



NCAT
NSW Civil &
Administrative Tribunal

NCAT

Annual Report

2016-2017



NCAT
NSW Civil &
Administrative Tribunal

The Hon Mark Speakman, SC MP
Attorney General
GPO Box 5341
SYDNEY NSW 2001

Dear Attorney

I am pleased to submit the 2016-2017 Annual Report for the NSW Civil and Administrative Tribunal.

The report summarises the Tribunal's performance and outcomes achieved during the period 1 July 2016 to 30 June 2017.

The report has been prepared in accordance with section 91 of the *Civil and Administrative Tribunal Act 2013* (NSW).

Following the tabling of the report in Parliament, it will be available for public access on the Tribunal's website at www.ncat.nsw.gov.au.

Yours sincerely

[signed]

The Hon Justice Robertson WRIGHT
President
NSW Civil and Administrative Tribunal

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NCAT Annual Report Structure

NCAT has structured the information in this annual report, in addition to the President’s Report and 2016-2017 in Review, in three parts. First, general information concerning the Tribunal as a whole is provided by reference to the eight areas of Tribunal excellence set out in the Australia and New Zealand Tribunal Excellence Framework (June 2017) published by the Council of Australasian Tribunals. The eight areas are:

- Independence
- Leadership and Effective Management
- Fair Treatment
- Accessibility
- Professionalism and Integrity
- Accountability
- Efficiency
- Client needs and satisfaction

Next, more specific information concerning each Division of the Tribunal and the Appeal Panel is contained in the Divisional and Appeal Panel Reports.

Finally, detailed information concerning certain aspects of the Tribunal’s functions and operations is provided in the appendices, as referred to in the other two parts.

President's Report

NCAT plays a significant role in the administration of civil justice in this State. In the 2016-2017 financial year, the Tribunal received 66,837 applications and appeals and finally disposed of 66,897 matters, achieving a clearance ratio of 100.1%. In the vast majority of those 66,897 matters, NCAT conducted hearings so as to be able to quell controversies between parties by ascertainment of the facts, by application of the law and by exercise, where appropriate, of judicial discretion. The decisions in those matters were of vital importance to the parties and others affected. The Tribunal's decisions in this financial year directly affected well over a hundred thousand people.

In these circumstances, it is axiomatic that the Tribunal should act, and be required to act, in accordance with the law, independently, impartially, fairly, publicly and accountably. Indeed, this is what the *Civil and Administrative Tribunal Act 2013* (NSW) mandates and supports.

The different types of matters which the Tribunal has authority to determine is vast. More detailed information concerning the range of matters dealt with by the Tribunal and how the Tribunal has performed in 2016-2017 is provided in the Divisional and Appeal Panel sections of this Annual Report.

The most significant legal development affecting the Tribunal in the 2016-2017 financial year was the Court of Appeal's decision in *Burns v Corbett; Gaynor v Burns* [2017] NSWCA 3. In those matters, the Court of Appeal held that NCAT did not have authority to decide certain complaints under the *Anti-Discrimination Act 1977* (NSW). This was said to be because a State tribunal which is not a "court of a State" is unable to exercise judicial power to determine matters between residents of two States since the State law which purports to authorise the

Tribunal to do so is inconsistent with the conditional investment by section 39(2) of the *Judiciary Act 1903* (Cth) of all such jurisdiction in State courts. The State law was therefore rendered inoperative by virtue of section 109 of the Commonwealth Constitution. In the Court of Appeal all the parties had been content to proceed on the basis that the Tribunal was not a "court of a State". Consequently, the Court of Appeal did not hear full argument on that issue. The decision has affected a number of anti-discrimination matters in the Administrative and Equal Opportunity Division and a more substantial number of tenancy, consumer, motor vehicle, dividing fence and similar matters in the Consumer and Commercial Division.

The most important physical change affecting the Tribunal in the 2016-2017 financial year occurred in January 2017 when the Consumer and Commercial Division's Sydney Registry and hearing rooms were relocated from 175 Castlereagh Street to Civic Tower, 66 Goulburn Street, Sydney. Civic Tower (CT) is the building next along Goulburn Street from John Maddison Tower (JMT), over Castlereagh Street. As a consequence, all of the Tribunal's registries and hearing rooms in the Sydney CBD are now in two buildings only about 50 metres apart. This has led to more efficient use of resources and greater interaction between Divisions. For example, when JMT was evacuated for security reasons, all of the Guardianship Division's hearings scheduled for JMT on that day were transferred to CT and proceeded with very little disruption. In addition, the Members' Conference room in CT has been regularly used by all Divisions for training, seminars and meetings as well as for the Appeal Panel's twilight seminars. It has proved to be a versatile space with good acoustics and technology.

The relocation of the Registry responsible for approximately 30% of the Consumer and

Commercial Division's workload was achieved with minimal disruption to the functioning of the Division. This was due in large measure to the guidance of the Head of the Division, Deputy President Stuart Westgarth, the very considerable planning and effort of the Director and Registrar of the Division, Ms Vikki Hardwick, together with Ms Amanda Curtin, Director and Registrar, Principal Registry and the staff of the Division as well as the co-operative approach of the Members. They all deserve the Tribunal's thanks and congratulations.

While the Tribunal has been consolidating its Sydney presence, it continues to sit in over 70 locations around the State as well as making use of the audio-visual link (AVL) facilities now available in JMT and CT. Details of where the Tribunal has sat during 2016-2017 are given in the Accessibility section of this report. As to the use of AVL, the Consumer and Commercial Division successfully piloted the use of the facilities in CT with Jabber to conduct hearings in the Tamworth Registry with the parties in Tamworth and the presiding Member in Sydney. Similarly, the Administrative and Equal Opportunity, Guardianship and Occupational Divisions made regular use of the AVL facilities in JMT to take evidence from witnesses who cannot be, or should not be required to be, present in the hearing room.

This financial year, the Tribunal's new digital case management system (CMS) has been successfully implemented in the Administrative and Equal Opportunity Division and the Occupational Division. In addition, the preliminary work has been completed so that it can also be rolled out for the Guardianship Division in the first weeks of the next financial year. Unfortunately, the final stage in the process, bringing the remainder of the Tribunal, the Consumer and Commercial Division and the Appeal Panel, onto the one CMS, has had to be postponed because of funding constraints. A single, up to date CMS across the whole Tribunal is the essential foundation for further improvements to NCAT's

efficiency and responsiveness. In particular, online lodgment of all documents, electronic case files and online resolution processes, including hearings and alternative dispute resolution, are being delayed pending the tribunal-wide implementation of the CMS.

The Tribunal could not function effectively or efficiently without the experience, expertise and dedication of the Members. During the 2016-2017 year, 43 new Senior and General Members were appointed and 109 existing Principal, Senior and General Members were reappointed. These appointments and reappointments were recommended on the basis of the candidates having been through a recent open merit based selection process involving widespread advertising approved by the Attorney General, the constitution of an Appointment Committee, including a nominee of the Attorney General, interviews and reference checks. In addition, the Honourable Malcolm Craig QC and the Honourable Brian Tamberlin QC were appointed as Principal Members. In this way, the membership of the Tribunal was refreshed while much accumulated experience and wisdom was also retained.

On 31 August 2016, the term of appointment of Mr Malcolm Schyvens, Deputy President and Head of the Guardianship Division, was due to expire. In the first half of 2016, the position as Deputy President and Head of Division was widely advertised and the Attorney General convened an Appointment Committee to select and interview candidates for appointment. As a result of that process, Mr Schyvens was reappointed by the Governor from 1 September 2016 for a term of five years. On behalf of the Tribunal as a whole, I express our thanks to Malcolm Schyvens for his previous service on the Tribunal and as President of the Guardianship Tribunal, prior to the formation of NCAT. I also congratulate him on his reappointment. There have been no other changes in the Deputy Presidents and Heads of Division this year.

The Tribunal's Members make an invaluable contribution to the administration of civil justice in NSW. On behalf of the more than a hundred thousand people who come before the Tribunal each year, may I sincerely thank the Members for their work. I should also formally express my appreciation and gratitude for the support and encouragement that the Deputy Presidents and the Principal, Senior and General Members have provided to me in my role as President during 2016-2017. It simply would not be possible to carry out the President's functions without that support. The extent of the expertise and experience of the Membership is demonstrated by the brief details provided in Appendix 3 of this report in respect of the Members.

The other essential element for the proper functioning of the Tribunal is the staff who operate in registries across eight locations in Sydney, the suburbs and in regional centres. The level of commitment, hard work and willingness to help displayed by Registry staff of the Tribunal at all levels across all Registry locations is most impressive. This in no small part reflects the leadership, skill, common sense and experience of the Principal Registrar and Executive Director of the Tribunal, Ms Cathy Szczygielski, and her management team, including the Directors and Registrars, Ms Amanda Curtin, Ms Jane Pritchard, Ms Vikki Hardwick and Ms Pauline Green. It is a pleasure and, at times, eye opening to work with such a team and I thank them for their effort.

During 2016-2017, the NCAT Liaison Group has continued to meet on its regular schedule and has also had an extraordinary meeting to discuss the implications of the decision in *Burns v Corbett*. The Tribunal particularly appreciated the suggestions and commentary of those who participated in these meetings. In addition, the Divisional Consultative Forums have also met and they continue to allow us to engage with those with a legitimate interest in the functioning of the Tribunal and its Divisions.

Through these meetings and forums NCAT is informed of difficulties, suggestions for improvement and feedback on changes in the functioning of the Tribunal. NCAT remains committed to being responsive to the needs of those who come before the Tribunal. The Tribunal appreciates the contributions made by stakeholders to developing and improving the way in which the Tribunal operates.

The Tribunal depends, for its administrative support and for its funding to a significant extent, on the Department of Justice. The Secretary of the Department, Mr Andrew Cappie-Wood, has been of great support and assistance in allowing the Tribunal to function to the best of its capability. It was with regret that we received the news that the Deputy Secretary, Courts and Tribunal Services, Mr Michael Talbot, was to leave his position in July 2016. He was tireless in providing an environment in which NCAT could dispose of its caseload without building up any backlog and could take significant steps to integrate and update its case management system. On behalf of the Tribunal may I express our appreciation for all Mr Talbot did to further the work of the Tribunal. Fortunately, Ms Catherine D'Elia was available to step into his position in an acting capacity. She has continued to provide the support and encouragement previously provided by Mr Talbot and we are particularly grateful to both of them for their interest in, and efforts in support of, NCAT.

At the highest level, we have also benefitted from the commitment and encouragement provided by the Attorney General, the Hon Gabrielle Upton MP, up to the end of January 2017. For the last five months, we have been honoured to have the guidance, leadership and practical help of the Hon Mark Speakman SC MP as Attorney General. The Tribunal depends particularly upon the Attorney's assistance and judgment in making and supporting the appointment and reappointment of Members

and is appreciative for all that both the Attorneys have done for the Tribunal over the year.

2017-2018 will present some challenges which are the same as previous years and some which are new. I remain committed to working with the Attorney General, the Department, Members and staff in order to have NCAT deliver resolutions of the matters brought before it that meet the appropriately high standards of fairness and justice that the people of NSW are entitled to expect.

The Hon Justice Robertson Wright
President

2016-2017 in Review

66,837 Applications lodged

- 59.3% of all applications lodged online
- 72.4% of applications in the Consumer and Commercial Division lodged online
- 518 internal appeals lodged

78,426 Hearings held

- Hearings were held in over 70 venues across NSW with 32% of hearings in regional areas

66,897 Applications finalised

- Achieved an overall clearance ratio of 100.1%

219 Community consultations, stakeholder group meetings, Tribunal Member and staff training

4.43+ million Website page views

- Top 10 terms searched on the NCAT website in 2016-2017: hearing notes, fees, appeal, warrant, summons, power of attorney, strata, forms, set aside, and appeals
- 786 likes on NCAT Facebook
- 950 followers on NCAT Twitter
- 2,571 subscribers to NCAT online alerts and e-newsletters

2016-2017 Applications

| DIVISION | NUMBER | % OF TOTAL |
|--------------------------------------|---------------|-------------|
| Administrative and Equal Opportunity | 833 | 1.2% |
| Consumer and Commercial | 54,669 | 81.8% |
| Guardianship | 10,569 | 15.8% |
| Occupational | 248 | 0.4% |
| Internal Appeals | 518 | 0.8% |
| Total | 66,837 | 100% |

Further statistical information is included in the Divisional and Appeal Panel Reports section of this Report

Independence

“A tribunal’s degree of independence will influence public perception about the extent of the impartiality of the decision-making within the tribunal. This is particularly important in tribunals which deal with disputes involving the citizen and the State. Impartiality is essential for the delivery of predictable, just decisions and the acceptance of those decisions by the public.”¹

Legislative framework

The NSW Civil and Administrative Tribunal (NCAT) is an independent statutory body established by the *Civil and Administrative Tribunal Act 2013* (NSW) (the Act). The Act contains provisions related to the establishment of the Tribunal, its jurisdiction, powers and procedures and the appointment and removal of Members.

The objects specified in sections 3(a) and (g) of the Act include the establishment of NCAT as an independent Tribunal and the promotion of public confidence in Tribunal decision making and in the conduct of Tribunal Members. To fulfil its objectives, NCAT aims to deliver Tribunal services that are just, prompt and accessible and has in place processes to monitor and assess these aspects of its work. These objectives underlie the work of the Tribunal, its Members and staff, and inform the delivery of NCAT services across NSW.

In their decision making functions, Members are independent of, and not subject to the direction of, the Executive and have the same protections and immunity from suit as a Judge of the Supreme Court of NSW.

The independent decision-making role of the Tribunal is engaged by 151 separate Acts and subordinate legislation that confer broad and diverse powers on the Tribunal. A list of the

enabling legislation is provided at Appendix 1. These powers are exercised by the four Divisions and the Appeal Panel of NCAT.

Significant legislative amendments in 2016-2017 that affected NCAT’s jurisdiction included the commencement of the *Strata Schemes Management Act 2015* (NSW) on 30 November 2016. That Act abolished the office of Strata Scheme Adjudicator and effectively transferred the functions of adjudicators to the Tribunal. Other legislative amendments that received assent in late 2016 and commence at the start of the 2017-2018 financial year, increase NCAT’s jurisdiction for retail lease applications from \$400,000 to \$750,000 for leases entered into from 1 July 2017 and transferred responsibility for the appointment of specialist retail valuers to the Registrar of Retail Tenancy Disputes. Further information about these and other legislative changes during the year is provided at Appendix 2.

Member appointments and tenure

The Tribunal’s membership is structurally separate from the legislative and executive branches of government. The Act (in Part 2 and in Schedule 2) establishes the requirements for appointment, qualifications, remuneration and other aspects of tenure applying to presidential and non-presidential Members of the Tribunal.

The President who must be a Supreme Court Judge is appointed to the Tribunal by the Governor of New South Wales. The Governor also appoints the

¹ *Australia and New Zealand Framework for Tribunal Excellence – 2nd Edition 2017* p 11

Deputy Presidents of the Tribunal. Principal Members, Senior Members and General Members are appointed by the Attorney General. Apart from the President who must be full time, Members may be appointed on a full-time or a part-time basis.

All appointments are for terms of up to five years and Members may be reappointed on the expiration of their terms. Apart from the President, Members may be removed from office by the Governor for incapacity, incompetence or misbehaviour. Members must be assigned by the President to a Division of the Tribunal and Members may be cross-assigned by the President to one or more other Divisions.

At 30 June 2017, the Tribunal had 244 Members, including the President, Deputy Presidents, Principal Members, Senior Members and General Members, who bring a range of qualifications, experience and expertise to Tribunal decision making. They are located in the Sydney metropolitan and regional areas to provide flexibility and to ensure NCAT services are available and accessible.

Apart from the appointment of current and former senior Judicial Officers as Members of the Tribunal, appointment to the Tribunal by the Governor or the Attorney General generally follows a merits based recruitment process approved by the Attorney General. The process involves widespread advertising seeking expressions of interest in appointment and the convening of an appointment committee (including a nominee or nominees of the Attorney General) which assesses applications, interviews candidates and carries out reference checks. The committee reports to the President whose duty under the Act is to provide advice concerning appointments and reappointments to the Attorney General. Member recruitment activity completed during the year refreshed the Tribunal's membership, and resulted in a number of reappointments as well as new Members being appointed and assigned to Divisions.

In particular, Malcolm Schyvens was reappointed as Deputy President and Head of the Guardianship Division for a five year term commencing on 1 September 2016. Further Member recruitment action took place in August 2016 for Senior and General Members in the Consumer and Commercial Division and again in May 2017 for a Principal Member in the Administrative and Equal Opportunity Division and Occupational Division, Legal Members in the Guardianship and Consumer and Commercial Divisions, and Professional and Community Members in the Guardianship Division.

Members may at any time indicate their interest in being cross-assigned to other Divisions. Whether a Member is cross-assigned depends principally on the needs of the Division in question at the particular time. Cross-assignment provides greater flexibility in allocating Members to hear cases, assists in developing the expertise of Members and ensures Members' skills and experience are available where required in appropriate cases.

A list of Tribunal Members is provided at Appendix 3, with brief biographies that illustrate the depth of experience within the Tribunal's membership.

The *NCAT Member Code of Conduct*, at Appendix 4, applies to all Members of the Tribunal and provides guidance in the performance of their statutory functions. It also assists Members in identifying and resolving ethical issues if they arise. The Code is kept under review to ensure currency, and is published on the NCAT website at www.ncat.nsw.gov.au.

Administrative support

Administrative support for the Tribunal and its Members is provided by staff, under the direction of the Principal Registrar and Executive Director. Staff operate out of the eight NCAT Registries located in the Sydney CBD, metropolitan and regional areas. At 30 June 2017, NCAT had 197.68 FTE staff. This

figure includes 7 FTE staff funded through the Guardianship Hospital Project.

A range of staff learning and development activities are conducted across all of NCAT. In 2017 the *NCAT Learning and Development Plan* was published. The Plan included a 12 month training program, hearing observation program and a job swap program.

NCAT staff access a range of eLearning and face-to-face courses offered by NCAT and through the Department of Justice. This training complements activities and on-the-job training that reinforce and expand existing skill levels within Registries.

Budget and funding sources

Filing and other fees received by NCAT for its services are supplemented by funding from various sources, including recurrent funding from the NSW Treasury. NCAT also receives funds from the public purpose fund, statutory sources including the Rental Bond Board and Motor Dealers and Repairers Compensation Fund, as well as cost recovery funding from the Health Professionals Councils Authority, the Australian Health Practitioner Regulation Agency (AHPRA), Department of Education, Victims Services and the Office of the Small Business Commissioner.

NCAT's Expenditure Report for the 2016-2017 financial year is attached at Appendix 5.

Leadership and effective management

“Strong leadership within a tribunal requires the creation of a highly professional management group which is able to focus on innovation and continuous improvement as well as anticipate changes in society which may influence demands within the tribunal.

... Excellent tribunals encourage and support the head, senior decision makers, non-member tribunal administrators and tribunal members (with leadership roles) to take part in courses to improve their management skills.”²

Leadership group

President

The inaugural and current President of NCAT is the Hon Justice Robertson Wright, who was sworn in as a Supreme Court Judge on 25 October 2013.

The President’s functions include directing the business of the Tribunal, facilitating the adoption of good administrative practices for the conduct of the Tribunal’s business, managing Members and advising the Attorney General about appointments, reappointments and removal of Members.

The President’s priorities for the Tribunal have been throughout the year:

1. To minimise the time between lodgement and finalisation of applications and appeals.
2. To ensure that parties leave the Tribunal feeling they have had the opportunity to be heard and have received a fair go.
3. To improve the quality of decision making and writing.

These priorities are communicated formally and informally to Members and staff as well as to interested stakeholders, as appropriate.

Division Heads/Deputy Presidents

Each of NCAT’s four Divisions is headed by a Deputy President. The Division Head is responsible for the management of matters within that Division and exercises the statutory functions conferred by the Act as well as functions under delegation from the President.

The five Deputy Presidents are:

- Magistrate Nancy Hennessy, Head of the Administrative and Equal Opportunity Division
- Mr Stuart Westgarth, Head of the Consumer and Commercial Division
- Mr Malcolm Schyvens, Head of the Guardianship Division
- The Hon Acting Judge Jennifer Boland AM, Head of the Occupational Division
- Acting Judge Kevin O’Connor AM, Deputy President, Appeals.

Executive Director and Principal Registrar

The Executive Director and Principal Registrar assists the President in the leadership and management of NCAT and undertakes statutory and other functions conferred by the Act or other legislation.

Ms Cathy Szczygielski is the Executive Director and Principal Registrar.

² *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 14

Director and Registrar Principal Registry

The Director and Registrar Principal Registry (formerly known as the Deputy Registrar Operations) is responsible for managing a range of business and operational support functions for the Tribunal and assists the Principal Registrar.

Ms Amanda Curtin was appointed to the Director and Registrar position in September 2016 having acted in the role since August 2015.

Director and Registrars

In each Division of NCAT, the Director and Registrar is responsible for management of Divisional Registry staff and other functions as delegated by the Principal Registrar.

At 30 June 2017, the three Directors and Registrars were:

- Ms Jane Pritchard, Director and Registrar for the Administrative and Equal Opportunity Division and the Occupational Division and Appeals
- Ms Vikki Hardwick, Director and Registrar for the Consumer and Commercial Division
- Ms Pauline Green, Director and Registrar for the Guardianship Division.

Governance

Rule Committee

The Rule Committee of the Tribunal is established by section 24 of the Act and comprises the President and the Division Heads. The Principal Registrar is the Secretary of the Rule Committee. Its function is to make rules for the Tribunal and to ensure that the rules are as flexible and informal as possible.

The Civil and Administrative Tribunal Rules 2014 apply to proceedings in the Tribunal. The Rules ensure matters are dealt with in a way that is accessible, fair and just. They also help the Tribunal and parties to resolve disputes consistently,

economically and promptly while allowing flexibility to cater for different needs of particular parties.

The Rules Committee meets as required and met on two occasions during the reporting year. Rule 22(1)(b), was amended to enable the Tribunal or a Registrar to reject lodged documents if the applicable fee has not been fully paid and commenced on 26 August 2016.

Management meetings

The following meetings are held regularly to manage and guide the operations of NCAT to ensure it achieves its legislative objectives.

Meetings of the President with Individual Division Heads

The President has monthly meetings with each Division Head individually to review the performance of the relevant Division and make decisions concerning operational and similar matters and the management of Members in the Division.

NCAT Executive Meetings

The Executive Group comprises the President, Division Heads, the Executive Director and Principal Registrar, Director and Registrar Principal Registry and the Directors and Registrars of each Division. The Group meets formally each month to review the performance and management of the Tribunal and issues regarding the resourcing, service delivery and the functioning of the Registries. Projects for the improvement of the Tribunal's performance are approved and monitored by the Executive Group at its monthly meetings.

From time to time, project directors and managers in the Principal Registry are invited to address these meetings to keep the Executive up to date with the various endeavours being undertaken throughout the Tribunal.

Additional committees

In addition to the NCAT Executive Meetings, the President has established a number of committees to encourage innovation and improvement in specific aspects of the work of the Tribunal.

Practice and Procedure Committee

The Practice and Procedure Committee provides advice and makes recommendations to the President, the Rule Committee and the NCAT Executive on the processes, legislation and practice and procedure relevant to the operation of NCAT. Acting Judge Jennifer Boland, Head of the Occupational Division, chairs this Committee which also comprises a Principal Member from the Administrative and Equal Opportunity, Consumer and Commercial and Guardianship Divisions, the Principal Member Appeals and the Manager, Policy and Executive Services.

The Committee met six times during the reporting period. The principal project of the Committee has been to review all of the Tribunal's existing Procedural Directions with a view to achieving simplicity and comprehensibility with uniformity, where possible. As a result of that review, the Committee recommended to the President and the Executive Group that all but one of the Divisional Procedural Directions should be revoked and replaced with Guidelines that were simpler and more easily understood. Draft Guidelines were prepared and provided to the Executive Group for consideration. The Committee also identified areas where new Guidelines would facilitate the Tribunal's processes. The Executive Group adopted the Committee's recommendations. The Guidelines are to be published early in the 2017-2018 reporting period and at the same time the existing Divisional Procedural Directions will be revoked. The President will issue one new Procedural Direction concerning the lodgement of home building claims in the Consumer and Commercial Division.

Member Reference Manual Committee

The Member Reference Manual Committee is chaired by Deputy President Stuart Westgarth, Head of the Consumer and Commercial Division. A working group, established to facilitate the work of the Committee, includes Division Heads, a Member of the Consumer and Commercial Division and a representative from the Principal Registry.

During the year, the Committee met on two occasions to finalise the proposed structure and develop content for the Manual. The Committee developed a searchable index to be hosted on the NCAT Member Centre. Content for the manual will be prioritised and further developed at the recommendation of the Committee.

Accessibility Committee

This Committee provides advice and makes recommendations to the President, Division Heads and the Executive Director and Registrar on how the Tribunal might deliver its services in a way that assists all users and potential users recognising the diversity resulting from their races, cultures and languages, sexual orientations, gender, disabilities, religions or beliefs, socio-economic circumstances or geographic locations.

It is chaired by Deputy President Malcolm Schyvens and met four times during the reporting period. The Committee includes Members from each Division, Directors and Registrars from the Divisions and staff representatives from the Principal Registry and NCAT Divisions.

Information about the work of this Committee during the year is included at Appendix 6 to this report.

Professional Development Committee

This Committee advises and makes recommendations to the President and NCAT Division Heads regarding Member professional development and co-ordinates professional development activities across the Tribunal. Magistrate Nancy Hennessy chairs the Committee,

which includes Division Heads, Tribunal Members and the Manager of Professional Services. During the year the Committee met on 10 occasions to discuss the range of professional development activities for Members. The Committee conducted a Member Survey to inform the Committee's work. The Committee's meetings were particularly directed towards preparation for the NCAT Member Conference to be held in October 2017 and the preparation of common induction training for newly appointed Members.

