newsletter was issued in July 2003. The 'News From The Inside' newsletter is specifically designed to provide consistent information to staff in an informal manner. The Information and Education team prepares the publication bi-monthly and distributes it to staff via e-mail.

The newsletter is prepared in consultation with all Registry officers and aimed at their specific needs. It includes OH&S issues, a Spokeswomen section, identified procedural issues, information sessions and IT projects including website updates. It also includes less work-related topics such as the regular ten questions answered by a Registry officer from a different Registry each edition, special interest pieces suggested or supplied by them and staffing changes.

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## Flexible Working Arrangements

The Tribunal continues to implement best practice methodologies by supporting Registry officers with a range of flexible work arrangements such as job sharing and new flexible working hours to assist them balance work and personal commitments.

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## Member Training

The Tribunal held two conferences for Tribunal members during the year. The first was held in November 2003 and all Tribunal members participated. The conference focused on issues in the Tenancy Division.

The second conference was for full-time members and was held in June 2004. Topics covered recent legislative changes and issues in home building disputes.

### **"Building Communities - Insight Into Government Bodies" Conference**

In March 2004 representatives of the Tribunal attended the Building Communities Insight Into Government bodies Conference in Melbourne.

# organisational development

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## **Council of Australasian Tribunals Conference**

The Inaugural Conference of the Council of Australasian Tribunals (COAT), (New South Wales Chapter Incorporated) was held in Sydney in May 2004. The COAT is intended to facilitate liaison and discussion between the heads of Tribunals. It will support the development of best practice models and model procedural rules, standards of behaviour and conduct for members and increased capacity for training support for members. A number of representatives attended the conference in May 2004.

## **Australian Courts and Tribunals Administration Conference**

Representatives attended the second Biennial Australasian Courts and Tribunal Administration Conference held in October 2003 in Melbourne. Topics discussed ranged from court governance, managing clients (litigants in person), dealing with 'noisy' data and security solutions.