NCAT Strategic Plan 2014-2018

The *NCAT Strategic Plan 2014-2018*, launched in June 2014 and available on the NCAT website, identifies four priority areas that provide the framework for NCAT's development over the next five years:

- **Integrate** - Complete the effective integration of the 22 former tribunals that make up NCAT
- **Influence** - Deliver quality decisions and efficient dispute resolution processes
- **Engage** - Actively engage our people, stakeholders and the broader community to promote awareness about NCAT and its services
- **Innovate** - Improve our services and processes to support a user-friendly environment.

Business plan priorities were identified under each of the priority areas to ensure NCAT continues to deliver high quality, cost-effective and prompt dispute resolution and Registry services. Examples of significant activities that progressed or were commenced during the reporting year are included at Appendix 6.

Disclosure of information

In addition to its Annual Reports, NCAT regularly discloses selected information on the performance of the Tribunal and the Divisions at the meetings of the NCAT Liaison Group and the Divisional

Consultative Forums. The Liaison Group and the Consultative Forums are detailed in Appendix 9.

In addition, the Tribunal makes available collated, de-identified information concerning the caseload and performance of the Tribunal on request, in accordance with *NCAT Policy 3 – Provision of Statistical Data*, which can be found on the NCAT website.

Fair treatment

“A central obligation of a tribunal is the provision of a fair hearing.

A fair hearing involves the opportunity for each party to put their case – the right to be heard – and have the case determined impartially and according to law. It involves identifying the difficulties experienced by any party, whether due to lack of representation, unfamiliarity with the law, language, culture, disability or any other matter, and finding ways to assist parties through the tribunal process.”³

Member Code of Conduct

NCAT’s *Member Code of Conduct*, issued by the President under section 20 of the Act, is set out in full at Appendix 4. The Code requires all Members, among other things:

- to provide a fair hearing to all parties
- to avoid circumstances that might give rise to a conflict of interest and to advise the parties of any potential conflicts that have arisen or may arise
- to conduct proceedings in a manner that is patient, courteous and respectful of all parties, representatives, witnesses, staff and others with whom the Members have to deal.

Internal appeals

One of the most significant and effective ways in which the Tribunal ensures the fairness, as well as the consistency and quality, of its decisions is through the internal appeal process. Under sections 32 and 80 of the Act, parties generally have a right to appeal to the internal Appeal Panel from:

- Any decision made by the Tribunal in proceedings for a general decision or an administrative review decision.
- Any decision made by a registrar of a kind that is internally appealable.

The vast majority of first instance decisions made by the Tribunal can be appealed to the Appeal Panel.

Appeals can be made as of right on a question of law and, by leave of the Appeal Panel, on any other grounds. Questions of law that may be raised on appeal include failure to accord procedural fairness, failure to provide adequate reasons for decision and errors in the identification and application of legal principles.

The Appeal Panel usually comprises two or three Members. Appeal Panel Members are drawn from across NCAT’s membership but the presiding Member is usually a presidential or principal Member or another senior legal practitioner Member. As at 30 June 2017, there were 57 Members from all NCAT Divisions sitting on the Appeal Panel. Registry staff provide support to the Members who hear internal appeals.

The internal appeals process permits decisions at first instance to be scrutinised and, where necessary, corrected without the expense or time involved in bringing proceedings in the Supreme Court. This scrutiny also improves the standard and quality of decision making and writing throughout the Tribunal. It provides Tribunal users with a cost-effective and efficient appeal mechanism. More information about the internal appeals process is included at Appendix 7.

During 2016-2017, 518 appeals were lodged with the Tribunal, 1,033 Appeal Panel hearings were held, and 537 appeals finalised.

The *NCAT Appeal Panel Decisions Digest*, published monthly and available on the NCAT website, provides keyword summaries of all internal appeal

³ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 16

decisions and more detailed summaries of significant decisions.

NCAT Service Charter and service enhancement projects

The *NCAT Service Charter* also aims to give practical expression to the legislative object in section 3(e) of the Act of ensuring that the decisions and other resolution services provided by the Tribunal are timely, fair, consistent, and of a high quality. The *NCAT Service Charter* is publicly available on the NCAT website at www.ncat.nsw.gov.au.

Outcomes from current initiatives mentioned elsewhere in this report, in particular the Transformation Project and the Accessibility Project, as well as the continuing work of the Principal Registry and the Divisions will contribute to NCAT's implementing its commitment to timely, fair, consistent and high quality services by:

- providing simple processes that should be readily understood and used by all, regardless of their education, language, experience in a legal environment or familiarity with court or Tribunal proceedings
- being accessible regardless of factors such as age, disability, cultural background, sex or geographical location
- being attentive and responsive to the needs of all, including those from multicultural communities
- communicating effectively with relevant people and organisations
- responding promptly to suggestions about practice and procedures, and
- receiving and responding to feedback, including comments, complaints and concerns.

Procedures and processes

Hearings in the Tribunal are, except in very limited cases, oral hearings in which parties generally participate in person or through a representative

present at the hearing. In appropriate cases, parties, representatives or witnesses participate by video link or by telephone. Under section 50 of the Act, the Tribunal can decide to determine a matter without an oral hearing, but only if the Tribunal has given the parties an opportunity to make submissions on dispensing with an oral hearing, taken those submissions into account and is satisfied that the issues for determination can be adequately determined in the absence of the parties on the papers.

Any hearing by the Tribunal is required, by section 49 of the Act, to be open to the public unless the Tribunal orders otherwise.

All NCAT hearings are sound recorded. An audio copy of the recording of the hearing is made available, for a fee, to parties or their representatives on request. Mediations, conciliations and other resolution processes apart from formal hearings are not sound recorded.

NCAT embraces a culture that supports and encourages the use of innovative and effective dispute resolution techniques.

Where a matter is not appropriate for a negotiated outcome, NCAT assists parties to focus on identifying the 'real issues' in dispute, to support an efficient hearing process and more timely resolution of the matter.

NCAT uses a range of resolution processes depending upon the nature and volume of proceedings, the requirements of the enabling legislation and the differing roles of each Division.

Information about the resolution processes employed across NCAT's broad jurisdiction during this reporting year is set out in Appendix 7.

Representation before the Tribunal

Parties may wish to be represented in the Tribunal but, depending on the particular Division or

legislation under which the proceedings are brought, the leave of the Tribunal may be required. Leave to be represented is generally required in most matters in the Consumer and Commercial Division and the Guardianship Division. This is not the case in the Administrative and Equal Opportunity Division or the Occupational Division. The Tribunal is sensitive to the need to provide an accessible and efficient means of resolving disputes in an environment which is not inappropriately adversarial or confrontational.

As a consequence, a large proportion of the parties who appear before the Tribunal are self-represented. Many parties may only need to use NCAT's services once so it is essential that information on the nature and conduct of proceedings in the Tribunal is available to assist them to understand their role and how to prepare their evidence.

Guardian ad Litem and separate representation

The Tribunal may appoint a Guardian ad Litem (GAL) or a separate representative to represent a person who is under the age of 18 or who is totally or partially incapable of representing himself or herself. Incapacity may result from an intellectual, psychological or physical disability, physical or mental illness or advanced age. A party may apply to the Tribunal for the appointment of a GAL or the Tribunal may appoint a GAL on its own initiative. GALs are most often appointed in matters before the Administrative and Equal Opportunity Division of NCAT.

Separate representatives, who are lawyers, are most often appointed in the Guardianship Division to represent the interests of the person who is the subject of the application.

Interpreter services

Interpreter services are provided for parties at NCAT hearings, upon request. Requests for interpreters

can be made on the application form, in writing or by contacting the NCAT Registry as soon as practicable before the hearing date.

During 2016-2017, approximately 3,000 parties requested interpreter services for their hearings. The top interpreter languages requested were Mandarin, Arabic, Cantonese, Vietnamese, Korean, Greek, Italian, Spanish, Macedonian and Serbian.

Cultural issues

NCAT takes part in events to help people from culturally and linguistically diverse (CALD) communities to understand the role of the Tribunal and its services. In 2016-2017, NCAT participated in a Multicultural Forum at the Parramatta Justice Precinct and gave a presentation to CALD community members at the Sutherland Local Court open day.

During the year, educational videos presented in English, Mandarin, Arabic, Greek and Vietnamese, and captioned in each of these languages, were released by NCAT. This translated information will help parties from CALD communities to access NCAT's services and participate effectively in Tribunal proceedings.

Accessibility

“Access to justice is a fundamental human right and a core principle of the rule of law. Tribunals as well as courts have an obligation to provide the community they serve with access to a fair hearing.”⁴

“Tribunal fees, forms and processes have an important impact on access to justice, as does the extent of information and assistance provided to parties.”⁵

“The location and time that a tribunal hears disputes also directly affects access to justice. Those living in regional and remote locations should have the same level of access to the tribunal as those who live in metropolitan areas.”⁶

Accessing NCAT services including online

NCAT offers a wide range of services for parties with differing needs. These services have been designed so litigants in person can readily access the Tribunal. As a result, in a significant proportion of cases in the Tribunal, parties conduct their cases without legal representation.

The Tribunal offers some online services to allow more people to transact their business over the internet. Information about our services is also available from Service NSW Centres and the NCAT website www.ncat.nsw.gov.au.

Applications can be lodged in person at NCAT Registries and Service NSW Centres, by post, or via NCAT Online in the case of applications to the Consumer and Commercial Division. During 2016-2017, 72.4% of all applications received in that Division were lodged online.

NCAT Registries

The Principal Registry is located in the Sydney CBD and provides support services for all Divisions of the Tribunal. There are eight other Registries located in the Sydney CBD, metropolitan and regional areas. These Registries are open during business hours. The Guardianship Division provides an after-hours service where urgent hearings are required.

In January 2017, the Consumer and Commercial Division Registry moved from 175 Castlereagh Street, Sydney to 66 Goulburn Street, Sydney.

Website and social media

The NCAT website is the primary information point for people interested in bringing a matter to the Tribunal, or finding out more about NCAT operations and projects. The importance of the website is evidenced by the fact that it received more than 4.43 million views in 2016-2017.

The website is mobile device friendly and people can use assistive technologies to access online information. An ongoing program of website maintenance ensures the accuracy of information and identifies where improvements might be needed. NCAT uses feedback from a website feedback form and popular search terms by website visitors for continuous improvement purposes.

⁴ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 17

⁵ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 19

⁶ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 20

During the year, the number of fact sheets available for download from the website increased and information videos in community languages were added to the website.

Social media is also used by NCAT to extend its reach to online audiences. Social media posts and comments about new and updated resources and forms, service news, and topical Divisional information feature on NCAT Facebook and Twitter accounts. By 30 June 2017, NCAT Facebook had 786 likes and the Twitter account had 950 followers; this is an increase in the number of likes and followers of NCAT social media from the previous reporting year.

Resources and assistance

A variety of online resources, including fact sheets and forms, are available on the NCAT website. The following new fact sheets were added to the website during the year:

- Easy Read version of the *What to expect at a hearing fact sheet* – developed for people with cognitive disability and people who have difficulty reading. This fact sheet uses pictures and information in Easy English to describe what happens during a Guardianship Division hearing.
- *Telephone Hearings fact sheet* – provides information on how to request a Consumer and Commercial Division hearing by telephone and tips on how to participate in a telephone hearing.
- *Complaints about NCAT fact sheet* – explains how complaints are managed by NCAT.

In addition, various fact sheets and application forms were updated following legislative change or to improve and clarify the information and guidance they contain. For example:

- Changes to the strata laws, retail leases jurisdiction and the Sydney Registry move from Castlereagh Street to Goulburn Street all resulted in updated or new Consumer and

Commercial Division application forms, fact sheets and website information.

- The rollout of the National Disability Insurance Scheme (NDIS) from 1 July 2016 resulted in potential applications to the Guardianship Division and Consumer and Commercial Division. Information about the types of and circumstances that may lead to applications was published on the NCAT website and updated forms.
- Changes were made to the guardianship and financial management application form to make the application process clearer for applicants in the Guardianship Division. This included changes to the structure, separating the one form into two separate forms and rewriting in plain English to improve accessibility. A detailed guide was also made available at the back of each application to help people when completing the form.

NCAT operates three subscription services that deliver regular alerts and an e-newsletter to subscribers by email. *What's New* email alerts offer regular updates about publications and Tribunal operations. People can also subscribe to the *NCAT Legal Bulletin* e-newsletter which provides a summary of relevant and interesting case law of significance to the work of the Tribunal.

A subscription service for the *NCAT Appeal Panel Decisions Digest* provides keyword summaries of all NCAT Internal Appeal decisions published on the NSW Caselaw website.

Past issues are archived on the NCAT website. During 2016-2017, seven *What's New* alerts were issued to 1,121 subscribers, nine issues of the *NCAT Legal Bulletin* were distributed to 1,182 subscribers, and the 268 subscribers received twelve issues of the *NCAT Appeal Panel Decisions Digest*.

Videos in community languages

In addition to written information provided in a number of languages, in September 2016, NCAT launched a series of educational videos that offer a practical understanding of the way in which a range of matters are dealt with before the Tribunal. The videos feature dramatised scenarios about each of the Divisions and are presented in English and four community languages. The videos are available on the NCAT website.

Hearing locations and times

Tribunal hearings are conducted in hearing rooms co-located with NCAT Registries and in a range of court houses and other venues in more than 70 locations in metropolitan and regional areas.

NCAT's principal hearing venues have been designed, where possible, to accommodate the needs of persons with disabilities (including physical disabilities, dementia, intellectual disability, brain injury or mental illness) and to provide purpose built hearing rooms and adequate security, waiting and conference facilities.

During the reporting period the Consumer and Commercial Division moved from its previous premises in Castlereagh Street in the Central Business District to 66 Goulburn Street, opposite John Maddison Tower. The fitout of those new premises specifically took into account these needs. In addition, the Accessibility Committee has been conducting a review of all other premises used by NCAT for hearings to assess them for, among other things, physical accessibility, security and the suitability of the hearing rooms, waiting areas and conference facilities. Premises that fail to meet requirements would not generally be used for NCAT hearings.

In 2016-2017, there were 78,426 NCAT hearings held across NSW, and 32% of these hearings took place in regional locations. Details of the regional

hearing venues used by the Tribunal during the year can be found at Table 1 overleaf.

Sittings usually occur within normal business hours in all locations. Where necessary, urgent or similar hearings can be held outside those hours if required. In particular, the Guardianship Division operates an after hours call back service which can be contacted by persons who need to make an emergency application in that Division. Where the Guardianship Division Members who are on call consider the risk so requires, a hearing can be conducted, for example by telephone, at any time outside normal business hours.

Security at hearings

In addition to the design of hearing rooms to give Members appropriate security, NSW Sheriff's Officers and other security staff provide security services at NCAT hearing venues. Depending on the circumstances, the security services include airport style scanning of persons entering.

Alternative access to hearings

Telephone

Tribunal hearings by telephone are available for parties who are unable to travel, or who because of their location would need to travel a significant distance to the closest hearing venue and would incur substantial travel costs. The *Telephone Hearings fact sheet*, available for download from the NCAT website, provides information about how to request and participate in this type of hearing.

Video conferencing

In certain circumstances, NCAT provides video conferencing to facilitate participation in the hearing process for individuals in locations who otherwise would not have been able to attend in person. Video conferencing is a free service that increases access and allows participation of people who may otherwise be unable to participate due to location, disability or illness.

A pilot of new audio visual technology in NCAT's Tamworth Registry and Sydney hearing venues was completed during the reporting year. A review of the pilot indicated that it was successful. This was based on feedback from Members, NCAT staff and clients who participated at the pilot sites. NCAT will

use the lessons learned from the pilot to inform further use of video conferencing.

Table 1 – NCAT Regional Hearings 2016-2017

| REGIONS | VENUE SUBURBS | AEOD AND OD | CCD | GD | AP | NCAT TOTAL | % REGIONAL HEARINGS | % ALL NCAT HEARINGS |
|--------------------------------------|--|-------------|---------------|--------------|----------|--------------------------|---------------------|---------------------|
| Hunter / New England / Central Coast | Armidale, Central Coast, Glen Innes, Gosford, Inverell, Kurri Kurri, Maitland, Morisset, Muswellbrook, Newcastle, Singleton, Tamworth, Tenterfield | 21 | 10,406 | 653 | - | 11,080 | 43.70% | 14.13% |
| Illawarra / Shoalhaven | Bomaderry, Moruya, Nowra, Wollongong, Ulladulla | 1 | 3,459 | 239 | 1 | 3,700 | 14.59% | 4.72% |
| Mid North Coast | Coffs Harbour, Grafton, Kempsey, Port Macquarie, Taree | 4 | 2,610 | 162 | - | 2,776 | 10.95% | 3.54% |
| Northern NSW | Ballina, Bourke, Brewarrina, Cobar, Coonabarabran, Coonamble, Gilgandra, Gunnedah, Lismore, Moree, Narrabri, Nyngan, Tweed Heads, Walgett, Warren | 6 | 2,439 | 79 | - | 2,524 | 9.96% | 3.22% |
| Western NSW | Bathurst, Broken Hill, Condobolin, Cowra, Dubbo, Forbes, Mudgee, Orange, Parkes, Wentworth, Young | 12 | 2,249 | 132 | - | 2,393 | 9.44% | 3.05% |
| Murray / Riverina | Albury, Deniliquin, Griffith, Jerilderie, Leeton, Tumut, Wagga Wagga | 5 | 1,444 | 83 | - | 1,532 | 6.04% | 1.95% |
| Southern NSW | Batemans Bay, Bega, Bowral, Cooma, Goulburn, Merimbula, Mittagong, Moss Vale, Queanbeyan, Yass | 5 | 1,293 | 51 | - | 1,349 | 5.32% | 1.72% |
| NCAT Total Regional Hearings | | 54 | 23,900 | 1,399 | 1 | 25,354 | 100% | 32.33% |
| | | | | | | All NCAT Hearings | 78,426 | 32% |

Fees and charges

NCAT's schedule of fees and charges for the filing of applications, appeals and other services as at 30 June 2017 is included at Appendix 8. The payment options available include cash, cheque, credit card and EFTPOS. A credit card payment authority form available on the NCAT website extends the convenience of this payment option to parties who lodge applications by post.

Pensioners or students receiving an allowance or people receiving legal aid or assistance from a community legal centre may be eligible to pay a reduced fee.

In special circumstances NCAT will consider requests for the fee payment for applications to be waived wholly or in part. Fee waiver requests are considered under clause 6 of the Civil and Administrative Tribunal Regulation 2013. Information about fees, including how to apply for a fee waiver, is available on the NCAT website.

Legal assistance

A variety of support services across NSW can assist people in bringing their disputes to the Tribunal. The NCAT website offers information about a number of services and organisations that offer free or low-cost legal information, advice and assistance, including those that operate referral services to lawyers who may provide pro bono legal services. Many of these organisations and services, including aged-care and disability services that provide information and help to parties involved in guardianship matters, are listed on the *Getting Help fact sheet* available on the NCAT website.

Legal Aid NSW provides a duty lawyer scheme for NCAT parties who bring discrimination disputes under the *Anti-Discrimination Act 1977* (NSW) in the Administrative and Equal Opportunity Division. A pilot program was established where Legal Aid NSW also assisted people with general and motor vehicle consumer claims prior to the first hearing in

the Consumer and Commercial Division during the year.

NCAT may refer parties to anti-discrimination matters to the NSW Bar Association's Legal Assistance Referral Scheme (LARS). LARS tries to match a request for legal assistance with a barrister who may be able to give advice, appear for the party or help a party settle a case.

Additional assistance

NCAT aims to ensure that parties and others involved in the Tribunal's processes receive any reasonably necessary assistance such as:

- making documents available in different formats to meet the needs of the client
- providing flexible hearing rooms with varying degrees of formality appropriate to the jurisdiction
- accessing hearing loops in Tribunal hearing venues
- using the National Relay Service (NRS) for parties with hearing or speech impairments
- providing interpreters for people from non-English speaking backgrounds, and Auslan interpreters for deaf people
- Member and staff training in the provision of such assistance is included in their respective development and training programs, as appropriate.

Members also have obligations under section 38(5) of the Act to take reasonable steps to ensure that parties understand the nature of the proceedings and, if requested, to explain any aspect of procedure of the Tribunal.

Procedural directions, guidelines and policies

Section 26 of the Act makes provision for the President to give binding procedural directions and, in addition, the Tribunal issues guidelines and

policies that provide further guidance to parties about how matters are to be dealt with at the Tribunal. Procedural directions, guidelines and policies may apply across NCAT or at the Divisional level and are prepared in consultation with the Practice and Procedure Committee.

Throughout the 2016-2017 reporting year the following NCAT Policies and Procedural Directions were updated; *NCAT Policy 1 – Complaints*; *NCAT Policy 2 – Publishing reasons for decision*; *NCAT Procedural Direction 2 – Summonses*.

In June 2017 a new policy was issued. *NCAT Policy 6 – Communicating with the Tribunal and Members* provides guidance for parties and other persons involved in proceedings in the Tribunal about how and when they can communicate with a Tribunal Member or Registry staff.

The following procedural directions, guidelines, policies and other documents are current and available on the NCAT website.

NCAT Procedural Directions

- NCAT Procedural Direction 1 – Service and Giving Notice
- NCAT Procedural Direction 2 – Summonses
- NCAT Procedural Direction 3 – Expert Witnesses
- NCAT Procedural Direction 4 – Registrar’s Powers Directions

Divisional Procedural Directions

Administrative and Equal Opportunity Division

- Interim Continuation of Administrative Decisions Tribunal’s Practice Directions and Guidelines
- Revenue Matters
- Anti-Discrimination Matters
- Appointing a Guardian Ad Litem
- Government Information Public Access Act Matters
- Mediation

- Publication, Anonymisation and Suppression

Consumer and Commercial Division

- Adjournments
- Acceptance of Building Claims
- Conciliation and Hearing by Same Member
- Home Building Disputes
- Online Lodgement
- Personal Identifiers
- Electronic Evidence
- Guardianship Division
- Costs
- Representation

Occupational Division

- Interim Continuation of Administrative Decisions Tribunal’s Practice Directions and Guidelines
- Health Professionals Registration Appeals
- Professional Discipline Matters

Guidelines

NCAT Guideline

- NCAT Guideline 1 – Internal Appeals

Divisional Guidelines

Consumer and Commercial Division

- Representation of Parties
- Suspension of Operation of Termination Order
- Termination for Non-Payment of Rent

NCAT Policies

- NCAT Policy 1 – Complaints Policy
- NCAT Policy 2 – Publishing Reasons for Decisions
- NCAT Policy 3 – Provision of Statistical Data
- NCAT Policy 4 – Access to and Publication of Information Derived from Proceedings
- NCAT Policy 5 – Member Participation in External Engagements
- NCAT Policy 6 – Communicating with the Tribunal and Members

Other documents

- NCAT Member Code of Conduct
- NCAT Service Charter
- NCAT Strategic Plan 2014-2018
- NCAT Communications Strategy 2015-2018.

NCAT Communications Strategy 2015-2018

The *NCAT Communications Strategy 2015-2018* available on the NCAT website provides a framework to guide internal and external communications activities over three years. Its objectives are:

- to raise awareness and understanding about NCAT and to promote and maintain confidence in its role in the NSW civil justice system
- to equip one-time users and frequent users with information that empowers them to participate effectively in the Tribunal's processes, and
- to facilitate the consistent and timely delivery of information to NCAT Members and staff, and external stakeholders.

The major communication project completed during the year was the launch of a series of educational videos that deal with common matters brought to the Tribunal. The videos are available in English and four community languages; Mandarin, Arabic, Greek and Vietnamese. The videos are also captioned in each language.

NCAT continues to participate in events and speaking engagements involving a range of community groups across the State. For example, NCAT was involved in the Western Sydney Homeless Connect Day, a Multicultural Forum at the Parramatta Justice Precinct, the Liverpool Law Week Expo and hosted an NCAT educational visit from People with Disability Australia Incorporated.

Communication across NCAT continues to be a priority with the ongoing publication of the *Staff Monthly Update* e-newsletter and distribution of the

NCAT News e-newsletter to Tribunal Members and staff. These publications ensure that staff and Members are kept up to date on all aspects of NCAT operations and projects.

The NCAT website www.ncat.nsw.gov.au is the primary source of online information for the public and users of the Tribunal's services. It reaches a broad audience and in the 12 months to 30 June 2017, the website received more than 4.43 million views.

Other ways in which NCAT delivers information includes social media, e-newsletters, and presentations at conferences and information sessions.

For more information about NCAT's communication activities see the 'Client needs and satisfaction' section of this Report and Appendix 6.

Professionalism and integrity

"The core competencies [for Tribunal Members] include:

- knowledge and technical skills;
- communication (including cultural competency and working with interpreters);
- decision-making;
- professionalism and integrity;
- efficiency; and
- leadership and management."⁷

Competency framework and performance appraisal

The *NCAT Member Competency Framework* is based on the Council of Australasian Tribunals Competency Framework and identifies the critical competencies, abilities and qualities required to be an effective Tribunal Member. NCAT uses its Framework to provide the basis for Member appraisals conducted in all Divisions of the Tribunal to assist Members to understand and improve their performance. It also forms part of the assessment and basis of recommendation of candidates for appointment and reappointment.

The *NCAT Member Competency Framework* identifies seven essential areas of competence: knowledge and technical skills, fair treatment, communication, conduct of hearings, evidence, decision making, and professionalism and efficiency.

Appointment selection criteria

As part of the process of recruiting Members, the information made available to persons considering whether to express interest in appointment includes detailed selection criteria which candidates are

asked to address in their application should they choose to lodge an expression of interest.

Member qualifications

Members bring legal expertise or other specialist knowledge to Tribunal decision making. The required qualifications for Members in each category are specified in section 13 of the Act.

A list of Tribunal Members as at 30 June 2017, along with brief biographical information with qualifications and relevant experience, is provided at Appendix 3.

Code of conduct

The *Member Code of Conduct*, issued by the President, applies to all Members of the Tribunal. The Code provides guidance to Members in the performance of their statutory functions and assists Members in identifying and resolving ethical issues. Before they are appointed, Members are required to agree to abide by the Code of Conduct.

The *Member Code of Conduct* is kept under review to ensure currency. The latest version, prepared in December 2016, is published on the NCAT website at www.ncat.nsw.gov.au and is included at Appendix 4 to this Report.

⁷ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017*, p 20

Professional development, appraisal and training

During 2016-2017, there were 67 professional development sessions for Members and staff on a range of topics relevant to the work of the Tribunal and Registry operations.

Tribunal Members

The NCAT Member Professional Development Committee coordinates professional development activities and this year has been preparing the program for the bi-annual NCAT Member Conference to be held in October 2017.

A number of professional development activities were held on a Divisional basis during the year including Member network groups, mentoring, briefing sessions, seminars and external conferences. In addition, twilight seminars are organised for Members who sit on the Appeal Panel. One of the All Member events held in the reporting year was a presentation provided by the Hon Justice McClellan AM on the impact of child sexual abuse which provided an insight into dealing with parties and witnesses who have experienced significant trauma.

All Members participate in regular performance appraisal processes under the supervision of the Division Head of the Member's original Division. The process varies from Division to Division, reflecting the different composition and work of each Division, but generally involves the completion of a self-assessment form, peer review, observation of a hearing conducted by the Member or review of a sound recording of a hearing and consideration of the Member's decision writing.

All new Members receive an Induction Manual and participate in an Induction Program which involves attendance at training and information sessions and observing hearings.

In November 2016, the Professional Development Committee produced the 'NCAT Mentoring

Scheme'. The scheme document was approved by the President and the Executive Group and provides a practical framework for mentoring for all Divisions but it also allows appropriate discretion to the Division Heads to implement mentoring in their Divisions in the manner most suitable and beneficial for the purposes of their particular Division.

NCAT Staff

Performance Management and Development Plans are in place for all NCAT staff. The development component of these Plans encourages managers and staff to identify and discuss relevant professional development options.

During 2016-2017, there was an increase in the number and range of development opportunities for NCAT staff. The NCAT Role Swap Program offered staff to self-nominate for temporary, at grade role swaps within NCAT and at some Local Court locations. The Program aims to increase knowledge sharing and expertise across NCAT and to assist staff in building networks.

Other staff professional development activities were offered and a framework for NCAT's staff learning and development was implemented with the publishing of the *NCAT Staff Learning and Development Plan* and annual learning and development program. The *NCAT Learning and Development Program 2017* includes mandatory training for managers in strengthening ethics in the workplace and client service training for all NCAT staff. More information on the *NCAT Learning and Development Plan 2017* is available in Appendix 6.

Appeals

The decisions of the Appeal Panel also provide useful information and feedback to Members concerning legal and other issues that arise in proceedings.

The decisions of the Appeal Panel are generally accepted as being binding on Members sitting at first instance. It is the practice of the Tribunal to

provide a copy of the Appeal Panel's decision on an appeal to the Member or Members who sat at first instance, when the decision is published to the parties. In addition, all reserved decisions of the Appeal Panel are made publicly available on the Caselaw NSW website and a digest of recent Appeal Panel decisions is sent to Members on a monthly basis and is published on the NCAT website.

A report is regularly produced which sets out which decisions have been appealed to the Appeal Panel and the outcome of the appeal.

Accountability

“Tribunals serve the public through the provision of accessible, fair and efficient dispute resolution services. In delivering that service they are accountable to the public. An effective complaints mechanism is an important means of ensuring that the public’s expectations of members and staff are met.

Regular stakeholder and community engagement and reporting tribunal performance helps ensure that the tribunal is accountable to the public it serves.”⁸

Hearings open to the public

The Tribunal is required to sit and hear cases in public, unless the Tribunal otherwise orders.

In proceedings in which sensitive or other legitimately confidential matters may be disclosed, the Tribunal may determine that proceedings should be conducted wholly or partly in the absence of the public. That happens most often in the Guardianship and Administrative and Equal Opportunity Divisions, because of the nature of functions exercised by those Divisions.

Service charter

The *NCAT Service Charter* is publicly available on the NCAT website at www.ncat.nsw.gov.au. The Charter aims to give practical expression to the legislative object in section 3(e) of the Act of ensuring that the decisions and other resolution services provided by the Tribunal are timely, fair, consistent, and of a high quality.

Complaint handling mechanism

NCAT’s integrated complaint and feedback processes provide a consistent and co-ordinated approach to responding to complaints and gathering and using feedback to inform and improve processes and service delivery. Online

forms are available on the NCAT website to assist people in providing this feedback.

NCAT Policy 1 - Complaints explains the approach taken when responding to a user’s dissatisfaction with the delivery of a service provided by NCAT or the conduct of NCAT staff, a conciliator/mediator or Member. The Policy and a fact sheet on complaints are available on the NCAT website.

In 2016-2017, NCAT received 279 complaints. This equates to a complaint in 0.42% of all matters lodged with the Tribunal. Some of the most common categories of complaints received during the year were policy and procedure and decision dissatisfaction. Responses to complaints include clarification about NCAT policies and procedures, providing information about avenues of appeal and contact details for support services such as Law Access.

The Executive Group considers reported information concerning complaints at its monthly meetings. Information on complaints may also be provided, where appropriate, to the NCAT Liaison Group or Divisional Consultative Forums.

Stakeholder engagement

NCAT recognises that to be accountable and responsive to the needs of those who use its services, it must maintain an external orientation that is open and receptive and allows the needs and concerns of the public, parties, their representatives and relevant professional or industry bodies to be freely communicated with.

⁸ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017*, p 22

There are two levels of formal stakeholder engagement across NCAT.

NCAT Liaison Group and Divisional Consultative Forums

The NCAT Liaison Group, chaired by the President, is the overarching consultation mechanism involving key stakeholders. The role of the Group is to provide feedback and suggestions on operational and policy issues relating to service provision across NCAT. This Group meets every six months. Three meetings were held during the year and minutes were distributed regarding the issues raised and the Tribunal's response.

There are also Divisional Consultative Forums that focus on issues concerning practice and procedure. During 2016-2017, the Occupational Division's Professional Discipline Group Consultative Forum for stakeholders in the health and legal professions met twice, the Administrative and Equal Opportunity Division's Consultative Forum met on two occasions, and there were two meetings of the Guardianship Division's Consultative Forum. There were six meetings of the Consumer and Commercial Division's Consultative Forums.

See Appendix 9 for a list of organisations represented on the NCAT Liaison Group and the Divisional Consultative Forums.

External forums and committees

NCAT participates in a number of Department of Justice and external forums and committees. During 2016-2017, senior NCAT staff attended meetings of the Justice NDIS Steering Committee and related groups, the Civil Justice Forum, the Rental Bond Board, the Ombudsman Complaint Handling Practitioner Forum, the NSW Right to Information and Privacy Practitioners Forum and Law Society of NSW Litigation Law and Practice Committee.

Publication of Tribunal decisions

NCAT publishes many of its decisions on the NSW Caselaw website. The Tribunal's approach to publication of its decisions is set out in *NCAT Policy 2 – Publishing Reasons for Decisions* which is available on the NCAT website.

Other engagement with the community

During 2016-2017, Tribunal Members and staff participated in 55 community education and information programs, including NCAT's involvement as guest speakers at functions and events organised by the Tribunal's key stakeholders and various community groups.

Efficiency

“Tribunals should provide an efficient dispute resolution service in the sense that the tribunal is affordable and resolves disputes in an appropriate and timely way.”⁹

Performance standards and monitoring

NCAT has measures in place to monitor its efficiency in dealing with its workload. The Tribunal’s efficiency and effectiveness is measured in part by the number of matters lodged and the Tribunal’s case clearance ratio which indicates the capacity of the Tribunal to manage its workload within its current resources and systems. Table 2 overleaf details the clearance rates for each Division during the year.

There was a 3.8% decrease in the overall number of applications received by the Tribunal in 2016-2017 compared to the previous year. The Consumer and Commercial Division experienced one of the largest reductions in applications, with a 4.6% reduction across all Consumer and Commercial Lists.

Two of the Consumer and Commercial Division Lists with large volumes of applications experienced the largest reductions in applications. These were the social housing list and the general consumer claim list.

The social housing list had a 9% reduction in applications. The number of social housing applications can vary depending on the enforcement policies and mechanisms of social housing providers. The general consumer claims list had an 11.2 % reduction in applications. This may be consistent with a general decrease in civil claims across NSW in the 2016-2017 reporting year.

Other NCAT Divisions had varying fluctuations in applications with the Guardianship Division experiencing a 1.8% increase. In contrast there was a 14% decrease in Internal Appeals Applications. This reduction may in part, be attributed to the general reduction in applications across NCAT and may also be as a result of an increase in client satisfaction with NCAT decisions in the first instance.

The Tribunal’s Executive Group actively monitors lodgement volumes and trends, finalisations and the timeliness of hearings so that resources can be adjusted to maintain service delivery standards.

Standards in relation to the time to first listing and the time to finalisation are set and monitored for the various types of matters in each Division. In addition, all applications in the Guardianship Division are assessed on receipt to determine the degree of immediacy and severity of risk to the person who is the subject of the application. Applications are then allocated into risk categories based on that assessment. The risk category determines the time within which the application is to be heard and determined.

In addition, the Executive Group receives a monthly report on all unresolved matters lodged before a certain date. These matters are then actively managed by each Division or the Appeal Panel to ensure that they are disposed of in as timely a fashion as possible.

⁹ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017*, p 24

Table 2 - Number of applications received and finalised by Division 2016-2017

| DIVISION | NUMBER RECEIVED | NUMBER FINALISED | CLEARANCE RATIO% |
|--------------------------------------|-----------------|------------------|------------------|
| Administrative and Equal Opportunity | 833 | 795 | 95.4% |
| Consumer and Commercial | 54,669 | 54,664 | 100.0% |
| Guardianship | 10,569 | 10,628 | 100.6% |
| Occupational | 248 | 273 | 110.1% |
| Internal Appeals | 518 | 537 | 103.7% |
| TOTAL | 66,837 | 66,897 | 100.1% |

Resolution processes

A variety of resolution processes are used by the Tribunal to enhance the efficiency of its operations and to provide services that meet the needs of its users. These processes assist parties to resolve or narrow the issues in dispute so matters proceed more efficiently at hearing, or to reach an agreement meaning that a hearing is not required. If applications can be managed in this way, it reduces the number of hearings required and their attendant costs while at the same time achieving outcomes in which the parties to the proceedings have been included in identifying and to which they have consented. Examples include group lists in the Consumer and Commercial Division, mediations in the Administrative and Equal Opportunity Division, and directions to narrow issues in both the Administrative and Equal Opportunity Division and the Occupational Division.

The Tribunal maintains a list of mediators who are appropriately trained and qualified. In the Consumer and Commercial Division, experienced Members and staff act as conciliators in group lists and other Members act as facilitators for experts' conclaves.

For information about NCAT resolution processes see Appendix 7.

Cross-assignment

Under the NCAT legislation, Members must be assigned to a Division. The efficiency of the Tribunal is enhanced by the President's ability to cross-assign appropriately experienced Members to one or more Divisions, if the circumstances of the Divisions so require.

Flexibility of processes

Under section 38(1) of the Act, the Tribunal may determine its own procedure in relation to any matter for which the Act or the Tribunal's procedural rules do not otherwise make provision. This flexibility allows the Tribunal to act efficiently and promptly to resolve urgent matters or matters otherwise out of the ordinary. Parties with urgent or unusual matters can request assistance from the Tribunal in having their matter heard urgently or in some other appropriate way.

Client needs and satisfaction

“Public trust and confidence in the administration of justice are essential for the acceptance by users of an individual decision that affect them. Therefore for a tribunal to be effective its users have to be satisfied that the procedures and processes adopted by the tribunal are fair.”¹⁰

NCAT obtains information concerning Tribunal users, their needs and their level of satisfaction in a number of ways, including:

- feedback, surveys and e-newsletter subscriber numbers
- stakeholder interaction at meetings of NCAT's Liaison Group and Consultative Forums, and external engagement at conferences and meetings
- internal appeals to the Appeal Panel
- complaints data
- rates of use of NCAT's website and social media platforms.

Use of NCAT website and social media

The NCAT website received more than 4.43 million views in 2016-2017. The website is mobile device friendly and people can use assistive technologies to access online information. NCAT uses feedback from a website feedback form and popular search terms by website visitors for continuous improvement purposes.

Social media posts and comments about new and updated resources and forms, service news, and topical Divisional information feature on NCAT Facebook and Twitter accounts. Responses to that material in some cases provide useful information for NCAT.

Feedback, surveys and e-newsletters

Online feedback forms are available on the NCAT website to enable people who use the Tribunal's services to provide comments and suggestions for improvement. NCAT also surveys external and internal audiences. Examples include a stakeholder, staff and member survey about the accessibility of the website.

Subscription services for the *What's New* email alert, *NCAT Legal Bulletin* and the *NCAT Appeal Panel Decisions Digest* are available to keep people updated on the latest news from NCAT and decisions relevant to NCAT. By 30 June 2017, there were 2,571 subscribers to these online alerts and e-newsletters.

Monthly Staff Update is a regular e-newsletter that informs staff about issues relevant to their employment and day to day operations. The Update is emailed to all staff and is designed to be used by supervisors in staff meetings to promote discussion about the topics. *NCAT News* is another regular e-newsletter distributed to NCAT Members and staff.

Suggestions and feedback gathered from staff and Members at cross-divisional working groups is also used to improve NCAT processes and systems. For example, the Business Improvement Group recommendations resulted in changes to several NCAT forms, letters, notices and information on the website.

Feedback from Members and staff obtained through the Transformation Project, discussed at

¹⁰ Extract from the *Australia and New Zealand Tribunal Excellence Framework* – 2nd Edition 2017, p 26

Appendix 6 to this Report, will assist in identifying user needs and in gauging satisfaction with the Tribunal's systems. This information will inform improvements to systems and, ultimately, the delivery of Tribunal services across all NCAT Divisions.

Stakeholder interaction

The NCAT Liaison Group and Divisional Consultative Forums provide the opportunity for the direct provision of feedback to the Tribunal. The participation by Members and staff at conferences and meetings also allows the Tribunal to receive criticisms, compliments and comments on its performance.

Internal appeals

Parties dissatisfied with a decision of the Tribunal can in many cases appeal to the Appeal Panel. The number of appeals, the grounds of appeal and consideration of the reasons for decision of the Tribunal at first instance, provide valuable insights into the quality of the Tribunal's first instance decisions and the legitimacy of the parties' dissatisfaction. Appeal Panel decisions are an effective means of providing guidance to improve the quality of decision making and writing throughout the Tribunal.

Complaints data

NCAT considers and responds to complaints in accordance with the *NCAT Policy 1 - Complaints*. Complaints data also assists to develop and improve the Tribunal's processes and provision of information.

Divisional and Appeal Panel reports

Administrative and Equal Opportunity Division

Consumer and Commercial Division

Guardianship Division

Occupational Division

Appeal Panel

Administrative and Equal Opportunity Division

What the Division does

The Division reviews government decisions affecting individuals and resolves complaints under the *Anti-Discrimination Act 1977* (NSW).

We review decisions made by government agencies. There are nearly 100 statutes that give this Division power to review various decisions. Two aims of reviewing government decisions are to improve the way administrators make decisions and to ensure that they comply with the law about how those decisions should be made.

The term 'equal opportunity' is used to describe the other major function of this Division which is to resolve complaints made under the *Anti-Discrimination Act*. That Act gives a remedy to people who have been discriminated against, harassed, vilified or victimised on certain grounds.

Work within the Division

We allocate matters to four lists – the administrative review list, the community services list, the revenue list and the equal opportunity list.

The biggest list is the administrative review list. That list comprises decisions made by administrators about things like access to government information, breaches of privacy and reviews of decisions by the NSW Trustee and Guardian. For a full list of the legislation which confers power on the Division see Appendix 1. Administrative decisions about occupational and professional licences and registration come under the Occupational Division. Those decisions are about matters such as licences for builders, taxi drivers and security guards.

The second list is the community services list. It covers decisions about whether a person should be allowed to work with children and whether an authorised carer (foster carer) should lose their accreditation.

Decisions about State taxes, such as land tax and payroll tax are part of the revenue list.

Complaints referred by the President of the Anti-Discrimination Board under the *Anti-Discrimination Act* are in the equal opportunity list. Complaints can be about discrimination, harassment, vilification or victimisation on grounds such as race, sex, transgender status, age, disability, homosexuality and carer's responsibilities.

The legislation gives this Division the option to assign one or more Members to hear matters. We routinely sit a lawyer and a general member in Working With Children Check matters and in the equal opportunity list. General members also sit with a lawyer where needed in other kinds of cases. This arrangement helps ensure that community perspectives and specialist expertise is available in the decision making process.

The Division conducts hearings in regional NSW whenever that is the most convenient location for the parties.

Workload

The Division received 833 applications this year and finalised 795 giving a clearance ratio across the whole Division of 95.4%. While there is still work to be done, this figure was an improvement on the clearance rate of 89.6% last year.

Table 3 – 2016-2017 Administrative and Equal Opportunity Division applications by List

| LIST | APPLICATIONS | CLEARANCE RATIO |
|-----------------------|--------------|-----------------|
| Administrative review | 392 | 96.4% |
| Community services | 205 | 102.0% |
| Revenue | 142 | 73.2% |
| Equal opportunity | 94 | 110.6% |
| TOTAL* | 833 | 95.4% |

*Does not include interlocutory applications

We aim to finalise 80% of all matters within 9 months. We did not quite meet this service standard in this year. 79% of equal opportunity matters were finalised in 9 months and 74% of matters in the administrative review list. The figures for the more complex matters in the community services and revenue lists were 69% and 56% respectively. We are continuing to work towards full compliance with our service standard. Strategies include publishing time-frames by which decisions are expected to be delivered, improving resolution processes including providing mediation at no-cost to the parties for all suitable matters, referring more self-represented parties to agencies that can provide legal advice and regularly consulting with stakeholders to improve case management.

At every stage of proceedings, we encourage and assist parties to resolve their disputes through negotiation or mediation. In suitable matters such as equal opportunity, access to government information and privacy, we provide an experienced mediator at no costs to the parties. This year mediations commenced in State revenue matters.

Consultation with stakeholders

To ensure that our practices and procedures promote our guiding principle of being ‘just, quick and cheap’ we met with external stakeholders on two occasions this year. Those stakeholders include representatives from community legal centres, Legal Aid NSW, the NSW Law Society and Bar Association

and government agencies. We also met with a sub-group of stakeholders interested in proceedings in the community services list. I appreciate the consideration all stakeholders gave to the numerous issues raised in those meetings and for their thoughtful responses.

Significant decisions

Burns v Corbett

In *Burns v Corbett; Gaynor v Burns* [2017] NSWCA 3, the Court of Appeal held that a State tribunal, such as NCAT, which is not a “court of a State” is unable to exercise judicial power to determine matters between residents of two States. The reason for reaching that conclusion was that the State law which purports to authorise the tribunal to do so is inconsistent with the conditional investment by section 39(2) of the *Judiciary Act 1903* (Cth) of all such jurisdiction in State courts. Because of the inconsistency, the State law is inoperative by virtue of section 109 of the Constitution.

In relation to matters arising under the *Anti-Discrimination Act 1977*, the Court held that the Tribunal was exercising judicial power. Since no party contended that NCAT was a “court of a State”, the Court of Appeal proceeded on the basis that it was not. The High Court has granted special leave to appeal from the Court of Appeal’s decision. It is anticipated that the matter will be heard before the end of 2017.

AQO v Minister for Finance and Services [2016] NSWCA 248

The Court of Appeal decided that a NSW government Minister is a “public sector agency” and therefore subject to the *Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW).

Members, mediators and staff

The Division comprises the Division Head and Principal Members, Senior Members and General Members. All of the Members apart from the Division Head are part-time. Principal and Senior Members are lawyers. General Members have specialist skills in areas such as child protection, Aboriginal culture, disability and finance.

New members receive induction training and participate in a program of professional development. This year that program included a half-day conference for all Administrative and Equal Opportunity Division and Occupational Division members and mediators. We also held 12 twilight seminars designed to improve the knowledge and skills of members and mediators. Members' performance is regularly appraised and feedback is given.

I am grateful for the conscientious and professional way Members conduct themselves. I also appreciate the support they give to one another both informally and through our mentoring program.

The Division has a group of five expert mediators, some of whom are also Members. They conduct mediations across several lists in the Division. Because the outcomes of matters that settle at or after mediation are not usually published, the significant contribution mediators make to the work of the Division is not always apparent. I would like to record my sincere appreciation for the work that they do.

The Registry staff for the Administrative and Equal Opportunity Division and the Occupational Division also provide case management and client services for internal appeals. This year staff worked extremely hard to implement a new case management system. Another major project was the implementation of 'InHearing Orders' software which allows Members to produce directions and orders on a laptop in the hearing room or at their desk. I would like to thank each member of the Registry staff for their contribution to these projects

and for their care and expertise when interacting with members of the public, parties, lawyers and Members.

During the first few months of the financial year the Registry continued to be managed on an acting basis by Christine Skinner. Christine worked tirelessly to ensure that the Registry ran smoothly. I also appreciate the able support given to Christine by Linda Sengstock who was acting Deputy Registrar during this period. In November 2016 Jane Pritchard was appointed as Director and Registrar. Under her leadership, I believe the quality and accessibility of our services have continued to improve. My thanks also to Victoria Brady, Administrative Assistant to Deputy President Boland and myself, for her energy and good humour.

The President, the Hon Justice Robertson Wright, has continued to provide strong support to me and the Division this year. I would like to thank him and his staff.

Magistrate Nancy Hennessy

Deputy President and Division Head
Administrative and Equal Opportunity Division

Consumer and Commercial Division

NCAT's Consumer and Commercial Division resolves a broad range of disputes concerning property or money such as residential tenancy disputes, disputes concerning retail and agricultural leases, disputes about the supply of goods and services, disputes concerning residential parks, retirement villages, strata living and home building.

Workload

The number of new applications of the Consumer and Commercial Division fell slightly during 2016-2017. The number of new applications during that year was 54,669 (as detailed in Table 4) compared with 57,299 the year before. The Division maintained its service standards during the year and the Division's clearance ratio was 100.0%.

During the year 54,664 decisions were finalised by the Consumer and Commercial Division, and from these there were 463 appeals. In other words, less than 1% of the Division's decisions were the subject of an appeal to the NCAT Appeal Panel.

The Division conducts cases throughout NSW and in the 2016-2017 year heard proceedings in the locations as detailed in Table 5.

The management of the Division caseload is conducted in the following Registries: Sydney, Penrith, Liverpool, Tamworth, Newcastle, and Wollongong.

Table 4 –Consumer and Commercial Division Applications lodged by List 2016-2017

| LIST | 2016-2017 | % |
|------------------------------|---------------|---------------|
| Tenancy | 29,964 | 54.8% |
| Social Housing | 12,588 | 23.0% |
| General | 5,103 | 9.3% |
| Home Building | 2,860 | 5.2% |
| Residential Communities | 240 | 0.4% |
| Strata and Community Schemes | 736 | 1.3% |
| Strata Schemes* | 633 | 1.2% |
| Motor Vehicles | 1,636 | 3.0% |
| Commercial | 854 | 1.6% |
| Retirement Villages | 55 | 0.1% |
| TOTAL | 54,669 | 100.0% |

* Strata Schemes List commenced on 30 November 2016

Table 5 –Consumer and Commercial Division Hearing Venues 2016-2017

| | | | | | |
|--------------|---------------|------------|--------------|----------------|--------------|
| Albury | Cobar | Gilgandra | Leeton | Nyngan | Taree |
| Armidale | Coffs Harbour | Glen Innes | Lismore | Orange | Tumut Tweed |
| Ballina | Cooma | Gosford | Liverpool | Parkes | Heads |
| Batemans Bay | Coonabarabran | Goulburn | Maitland | Parramatta | Wagga Wagga |
| Bathurst | Coonamble | Grafton | Moree | Penrith | Walgett |
| Bega | Cootamundra | Griffith | Moss Vale | Port Macquarie | Wentworth |
| Bourke | Cowra | Gunnedah | Mudgee | Queanbeyan | West Wyalong |
| Brewarrina | Deniliquin | Inverell | Muswellbrook | Singleton | Wollongong |
| Broken Hill | Dubbo | Katoomba | Narrabri | Sutherland | Yass |
| Byron Bay | Forbes | Kempsey | Newcastle | Sydney | Young |
| Campbelltown | Forster | Kogarah | Nowra | Tamworth | |

Table 6 –Consumer and Commercial Division workload by Registry 2016-2017

| LIST | LIVERPOOL | NEWCASTLE | PENRITH | SYDNEY | TAMWORTH | WOLLONGONG | TOTAL |
|------------------------------|--------------|--------------|--------------|---------------|--------------|--------------|---------------|
| Commercial | 58 | 108 | 81 | 453 | 71 | 83 | 854 |
| General | 638 | 688 | 871 | 2226 | 250 | 430 | 5,103 |
| Home Building | 378 | 321 | 554 | 1127 | 197 | 283 | 2,860 |
| Motor Vehicles | 335 | 231 | 344 | 486 | 115 | 125 | 1,636 |
| Residential Communities | 1 | 102 | 16 | 33 | 45 | 43 | 240 |
| Retirement Villages | 3 | 16 | 11 | 15 | 3 | 7 | 55 |
| Social Housing | 2,315 | 2,578 | 2,021 | 2,401 | 1,623 | 1,650 | 12,588 |
| Strata and Community Schemes | 64 | 74 | 44 | 457 | 39 | 58 | 736 |
| Strata Schemes | 37 | 63 | 47 | 430 | 30 | 26 | 633 |
| Tenancy | 5,617 | 5,322 | 5,500 | 8,223 | 2562 | 2740 | 29,964 |
| GRAND TOTAL | 9,446 | 9,503 | 9,489 | 15,851 | 4,935 | 5,445 | 54,669 |
| % | 17% | 17% | 17% | 29% | 9% | 10% | 100% |

The total number of applications and percentage of the Division's total workload which each Registry managed in the past twelve months is shown above in Table 6.

Members

During the year a number of new Members were appointed to the Consumer and Commercial Division or assigned to that Division from other Divisions of the Tribunal. There were also a number of retirements. The number of new Members appointed to the Division during the year was eight and the number of Members who retired was five.

Approximately 21 Members of the Division sit on Appeal Panels.

During the year Linda Pearson and Kim Rosser were appointed as Principal Members of the Consumer and Commercial Division to replace Mark Harrowell who was appointed as the Principal Member, Appeals.