# appendices

## tribunal members

### Chairperson

Ransome, Kay

### Deputy Chairperson

#### (Determinations)

Vrabac, Nick

### Deputy Chairperson

#### (Registry & Administration)

Tydd, Elizabeth

### Senior Members

Balding, Margaret

Bordon, John

Connolly, Reg

Durie, Graeme

Paull, Christine

Phillipps, Richard

### Full-time Members

Borsody, Agnes

Carpentieri, Anthony

Deamer, Jane

Forbes, Deborah

Gawdan, Alexandra

Halliday, John

Lansdowne, Robyn

McDonnell, Ian

McMillan, John

Moore, Ted

Murphy, Cameron

O'Keeffe, Gregory

Reid, Judy

Sheehan, Des

Smith, Jeffery

Smith, Peter

Steer, Charlotte

Thane, Kathy

### Part-time Members

Adderley, Georgia

Albu, Mariaelena

Altobelli, Tom

Anforth, Allan

Annis-Brown, David

Arms, John

Barnetson, Diane

Beckett, Angela

Bell, Diana

Bell, Ross

Blair, Robert

Bordon, George

Boswell, Lois

Boyd, Phillip

Brady, Brian

Briggs, Phillip

Britton, Anne

Brophy, Moira

Brown, Garth

Bullen, Mark

Butler, Rex

Cahalan, Alexis

Cheesman, Philip

Chenoweth, Rieteke

Ciantar, Jennifer

Cipolla, John

Clarke, Gregory

Cohen, Totti

Conley, Jennifer

Connelly, Janice

Cooper, Emelie

Corley, Susan

Courtney, Michael

Cumes, Guy

D'Eatough, Tauri

Dalley, Margaret

Dellar, Garry

Dimitriadis, Dione

Duncombe, Sue

Eftimiou, Maritsa

Ellis, Susan

Ettinger, Geri

Farey, Janet

Faulkes, Wendy

Faust, Sabina

Fellowes, Julie

Forbes, Stephen

Fuller, Jane

Gallagher, John

George, Ian

Gilson, Mark

Giurissevich, Anthony

Gordon, Bruce

Gordon, David

Grey, Anthony

Grey, Janet

Harland, David

Harvey, Danae

Hennings, Simon

Holwell, Kim

Hookey, John

Huntsman, Carolyn

Innes, Graeme

Isaac, Colin

Kelly, Tom

Killimann, Glenn

Lennon, David

Leotta, Kerrie

Long, Christine

Lynch, Joanne

Mallam, William

Marzilli, Claudio

McCaskie, Carol

McDonald, Alan

Miller, Jill

Montgomery, Stephen

Newhouse, George

Noone, Michael

O'Moore, Rory

Peacock, Jane

Perrett, Mary

Pickard, Bryan

Plibersek, Raymond

Re, Loretta

Ross, Katherine

Ross, Kim

Ryan, Sharryn

Sainsbury, Murray

Sarlos, Peter

Sheedy, Tracy

Shipp, Bernard

Smith, Steven

Sourdin, Tania

Taylor, Lyndal

Tearle, William

Townsend, Kathy

Turley, David

Walsh, William

Whelan, Mark

White, Tony

Wiffen, Graeme

Williams, Louise

Williams, Kerry

Total Chairpersons/

Deputy Chairpersons

3

Total Senior Members

6

Total full-time Members

18

Total part-time Members

102

Males

69

Females

60

**Total**

**129**

Percentage of Members in

Sydney metropolitan areas

60%

Percentage of Members

in regional NSW

40%

# appendices

## human resources reports

### Registry Staff by Level \*\* & EEO Representation

Level	Total Officer	Officer responding to EEO data	Men	Women	Aboriginal & Torres Strait Islander people	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with a disability	People with a disability requiring adjustment at work
< \$30,146	0	0	0	0	0	0	0	0	0
\$30,146 -\$39,593	1	1	0	1	0	0	0	0	0
\$39,594 -\$44,264	58	52	10	48	3	18	16	0	0
\$44,265 -\$56,012	27	27	5	22	0	8	5	3	2
\$56,013 -\$72,434	39	38	12	27	0	11	9	3	0
\$72,435 -\$90,543	10	10	3	7	0	1	0	1	0
> \$90,543 (non-SES)	1	1	0	0	0	0	0	0	0
> \$90,543 (SES)	2	2	0	2	0	0	0	0	0
<b>Total</b>	<b>138</b>	<b>131</b>	<b>30</b>	<b>108*</b>	<b>3</b>	<b>40*</b>	<b>32*</b>	<b>7</b>	<b>2</b>

### Registry Staff by Employment Basis\*\*

Level	Total Officer	Officer responding to EEO data	Men	Women	Aboriginal & Torres Strait Islander people	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with a disability	People with a disability requiring adjustment at work
<u>Permanent</u>									
Full Time	109	107	26	83	3	36	28	7	2
Part Time	18	18	0	18	0	3	3	0	0
<u>Temporary</u>									
Full Time	8	4	4	4	0	0	0	0	0
Part Time	1	0	0	1	0	0	0	0	0
SES	2	2	0	2	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>138</b>	<b>131</b>	<b>30</b>	<b>108</b>	<b>3</b>	<b>40**</b>	<b>32**</b>	<b>7</b>	<b>2</b>

### Officer Classification Profile to June 2004

SES	2
Senior Officers	1
Statutory Appointees Full Time	26
Statutory Appointees Part Time	103
Legal Officers	2
Clerks	133
<b>Total</b>	<b>267</b>

\* Totals provided only where staff may be identified  
 \*\* Information provided by the Office of Fair Trading

# appendices

## financial reports

### Expenditure and Revenue Report

	\$'000
<b>Expenditure</b>	
<b>Salary and Related Payments</b>	
Salaries	5,648
Statutory Appointees	4,703
Employment Agencies/Security Services	866
Annual Leave	596
Overtime	6
Meal Allowance	0
Long Service Leave	77
Superannuation	1,103
Workers Compensation	73
Payroll Tax	792
Fringe Benefit Tax	93
	<b>13,957</b>
<b>Operational Expenditure</b>	
Office Accommodation	3,085
Postage and Couriers	320
Telephones	432
Minor Computer Purchases and Consumables	207
Fees	773
Training and Development Fees	18
Motor Vehicle Expenses	146
Travel Expenses	252
Minor Equipment, Consumables and Stores	439
Minor Miscellaneous Expenses	48
	<b>5,720</b>
Depreciation	<b>795</b>
Total Operational Expenses	<b>20,472</b>
Administrative On Costs	<b>2,519</b>
Total Recurrent Expenditure	<b>22,991</b>
Capital Expenditure	<b>624</b>
<b>TOTAL EXPENDITURE</b>	<b>23,615</b>
<b>Revenue</b>	
Lodgement Fees	(1,609)
Contribution from Consolidated Funds	(5,316)
Contribution from Rental Bond Board	(8,016)
Contribution from Statutory Interest Account	(7,879)
	<b>(22,820)</b>
<b>Net Cost of Services</b>	<b>795</b>
<b>Less Non Cash Transactions</b>	
Depreciation	795
	<b>795</b>
<b>CASH DEFICIT</b>	<b>0</b>

# notes

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[www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

Telephone: 1300 135 399

Facsimile: 1300 135 247

For the Hearing Impaired TTY: 02 9641 6521

**Sydney Registry**

Level 12, 175 Castlereagh Street  
Sydney NSW, 2000  
GPO Box 4005, Sydney 2001

**Liverpool Registry**

Level 3, 33 Moore Street  
Liverpool NSW 2170  
PO Box 723, Liverpool BC 1871

**Hurstville Registry**

Level 3, 4 - 8 Woodville Street  
Hurstville NSW 2220  
PO Box 148, Hurstville BC 1481

**Tamworth Registry**

Suite 3 - 5, Kable Corner Complex  
Cnr Kable Ave & Darling St.  
PO Box 1033 Tamworth NSW 2340

**Parramatta Registry**

Level 2, 10 Valentine Avenue  
Parramatta NSW 2150  
PO Box 4117, Parramatta 2124

**Penrith Registry**

Level 1, 308 High Street  
Penrith NSW 2750  
PO Box 988, Penrith 2751

**Wollongong Registry**

Level 3, 43 Burelli Street  
Wollongong NSW 2500  
PO Box 319, Wollongong 2520

**Newcastle Registry**

Level 1, 175 Scott Street  
Newcastle NSW 2300  
PO Box 792, Newcastle 2300



**CTTT**  
Consumer, Trader &  
Tenancy Tribunal