Legislation

Changes to legislation affecting the work of the Division during the year included the introduction of the *Strata Schemes Management Act 2015* (NSW).

For a full list of the legislation which confers power on the Division see Appendix 1.

Consultation with stakeholders

During the year the following meetings took place with stakeholder representatives.

- Home Building Consultative Forum 16 May 2017
- Strata and Community Schemes Consultative Forum 23 May 2017
- Retirement Villages Consultative Forum 30 May 2017
- Residential Communities Consultative Forum 6 June 2017
- Tenancy, Social Housing and Aboriginal Consultative Forum 13 June 2017
- End of Year Consultative Forum 22 November 2016

These meetings are valuable in enabling the Tribunal to convey to stakeholders interested in the work of the Tribunal procedural developments which are being considered or have been made. They are also a very valuable method by which stakeholders convey to the Tribunal issues or concerns which their constituent Members have experienced with the Tribunal.

Tribunal Members have also delivered presentations to stakeholder groups and to various professional bodies. Examples of these are listed below:

- Master Builders Association
- NSW Federation of Housing
- Senior Rights Service.

Significant decisions

Burns v Corbett

In *Burns v Corbett; Gaynor v Burns* [2017] NSWCA 3, the Court of Appeal held that a State tribunal which is not a "court of a State" is unable to exercise judicial power to determine matters between residents of two States because the State law which purports to authorise the tribunal to do so is inconsistent with the conditional investment by section 39(2) of the *Judiciary Act 1903* (Cth) of all such jurisdiction in State courts, and is therefore rendered inoperative by virtue of section 109 of the Constitution.

In relation to matters arising in the Consumer and Commercial Division, there are a number of older Court of Appeal decisions, dealing with predecessor tribunals, which suggest that NCAT may be exercising judicial power when determining various types of matters in the Division. The question of the type of power being exercised by the Consumer and Commercial Division has not, however, been determined by the Appeal Panel, the Supreme Court at first instance or the Court of Appeal. Further, since no party contended in *Burns v Corbett* that NCAT was a "court of a State", the Court of Appeal can be seen as not have ruled definitively on that issue and

nor has the Appeal Panel. Special leave to appeal from the Court of Appeal's decision has been granted by the High Court and it is anticipated that the matter will be heard before the end of 2017. The High Court's decision may not resolve the relevant issues for Consumer and Commercial Division matters.

The Division has taken the view that the practical effect of the decision is that the Consumer and Commercial Division is not able to resolve disputes between residents of different States. Disputes of that kind are an everyday occurrence in the Consumer and Commercial Division (particularly in the residential tenancy and consumer claims lists) and the Tribunal has not been able to hear such applications.

Conclusion

I wish to particularly thank the Principal Members and List Managers, Linda Pearson and Kim Rosser for ensuring that the Division's case management practices and procedures are not only appropriate but under constant review so that the Tribunal is able to achieve its service standards. Linda, Kim and I are very conscious of our responsibility under the legislation which has established the Tribunal to ensure that all disputes are resolved justly, cheaply and quickly. I also thank the Members generally for their dedicated contribution and professionalism.

The workload of the Division is diverse and aspects of the legislation for which the Tribunal has responsibility can be complex. It is a pleasure to work with such a highly committed and well trained group of Members. Finally, I thank the Registry staff (very ably led by Registrar and Director Vikki Hardwick) for their tireless and consistently reliable contribution.

Stuart Westgarth

Deputy President and Division Head
Consumer and Commercial Division

Guardianship Division

2016-2017 was another busy year for the Guardianship Division with continued growth in applications and the introduction of significant reforms, both of the jurisdiction we administer and our practice and procedure. Despite an increase in the number of applications made, the Division achieved a clearance rate of over 100% and significantly reduced the average time to finalise applications. These impressive results were made possible by the hard work and dedication of the members and staff of the Division.

In addition to its core work, in 2016-2017 the Division reviewed and amended many of its practices and procedures, laid the ground work for the introduction of a new case management system (see Appendix 6), liaised with the NSW Law Reform Commission, the Australian Law Reform Commission and stakeholders about proposed reforms to the guardianship jurisdiction, and continued to meet the challenges brought about by the introduction of the National Disability Insurance Scheme (NDIS).

What the Guardianship Division does

The Division exercises the Tribunal's protective jurisdiction and promotes the rights of people living with a decision-making disability. It facilitates substitute decision-making by considering and determining applications for the appointment of guardians and financial managers for people living with a decision-making disability. In addition, the Division reviews guardianship and financial management orders; provides consent for medical and dental treatment; reviews enduring powers of attorney and enduring guardianship appointments; and approves clinical trials so that people with decision-making disabilities can participate.

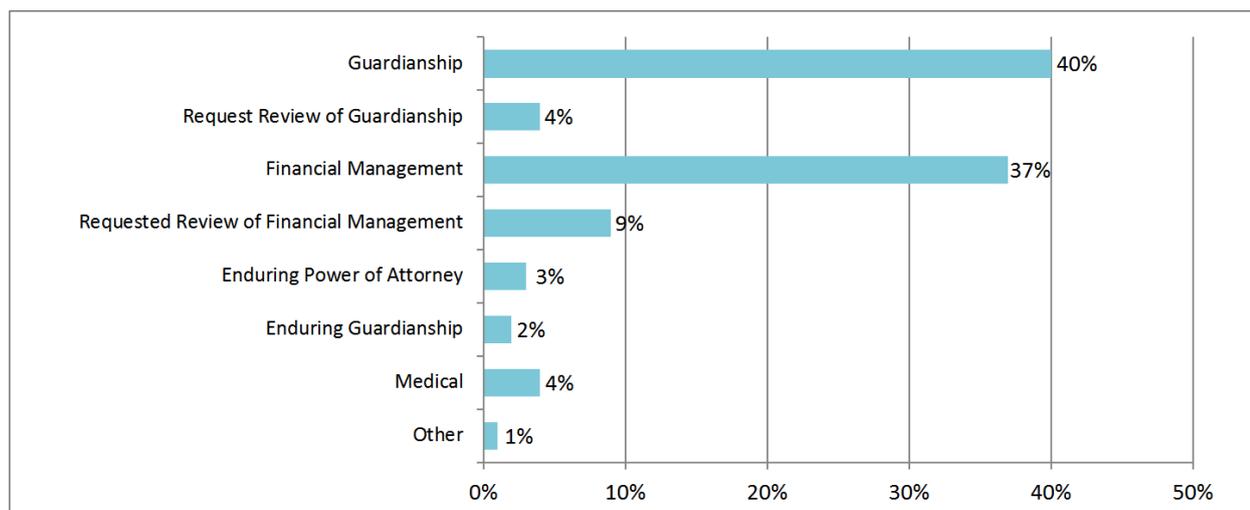
Many of the decisions made by the Division can have a profound effect on an individual's autonomy and ability to make decisions about critical aspects of their life. In making these decisions, section 4 of the *Guardianship Act 1987* (NSW) requires Members to observe a number of principles, including that the paramount consideration is the welfare and interests of people with disabilities, their views must be taken into account, their freedom of decision and freedom of action must be restricted as little as possible and they must be protected from abuse, neglect and exploitation.

Workload

Since 2012 there has been an 11.9% increase in the number of applications to the Division (and the former Guardianship Tribunal). The number of applications made in 2016-2017, increased by 1.8% from the last financial year. The types of applications determined by the Division are varied. These include straightforward non-contentious applications where there is little dispute, urgent applications where the person the subject of the application (the subject person) is at risk of physical and/or mental harm and/or financial exploitation, and complex or highly conflicted matters with multiple parties. Recognising the urgent nature of many applications, the Division offers an after-hours service, which enables applications to be determined, 24 hours a day, 365 days a year. I am very grateful to the members of the Division for their dedication in making this service available to the community of NSW.

To facilitate the participation of the subject person, hearings are conducted in accessible locations in regional NSW, and metropolitan Sydney and the CBD. Extensive use is made of video-link technology and teleconferencing to maximise the participation rate of all parties.

Graph 1 –Guardianship Division applications received 2016-2017



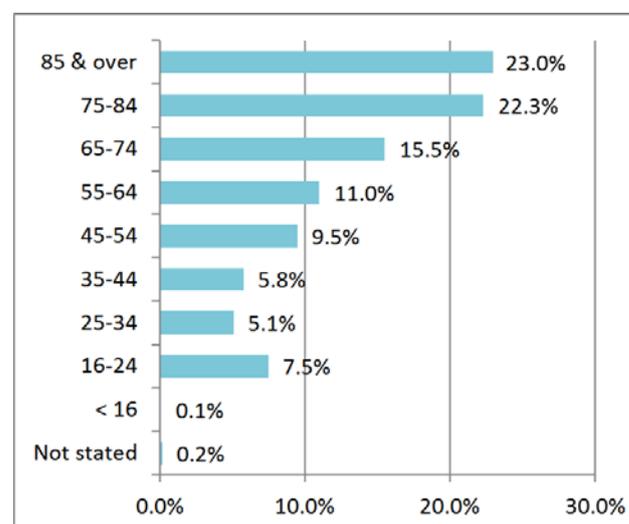
During 2016-2017 the Guardianship Division:

- conducted 8,330 hearings in over 32 locations
- received 3,141 applications for guardianship orders and finalised 3,137 applications. Of the appointments made, 39.5% were private guardians, 59% the Public Guardian and 1.5% a joint appointment of a private guardian and the Public Guardian
- received 2,884 applications for financial management orders and finalised 2,965 applications. Of the appointments made, 48% were private financial managers, 52% the NSW Trustee and Guardian
- granted 182 requests for legal representation and appointed 309 separate representatives meaning one or more parties were legally represented in 4.6% of matters
- arranged for the attendance at hearings of 739 interpreters in 57 languages.

Of the 7,846 applications received by the Division in 2016-2017 (excluding statutory reviews), 37% were for financial management orders and 40% were for guardianship orders. As illustrated by Graph 1 above, the remaining 23% were for a range of matters.

The ageing of the population impacts on the work of the Division. In 2016-2017, 23% of applications were made in respect of people over the age of 85 years; 61% were made in respect of people over the age of 65 years.

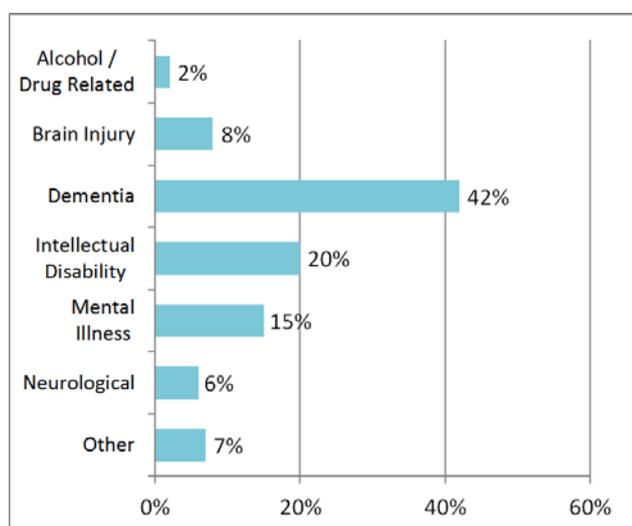
Graph 2 –Age demographic of the people the subject of application 2016-2017



Reflecting Australia’s ageing population, approximately 42% of applications concerned people with dementia. Approximately 20% of applications were made for people with intellectual disability, 15% for people living with mental illness, and 14% for people with a brain injury or

neurological condition which affected their decision making capacity.

Graph 3 –Disability identified in applications received 2016-2017



Reform developments and engagement with stakeholders

In 2016, the NSW Attorney General asked the NSW Law Reform Commission to review and report on the desirability of making changes to the *Guardianship Act 1987* (NSW). The Division made submissions to each of the six discussion papers issued by the Commission. In addition, the Division provided the Commission with relevant data and statistics, and at the invitation of the Commission, participated in several roundtable consultations. In addition, the Division assisted the Australian Law Reform Commission in the preparation of its report *Elder Abuse – A National Legal Response*, tabled on 14 June 2017.

In December 2016 and April 2017 the Division held consultative forums with key stakeholders with an interest in the work of the Division (see Appendix 9). The forum provides the Division with the opportunity to liaise with key user groups and receive feedback about its services, measured against the Tribunal's "guiding principle" of facilitating the just, quick and cheap resolution of the real issues in the proceeding and the principles

listed in section 4 of the *Guardianship Act*. A focus of the most recent forum was the importance of encouraging and promoting the attendance at hearings of the subject person and ways this might be achieved. Increasing the participation rate of the subject person in proceedings will be priority for the Division in the year ahead.

Members

Members of the Guardianship Division are appointed on the basis of their significant professional and personal experience with people with disabilities or their legal skills and experience. In most cases, apart from reviews of existing orders, a panel of three Members including a Senior (Legal) Member, a Senior (Professional) Member and a General (Community) Member will hear an application.

The Division's experience is that the three member panel model has a number of advantages. First, it enables the Division to draw on the collective skill and experience of its Members. Members holding a professional qualification have expertise in a range of areas including medicine, psychiatry, psychology, social work and pharmacology. Those holding a community-based qualification generally have direct personal and /or professional experience with people with disability. The collective expertise within each panel assists it in understanding the available evidence and discharging its fact finding role. Second, the Tribunal's ability to draw on its own expertise contributes significantly to the quality of its decisions. Third, in circumstances where the parties and or other participants are in conflict and the subject matter of the application is contentious, the use of a three member panel enables the "load" of managing the hearing to be shared.

In August 2016, following a rigorous open merit selection process, 35 Members were appointed or reappointed to the Tribunal and assigned to the Guardianship Division. I would like to acknowledge and thank those Members who left or announced their intention to leave the Division in 2016-2017:

Ros Curran, Vanco Djoneski, Katherine Martin, Tony Ovadia, Robyn Rayner and Bill Tearle.

Recognising the crucial role of Members the Division offers a first class Member professional development program consisting of seminars, workshops and discussions which provide legislative and case law updates and information on clinical and disability issues relevant to the Tribunal's protective jurisdiction. We were fortunate to have a range of excellent speakers, including the Hon Justice Julie Ward, NSW Court of Appeal, the Hon Justice Ann Ainslie-Wallace, Family Court of Australia, disability specialist Dr Seeta Durvasula and Susan Ryan AO, Age and Disability Discrimination Commissioner.

Staff

Staff of the Division provide a specialist enquiry service to assist people to identify informal solutions where problems arise with a person's decision-making capacity. This often results in an application not being made to the Tribunal and, instead, the subject person being supported to make their own decisions by their family and friends. When an application is made, staff assist by providing information to the subject person, their family and anyone with a genuine concern for their welfare. In 2016-2017, staff responded to 9,940 enquiries.

The Division uses a risk assessment model to assess and triage applications and determine the timeframe for hearing. The model uses a scale based on the immediacy and severity of possible risk to the subject person.

Staff assist the subject person to understand the Tribunal's role and procedures and identify how they may best participate in proceedings. Where appropriate, staff seek information about the capacity and decision-making needs of the subject person.

Staff of the Division are highly skilled and committed to providing a quality client service. They participate in a range of learning and development programs conducted by the Department of Justice, the NCAT

Principal Registry and the Division. Staff are given special training to enable them to communicate effectively and sensitively with people with decision-making disabilities and other parties. The program also covers developments in the health and disability sectors and changes to practice and procedure. Internal and external speakers are used in the training. Staff in the Division regularly rotate to other roles to ensure they have a comprehensive understanding of all aspects of the Division's processes and to develop their skills and expertise.

National Disability Insurance Scheme (NDIS)

The number of people transitioning into the NDIS Scheme in NSW is significant. In 2016-2017, 36,655 existing clients of disability services in NSW were due to transition into the NDIS and a further 35,570 in 2017-18¹¹.

In 2016-2017, the Division received 240 applications for the appointment of guardians and financial managers identified by the applicant as having been prompted by the NDIS. A much larger number of applications dealt with issues concerning the subject.

To effectively manage these matters, which commonly involve a level of legal and/or factual complexity, an experienced Registry officer prepares these matters for hearing and the application is listed before a three-member panel using Members with experience in NDIS-related issues.

Further challenges are anticipated due to the legislative reform underway in this area relating to the NDIS Quality and Safeguarding Framework. The Framework sets out a number of critical protections offered at a national level including the creation of a new senior practitioner function with the aim of reducing and eliminating the use of restrictive practices. The Framework does not, however, include

¹¹ Bilateral Agreement between the Commonwealth and NSW – Transition to a National Disability Insurance Scheme at <http://www.ndis.nsw.gov.au/other-documents/>

Case study

Retired accountant, 95-year-old Geoff Curtis holds substantial assets. NSW Police were alerted after Mr Curtis withdrew \$35,000 in cash. A bank employee told the Police that he was concerned because Mr Curtis appeared unwell and was accompanied by a young woman whom he recognised had accompanied several other elderly customers when they made large cash withdrawals.

An officer of the NSW Police made an application to NCAT for a financial management order (FMO). The officer reported that when questioned about the bank withdrawal, Mr Curtis appeared vague and disorientated.

At the hearing of the FMO application, Mr Curtis gave the Tribunal a copy of enduring power of attorney made two days earlier, appointing Jane Smith as his attorney. Mr Curtis insisted that he was capable of managing his financial affairs. When questioned by the Tribunal, Mr Curtis was unable to give an estimate of the value of his assets, had no recollection of the \$35,000 cash withdrawal and could not recall when he met Jane Smith or the circumstances in which they met. When contacted by the Tribunal, Mr Curtis' GP reported that in recent months he had noticed some decline in Mr Curtis' mental state.

The Tribunal adjourned the hearing of the FMO application and made an interim FMO committing Mr Curtis' estate (except for a monthly superannuation pension) to the management of the NSW Trustee and Guardian. Mr Curtis undertook to undergo a neurological assessment and provide the results of that assessment to the Tribunal.

[Real names were not used in this scenario]

a definition of restrictive practices and it is unclear whether its associated legislation will do so. Any uncertainty on the part of service providers about the definition of a restrictive practice and whether there is a need to seek the appointment of a guardian has the potential to impact on the rights and protections for those people who may be subject to the use of restrictive practices. The Framework also discusses proposals around the authorisation of the use of restrictive practices and indicates that behaviour management plans will continue to need to be authorised through the relevant state or territory system. Although the Division may appoint a guardian with the function of restrictive practices and/or services, it does not perform the role that the Department of Ageing, Disability and Home Care currently performs in terms of 'authorising' a behaviour support plan. It is unclear from the Framework who, in NSW, will be responsible for this role as the NSW Government

transitions out of the disability sector or the impact that this may have on the work of the Division.

Looking ahead

In the year ahead the Division will consolidate reforms to its practice and procedures. The new case management system will enable the Division to contend with an anticipated growth in applications as a result of an ageing population and systemic changes resulting from the implementation of the NDIS.

We await with interest the outcome of the NSW Law Reform Commission's review into the *Guardianship Act* and look forward to playing our part in any reform initiatives recommended and adopted by Government.

I take this opportunity to thank the President of NCAT, the Hon Justice Robertson Wright for his

support of the Division and for his leadership. I express my gratitude to Principal Members Christine Fougere and Anne Britton for their hard work and camaraderie throughout the year. I also thank Cathy Szczygielski, Executive Director/Principal Registrar NCAT, Pauline Green, Director/Registrar Guardianship Division, Rebecca Clifton, Divisional Deputy Registrar and Linda Sengstock Acting Divisional Deputy Registrar for their assistance and management of the Guardianship Division's Registry.

Finally, I applaud the dedication, commitment and expertise of the members and staff of the Division. The calibre of our people means we can always look forward to the next period with confidence and enthusiasm.

Malcolm Schyvens

Deputy President and Division Head
Guardianship Division

Occupational Division

The Division's important workload has remained relatively constant in the years since the commencement of NCAT in January 2014.

As in the previous financial year, the Division continues to deal with a much smaller numerical caseload than the other three Divisions of the Tribunal. But the matters heard are frequently of significant complexity and generally require longer hearing times than in other Divisions. One of the primary functions of the Division is to protect the public by ensuring only those professionals, including doctors, other health professionals and lawyers, competent and appropriate to practise, do so. Thus, it provides a valuable service to ensure the health and safety of the citizens of NSW, and enhances the operation of the law by maintaining the highest standards in the legal and other professions.

In professional disciplinary matters the ability of the Tribunal to dispose of its caseload is enhanced by the appointment of Members from the relevant professions who sit as Occasional Members and provide specialist knowledge and skill to the issues requiring determination. I take this opportunity to acknowledge the very significant contribution made by the Occasional Members to the Division's workload as well as that of the Division's own Members.

What the Division does

The Occupational Division of NCAT hears and determines two broad categories of matters: professional discipline of professionals and administrative review of decisions relating to specified occupations. It principally deals with professional disciplinary matters brought by statutory authorities and other professional associations against architects, health practitioners,

lawyers and public notaries, veterinary practitioners, and registered certifiers. It also hears and determines matters involving local government councillors for asserted breaches of the pecuniary interest provisions and the code of conduct applicable to local government councillors under the *Local Government Act 1993* (NSW) as well as challenges to election of councillors. The division exercises an appellate function in hearing appeals under the Health Practitioner Regulation National Law against decisions of the various health professional councils and national boards. The division also exercises an administrative review jurisdiction in respect of a number of occupations including builders, taxi drivers and security agents.

Workload

In 2016-2017 the Occupational Division heard and determined the following matters in its various lists.

Table 7 – 2016-2017 Occupational Division lodgements and finalisations

| LIST | APPLICATIONS | APPLICATIONS |
|-----------------------------|--------------|--------------|
| | FILED | FINALISED |
| Health | 83 | 87 |
| Legal and other professions | 42 | 56 |
| Administrative review | 123 | 130 |
| TOTAL | 248 | 273 |

Members

The Division's membership includes Judges, Principal and Senior Members, Professional Members who are appointed as Occasional Members of the Tribunal for a particular matter because of their professional expertise, and General or Community Members. The Members are highly qualified and experienced. The Professional Members' expertise is recognised by

appellate courts as a significant feature of the Tribunal's decision making capacity (*Qasim v Health Care Complaints Commission* [2015] NSWCA 282).

In medical and other health professional matters the Tribunal consists of a four member panel, a Judge (in a case involving a medical practitioner), or a Principal or Senior Legal Member (in the case of other health professions) two professionals from the same profession as the practitioner, and a Community Member. The Professional and Community Members are recommended by the relevant health practitioner council and appointed by the President, or his delegate, as Occasional Members. A Judge, who is not a Member of NCAT, is appointed by the President, or his delegate, on the basis of need and with the concurrence of the head of that Judge's court under section 15(2) of the *Civil and Administrative Tribunal Act*. Currently, in addition to the President, there are five Acting District Court Judges who are Members of NCAT and two Acting District Court Judges who may be appointed in the case of need.

In legal services matters the Tribunal is constituted by a three member panel comprising a senior judicial officer, or a Legal Member (barrister or solicitor depending on the discipline of the practitioner) another Legal Member and a Community Member. Composition of the panel to hear other professional disciplinary matters is fixed by the governing legislation, but in all cases includes a professional from the appropriate discipline.

Disciplinary proceedings against local government councillors may be heard, by consent of the parties, on the papers, or by way of an oral hearing. The matters are heard by a single Member except in the case of a challenge to a councillor's election which the panel comprises two Members.

Administrative review matters involving numerous occupations including builders, taxi drivers and security agents are heard by a single Legal Member.

As a number of member's terms expired in 2016, an open recruitment process commencing in June 2016 was undertaken to appoint new members to the Division with a focus to appoint members with suitable qualifications and experience to sit on matters principally in the Legal Services List. The calibre of applicants was extremely high, and 12 new appointments were made by the Attorney General. The new Members successfully completed an induction program on 31 August 2016 and have each commenced sitting as required. A number of Members from other Divisions were cross-assigned to the Occupational Division

Ms Diana Robinson, Principal Member, resigned from the Tribunal effective 1 January 2017. Ms Robinson gave outstanding service to the Tribunal during her term of office, and I take this opportunity to thank her for her significant contribution to the Tribunal and the support she unfailingly offered to me.

During 2016-2017 four professional development sessions were held to enhance Members' skills and to keep up to date with legislative changes including a half day seminar conducted jointly with the Administrative Decisions and Equal Opportunity Division. The Divisions were fortunate to have an external presentation by the Hon Justice Lucy McCallum on that occasion. Other presentations included research work being conducted by Senior Member, Professor Jenni Millbank at the University of Technology.

In August 2016 in my capacity as Division Head, I was invited to and addressed the Medico-Legal Society's Annual Dinner.

Principal Member Anne Britton conducted an induction session for newly appointed members of the various health profession councils in July 2016.

Staff

The Division shares a Registry with the Administrative and Equal Opportunity Division, and

the Appeal Panel Registry and the staff provide services to the public involved with these aspects of the Tribunal's work. The staff also provide administrative support to the Division's Members and Occasional Members.

The Division was fortunate to secure the appointment of Ms Jane Pritchard as the Divisional Registrar and Director from November 2016. Ms Pritchard has quickly come to grips with the diverse matters and legislation dealt with in the Division and has successfully steered the first phase of the implementation of production of electronic orders in the hearing room environment and migrating relevant data to the new case management system (the InHearing Orders project). I am indebted to Ms Pritchard for the valuable support and assistance she has provided to me. Prior to Ms Pritchard's appointment, the Deputy Registrar, Ms Christine Skinner, assumed the role of Acting Division Registrar for a number of months and made an exemplary contribution in that role. Ms Skinner was ably assisted during that period by her deputy Ms Linda Sengstock and all the able staff of the Registry. During this financial year Deputy President Hennessy and I have again been fortunate to have had the assistance of Ms Victoria Brady as our Administrative Assistant. She has been invaluable in providing day to day support to each of us and the Members.

Venues for hearings and case conference

2016-2017 saw changes in the venues used to hear matters brought in the Division. From October 2016 the Division's matters were no longer conducted at the Health Professional Councils Authority's Hearing rooms at 477 Pitt Street Sydney as those hearing rooms were no longer available. The majority of matters have been heard in the hearing rooms on Level 10 John Maddison Tower (JMT), 86-90 Goulburn Street or the new hearing room on Level 9 JMT. This hearing room provides excellent facilities for larger panels of four persons sitting in health

matters particularly where there is a significant amount of documentary material.

On several occasions the Tribunal has used audio visual equipment to conduct hearings, including hearings involved incarcerated respondents. Separate hearing room facilities have been employed for victims of alleged sexual abuse by health professionals.

The Tribunal frequently takes evidence by telephone particularly at directions hearings to reduce costs and to assist practitioners and others participating from outside the CBD.

The case conferencing implemented in 2014-2015 has been successfully continued. The conference is designed to narrow issues in dispute and to reduce hearing time and costs.

As in the past, the Division has embraced, to the fullest extent possible given the Division's finite resources, available technology including provision of documents to Members on USB devices, and use of Skype, telephone or AVL.

Appellate review

No appeal lies to the Appeal Panel of NCAT in respect of the professional discipline matters heard in the Division. An appeal from a decision of the Division is, in the case of medical or legal practitioners, to the NSW Court of Appeal, and in other matters, generally to a single judge of the Supreme Court of NSW or the Land and Environment Court.

Two of the decisions of the Division were upheld by the NSW Court of Appeal and the Supreme Court: *Griffin v The Council of the Law Society of New South Wales* [2016] NSWCA 364; *Ng v HCCC* [2017] NSWSC 53 and one appeal allowed *Russo v Legal Services Commissioner* [2016] NSWCA 306.

Consultation with stakeholders

The Division has participated in the NCAT Liaison Group attended by representatives of the professional bodies who regularly appear in the Tribunal as well as consultative forums for regular Tribunal users in the professional discipline lists.

Two Professional Discipline Group Consultative forums were held in the financial year. These forums provide an opportunity for exchange of information, and an opportunity for those regularly appearing in the Division to raise any matters of concern or suggestions for improved practice.

Projects and developments

The Division Head and the Registrar participate in stakeholder consultations and the Tribunal's user consultative forums that are held bi-annually.

Members of the Division participate in the Tribunal's Practice and Procedure Committee, the Professional Development Committee and the Accessibility Committee.

This Division, together with Administrative and Equal Opportunity Division, has successfully implemented the first phase of the Tribunal's new case management system by recording orders made in directions hearings directly onto the system.

In conclusion, I record my thanks to the President, the Hon Justice Robertson Wright, the Registrar and Principal Registry staff for their unfailing support and assistance to me and Members of the Division to facilitate its efficient running and that of NCAT generally.

Acting Judge Jennifer Boland AM

Deputy President and Division Head
Occupational Division

Appeal Panel

What the Appeal Panel does

The Appeal Panel is responsible for hearing internal appeals from decisions of each of the Divisions where there is a right of appeal to the Appeal Panel provided in the *Civil and Administrative Tribunal Act 2013* (NSW) ('the Act') or in the enabling legislation.

The Appeal Panel is also responsible for hearing designated external appeals as provided in the NCAT Act or the enabling legislation.

Workload

The Appeal Panel received 518 appeals for the year ending 30 June 2017. In the previous year the total appeals received were 602. Appeals were received from decisions in all Divisions, the largest number being received from the Commercial and Consumer Division.

Table 8 below shows the mix of applications between the Divisions and provides a breakdown of applications received for 2016-2017.

Table 8 – 2016-2017 Appeals by Division

| DIVISION | 2016-2017 | % |
|--------------------------------------|------------|---------------|
| Administrative and Equal Opportunity | 35 | 6.8% |
| Occupational | 1 | 0.2% |
| Consumer and Commercial | 463 | 89.4% |
| Guardianship | 19 | 3.7% |
| TOTAL | 518 | 100.0% |

Each of the Divisions manages the work by lists or order types. A breakdown of the appeals received by reference to each of the lists/order types is set out at Table 9.

Table 9 – 2016-2017 Appeals by Division list/order type

| LIST / ORDER TYPE | 2016-2017 | % |
|---|------------|---------------|
| Administrative and Equal Opportunity | | |
| • Administrative review | 28 | 5.4% |
| • Community services | 1 | 0.2% |
| • Discrimination | 2 | 0.4% |
| • Revenue | 4 | 0.8% |
| Occupational | | |
| • Administrative review | 1 | 0.2% |
| • Professional | 0 | 0.0% |
| Consumer and Commercial | | |
| • Tenancy | 152 | 29.3% |
| • Social housing | 39 | 7.5% |
| • General | 72 | 13.9% |
| • Home building | 107 | 20.7% |
| • Residential parks | 0 | 0.0% |
| • Residential communities | 1 | 0.2% |
| • Strata and community schemes | 25 | 4.8% |
| • Strata schemes | 8 | 1.5% |
| • Motor vehicles | 28 | 5.4% |
| • Commercial | 26 | 5.0% |
| • Retirement villages | 5 | 1.0% |
| Guardianship | | |
| • Initial order | 9 | 1.7% |
| • Review of order | 10 | 1.9% |
| TOTAL | 518 | 100.0% |

The Appeal Panel has a performance target to finalise 80% of all appeals within nine months from the date they are lodged. To achieve this goal, the Appeal Panel seeks to list all new appeals for call over within three weeks from when they are filed, urgent stay applications and other interlocutory applications being listed more quickly.

Usually, an appeal has only one call over, at which directions are made for the preparation of appeal papers and the provision of submissions by the parties. A final hearing date is allocated at the call over. Parties can usually expect a hearing date two to three months after the call over, with urgent appeals being dealt with more quickly.

For the 2016-2017 year, 92% of matters were finalised within nine months from when they were lodged.

Consistent with section 37 of the Act, where appropriate the Appeal Panel promotes the use of alternative resolution processes for the resolution of appeals. This includes conciliation at a call over or mediation prior to the hearing of the appeal. Where appropriate appeals can be referred to community justice centres for mediation and this has proved an effective means of resolving more difficult matters. More than 25% of all appeals are resolved at or prior to the first call over hearing.

Subject to the nature of the issues raised on appeal and whether or not the Act or enabling legislation makes special provision for the constitution of the Appeal Panel, the Appeal Panel is usually constituted by two or three Members.

Orders and reasons for decisions of the Appeal Panel may be given on the day of the appeal. Otherwise, decisions are reserved and written reasons are usually published within 12 weeks from when the appeal is heard.

The clearance ratio for appeals, that is matters finalised expressed as a percentage of new appeals lodged, was 104% for the 2016-2017 year. The following table provides a summary of the orders made.

Table 10 – 2016-2017 Final orders made by the Appeal Panel

| FINAL ORDERS MADE | 2016-2017 | % |
|-------------------|------------|---------------|
| Allowed | 175 | 32.6% |
| Dismissal | 276 | 51.4% |
| Withdrawal | 78 | 14.5% |
| Other | 8 | 1.5% |
| TOTAL | 537 | 100.0% |

Decisions of the Appeal Panel in its internal appeal jurisdiction may be appealed to the Supreme Court of NSW. Decisions may also be challenged by way of judicial review. These appeals and applications are assigned to the Court of Appeal or the Supreme Court depending on whether the Appeal Panel was constituted by a Judicial Officer or not. The following table sets out the number of appeals and applications finalised by the Supreme Court for the period 2016-2017 and the result of those appeals.

Table 11 – 2016-2017 Appeals/applications to Supreme Court from Appeal Panel decisions

| APPEAL RESULT | 2016-2017 | % |
|---------------|-----------|---------------|
| Allowed | 5 | 41.6% |
| Dismissal | 7 | 58.4% |
| TOTAL | 12 | 100.0% |

Members and staff

The Appeal Panel is constituted by Members at the direction of the President, in consultation with the Principal Member, Appeals.

Members of the Appeal Panel comprise the President, Deputy President Appeals, the Deputy Presidents of the Divisions, the Principal Member Appeals and Principal Members and Senior Members assigned by the President to the Appeal Panel. These appointments are based on experience of the Members in the particular areas of work the subject of the appeals and their experience in appellate jurisdictions.

Members of the Appeal Panel include part-time Members of the Tribunal who are also assigned to various Divisions.

The Registry for the Appeal Panel is part of the main Registry of the Tribunal, located in the John Maddison Tower in Sydney. The staff of the Administrative and Equal Opportunity Division and Occupational Division provide the administrative support for the Appeal Panel.

Training

An important role of the Appeal Panel, through its decisions, is to provide guidance to those Members sitting in Divisions of the Tribunal concerning the conduct of hearings, the interpretation of legislation and the making of decisions.

All reserved decisions of the Appeal Panel are available online through Caselaw NSW, the medium through which the Appeal Panel publishes its decisions.

The President and the Principal Member Appeals work with the Deputy Presidents and Members of the Divisions to ensure Members are informed of the work of the Appeal Panel so as to promote consistent and correct decision-making by the Tribunal.

As the Tribunal develops so too will the training programs and the continuing education of all Members.

Looking ahead

The Appeal Panel will continue its work to ensure appeals are efficiently dealt with in accordance with the guiding principle and that the time taken to resolve appeals is minimised.

This presents challenges in co-ordinating multi-member Appeal Panels, often constituted by part-time Members, so as to ensure availability of Members to hear appeals and publish orders and reasons for decision on a timely basis. Because

parties are often unrepresented in presenting their appeals and are required to deal with more complex legal issues concerning their rights on appeal, the task of Appeal Panel Members is often difficult as they are required to manage the hearing process efficiently while ensuring parties have an appropriate opportunity to participate. Success in meeting these challenges requires patience and dedication by all involved.

Focus remains on high quality decisions and ensuring the work of the Appeal Panel promotes improved decision making and writing throughout the Tribunal.

Thanks should be given to both the Members of the Appeal Panel who have determined appeals this year and to the Registry staff for their excellent support. In addition, the President's Associate, Mrs JoAnna McDermott, deserves special appreciation for her organising skills in preparing the hearing schedules and co-ordinating Appeal Panel Members as does Mr Justin Pen, the President's Tipstaff, who has provided regular updates for Members about Appeal Panel decisions and recent developments in the law.

Mark Harrowell
Principal Member
Appeal Panel

Appendices

- 1 Legislation**
- 2 Major Legislative Change 2016-2017**
- 3 Tribunal Members at 30 June 2017**
- 4 NCAT Member Code of Conduct**
- 5 NCAT Expenditure Report**
- 6 NCAT Strategic Plan 2014-2018**
- 7 Resolution Processes**
- 8 Fees and charges as at 30 June 2017**
- 9 NCAT Liaison Group and Divisional Consultative Forum Membership**

Appendix 1

Legislation

The *Civil and Administrative Tribunal Act 2013* sets out provisions related to establishing the Tribunal, how proceedings are commenced, procedures and powers of the Tribunal, and the appointment of Members.

The following Acts and subordinate legislation confer jurisdiction on the Tribunal as at 30 June 2017.

Administrative and Equal Opportunity Division

- Administrative Decisions Review Act 1997
- Adoption Act 2000
- Agricultural Industry Services Act 1998
- Agricultural Livestock (Disease Control Funding) Act 1998
- Agricultural Tenancies Act 1990
- Air Transport Act 1964
- Animal Research Act 1985
- Anti-Discrimination Act 1977
- Apiaries Act 1985
- Apprenticeship and Traineeship Act 2001
- Associations Incorporation Act 2009
- Australian Oil Refining Agreements Act 1954
- Betting Tax Act 2001
- Births, Deaths and Marriages Registration Act 1995
- Boarding Houses Act 2012
- Building and Construction Industry Security of Payment Act 1999
- Charitable Fundraising Act 1991
- Child Protection (International Measures) Act 2006
- Child Protection (Offenders Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children (Education and Care Services National Law Application) Act 2010
- Children (Education and Care Services) Supplementary Provisions Act 2011
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Coal Industry Act 2001
- Combat Sports Act 2013
- Commons Management Act 1989
- Community Justice Centres Act 1983
- Community Services (Complaints, Reviews and Monitoring) Act 1993
- Community Services (Complaints, Reviews and Monitoring) Regulation 2004
- Co-operative Housing and Starr-Bowkett Societies Act 1998
- Crown Lands Act 1989
- Crown Lands (Continued Tenures) Act 1989
- Deer Act 2006
- Disability Inclusion Act 2014
- Dormant Funds Act 1942
- Duties Act 1997
- Education Act 1990
- Electricity (Consumer Safety) Act 2004
- Electricity Supply Act 1995
- Exhibited Animals Protection Act 1986
- Explosives Act 2003
- Firearms Act 1996
- Firearms Regulation 2006
- First Home Owner Grant (New Homes) Act 2000
- Fisheries Management Act 1994
- Food Act 2003

- Food Regulation 2010
- Forestry Act 2012
- Game and Feral Animal Control Act 2002
- Gaming and Liquor Administration Act 2007
- Gaming Machine Tax Act 2001
- Gas Supply Act 1996
- Government Information (Public Access) Act 2009
- Guardianship Act 1987
- Hay Irrigation Act 1902
- Health Insurance Levies Act 1982
- Health Records and Information Privacy Act 2002
- Hemp Industry Act 2008
- Higher Education Act 2001
- Home Building Act 1989
- Housing Act 2001
- Hunter Water Act 1991
- Impounding Act 1993
- Insurance Protection Tax Act 2001
- Land Tax Act 1956
- Land Tax Management Act 1956
- Licensing and Registration (Uniform Procedures) Act 2002
- Liquor Act 2007
- Local Land Services Act 2013
- Lotteries and Art Unions Act 1901
- Marine Safety Act 1998
- Motor Accidents Compensation Act 1999
- Motor Vehicle Sports (Public Safety) Act 1985
- Mount Panorama Motor Racing Act 1989
- Native Title (New South Wales) Act 1994
- Non-Indigenous Animals Act 1987
- NSW Trustee and Guardian Act 2009
- Ombudsman Act 1974
- Parking Space Levy Act 2009
- Payroll Tax Act 2007
- Payroll Tax Rebate Scheme (Jobs Action Plan) Act 2011
- Pesticides Act 1999
- Photo Card Act 2005
- Plant Diseases Act 1924
- Police Act 1990
- Port Kembla Inner Harbour Construction and Agreement Ratification Act 1955
- Privacy and Personal Information Protection Act 1998
- Private Health Facilities Act 2007
- Public Health Act 2010
- Public Lotteries Act 1996
- Regional Relocation Grants (Skills Incentive) Act 2011
- Registered Clubs Act 1976
- Retail Trading Act 2008
- Rice Marketing Act 1983
- Sydney Water Act 1994
- Tattoo Parlours Act 2012
- Taxation Administration Act 1996
- Teacher Accreditation Act 2004
- Thoroughbred Racing Act 1996
- Victims' Rights and Support Act 2013
- Water Act 1912
- Water NSW Act 2014
- Weapons Prohibition Act 1998
- Wentworth Irrigation Act 1890
- Western Lands Act 1901
- Work Health and Safety Regulation 2011
- Workplace Injury Management and Workers Compensation Act 1998

Consumer and Commercial Division

- Agricultural Tenancies Act 1990
- Australian Consumer Law (NSW)
- Boarding Houses Act 2012
- Community Land Development Act 1989
- Community Land Management Act 1989
- Contracts Review Act 1980
- Conveyancers Licensing Act 2003 (but only in relation to Division 3 of Part 4 of that Act)
- Credit (Commonwealth Powers) Act 2010
- Dividing Fences Act 1991
- Fair Trading Act 1987
- Holiday Parks (Long-term Casual Occupation) Act 2002
- Home Building Act 1989

- Motor Dealers and Repairers Act 2013
- Pawnbrokers and Second-hand Dealers Act 1996
- Property, Stock and Business Agents Act 2002
- Residential (Land Lease) Communities Act 2013
- Residential Tenancies Act 2010
- Retail Leases Act 1994
- Retirement Villages Act 1999
- Strata Schemes Management Act 1996
- Strata Schemes Management Act 2015
- Strata Schemes Development Act 2015
- Sydney Water Act 1994 (Section 58)
- Surveying and Spatial Information Act 2002
- Tow Truck Industry Act 1998
- Veterinary Practice Act 2003
- Wool, Hide and Skin Dealers Act 2004
- Workplace Injury Management and Workers Compensation Act 1998

Guardianship Division

- Children and Young Persons (Care and Protection) Act 1998
- Guardianship Act 1987
- NSW Trustee and Guardian Act 2009
- Powers of Attorney Act 2003

Occupational Division

- Aboriginal Land Rights Act 1983
- Architects Act 2003
- Building Professionals Act 2005
- Commercial Agents and Private Inquiry Agents Act 2004
- Conveyancers Licensing Act 2003
- Fair Trading Act 1987
- Health Care Complaints Act 1993
- Health Practitioner Regulation National Law (NSW)
- Home Building Act 1989
- Legal Profession Uniform Law Application Act 2014
- Local Government Act 1993
- Motor Dealers and Repairers Act 2013
- Occupational Licensing National Law (NSW)
- Passenger Transport Act 1990
- Pawnbrokers and Second-hand Dealers Act 1996
- Property, Stock and Business Agents Act 2002
- Public Notaries Act 1997
- Security Industry Act 1997

Appendix 2

Major Legislative Change 2016-2017

Biosecurity Act 2015

Assented to on 22 September 2015, the *Biosecurity Act 2015* will commence on 1 July 2017. The Act will repeal four statutes conferring administrative review jurisdiction on NCAT; *Apiaries Act 1985*, *Deer Act 2006*, *Noxious Weeds Act 1993* and the *Plant Diseases Act 1924*.

Under the new legislation, a person aggrieved by a decision of the Secretary of the NSW Department of Industry may appeal to the NSW Land and Environment Court.

Crown Land Management Act 2016

Assented to on 14 November 2016, but not yet in force, the *Crown Land Management Act 2016* makes provisions for the ownership, use and management of the Crown Lands in NSW and repeals five 'lands legislation' conferring administrative review jurisdiction on NCAT. The five statutes are:

- *Crown Lands Act 1989*
- *Crown Lands (Continued Tenures) Act 1989*
- *Hay Irrigation Act 1902*
- *Wentworth Irrigation Act 1890*
- *Western Lands Act 1901*.

Fair Trading Amendment (Commercial Agents) Act 2016

Assented to on 18 October 2016 and yet to commence, the Act will amend the *Fair Trading Act 1987* and will repeal the *Commercial Agents and Private Inquiry Agents Act 2004*.

The amendment of the *Fair Trading Act* will permit a person to apply for an administrative review of a decision by the Secretary about the person's commercial agent licence under Part 5 of the Act.

This provision is currently available to a party in Part 2 of the *Commercial Agents and Private Inquiry Agents Act 2004*.

Gas and Electricity (Consumer Safety) Act 2017

Assented to on 9 May 2017, the Act is not yet in force. The Act, when commenced, will repeal the *Electricity (Consumer Safety) Act 2004* which enables a person to apply to NCAT for an administrative review of a decision by the Secretary to refuse an application for a model approval. The new Act will provide similar provisions.

Guardianship Regulation 2016; Powers of Attorney Regulation 2016

The Guardianship Regulation 2010 was automatically repealed on 1 September 2016 and replaced by the Guardianship Regulation 2016.

The Powers of Attorney Regulation 2011 was also automatically repealed on 1 September 2016 and replaced by the Powers of Attorney Regulation 2016.

The new Regulations contain minor amendments which do not affect the way in which NCAT deals with applications made under the *Guardianship Act 1987*.

Home Building Amendment (Compensation Reform) Act 2017

An Act amending the *Home Building Act 1989* with respect to insurance in relation to residential building work and the licensing of insurers was assented to on 27 June 2016 and is yet to commence. The amendment will permit a person to apply to NCAT for an administrative review of a number of decisions of the State Insurance

Regulatory Authority. Those decisions include a decision to refuse the person's application for a licence, a decision to impose a fine on the person and a decision to cancel the person's licence.

Marine Legislation Amendment Act 2016

This Amendment Act, commenced on 7 October 2016, amends the *Ports and Maritime Administration Act 1995* by inserting a new section 85H under Part 6A to provide for regulations to be made to enable a person to apply to the Tribunal for the administrative review of a decision on a mooring licence issued by the Roads and Maritime Services.

Marine Safety Regulation 2015

The Marine Safety Regulation 2016 commenced on 1 July 2016, replacing the Marine Safety (General) Regulation 2009. The new Regulation provides for the holder of a suspended boat driving licence to apply to the Tribunal for an administrative review of the suspension under the *Administrative Decisions Review Act 1997*.

Retail Leases Amendment (Review) Act 2017

Assented to on 1 March 2017, the Amendment Act makes legislative changes to the *Retail Leases Act 1994* which will commence on 1 July 2017. NCAT's jurisdiction for retail lease applications will increase from \$400,000 to \$750,000 for leases entered into from 1 July 2017. NCAT will no longer deal with matters about the appointment of specialist retail valuers. The appointments and applications about the appointments of specialist retail valuers will be undertaken by the Registrar of the Office of the NSW Small Business Commissioner.

Strata Schemes Management Act 2015; Strata Schemes Development Act 2015

The majority of the new strata laws commenced on 30 November 2016.

The new laws:

- strengthen the accountability of strata managers
- allow owners to adopt modern technology to conduct meetings, vote, communicate and administer their scheme
- require owners to review by-laws (strata community rules) within 12 months, which can be customised to suit their lifestyle - such as whether to allow owners to keep a pet by giving notice to the owners corporation
- provide a process for the collective sale and renewal of a strata scheme
- provide a simpler, clearer process for dealing with disputes
- broaden tenant participation in meetings.

The building defect bond scheme (Part 11 of the *Strata Schemes Management Act 2015*) is scheduled to commence on 1 January 2018. This reform introduces a building bond and mandatory defects inspection report for residential or partially-residential strata properties that are three or less storeys in height. The reforms will apply to construction contracts entered into (or, where no contract from when the building work commences) from 1 January 2018.

Appendix 3

Tribunal Members at 30 June 2017

President

The Hon Justice Robertson Wright BA LLB (Syd)
LLB (Cantab)

The Hon Justice Robertson Wright is a Judge of the Supreme Court of NSW, having been appointed on 25 October 2013. Prior to his appointment, Justice Wright practiced as a barrister for 30 years and was a Judicial Member of the Administrative Decisions Tribunal from 2007.

Deputy Presidents

The Hon A/Judge Jennifer Boland AM

Deputy President and Division Head (Occupational Division)

Jennifer Boland was appointed as a Judge of the Family Court of Australia in October 1999. In July 2004 she was assigned as a Judge of the Appeal Division of the Court.

Jennifer is presently an Acting Judge of the District Court of NSW, Deputy President and head of the Occupational Division of the NSW Civil and Administrative Tribunal. Before her judicial appointment to the Family Court, Jennifer was a litigation partner in the firm Corrs Chambers Westgarth, and practised in the diverse areas of product liability and family law.

She is a former member and Chairperson of several not for profit organisations and a current Foundation Chair of two charitable foundations. In 2012 Jennifer was admitted as a Member of the Order of Australia.

Magistrate Nancy Hennessy

Deputy President and Division Head (Administrative and Equal Opportunity Division)

Nancy Hennessy was appointed as a New South Wales Magistrate in 2002 and is currently a Deputy President and Head of the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal.

Prior to her appointment to NCAT, Magistrate Hennessy was the Deputy President of the former Administrative Decisions Tribunal and President of the former Community Services Appeals Tribunal. Her areas of expertise include administrative law, human

rights and protective jurisdictions involving children and people with disabilities.

Mr Malcolm Schyvens

Deputy President and Division Head (Guardianship Division)

Malcolm Schyvens was admitted as a solicitor of the Supreme Court of Tasmania and holds degrees in law and commerce from the University of Tasmania.

Malcolm is a past president of the Law Society Tasmania and was in private practice in Hobart for 11 years. He was also a part-time member of the Guardianship and Administration Board (Tas), the Forensic Tribunal (Tas) and a Director of the Centre for Legal Studies in Hobart. He also previously held the position of President of the Board of Cosmos Inc. (now Mosaic Support Services) Tasmania's largest provider of day services for persons with an intellectual disability.

Malcolm was appointed as the Deputy President of the NSW Guardianship Tribunal in October 2008 and was subsequently appointed as President of that Tribunal in September 2011. Upon the establishment of the NSW Civil and Administrative Tribunal (NCAT) on 1 Jan 2014 he was appointed as a Deputy President of NCAT and the Division Head for Guardianship.

He is currently the Convenor of the Council of Australian Tribunals (NSW Chapter) and Chair of the Australian Guardianship and Administration Council (AGAC).

Mr Stuart Westgarth BA LLB

Deputy President and Division Head (Consumer and Commercial Division)

Stuart Westgarth graduated in Arts and Law from the University of Sydney and has been in practice as a Solicitor since 1975. He is a Fellow of the Australian Institute of Company Directors. Stuart was a Director of Legal Super Pty Ltd until April 2016. He was a partner in Corrs Chambers Westgarth from 1980 to 2007, and Managing Partner (Sydney) from 1995 to 1999. He was a partner at HWL Ebsworth from 2008 to 2012 and President of the Law Society of NSW in 2011. His main area of practice has been in commercial litigation, particularly banking, maritime and product liability litigation.

Members

Alexander, Peter

is a country veterinarian with over 30 years' experience in both small and large animal medicine and surgery. He is an enthusiastic advocate for the NSW Animal Welfare League.

Anderson, Jane Elizabeth LLB (Hons) LLM

is a solicitor with extensive experience in criminal and administrative law. She is a current member of the Veterans' Review Board. She was previously a deputy president of the Guardianship Board of SA and a senior lawyer with the Commonwealth Director of Public Prosecutions. Jane has experience in mental health advocacy and support, including as a former board member of the Mental Illness Fellowship.

Anderson, Mark BA LLB

was admitted as a solicitor in 1985 and as a Barrister in 1990. Mark has built a strong family law practice with a special emphasis on appellate and prerogative relief advocacy. Many of those matters involve child protection issues. Property settlement and Hague Convention (on International Child Abduction) matters also occupy a significant place in the practice. He was awarded Bachelor of Arts and Bachelor of Laws degrees from the University of New South Wales, and was a Member of Frederick Jordan Chambers in Sydney during his entire career at the Bar. Mark appears as a Barrister at an appellate level in the High Court, Appellate Division of the Family Court, and New South Wales Court of Appeal. He also appears regularly in the Family Court, Federal Circuit Court, Supreme Court of New South Wales, District Court and Children's Court of New South Wales. Mark has appeared in the past in the Land and Environment Court and Administrative Tribunals. In July 2014 Mark was appointed as a Senior Member (part-time) of NCAT.

Anthony, Lyn BA MAppPsych MAPS

is a psychologist with over 20 years' extensive clinical experience working in forensic, secondary and tertiary education, and private practice settings. In these roles, she has had significant experience in the assessment and treatment of individuals who present with mental health issues and other interpersonal and relationship difficulties. Lyn is a part time member of the Mental Health Review Tribunal (Civil and Forensic).

Bailey, Robyn Louise BA LLB LLM

is a solicitor and Nationally Accredited Mediator. She is the Director of Explore solutions Pty Ltd, national ADR consultants and a Facilitator with the Defence Abuse Response Taskforce (DART). An Accredited specialist in personal injury law (NSW Law Society), Robyn has over 20 years' experience acting for people with acquired psychological and/or brain injury, including victims of professional negligence. She is a Mediator with the NSW Workers Compensation Commission, and a member of the NSW

Law Society's panel of mediators. Formerly, she was Deputy Chair of the Board of Directors of the Brown Nurses, a charity serving primarily those with mental illness.

Barnes, Susan PhD Anthropology BA (Hons1) Centenary Medal 2001

has extensive experience in the disability advocacy sector until her recent retirement. She also spent eight years as an Official Visitor in the Corrective Services system. Susan's academic research includes women's experiences of domestic violence and indigenous involvement in the criminal justice system.

Barnetson, Diane BA B Legal Studies M Industrial Relations

has a B.Legal Studies from Macquarie University and a Masters in Industrial Relations from Wollongong University. Diane has worked in the Consumer Claims Tribunal and its subsequent Tribunals since 1982. She has also worked as an Industrial Advocate, as a Member Mental Health Review Tribunal, Social Security Appeals Tribunal, Migration Review Tribunal, Refugee Review Tribunal and as a conciliator at Human Rights and Equal Opportunity Commission. Diane has taught legal studies at TAFE and Wollongong University.

Beale, Dr Ivan Leslie MSc PhD

is a visiting Senior Research Fellow, School of Psychology, UNSW with extensive experience in behaviour and health research and intervention and assessment in learning disabilities. Dr Beale is a Member, NSW Mental Health Review Tribunal and a Member, Board of Directors, Aftercare.

Beckett, Angela Therese BA (Hons1) MCLinPsy BLegS (Hons1) University Medal GradDipLP DipChildPsychiatry

is a solicitor and clinical psychologist and has a background in service provision to persons with a disability, with qualifications and experience in alternative dispute resolution. She is a Member, Administrative Appeals Tribunal and was formerly a Member, Consumer Trader and Tenancy Tribunal and Mental Health Review Tribunal.

Bell SC, Adam FCIArb, BA (Hons), LLB (Hons), BAppSc

is a barrister in private practice with 35 years' legal experience.

Blaxland, Wendy Elizabeth

is a social worker with over 30 years' experience working with people living with dementia, mental illness and neurological illness in the areas of aged care and disability in hospital and community settings. She has also worked as a consultant for various organisations including NSW Trustee and Guardian.

Bliim, Steven DipLaw (SAB)

was first admitted as a solicitor in November 1984 and later as a barrister in 1991. Steven served a period as Solicitor General of the Republic of Nauru and is currently working as the Principal Solicitor of a Community Legal Centre.

Bluth, Dennis Raymond BA LLM (Syd)

is a lawyer with over 25 years in property, particularly in leasing. He has been a member of the Law Society Property Law Committee for over 20 years, and between 2014 and 2016 he was Chair of the General Practice Section of the Law Council of Australia.

Bolt, Mary Elizabeth

has a longstanding interest in administrative law review and has worked on a number of statutory tribunals and multi member panels. She has a special interest in the welfare of children and people with disabilities.

Booby, Rhonda Helen BA LLB (Hons 1) MA (Merit) EMPA DipEd DipLegPrac

is a solicitor with extensive public service experience, including as a psychologist and executive responsibility for offender programs. She established restorative justice in NSW Corrections, is a member of the Mental Health Review Tribunal and a recent part-time NSW Law Reform Commissioner.

Boxall, Andrew Ross BA LLB (Syd) DSU (Paris) MA (NSW)

has been a partner in Allens Linklaters for 30 years, practising domestically and internationally in corporate, commercial, financial and insolvency law, and now a consultant with the firm. He sits on guardianship, state taxation and appeal matters in NCAT, and is a member of the Commonwealth Superannuation Complaints Tribunal.

Boyce, Philip Leslie DipLaw (SAB) LLM

has been a NSW solicitor for more than 40 years. He has a private legal practice with extensive experience in real and personal property; consumer and administrative law; rural law; and a dispute resolution practitioner. Philip was a non-presidential judicial member of the former NSW Administrative Decisions Tribunal for more than 3 years, former Acting Solicitor for the NSW Registrar General and Senior Chairperson of former NSW LLB for over 8 years. He has been a full-time Senior Member of NCAT since 2014.

Briggs, Phillip BArch (Hons1) PhD MDR FRAIA MIAMA

is a consulting Architect, Arbitrator, Mediator and Court Referee. He is a former director of Architectural, Structural and Civil Engineering practice. Chair Senior Counsellors NSW Chapter Royal Australian Institute of Architects, Examiner in Architectural

practice for Architects Accreditation Council of Australia.

Appointed to Builders Licensing Board serving until disbanded, served on Consumer Claims Tribunal, Building Disputes Tribunal, Fair Trading Tribunal, consumer Trader and Tenancy Tribunal.

Britton, Anne BA LLB

is a Principal Member of NCAT, having held senior roles in State and Commonwealth tribunals. Anne is Chair, Council of Australasian Tribunals (National) and a member of the Judicial Council on Cultural Diversity. She is a former director of the NSW Legal Aid Commission and the Communications Law Centre.

Brophy, Moira DipLaw GradDipLP

is experienced in alternative dispute resolution and is a trained mediator. She was admitted to practice as a solicitor in NSW and was a member of the Fair Trading Tribunal, the Consumer Trader and Tenancy Tribunal, the Social Security Appeals Tribunal and the Veterans' Review Board.

Burke, Mary Ellen

is a Clinical Psychologist with extensive experience in many aspects of services to people with disabilities and their families and the development of quality services. Mary has expertise in development and implementation of effective behaviour support for people with challenging behaviour.

Burns, Susan Jane BA (Qld), LLB (Syd)

is a solicitor with over 30 years' experience in civil litigation as a partner and special counsel. She is a former lecturer at the College of Law, has been an accredited mediator since 2016 and is on the Law Society panel of Mediators. Susan has a strong interest in advocating for the rights of persons with a disability.

Burton SC, Gregory Keith SC FCIArb FRI TEP FCLA

has been a Senior Counsel since 2004, and is an arbitrator and mediator practising in commercial/equity/IP, property, succession and protection, insurance, torts, professional liability and administrative law. He is an author and editor in banking and finance, equity and ADR.

Butler, Rex

is a Member of the Tribunal, qualified in law, commercial dispute resolution, mediation and criminology; having been appointed in 2014. Prior to his appointment, he was a Member of the Consumer, Trader and Tenancy Tribunal and other similar Tribunals for 27 years.

Callaghan SC, Peter Raymond LLM (Syd)

is currently a Principal Member of NCAT. He took Silk in 1994 and practices principally in construction law and general commercial law. Peter has sat as an acting District Court Judge and regularly adjudicates as an arbitrator or Court referee, and mediates,

particularly in construction industry cases. He was formerly a Naval Judge Advocate, Deputy President of NSW Administrative Decisions Tribunal and Chairman of NSW Chapter of Institute of Arbitrators and Mediators Australia 2003-2011.

Campbell, Cathy

was educated at Monte Saint Angelo, North Sydney and Law Extension Committee, University of Sydney. Awarded Dip. Law (LPAB). After a successful career on the production side of commercial television, Cathy obtained employment with well-known insurance litigation law firm Max Connery and Co while studying law part-time. She also practised as a solicitor with a varied practice in civil work generally, with a particular emphasis on legal professional negligence. She was called to the NSW Bar in 1998, practising from Wardell Chambers. Her practice extended to a wide range of civil work with particular expertise in insurance and personal injury litigation in the higher NSW Courts including the NSW Court of Appeal. Since her appointment Cathy has concentrated on her work on NCAT, and the former Consumer Trader and Tenancy Tribunal. She has a wide range of interests outside of work including, cooking, reading, craft and golf. Cathy has been involved with the young persons' charity Stepping Stone House, Sydney.

Carter, Dr Tanya Lorraine BVSc MANZCVS (Animal Welfare)

has been a veterinary practitioner for many years with experience in research and particular interest and qualifications in animal welfare and professional ethics. She is a member of three animal ethics committees, and former member of the NSW Veterinary Surgeons Board and Administrative Decisions Tribunal.

Charles, David Graham BA LLM (Syd)

is a legal practitioner with over 30 years' experience in commercial law and equity. He engaged in private practice; initially as a solicitor and later as a member of the Sydney Bar. David was a Member, former Consumer Trader and Tenancy Tribunal.

Cho, Esther

is a solicitor with over 15 years of experience in working in the guardianship and mental health area. She worked as guardian at the Office of the Public Guardian then as the Legal Officer for the Guardianship Tribunal for seven years. Esther has a Masters in Health Law and experience in end of life policy work with NSW Health.

Churchill, Dr Robert

has been a rural Veterinary Practitioner in NSW for over 40 years, and as Practice Principal for over 35 years. He has experience in the health and welfare of animals of many species including dogs, cats, sheep, cattle, horses and alpaca. Dr Churchill has continuing involvement in the training of undergraduate veterinary students from several universities.

Claridge, Julie BA LLM

has been a lawyer for over 30 years, having worked across a number of disciplines including corporate and commercial law. More recently she has worked in the community sector, with a focus on those who are homeless and/or have a mental illness or an intellectual disability.

Coleman SC, Andrew Philip

is Senior Counsel at the NSW Bar with 30 years' experience as a solicitor and counsel in commercial and general litigation and dispute resolution. He has acted as mediator and expert determiner in commercial disputes. Andrew is also a Major in the Australian Army Legal Corps (Reserve).

Conley, Jennifer

is a solicitor with experience in civil and administrative law with Legal Aid and community legal centres. Prior to the commencement of NCAT, Jennifer was appointed to the Guardianship Tribunal and the Administrative Decisions Tribunal. She is currently also appointed to the Mental Health Review Tribunal.

Connelly, Janice BA LLB LLM

is a solicitor with 25 years' experience. She is an experienced arbitrator, conciliator and mediator with expertise in civil, disability and mental health law. Janice is currently a Member, Mental Health Review Tribunal, Assessor for the Local Court and a mediator, Workers Compensation Commission.

Connor, Elaine McNair BA (Hons) MPsych (Clin) LLB (Hons)

is a solicitor and clinical psychologist with extensive experience in the guardianship jurisdiction in Victoria and NSW. She has experience in a variety of legal roles and in advocating for people with disabilities. Elaine is currently also appointed to the Mental Health Review Tribunal.

Cootes, Janene

is a social worker by training and has worked with people with disabilities for over 35 years, mostly in advocacy. She is currently the Executive Officer of the Intellectual Disability Rights Service, a specialist legal advocacy service and is a Board Member of Disability Advocacy Network of Australia.

Corley, Susan LLB LLM BSc (Hons1) PhD

is a solicitor with over 25 years' experience in commercial and consumer law in private practice, as in-house counsel for a major corporation and as a Member of NSW consumer tribunals. A PhD in science equips Dr Corley to deal with matters of a technical, scientific and medical nature.

Cowdroy OAM AC, The Hon Dennis Antill

is a former Judge of the Federal Court of Australia, former Presidential Member of the Administrative Appeal Tribunal, former member of the Defence Force Discipline Appeal Tribunal and former Judge of the Land and Environment Court of New South Wales. He is currently holding commissions as Acting Justice of the Supreme Court of the ACT, Judge Advocate of the Australian Defence Force, Appellate member of NSW Civil and Administrative Tribunal, Acting District Court Judge, Chairman of the Australian Electoral Commission. He is a nationally accredited mediator.

Craig QC, The Hon Acting Judge

was admitted to the Bar in 1977 and was appointed Queen's Counsel in 1989. He served as a Commissioner (part time) of the NSW Law Reform Commission between 1992 and 1995. In 2010 he was appointed a judge of the Land and Environment Court of NSW, a position in which he served until June 2016. He was appointed to the Tribunal as a Principal Member in September 2016.

Crawford, Dr Julia Rosemary

is a small animal veterinarian with 33 years' experience based in a four-person general practice. She is a past President of the NSW Division of the Australian Veterinary Association, Chair of the Vet Nursing Group National industry Advisory Group and a Director of the Australian Veterinary Association.

Creasey AM, Dr Helen

has 30 years' clinical experience in geriatric medicine, dementia and ageing research and education with health related professional and community groups and in ageing and dementia-related advocacy organisations. She has served on various government advisory panels.

Crowley, Debbie

has more than 20 years' experience with community based organisations which provide services to address the rights and improve the welfare of children and adults with disabilities. She has many years' experience on the boards of several not for profit organisations and has significant commercial experience working in financial markets in Australia and Hong Kong. Debbie is a qualified and experienced teacher, has personal experience of disability and has been a foster carer with the Department of Community Services.

Currie, John Sydney BA LLB (Syd) LLM (London) NMAS

is a solicitor of 40 years' standing. Formerly Practice Leader/Senior Partner of a major Sydney law firm, Adjunct Professor, University of Sydney, Judicial Member Administrative Decisions Tribunal, Council Member NSW Law Society and Deputy Chairman Lawyers

Assistance Program. He is an Accredited mediator, author and lecturer in markets law, powers of attorney and disability law.

D'Arcy, Jenny

is a solicitor with experience in private legal practice and community legal centres. She has extensive tribunal experience and is currently a Senior Member Veterans' Review Board and Legal Member, Administrative Appeals Tribunal and Mental Health Review Tribunal.

Daly, Sonja Adriana Fya BA LLB

is a solicitor in private practice with over 23 years' experience in consumer and commercial litigation and all forms of Alternative Dispute Resolution. She is also an appointed Local Court arbitrator. Sonja has been a volunteer with ASPECT and has a keen interest in assisting young people with Autism Spectrum Disorders to reach their full potential.

Davidson, Patricia Bed MSpecEd

has experience working with people with disabilities for over 40 years, working in the fields of Education and the community. She has fourteen years' experience with the Public Guardian as a Guardian, Regional Manager and Assistant Director.

Davison, Steven

is qualified in psychology and public health with experience in community mental health services, forensic and occupational psychology, tribunals, state and federal public agencies and NGOs.

Dawson, Rodney Raymond LLB (Syd)

is a solicitor with over 46 years' experience, with particular expertise in Administrative, Local Government and Planning Law. He is a former Councillor, Law Society of NSW, former Chair of various committees, former Member, Board Of Governors of College of Law and former Member, Legal Practitioners Admission Board.

De Jersey, Sancia

holds a mediation qualification from the Institute of Australian Mediators and Arbitrators. Her principal area in private practice of about 20 years was commercial litigation. She was appointed a member of the Consumer Trader and Tenancy Tribunal in 2012, and then appointed to NCAT.

Deutsch, Professor Robert Leslie BEc LLB (Hons) (Syd) LLM (Hons) (Cambridge)

is currently serving as Deputy President Administrative Appeals Tribunal, Senior Member NCAT and Professor, School of Taxation and Business Law Faculty of Business UNSW. He has extensive experience both as an academic and in practice in the fields of taxation, business law and accounting and has written widely in

these and related areas. Professor Deutsch is a member of the Tax Institute and has spoken often at their conferences.

Dinnen, Deborah BA LLB LLM

is a barrister practicing in administrative law, employment and industrial law, discrimination law, and work health and safety prosecutions.

Dive, Laura BA LLB

is a lawyer with over 15 years' experience in criminal, civil and community law. She was called to the bar in 2005 and was previously a solicitor with NSW Legal Aid and the Crown Solicitor's Office. She has extensive experience acting for children and adults with disabilities.

Drake, Peta Suzanne LLM

graduated with a Masters in Law from the University of Sydney in 1984. After some years of practice with one of Sydney's pre-eminent law firms and as an in-house counsel in the oil and gas industry Peta relocated to London where she worked for the Australian Government in its foreign capital investment attraction program and then Singapore where she developed a range of home textiles. On returning to Sydney Peta built a successful business as an independent retailer. Her experience as a retail tenant lead to her appointment as a non-judicial member in the retail leasing division of the Administrative Divisions Tribunal. Peta was appointed as a general member of NCAT in 2014.

Duffy, Francis BSW (Hons) MSW

is a lecturer in Social Work and Policy Studies, University of Sydney since 2012 and was previously a senior social worker at St Vincent's Hospital for 10 years. He is currently undertaking a PhD on an intergenerational perspective on ageing in Australia. Francis was a board director for Charingfield Residential Aged Care Facility, Waverley, for 9 years and a board director of Abbeyfield Australia Community Housing.

Durack SC, Philip BJuris LLB BCL

is a Senior Counsel at the Sydney Bar with over 34 years' experience as a solicitor and counsel in commercial and general litigation.

Eftimiou, Maritsa BA LLB

is a Legal Practitioner with over 30 years' experience in Criminal, Civil and Administrative Law and extensive experience advocating on behalf of people from culturally diverse backgrounds. She was a member of the Refugee Resettlement Council of Australia. Over the past fifteen years, Maritsa has developed expertise as a decision maker with previous appointments to the Migration and Refugee Review Tribunal and the NSW State Parole Authority.

Epstein-Frisch AM, Belinda Ruth

is a social worker with 30 years' experience in disability advocacy, policy and management including State and National Ministerial Councils on disability reform and education. She is currently adviser to the Independent Advisory Council of the NDIS and mentor to NGOs in contemporary capacity building.

Esdaille, Lynden BSW, MSC Public Policy

is a social welfare professional with long experience in social policy, public and community housing and homelessness. She was formerly Executive Chairperson, NSW Housing Appeals Committee.

Fairlie, David Graham BA LLB LLM (LSE)

is a solicitor with 40 years' experience principally in civil litigation in private practice and currently as corporate counsel. He is Chair, Disciplinary Tribunal of Chartered Accountants ANZ. David is an Accredited Mediator and a former President, Law Society of NSW.

Fela, Richard Marcell BS

has had a broad experience in working directly with people with disabilities over the past 15 years. This includes working as a Support Worker in ADHC group homes, child protection caseworker and for ten years, a Principal Guardian with the Public Guardian. Currently, he works in the Guardianship Division of NCAT and is an Official Community Visitor.

Fenwick, Susan

is an experienced manager of housing, tenancies and public services in UK and Australia, with a background in law, specialising in social housing. She is also a Presiding Member of the NSW Housing Appeals Committee.

Ferreira, Ingrid

has worked for the Intellectual Disabilities Rights Service since 2013. She is a working mother raising a child with an intellectual disability now 25 years of age, and has over thirty years' experience in business administration, customer service and middle management. Her work has put her in regular contact with people with intellectual disabilities, many of whom are incapable of making essential life decisions. Ingrid has had long involvement with the Down Syndrome Association and Special Olympics has delivered valuable insights in effectively dealing with individuals with disabilities, their parents and carers. She has also volunteered as sports swimming coordinator with Special Olympics since 2004. Ingrid has the intelligence, empathy and emotional capacity to act in a person's best interests who appears before the Guardianship Tribunal with related disabilities.

Field, Dr Barbara Ruth

is a physician working with physically and intellectually disabled adults and children. Her long term interests are Philosophy, Ethics

and Human Rights which are outlined in her research thesis "Intellectual Disability and Society".

Flanagan, Sharon

is a clinical Neuropsychologist with over 25 years' experience in assessment, rehabilitation and research of neurological disorders (including stroke, dementia and traumatic brain injury), assisting individuals and families to deal with the effects of disability due to cognitive impairment.

Foldi, Matthew Keith BEc MBA (Macquarie) MGSM

has over 30 years' experience as business principal and Director of service related SME's (small to medium sized organisations) with specific expertise in Lease and Tenancy disputes and resolution.

Foreman AM, Emeritus Professor Philip Jack BA MLitt Med PhD FAPS FACE

is Emeritus Professor of Education, University of Newcastle, formerly Dean of Education, Dean of Students, Director Special Education Centre. He was the Foundation President, Disability Advocacy Hunter and Newcastle Community Access. Professor Foreman was a Member, Administrative Decisions Tribunal from 2007 to 2013 and Member, NCAT from 2014. He was appointed Member, Order of Australia, 2013.

Fougere, Christine Peta

is a Principal Member of NCAT's Guardianship Division and was previously Deputy President of the former Guardianship Tribunal and legal member since 2006. She is a solicitor with over 20 years' experience in administrative, discrimination and human rights law. Christine was formerly a Member, Mental Health Review Tribunal.

French, Philip BA (Hons) LLB (Hons) GradDip Legal Practice

is a solicitor with extensive experience in the provision of community legal services, particularly to persons with disability and mental illness. He is also a Member, Mental Health Review Tribunal.

Frost, Stephen BA (Hons) DipLaw (BAB)

is a lawyer with almost 40 years' experience in Commonwealth and State taxation. He was a partner of KPMG 1995 to 2008, Judicial Member of the former Administrative Decisions Tribunal from 2010 and was Deputy President of the Commonwealth Administrative Appeals Tribunal 2012 to 2017.

Gardner, Michelle LLB GradDip Legal Practice

is a solicitor, previously working in human rights law and Aboriginal community legal services. She has extensive experience in Aboriginal policy and programs and is an Accredited mediator. Michelle is a current Member, Mental Health Review Tribunal and former Member, Social Security Appeals Tribunal.

Gilson, Mark BCom BLegS

has over 35 years' experience in consumer and civil law as a public servant and a legal tribunal member. He has been a member of various civil law tribunals since 1988, has extensive experience in conciliation and has been a licensed builder since 1987.

Giurissevich, Anthony Thomas

is a solicitor with over 40 years' experience in civil law and representing disadvantaged persons under disability or from socially deprived or migrant background. He is from a non-English speaking background, fluent in Italian and conversant in French and German. Anthony was a past volunteer at Redfern Legal Centre and has a family member with disability.

Given, Fiona Nicole BA (Hons) LLB

has lived experience of disability. She sits on the boards of Side by Side Advocacy, AAC Voice and Assistive Technology Australia. Fiona is a casual lecturer at a number of universities in disability related subjects.

Goldstein, David BJuris LLB

is a solicitor with experience in drafting and advising on building and engineering contracts. He has extensive experience in building and engineering disputes. Since 2012, David was a part time Senior Member, Consumer Trader and Tenancy Tribunal and from 2014, a part time Senior Member, NCAT.

Goodman-Delahunt, Professor Jane PhD (Washington) JD (Seattle U School of Law)

is an experimental psychologist and lawyer and a Research Professor at Charles Sturt University. She was editor of Psychology, Public Policy and Law, and is a Fellow of the American Psychological Association. Professor Goodman-Delahunt's research promotes evidence-based policies to enhance justice.

Grant, Christopher Lewis

has been a solicitor for over 25 years, currently working part-time for the Royal Commission into Institutional Responses to Child Sexual Abuse. He previously worked in community legal centres, NSW Legal Aid and private firms. His main areas of practice are family law, criminal law and children's law.

Green, Dr Jennifer McLeod BEd MA PhD MAICD

is an academic and practitioner with extensive experience in not-for-profit organisations and disability. She is a board member of the Australian Centre for Disability Law and Macquarie Community College, and was a Member, former Administrative Decisions Tribunal.

Halstead, Nathan Dale

is Managing Director of AED Group, a leading Sydney Building Regulations company in NSW. He is a Building Surveyor, Accredited Certifier and Fire Engineer with more than 18 years'

experience in both Public and Private Sector work and is a Member of Australian Institute of Building Surveyors.

Hamilton SC, Roger Lyne BA LLB (ANU) LLM (Osgoode Hall) MTax (Syd)

has been a Senior Counsel since 2006, previously having been a Barrister 1993-2006 (Ground Floor Wentworth Chambers) and Solicitor 1982-1993 (Freehill, Hollingdale and Page and Minter Ellison).

Hanstein, Sharon BA LLB LLM

has been a solicitor since 1994, including in private practice with a top tier firm and for government. She has extensive experience and skills in dispute resolution, including commercial and consumer protection litigation. She has been a Member, NCAT and former Consumer Trader and Tenancy Tribunal since 2012.

Harris, Philip Peter

is originally from Brewarrina in Western NSW. He is the principal of a private legal practice in Tamworth and holds a Masters degree in commercial law from UNSW. Philip is a Colonel in the Army Reserve and a farmer with his wife Elena at Dungowan where they live with their 4 children.

Harris, Ronald Graham LLB

was first admitted as a solicitor over 40 years ago and has extensive experience, having practised in Sydney for many years before moving to the north coast where he has practised for over 30 years. Ron has a law degree from Sydney University and Mediation qualifications from Bond University and was a nationally accredited mediator for many years.

Harrowell, Mark Alfred Killen

is a Principal Member, Appeals Division, and former Principal Member of the Consumer and Commercial Division. From 2012 he was a part time Senior Member, in 2013 was appointed as Deputy Chairperson (Determinations) and later became Principal Member and List Manager. Mark was formerly a lawyer in private practice and a partner and managing partner at a large Sydney law firm. He was admitted to practice in 1982, with commercial litigation his main area of practice. Mark has degrees in Law and Commerce.

Harvey, Danae BA (Hons) LLB

has worked in community legal centres in the Hunter and Illawarra regions of NSW from 1993 to 2003. In 1999 she obtained accreditation as a mediator through Lawyers Engaged in ADR (LEADR). She was appointed to the Consumer Trader and Tenancy Tribunal between 2002 and 2013 and appointed to the Mental Health Review Tribunal from 2005 to 2008. Danae is currently appointed as Assessor in the Small Claims Division of the Local Court since 2003 and to NCAT's Consumer and Commercial Division since 2014.

Hayes, Elayne BA (Syd)

has extensive Tribunal experience with past appointments to the Social Security Appeals Tribunal and is currently appointment to the Veteran's Review Board. She has past experience in the social welfare field and as a Director of Human Resources in various Federal government. Elayne has undertaken consultancy work, both in Australia and overseas, in human resource management, and voluntary work with Western Sydney University Law School.

Hennings, Simon Brockwell BA LLB

was admitted as a solicitor in 1989 and is a general practitioner with experience across a broad range of legal matters. He was appointed as a full-time Member in 2006. Simon has extensive experience in retail business and farming enterprise, 20 years as a committee member of Local Show Society and is a Member of the local AGL Community Consultative Committee.

Hilson, Freda Elaine

has extensive experience in the Disability Sector working as a service provider and advocate.

Hitter, Monique BSW DipLaw

is a solicitor with over 15 years' experience in civil law. Prior to that, she worked as a social worker in community health settings. Monique has held legal positions in government, community and private sectors, with a particular focus on social justice.

Holles, Francis Dominic Logue RFD BL

has extensive litigation experience over 30 years across a range of areas. Francis has been a Member, NCAT and former Consumer Trader and Tenancy Tribunal since January 2012.

Hollis, Dr Jean Margaret MBBS (Hons) FRANZCP FPOA MPhil

is an Old Age Psychiatrist, currently working as a Senior Lecturer for the University of Sydney at the Concord Centre for Cardiometabolic Health in Psychosis.

Hughes, Barbara BA LLB (UNSW) LLM (London)

is a solicitor with over 15 years' experience in criminal and civil law. Prior to appointment on the Mental Health Review Tribunal in 2009 she was employed as a criminal lawyer with Legal Aid NSW. Barbara has extensive experience in working with and advocating for people with a disability.

Hunter, Penelope

is a solicitor with over 18 years' experience in commercial, administrative and criminal law. She is a Member, Commonwealth Administrative Appeals Tribunal, former Youth Justice Conference Coordinator and former Member, Social Security Appeals Tribunal.

Isenberg RFD, Norman Saul BA LLB DipEd (Syd)
COL (Ret'd)

has been a solicitor since 1976. He was formerly a Member, Administrative Decisions Tribunal, head of Army Reserve Legal Panel NSW, Accredited Specialist Business Law, Chartered Tax Advisor and Fellow of Australian Institute of Company Directors.

Isenberg, Naida

is a Senior Member, NCAT and Administrative Appeals Tribunal and Member, Defence Honours and Awards Appeals Tribunal. She formerly served on the Veterans' Review Board and the Migration and Refugee Review Tribunals. She has a long legal background at a senior level in both the Commonwealth and NSW governments, as well as in the private sector. Naida holds the rank of Lieutenant-Colonel in the Australian Army Legal Corps, and serves on the boards of two charities, one of which is the War Widows Guild.

Jamieson, Dr Gail MBBS FRACP

is a geriatrician, gaining her specialist qualifications in 2002. She has over 10 years' experience in the public system, and now works in private practice, including providing a direct service to residential aged care facilities. Her interests lie in the field of dementia, psychogeriatric and frailty.

Jay, David BSc (Hons) LLB (Hons)

is an Australian Lawyer with 15 years' experience at the NSW Bar. His principal areas of practice are taxation, succession, equity and general commercial matters.

Johnston, Susan BSocStud MPH

is a Social Worker with over 35 years' experience in mental health, alcohol and other drug disorders, HIV/AIDS, squalor and hoarding, homelessness and supported housing services. She is a Member, Mental Health Review Tribunal and Board Director, Evergreen Life Care, a not for profit aged care facility.

Jones, Amanda BSW

is a Social worker with over 15 years' experience in Child Protection and Out of Home care. She is currently in private practice focusing on Fostering and Adoption and is also employed as a Social Work Manager in a health setting. Amanda presented at the 2014 National Out of Home Care Summit.

Kearney, James Taylor BSc BLaws (Hons1)

has been a barrister for 30 years and is currently also a mediator and expert determiner. His other appointments include Chair, Marketing in Australia of Infant Formula Tribunal and Contributions Assessor, Dust Diseases Tribunal.

Kennedy, Claudia Muriel MA BA DipRC DipEd
MASRC

is an experienced rehabilitation counsellor who has worked and taught in the area of disability for 37 years. She has worked for Commonwealth Rehabilitation Services, WorkCover NSW, Ageing Disability and Home Care, and Family and Community Services. Claudia has a special interest in psychiatric rehabilitation, and ageing and disability issues. She was appointed as a part time Professional Member, Guardianship Tribunal in August 2012 and is a Presiding Member, Housing Appeals Committee.

Kinsey, Graham Anthony

is a legal practitioner with more than 40 years' experience working in both government and private practice. He worked in Department of Consumer Affairs legal branch before commencing his own suburban legal practice and operated as a sole practitioner for 27 years until his recent retirement. Graham is a former part time Member, Consumer Trader and Tenancy Tribunal.

Koussa, Janet

holds a Master's degree in counselling psychology and has over 30 years' experience in intellectual disability, mental health and advocacy organisations. She is a past facilitator of eating disorders groups and panel member Mental Health Review Tribunal. Janet is currently with neuroCare Clinic Sydney.

Laurence, Kerrie

has extensive experience in disability education, aged care and community welfare. She is currently a senior manager with Family and Community Services, overseeing investigations of abuse of children/young people in foster care. She has been a member of two Federal Tribunals.

Le Breton, John Vincent

has many years' experience managing government and non-government services supporting people with disabilities. He is a Member, Mental Health Review Tribunal and former Member, Administrative Decisions Tribunal. John is a former Director of the NSW Office of the Public Guardian and former Director of Victims Services NSW.

Leal, Suzanne Maree BA (Hons) LLB (Syd)

is a Senior Member, Occupational Division and Administrative and Equal Opportunity Division since 2014. She is a Senior Judge for the 2018 NSW Premier's Literary Awards. She is a former Judicial Member, Administrative Decisions Tribunal and former Member, Migration Review Tribunal and Refugee Review Tribunal. Suzanne was formerly a criminal lawyer and mediator with the Legal Aid Commission of NSW and former policy advisor at the Criminal Law Review Division of the NSW Attorney General's Department.

Lennard, Jann BA LLB (Hons) (ANU)

has over 20 years' experience teaching law, is a Nationally Accredited Mediator and Registered Mediator ACT. She has extensive experience as Tribunal Member since 1998, and is currently also Senior Member, ACT Civil and Administrative Tribunal.

Levingston, John BA LLB (ANU)

is a graduate of the ANU and has been in private practice in Sydney for over 35 years as a solicitor and a Barrister at the NSW Bar practising principally in commercial law. He has been admitted to the High Court and Supreme Court of the ACT, NSW and Victoria. John has many years' experience as an Arbitrator on the NSW Court Panels and privately appointed in commercial disputes. He was previously appointed to the Commonwealth Working Group on the Carriage of Goods by Sea, an Accredited Mediator and appointed as a Costs Assessor and Review Panellist in NSW. He has held previous honorary appointments as an Adjunct Professor of Law at the University of Canberra and Conjoint Professor of Law at the University of Newcastle. John has been a speaker at many domestic and international conferences on international law and arbitration, and is the author of "The law of affidavits" and "The law of tribunals".

Limbury, Ashley BEc (SocSc) (Hons) MBA (UTS)

is a Mediator with over 13 years' experience in discrimination, workplace, retail tenancy and family law matters and was a Mediator of the former Administrative Decisions Tribunal. He has previous Human Resources experience with discrimination, performance issues, and experience as a Guardian ad Litem, Family Dispute Resolution Practitioner and Child Consultant.

Longley, Wendy BSc (Hons) MSc MA MAPS
College of Clinical Neuropsychologists

is a Clinical Neuropsychologist with over 30 years of experience in various sectors including not for profit, NSW Health, applied research, and tertiary education. She is currently working in aged rehabilitation and guest lecturing, and is also completing a PhD on in neuropsychological rehabilitation.

Lowe, Anthea Elizabeth BA (Hons) Russian
Studies

has over 25 years' practical experience in the prevention of discrimination, harassment and bullying, and author of the 2006 first edition of the Judicial Commission of NSW's Equality Before the Law Bench Book. For 15 years until June 2016, Anthea ran her own business - a workplace management consultancy in the prevention of discrimination, harassment and bullying. She is a Member, Australian Human Resources Institute and previously worked at Anti-Discrimination Board of NSW.

Lucy, Dr Juliet

is a part-time Senior Member NCAT and a barrister practising in administrative law, commercial law, family provision and equity. She is a former academic and the editor, author or co-author of a number of books, including one about the seventeenth-century poet John Milton, one about water law and one about the practice and procedure of NCAT.

Ludlow, Christa Anne BA (Hons) LLB MA

is a lawyer with over 20 years' experience, particularly in administrative law and employment law. She held the position of Assistant Crown Solicitor, Employment Law, at the NSW Crown Solicitor's Office from 2006 to 2013. Christa is an accredited mediator and workplace investigator.

Lynch, Joanne BA LLB (Syd)

has been a part-time General Member, Consumer and Commercial Division and the former Consumer Trader and Tenancy Tribunal since 2002. Registrar Children's Court of NSW. Previously she was a legal practitioner with 15 years in regional practice, and a Lecturer at Charles Sturt University and Riverina Institute of TAFE. Joanne has also volunteered with Friends of Sunflower House.

Lyne, Elizabeth BBus CPA GAICD

holds qualifications in business and corporate governance and has over 25 years' accounting experience. She has served as a director of a number of not-for-profit health organisations, including the Murrumbidgee Primary Health Network, Murrumbidgee Medicare Local and the Riverina Division of General Practice and Primary Health. A resident of Cootamundra, NSW, Elizabeth has a special interest in improving health outcomes for people living in remote and rural NSW. In her role as a board member overseeing the delivery of mental health services, she has developed a deep understanding of the special problems faced by people with decision-making disabilities and their families.

Manns, Leonie

is a long serving Community Member, Guardianship Division (formerly Guardianship Tribunal). Her areas of expertise are mental health and disability. Leonie also supports and mentors people with mental illness in the workforce and she is a long term Member, Mental Health Review Tribunal.

Marks, The Hon Acting Judge Francis LLM

is an Acting Judge of the District Court, and previously Judicial Member, Industrial Relations Commission NSW and Justice of the Industrial Court of NSW. He was admitted as a solicitor in 1963 with extensive experience in insurance law, labour law, aviation law, and as a mediator. He is author of several legal texts covering insurance law, employment law and work health and safety legislation.

Martin, Dr Meredith Anne BA (Hons) DipEd
Med PhD

has forty years' experience working in services for people with complex needs including disability, welfare, mental health and criminal justice. She is a part-time Lecturer at Sydney University, Member, Mental Health Review Tribunal, Ministerial Advisory Committee Literacy and Numeracy 2012-2017, and NSW Board of Studies 2002-2017.

Marzilli, Claudio BA (UNE) BCom LLB MCom
(UNSW) GCDR (UTS)

has been a part-time General Member, Consumer and Commercial Division, since NCAT's establishment. Previously he was a part-time member of the Social Services Appeal Tribunal, Mental Health Review Tribunal, Residential Tenancies Tribunal, Fair Trading Tribunal and Consumer Trader and Tenancy Tribunal. Claudio has also been a legal practitioner; accountant (FCPA and FCA); and, Senior Lecturer in accounting and law.

Matheson, Alice Marie BA (Hons) Clin Psych MA
(Hons) Clinical Neuro MAPS CCN

has nine years' experience as a Clinical Psychologist in both in-patient units and community mental health followed by extensive experience as a Clinical Neuropsychologist within hospital setting. She established "Headway" community support group for patients and families of the brain impaired in northern region of Sydney. She was awarded the Churchill Fellowship for further study of cognitive rehabilitation and management of the traumatically brain impaired. She is trained in mediation and conciliation.

Matkovich, Nicholas John BA LLB MBA

has practised as a solicitor in private practice for over 30 years specialising in general and life insurance, and dispute resolution. He has developed expertise in professional conduct matters, after serving for many years on the NSW Law Society Conduct Committee.

Matthews AM, Dr Richard John

is a Director, Neuroscience Research Institute, Alzheimer's Australia (NSW), Calvary Healthcare and Advisory Board, Centre for Healthy Brain Ageing. He was formerly Deputy Director General, NSW Health, 2003-2011.

McAlpine, Ethel

is a community member with more than 30 years' experience working in the disability services area in both government and NGO sectors.

McAteer, John Anthony BA BLegS MA Grad Dip
LP

is a solicitor with over 15 years' experience in civil and criminal law. He has 10 years' advocacy experience before Superior Courts, Courts of Record and the Administrative Decisions Tribunal, as

well as over 25 years' legal experience as lawyer, regulator/adjudicator in Privacy and Victims Compensation. John has extensive experience in children's law, administrative law, police complaints and investigations. He is a trained mediator, Director, not-for-profit social/affordable housing delivery entity and has been a Senior Member, NCAT since 2014.

McAuliffe, Dr Jane MA (Clin Neuropsychology)
DPsych (Clin Neuropsychology)

is a clinical neuropsychologist with over 25 years' experience in acute, rehabilitation and aged care neuropsychology across both private and public settings. She is currently working in aged care and adult rehabilitation as well as being involved in dementia treatment clinical trials.

McCalman, Maralean BA LLB

has extensive experience in senior executive roles in the human services in policy development and direct services in the Queensland and NSW state governments. She is CEO of various community based organisations providing support to children and families, people with disability and mental health issues and aged care services. She has been a General Member (community), Guardianship Division since 2014 and Member, Mental Health Review Tribunal from 2016. Maralean recently completed study in Law and Family Dispute Resolution Practice.

McCarthy, Shaun Gerard BA LLB DipLegPrac

is Director, University of Newcastle Legal Centre and Program Convenor, Practice Program, Newcastle Law School.

McCue, Margaret Mary LLM (UNSW)

is a commercial lawyer practising in Macquarie Street, Sydney. She is a Local Court arbitrator and nationally accredited Mediator. Margaret has current appointments on a number of boards, including an executive appointment on the board of Australian Dispute Resolution Australia. She was a board member of a co-educational private school in Sydney until 2016. Margaret completed training as a Company Director at the Institute of Company Directors in May 2017. She acts as a mentor for law students at UNSW and Notre Dame University, Broadway.

McDonald, Scott BA LLB FAICD

is a part-time Senior Member, Consumer and Commercial Division. He is also a senior commercial litigation partner at Sparke Helmore Lawyers, specialising in complex, corporate, insolvency and competition disputes as well as private international law, international commercial arbitration and pro-bono disputes. Scott sits on and advises a number of boards (including not for profits) and facilitates legal education modules on directors' duties to members of the Australian Institute of Company Directors.

McIlhatton, Susan BA LLB

was Deputy President, Guardianship Tribunal and Member, former Consumer Trader and Tenancy Tribunal. She was a Deputy District Registrar, Federal Court of Australia and also Judicial Registrar of both that Court and the Federal Circuit Court. Sue was appointed as a Member, Refugee Review Tribunal and subsequently became a Senior Member of that Tribunal. Prior to these appointments Sue held a range of positions as a solicitor at the Legal Aid Commission.

McMahon, Karen Anne BA LLB LLM

is a solicitor who has worked in private practice, in government and the community sector since 1992. Karen has a specialty in health law and extensive experience in litigation and dispute resolution. She is also a Member, Mental Health Review Tribunal.

McMillan, Jennifer Margaret BA LLB Acc Spec (Wills and Estates) TEP

is a Law Society of New South Wales Accredited Specialist in Wills and Estates, and Member, Law Society Elder Law, Capacity and Succession Committee and of the Society of Trust and Estate Practitioners. She is also a Legal Practice Consultant with Lawcover.

McMurrin, Alan Malcolm BA LLB (UNSW) GAICD

has been a solicitor in Sydney since 1977 in commercial law and litigation. He is a National Mediation Accreditation System mediator and former Philadelphia Arbitrator District Court and a solicitor advocate in civil jurisdictions. Alan was a former Councillor, Law Society of NSW; Chair, Civil Litigation Committee and Member, Professional Conduct Committee and Costs' committee. He is a part-time Member, Administrative Appeals Tribunal Migration and Refugee Division.

McPhee, Dr Brenda

has been a General Practitioner for 30 years with special interest in women's health. She is experienced assessing and managing mental health problems in the community and in working with people with dementia, brain injury and intellectual disability. Dr McPhee was formerly a member of the Social Security Appeals Tribunal.

McSwiggan, Dr Sally Ann BPsych (Hons) M (Clin Neuro) DPsych (Neuro) Research Fellow (Psychiatry and Law)

is a consultant neuropsychologist in practice. She has been a Member, Guardianship Tribunal since 2006 and Mental Health Review Tribunal since 2012. Dr McSwiggan is a Research Fellow, Basel University, Switzerland, lectures at Macquarie University and is published in the area of decision-making capacity.

Meadows, Geoffrey BA BSocStud MTandCP LLB

has been a teacher, social worker, drug counsellor, parole officer and then solicitor with 27 years' experience in personal injury, insurance, employment and administrative law. He was a former Senior Member, Consumer Trader and Tenancy Tribunal.

Millbank, Prof Jenni BA LLB (Hons) (Syd) LLM (UBC) PhD (Kent) Barrister of the Supreme Court of NSW and Solicitor of the High Court of Australia

is a Distinguished Professor of Law, UTS. She is an established socio-legal researcher with a wide range of expertise in health law, in particular in the area of assisted reproduction and health regulation.

Moin, Gregory Robert LLM (Syd) BA (UNE) Dip Ed (STC)

is a solicitor with over 20 years' experience in private general practice and an accredited mediator. He has experience of working with persons with disabilities as a lawyer and as a director of not-for-profit service provider.

Moir, Jillian BA (Hons) LLB BSc (Psych)

has a background in mediation and has worked in tribunals for over 10 years. She has current appointments as a Senior Member (legal) and mediator at the NCAT, Member of the Administrative Appeals Tribunal, and Senior Member at the Veterans Review Board.

Montgomery, Stephen Henry

has a Bachelor of Laws (Hons); Graduate Diploma in Legal Practice; Bachelor of Science in Agriculture/ Diploma of Education. In 1990 he was awarded the Office of Public Management Travelling Fellowship in Public Sector Management. He was admitted as a Barrister in July 1992, and holds a current unrestricted Solicitor practising certificate. He is a Senior Member NCAT (2014 to present). Stephen has over 20 years' experience in Tribunals having previously held appointments as a member of the Administrative Decisions Tribunal, Consumer Trader and Tenancy Tribunal and the Fair Trading Tribunal

Moran, Peter John LLB

is a Partner in the Insurance Group at Colin Biggers and Paisley Lawyers, retained primarily in the defence of civil claims brought against solicitors (panel solicitor for Lawcover for 27 years) and other professionals. He also acts for insurers in the defence of public liability claims and in recovery actions. He conducts risk management seminars (CBD and regional NSW) for Lawcover and the Australian Institute of Conveyancers, and similar webinars for the Real Estate Institute.

Moss, Deborah BLegS

has been a practising Solicitor since 1988 and Barrister since 1995. She was a Member of former Consumer Trader and Tenancy Tribunal. Deborah has extensive experience in civil and criminal law and has appeared on a pro bono basis in many cases.

**Mullane A/DCJ, The Hon Graham R BA LLM
MJS**

was a Family Court Judge from 1986 to 2008 and has been Conjoint Professor, Newcastle University since 2009. He was a Judicial Member, Administrative Decisions Tribunal 2009 – 2013 and Deputy Chair (part-time), Health Professions Tribunals 2012-2013. He has been a Senior Member, NCAT since 2013, Principal Member (part time) and Member, Appeal Panel since March 2014 and Acting District Court Judge since Sept 2014.

Mulvey, Craig Anthony BCom DipLaw LLM

was admitted to practice as a NSW solicitor in 2001 and as a barrister in 2005. He is also admitted as a legal practitioner of the Supreme Courts of Victoria and Queensland and the High Court of Australia. He was appointed as a Legal Member, former Guardianship Tribunal in 2012. Craig has practised law in insurance related matters, as well as commercial litigation, the protective jurisdiction, family law, equity and anti-discrimination matters. He has lectured in law at the Universities of Ballarat and New England, is a duty barrister at the Downing Centre and participates in the Pro Bono Assistance Schemes of the NSW District Court and NSW Supreme Court. Craig was also a volunteer barrister at the Inner City Legal Centre and a co-convenor and director of that organisation for a number of years.

Murray, Dr Maree Kathleen

has experience as an Industrial Relations academic, in conducting workplace mediation and arbitration, and in program and services evaluation. Most recently she was Director of the Wingara Mura Leadership Program, and Deputy Director, Diversity and Inclusion, University of Sydney.

Newman, Jennifer Lee

is Wiradjuri. She has worked with Aboriginal and Torres Strait Islander adult learners in TAFE and university, and has designed and delivered Aboriginal studies courses in Australia and overseas. Jennifer was a PhD candidate at the Institute for Social Justice, ACU, critiquing movements toward constitutional recognition of Aboriginal and Torres Strait Islander peoples through an indigenous discourse analysis.

O’Carrigan, Patrick John FRAIA AIAMA

is a registered architect and urban designer with over 25 years’ experience in private and public sectors. He is qualified as an arbitrator, and a former Member, Administrative Decisions Tribunal with an interest in ethics and governance.

O’Connor AM, A/DCJ Kevin Patrick

is Deputy President, Appeals Division and has been a Judge since 1998. He was President, Administrative Decisions Tribunal from 1998-2013 and Australian Privacy Commissioner from 1988-1996. Judge O’Connor has been President or Member of various tribunals since 1989. He was Secretary, Standing Committee of Attorneys General from 1984-1988. He was admitted in 1969.

Organ, Lynne LLB (Syd)

is a solicitor with extensive experience in private practice and government agencies. She is specialised in health law and a Member, Mental Health Review Tribunal. Lynne does volunteer work including in community legal centres.

Ovadia, Fortune Tony

is a clinical psychologist with over 40 years’ experience in public and private sectors as a clinician, administrator and policy worker. Fortune is a Member of the Mental Health Review Tribunal, former Chair, Disability Council, former Member, Medical Tribunal and of many boards of community non-government organisations.

Oxenham, Melanie Ann

is a Social Worker with over 25 years’ experience in the disability sector. She has extensive experience in guardianship and the development of supported decision making in NSW. Her other roles include adult educator/group facilitator and Official Community Visitor.

Paull, Christine

is a Senior Member, NCAT Consumer and Commercial Division. She is a solicitor of 30 years’ standing, working in private practice, Corporate, Federal and State sectors. She is a Senior Tribunal Member with managerial and legislative drafting experience and an extensive background in home building, consumer and residential law, mediation and dispute resolution.

Pearson, Linda Mary

is a lawyer with over 20 years’ experience as a member of various Commonwealth and State tribunals, and former academic teaching Administrative Law.

Perrignon, Richard John BA (Hons) LLB (Syd)

was admitted as a solicitor of the Supreme Court of NSW in 1987 and as a barrister-at-law in 2002. From 2008 to 2014, he sat as a judicial member of the Administrative Decisions Tribunal while practising at the Bar. Since 2010, he has also been a member of the Workers Compensation Commission. He was appointed as Senior Member, NCAT on 1 January 2014, and sits in its Administrative and Equal Opportunity Division and Appeal Panel. He is a mediator, and mediates cases before the Appeal Panel and in other Divisions of the Tribunal.

Pheils, Johanna BA LLB

is a solicitor with 30 years' experience practising mainly in criminal law. She currently holds the role of Deputy Solicitor, Office of the Director of Public Prosecutions. She was first appointed as Member, Administrative Decisions Tribunal in 1997.

Pickering, Edwina Anne

is a Social Worker with over 30 years' experience in the health and community sectors. She has experience in accreditation systems and promoting organisational quality. She is a board member of disability and advocacy service.

Porter, Lyn

has qualifications in Social Science (Community Services). She had previous ministerial appointments as an Official Community Visitor and a Youth Justice Conference Convenor. She has many years' experience working in the areas of child protection, sexual assault, domestic violence and the disability sector.

Pratten, Dr Catherine MBBS (UNSW) Dip Foreign Languages (Macq)

is a practising GP with over 30 years experience in Australia and Kazakhstan. She has a special interest in Aboriginal health and in reproductive medicine.

Priestley, William LLB BA

is a barrister and mediator with over 25 years' litigation experience.

Pulman, Dr Susan BA (Hons1) MCLinNPpsych PhD GradDipCrim

is a forensic psychologist and clinical neuropsychologist with over 25 years experience in the criminal, civil and family law jurisdictions. She is a member of the Mental Health Review Tribunal, Civil and Forensic Panels, a Panel Member of the Psychology Council and an Authorised Clinician of the NSW Children's Court.

Ransome, Kay BA (Hons) LLB (Hons)

is a lawyer whose primary expertise is administrative law. She has many years of experience in tribunals, including as Chairperson of the former Consumer Trader and Tenancy Tribunal for 10 years and as Principal Member, former Refugee Review Tribunal and Migration Review Tribunal. Kay is currently a Senior Member of NCAT and a Member of the Hong Kong Torture Claims Appeals Board/Non-refoulement Claims Petition Office. She is also an Adjunct Professor in the Faculty of Business, Government and Law, Canberra University.

Renwick SC, Dr James George

is Senior Counsel; Independent National Security Legislation Monitor; Adjunct Professor, Australian National University and a Captain, Royal Australian Naval Reserve. He has extensive

experience in constitutional and regulatory law. Dr Renwick has been a Senior Member NCAT since 2015.

Rickards, Kim Beresford

has had a private legal practice in Sydney and rural NSW for 39 years. He has undergraduate degrees in Commerce and Law, and a Master's degree in Comparative Law. He is a Local and District Court arbitrator. Kim was appointed as Judicial Member, Retail Leases Division, Administrative Decisions Tribunal in 2003, and as Member, Consumer Trader and Tenancy Tribunal in 2008.

Ringrose, John

is a Barrister with 45 years' experience in many areas of law. He is an accredited mediator currently appointed to the Supreme Court and District Court mediator panels. He was previously appointed as a part time member of Consumer Trader and Tenancy Tribunal of NSW.

Riordan, Michelle Anne

is a solicitor with over 30 years' experience in private practice. Her areas of practice have included personal injury, workers compensation, commercial litigation, family law and criminal law. She was a Judicial Member of the Administrative Decisions Tribunal from 2004 to 2012 and has been a Senior Member of NCAT since 2014.

Robberds AM QC, Lionel Philip

is a Barrister with over 50 years' experience in civil, criminal, Royal Commission and commissions of inquiry areas. He was appointed as Queens Counsel in 1982 and was a Member, former Administrative Decisions Tribunal and previous similar bodies from 1994.

Roberts, Susan Mary BA LLB (Hons)

has over 25 years' experience in government, not-for-profit and private sectors as a senior executive, lawyer, consultant and board member. She was previously the Executive Director of the Australian Human Rights Commission and has a particular interest in the areas of disability rights, human rights and social justice.

Robertson, David LLB BEc BCL

is a barrister with 26 years' experience, mainly in commercial, building and construction law, but also Commissions of Inquiry, sports law and anti-discrimination law.

Ross, Katherine Ann BA BLegS

has been a solicitor in private practice for 24 years, and part time Member, Consumer Trader and Tenancy Tribunal for 12 years. Katherine has held a fulltime appointment to the Tribunal since 2012. She was also a past President, Disability Advocacy.

Rosser, Kim MA LLB (UNSW) LLM (Hons) (UTS)

has more than 20 years' experience as a Member of various State and Commonwealth Tribunals. She has extensive experience in conciliation, including of complaints involving discrimination and breaches of human rights. Kim was previously a solicitor in the community legal sector, experienced in advising and advocating on behalf of people with a disability.

Roushan, Shahyar

is a lawyer with over 15 years' experience in administrative, refugee and human rights law. Shahyar is a Senior Member of the Commonwealth Administrative Appeals Tribunal.

Royer, Rosemary BSocStud (Syd)
GradCertEdStud (Disability Studies) (Newc)

is a Social Worker with many years' experience working with families, children and young people in health and disability services across government and non-government sectors. She has worked at a senior level in state-wide policy and programs at Aging, Disability and Home Care. Rosemary is a General Member, Administrative and Equal Opportunity Division and Guardianship Division and a board member of an overseas aid organisation.

Safro, Dr Elina MB BS BSc (Med) FPAACert

is a GP working in the area of women's health with a focus on priority populations, disability and sexual assault. Dr Safro is working clinically at the Family Planning NSW clinics in Ashfield and Dubbo and coordinating medical education courses in reproductive and sexual health for GPs. She is a Visiting Medical Officer on-call at Royal Prince Alfred Hospital.

Sarginson, Gregory John

has been a Barrister for 12 years specialising in commercial litigation, insurance litigation, administrative law and criminal law. Prior to admission at the Bar, he was a Solicitor for 9 years specialising in insurance litigation. Since 2004 he has been a lecturer at the Law Extension Committee (University of Sydney) and an adjunct lecturer, College of Law.

Scahill, Anne Maria BA (Hons 1) LLB

is a solicitor with 33 years' experience in private, community and government practice. She has also been a senior administrator in University and non-government organisations. She sits on the Mental Health Review Tribunal. Anne is a graduate of the Australian Institute of Company Directors and holds Management qualifications from Flinders University.

Schwager AO, Jane Louise

has extensive experience in leading Government Departments and non-profits. She is a nationally accredited Mediator and Member, former Administrative Decisions Tribunal.

Seiden SC, Rashede Leah

was called to the Bar in 1996. She has maintained a diverse practice primarily focused upon tax litigation and was appointed Senior Counsel for the State of New South Wales in 2013. Prior to being a barrister Rashede was an investment banker.

Shipp, Bernard Martin

has been a Solicitor for 33 years. He has past experience as a solicitor in legal aid and community legal centres, legal member of the Social Security Appeals Tribunal and as President of a large disability service. Bernard has been a Senior Member (Legal), NCAT since its inception, and Member, former Guardianship Tribunal and Consumer Trader and Tenancy Tribunal.

Shub, Oscar BCom LLB

is a Solicitor with 45 years of experience as a litigator and partner in major law firms around the world. He is a recognised mediator having trained through LEADR and a former chair of LEADR. Oscar is former Chair, Health Practitioners Competence Assurance and now Principal Member, NCAT in the Occupational and Administrative and Equal Opportunity Divisions.

Simon, Theresa

has both an educational and legal background. She established the Home Building Advocacy Service at Macquarie Legal Centre, which assists consumers with Home Building disputes. She was also part of a program developed by Legal Aid to encourage participation of Culturally and Linguistically Diverse Communities in family dispute resolution and has been a family dispute resolution practitioner. She has lectured in law and sociology at the University of Western Sydney. Since 2012 she has been a full time Member, Consumer Trader and Tenancy Tribunal and in 2015 was appointed as a Senior Member, Consumer and Commercial Division.

Simpson, Jim BA LLB (Syd) LLM (Lond) GCDR (UTS)

is a lawyer who was a partner in a city firm and has worked in the disability field for 30 years. Jim was first Principal Solicitor of the Intellectual Disability Rights Services and now Senior Advocate for NSW Council for Intellectual Disability. He is a recipient of the Justice Medal of the Law and Justice Foundation NSW.

Sindler, Michelle BA (Hons) LLB LLM (Syd)

is a solicitor with over 30 years' experience in private legal practice. She has extensive experience in Australia and overseas in civil litigation and commercial arbitration and mediation. Michelle is the former CEO, Australian Disputes Centre.

Slack-Smith, Gemma LLB BSW

has degrees in social work, law and frontline management and is a recipient of a Churchill Fellowship. She has extensive experience in the area of child protection law and has specialised in this area of

law in the non-government sector for almost a decade. Gemma is a Member, Law Society Family Law Legal Issues Committee and Law Society Children's Law Legal Issues Committee. She is also a member of a number of National and State working parties/committees in the area of child protection and family law. Gemma has worked for a number of years in both a legal and social work capacity, with clients from disadvantaged backgrounds struggling with mental health, family violence and drug and alcohol issues.

Smith OAM, Dr Margaret Ann PhD MPsyCh BA (Hons) FAPsS

is a Community Psychologist with many years' experience in working with, and advocating on behalf of, people living with mental illness, their families and carers. She is the current President of Way Ahead, and was previously an Associate Professor at Western Sydney University lecturing in criminology, counselling and mental health in social work and social science.

Smith, Jeffery LLB BPharm

was admitted as a barrister in 1976 and has post graduate training in alternate dispute resolution. He was appointed as Senior Member, NCAT in 2014 and as Senior Member/Member of all precursor Tribunals exercising civil jurisdiction from 1989. Jeffery was Acting Chairperson, Consumer Trader and Tenancy Tribunal in 2013.

Smith, Peter DipLaw (BAB)

was a Court Registrar and Chamber Magistrate and Member, former Consumer Trader and Tenancy Tribunal and Residential Tribunal since 1999.

Smith, Stephen BA MHA (UNSW) LLM SJD (Syd)

Formerly university lecturer in law and former solicitor in private practice.

Spencer, Dr Margaret

holds professional qualifications in nursing and social work and tertiary degrees in theology and social work. In 2007, she was awarded a doctorate from the University of Sydney for her research in the area of parenting with intellectual disability. Dr Spencer is a member of the Australian Association of Social Work, Australasian Society for Intellectual Disability and the Intellectual Association for the Scientific Study of Intellectual Disability. Dr Spencer has 38 years' clinical experience and for 29 years worked in the inner city with people with cognitive impairment and complex care needs who were homeless or at risk of homelessness. She was awarded a Churchill Fellowship in 1999. Dr Spencer is a lecturer in the Social Work program at the University of Sydney.

Stamatellis, Stamatia BA LLB

is a solicitor admitted to practice in 1999 with experience at the Intellectual Disability Rights Service and Legal Aid NSW. She is a former presiding Chairperson, Housing Appeals Committee and former Member, Consumer Trader and Tenancy Tribunal.

Staples, Melissa Joy

is a Clinical Psychologist/Neuropsychologist with 25 years specialist experience working with adults gained through public sector employment and private consultancy work in a variety of clinical settings and clinical management roles.

Stewart, Leanne BSW (UNSW)

is a social worker with executive management background within a large not-for-profit aged care organisation, the Home Care Service of NSW and the Department of Social Security. She has a consulting business in aged and community care with commercial and not-for-profit clients, involving organisational review and restructuring, standards assessments, state-wide training and dispute resolution

Stone, Dr Suzanne

is a Medical Practitioner with over 30 years of professional and personal experience working with people with a disability. She is a Member of both the Guardianship Division and the Mental Health Review Tribunal.

Suthers, Aaron LLB Accredited Mediator NMAS FDRP

is a solicitor and mediator in private practice for over 20 years and is an Accredited Specialist in Family Law and a Family Dispute Resolution Practitioner. He is a former member of the Guardianship Tribunal (QLD) and QCAT, where he was a member appraiser and mentor. Aaron has over a decade of experience presiding in Tribunals.

Sword, Donald Robert

has extensive experience in the delivery of services to people experiencing homelessness, and expertise in mental health and drug and alcohol services. Donald has served as an Official Community Visitor appointed by the Minister for Disability Services, and as an Official Visitor to the hospital at Long Bay Correctional Centre. He is a member of the NSW Legal Aid Review Committee, the Justice Disability Advisory Council, and the State Parole Authority.

Taylor, Susan Edith

is a social worker with extensive experience working in acute mental health services, and residential and community services for people with a mental illness. She has experience managing services providing support and community services to people with multiple sclerosis. Susan is a former Member, Social Security Appeals Tribunal and NSW Mental Health Review Tribunal.

Tearle, William Joseph LLB (Hons)

was admitted to legal practice 1970. He has extensive experience of financial counselling and mental health issues and was Deputy President of both the Guardianship and Mental Health Review Tribunals. William was the former Research Director, NSW Law Reform Commission and a Guest lecturer at many universities, including Oxford.

Thew, Penelope Anna BA LLB MLLR

is a Sydney barrister with over 17 years' experience in commercial, employment and discrimination law. She holds a combined Bachelor of Arts/Bachelor of Laws from the University of New South Wales, a Masters of Labour Law and Relations from the University of Sydney and is a part time Member, Consumer and Commercial Division. At the Bar, Penny acts for corporate, government and individual clients across a range of industries in federal and state courts and tribunals. She is a member of the Bar Association Diversity and Equality Committee and regularly gives seminars and publishes papers on matters relating to employment and discrimination law. Before being called to the Bar in 2005, Penny worked for six years as a solicitor for major commercial law firms as well as with the former Human Rights and Equal Opportunity Commission and the International Labour Office in Geneva.

Thode, Sabine BEc (Syd) Dip Law (BAB)

was raised and educated in Germany before migrating to Australia in 1983. After graduating from Sydney University with a Bachelor of Economics she became a District Court Judge's Associate in 1995 while completing the Barristers Admissions Board. Sabine was admitted to the Bar in 1999 and joined Maurice Byers Chambers in 2000 practicing in commercial, construction and personal injury law. She was appointed as a full time Senior Member, Consumer Trader and Tenancy Tribunal in 2012 and NCAT in 2014. Sabine is a Member of the Appeal Panel and also sits in the Guardianship and Administrative and Equal Opportunity Divisions.

Thompson, Dr Susan Lynne MBBS FRANZCP RANZCP AIRS

is a child, adolescent, adult and family psychiatrist working for many years in inpatient and outpatient public mental health settings, private practice and for Relationships Australia. She is currently a Professional Member, Guardianship Division and a Psychiatrist Member, Mental Health Review Tribunal.

Thompson, John BCom(Ec) LLB (UNSW)

has had five years' experience as an investigator with the Trade Practices Commission and eight years in total as a lawyer with the Corporate Affairs Commission, the NSW Department of Consumer Affairs and the Office of the NSW DPP. He also has extensive experience as a barrister and is currently practising from a remote

town in Western NSW. John has been a part-time Member, Consumer Trader and Tenancy Tribunal and NCAT for eight years.

Thomson, Bruce Geoffrey BA Dip FP FIAA

is an actuary with 25 years' experience in personal and group investments, superannuation, disability and life insurances, risk management, complaints mediation and anti-discrimination compliance. He was a past chair of a retirement village and a board member of local sporting and charity organisations.

Tibbey, Mandy BJuris LLB LLM

has extensive experience in civil litigation as a solicitor from 1987 - 2004 and a barrister from 2004 to date, especially in areas involving equity, commercial, consumer, administrative and human rights law. She is a nationally accredited Mediator and member of Supreme and District Court mediation panels, former Chair, Women Barristers Forum and was appointed to NCAT's Guardianship Division, Consumer and Commercial Division and Administrative and Equal Opportunity Division.

Titterton, Robert BComm LLB MArtsMgt

is a Senior Member and sits in all Divisions and on the Appeal Panel. He is a former Member, Administrative Appeals Tribunal (Commonwealth) and the NCAT Consumer and Commercial Division (NSW). He was a barrister for 14 years, and has also worked as Senior Specialist, Australian Securities and Investment Commission.

Tong, Dr Elizabeth BA (Hons) MA Dip Psych PhD (Med)

is a Principal Psychologist NSW Health, appointed to that position in 2007. Prior to that appointment, Dr Tong held various roles including as consultant to the Family Court and Federal Circuit Court of Australia and NSW Crown Solicitor. Dr Tong is A/Fellow British Psychological Society.

Toohy, Daniel LLB (Hons 1) BSc GCert (Arbitration)

is an experienced adjudicator and mediator, and qualified arbitrator. He has over 15 years of broad commercial experience in private legal practice and government positions.

Topolinsky, Vadim BE (Structural) (UTS) MIEAust (NPER) FNIFI

is a structural engineer and consultant with over 25 years' experience in structural, civil, forensic and remedial engineering. He has been an engineering practitioner of many years with experience in residential, commercial and industrial projects. He was a past Accredited Mediator with the Department of Fair Trading and LEADR, an Accredited Certifier (Structural and Civil) Environmental Planning and Assessment Act 1979 and a Member of the Accreditation Committee, Building Professionals Board (2009).

Towney, Gina LLB Deans Merit List (UNSW) BA (English/Aboriginal Studies)

has over 10 years' experience in Tribunal work in Australia, and is now working on Tribunals in Australia and overseas. She also lectures in Law at University of NSW. She has previously worked as a solicitor at Legal Aid, Law Access and Community Legal Centres and as a Policy and Legal Officer at the Supreme Court of NSW.

Verick, Amarjit Singh

was a Judicial Member of the Administrative Decisions Tribunal from 1 July 2001 - 31 December 2013 and Senior Member of NCAT from 1 January 2014. Since 2000 Amarjit has been a Specialist Taxation Consultant. His overseas assignments include legal adviser to Tonga to implement consumption tax, consultant to Revenue Office of South Africa to assist in drafting their anti-avoidance tax legislation and May-June 2012 was invited by Adam Smith International (UK) to provide specialist advice in Kabul (Afghanistan) to introduce Value Added Tax. Previously, he was the Assistant Commissioner of Tax with the Australian Tax Office attending to litigation.

von Kolpakow, Michael

is a town planner with 35 years in local and state government and the private sector. He has extensive experience in project management specifically relating to major infrastructure provision, stakeholder and community engagement.

Vrabac, Nick

has 10 years' experience as a solicitor with the government and private practice. He was a Deputy Chairperson of the Consumer Trader and Tenancy Tribunal for 8 years, 2002-2010. He was a volunteer with the Sydney Olympics and the World Youth Day and was a Secretary/Vice President of a National League Soccer Club for 7 years.

Wakefield, Alexander John Stevens FCIArb FACICA LLM(UNSW) MPhil (Cantab)

has been a Solicitor since 1990. He is an accredited specialist in commercial litigation. He is an accredited arbitrator and mediator and former Court appointed arbitrator. He was the former president of the Chartered Institute of Arbitrators Australia and the Vice Chair of the Australian Disputes Centre. Alexander was a former member of the Law Society Professional Conduct Committee and former member of the Administrative Decisions Tribunal.

Walker, Dr Alexandra

is an experienced Clinical Psychologist and Clinical Neuropsychologist with post-graduate qualifications in Clinical Neuropsychology (Doctorate of Psychology) and Clinical Psychology (Masters of Clinical Psychology). She has expertise in

traumatic brain injury and dementia with published research papers in these areas.

Walker, Professor Emeritus Geoffrey Dennis de Quincey LLB (Syd) LLM, SJD (Penn.) LLD (Qld)

has been a Barrister since 1965. He was the Former Dean, University of Queensland Law School. He was also the Former Executive Deputy President, federal Administrative Appeals Tribunal and a Council member, Rule of Law Institute.

Wannan, Alison Diane PhD MSW BSW (Hons)

has extensive experience working with people with disabilities and older people, carers and families. She currently teaches part time in social work at UNSW.

Watson, Margaret E BA (Welfare Studies) Certificate in Somatic Psychotherapy

has worked in the social welfare and disability services fields for 43 years. Is a current General Member of NCAT Guardianship Division. Was a former staff member of the previous Guardianship Tribunal for 18 years and an inaugural Member of the former Guardianship Board. She also served as a Member of QCAT for 8 years and as a former Member of the Social Security Appeals Tribunal for 12 years. Margaret was also an Official Visitor under the Mental Health Act and works as a counsellor with the Post Adoption Resource Centre, providing services to all persons separated by past forced adoption practices.

West AM, Dr Carolyn Mary MBBS (Hon1) DCH (Lond)

has been the Director - Spina Bifida Service, The Children's Hospital for 32 years and retired in 2011. Has been the visiting Medical Officer - Spina Bifida Service, for adults, from 1982-2018. Received the AM in 2007 for services to disability especially Spina Bifida. Has been a Member of Guardianship Division since 1989.

Williams, Louise LLM

has been a Member of Tribunals since 1999, including the former Fair Trading Tribunal and Consumer, Trader and Tenancy Tribunal. Louise has been admitted as a solicitor for 25 years, with past experience in Courts, and in private practice. She is also an accredited mediator.

Williams, Marcelle BA (UNSW) GDip School Counselling (USW)

has more than 25 years' experience in education, child protection and has worked in the disability sector in the areas of substitute decision making and advocacy. Marcelle has extensive experience in investigation and handling complaints about allegations of abuse and neglect of people with disability.

Williams, Dr Sidney MB BS FRANZCP

is formerly an Associate Professor of Psychiatry (Uni. Syd) and has pioneered, developed and provided services and education supporting people with dementia, their families and other carers. He has worked for over forty years in Western and South Western Sydney as well as Rural and Regional NSW.

Wilson, Lucinda Marie LLB (Hons) BComm (Hons)

has been a Barrister for ten years before being appointed full time Consumer and Commercial Division Senior Member. She had a civil and criminal practice at the Bar and conducted jury trials as a Crown Prosecutor or defence counsel. She was previously on the Equal Opportunity Committee of the Bar Association and on the board of various non-profit organisations and CLCs.

Wortley, Janice Margaret

is a Special Educator and Consultant She is a Psychologist with 25 years' experience in developing and implementing person centred planning and positive behavioural strategies for people with dual diagnosis and challenging behaviours in community and incarcerated environments. She is an Accredited Lecturer in Disability Studies and Community Services, qualified workplace trainer and accredited mental health instructor. She has Extensive experience working with and advocating for people with intellectual disabilities, psychiatric disabilities and acquired brain injuries in community and educational settings. She is a recipient of the Premier's Award for Excellence in Working with People in Boarding Houses. Janice is a former State Manager DET and TAFE NSW Disability Services and has extensive experience in reviewing and crafting anti-discrimination and disability legislation.

Wroth, Dr Melanie Jane MBBS FRACP

is a clinical consultant geriatrician working at RPA Hospital. She is a teacher and examiner for medical students and doctors in specialist training. She is a Hearing Member with Medical Council NSW for doctors' performance assessment and disciplinary matters. Melanie is also a volunteer with Gondwana Children's Choirs as tour doctor.

Xuereb, Charles Richard DipLaw (SAB)

is a General legal practitioner with over 39 years' experience in most areas of the law, mainly in sole practice. He has been the Coordinator of the Lawyers Assistance Program since 2008. He was the former councillor of the Law Society and served on many committees of the Law Society. He was the Former Chairperson of Property Law Committee and Treasurer of the Law Society (2006). He was also the Former director of LawCover and is the current Treasurer of Solicitors Benevolent Association.

Yuvarajan, Dr Rasiah MBBS MRCPsych FRANZCP MBA

is a Specialist Psychiatrist with over 35 years of clinical experience in Psychiatry, including adults and the elderly. Dr Yuvarajan has special interests in transcultural Psychiatry, Psychotherapy, community Psychiatry and working with clients with cognitive impairment.

Ziegler, Deborah BA LLB

is a solicitor of over 17 years' standing. She has extensive experience in private legal practice with particular focus on corporate and commercial law. She has advised a range of leading Australian and international companies on mergers and acquisitions, joint ventures, capital raisings, corporate advisory, foreign investments and private equity transactions. Prior to commencing legal practice she worked as a judge's associate in the Federal Court of Australia. She is a nationally accredited mediator with extensive experience in conciliation. She has worked as a facilitator with Forum Sentencing NSW and previously held an appointment as Member, Consumer, Trader and Tenancy Tribunal.

Zoa Manga, Dr Robert

has a background in medicine (Bachelor of Medicine, Bachelor of Surgery), public health (Master of Public Health) and qualifications in management (Master of Health Services Management). His professional background is in medicine and medical research as well as teaching. He has published in the field of medical research, public health, international health and health promotion. Dr Manga's other current professional involvements include being a member of the World Health Organisation International Classification Functioning Reference Group. He is Co-Owner and Director of a company called My Voice, and has also co-authored a book "New Directions in Rehabilitation Counselling". Dr Manga has a lived experience of a person with disability, having sustained a permanent spinal cord injury following a motor accident. He is the president of Spinal Talk, a support group for people with spinal cord injuries in Australia, and is also Chair-Elect, Australian Catholic Disability Council.

Also NCAT members as at 30 June 2017

Bailey AM, Ian Harley
Boyce, Stuart Antony Accredited Certifier
Corsaro SC, Francesco
Curtin SC, Gregory
Deane, Megan
Harris SC, John
Murray, Craig William
O'Meally AM RFD, John Lawrence
Tamberlin QC, The Hon Brian John Michael

Appendix 4

NCAT Member Code of Conduct

This Code of Conduct is issued by the President of the NSW Civil and Administrative Tribunal pursuant to section 20 of the *Civil and Administrative Tribunal Act 2013* (the NCAT Act) and applies to all Members of the Tribunal, including occasional Members.

Purpose

This Code seeks to provide guidance to Members in the performance of their statutory functions as Members of the Tribunal and to assist Members in identifying and resolving ethical issues as they may arise.

A further purpose of this Code is to provide Tribunal users with information by reference to which to assess Members' conduct.

Upholding the objects of the NCAT Act

The objects of the NCAT Act include:

- ensuring that the Tribunal is accessible and responsive to the needs of all of its users
- enabling the Tribunal to resolve the real issues in proceedings justly, quickly, cheaply and with as little formality as possible
- ensuring that the decisions of the Tribunal are timely, fair, consistent and of a high quality
- ensuring that the Tribunal is accountable and its processes are transparent and open
- promoting public confidence in Tribunal decision-making and the conduct of Tribunal Members.

Members are to perform their duties and conduct themselves consistently with these objects.

General Responsibilities

Tribunal Members have the following general responsibilities both in their activities as a Member and in their personal activities:

- to uphold the law, including being aware of and complying with legislation dealing with privacy, discrimination and corruption
- to uphold the highest standards of integrity, truthfulness, and honesty.

Tribunal Values

In performing their duties, Members should at all times strive to give effect to the following values (which are derived from 'A Guide to Standards of Conduct for Tribunal Members' (Revised August 2009) of the Administrative Review Council).

Respect for the Law

Members should while acting as a Tribunal Member and while performing functions associated with membership demonstrate respect for the law in all its aspects.

In particular, Members should:

- at all times while performing Tribunal duties comply with the law in relation to the conduct of hearings, the determination of matters and interactions with other Members, Tribunal staff and Tribunal users
- ensure that all decisions and determinations are legally well founded.

Fairness

Fairness requires a Tribunal Member to make unbiased, impartial decisions and to give all parties the opportunity to put forward their positions.

More specifically, Members are to:

- apply the law equally and act in an impartial manner in the performance of their decision making functions so that their actions do not give rise to a legitimate apprehension of bias or amount to actual bias
- advise the parties of any matter or circumstance which might give rise to bias or conflict of interest or a perception of bias or conflict of interest and determine whether in the circumstances it is appropriate to continue to conduct or determine the proceedings
- refrain, other than during a hearing or in exceptional circumstances, from any communication (either oral or in writing) or association during the course of proceedings with a party, legal representative or witness in the absence of the other party or parties or their representatives
- abide by the principles of procedural fairness, in particular, by ensuring that parties have a reasonable opportunity to present their case and to answer the case against them
- be aware of and address appropriately barriers such as language, cultural background, lack of literacy or disability which are likely to impede parties in presenting their case.

In addition, Members should:

- if engaged in another profession, occupation or business, take care to ensure that those activities do not conflict with or undermine the discharge of their responsibilities as a Member
- refrain from engaging in partisan political activity which is directly related to the work of the Tribunal or which may impinge upon the perception of impartiality of the Member or the Tribunal.

Independence

Tribunal Members are to perform their duties independently, free from external influence and free from the fear of adverse consequences.

Members should not allow themselves to be put in a position where their independence may be compromised or be perceived to be compromised.

Where part-time Members have a professional practice in addition to being Members of the Tribunal, they will not be able to act for or against or provide services to individuals or bodies who are litigants before them in the Tribunal.

Respect for Persons

Members are to conduct proceedings in a manner that is patient, courteous and respectful of all parties, witnesses, representatives, staff and others with whom the Members has to deal.

In particular, Members are to:

- demonstrate patience, courtesy and respect in their own conduct and demeanour;
- communicate in a clear, plain manner so as to be understood by the parties
- control the proceedings in such a way as to create an environment in which participants can and are encouraged to treat other participants courteously and respectfully
- be aware of and responsive to cultural and other sensitivities in relation to forms of address, conduct and dress.

Diligence and Efficiency

Members are to be diligent and timely in the performance of their duties. They should take reasonable steps to maintain and enhance the knowledge, skills and personal qualities necessary to the performance of their duties.

In particular, Members should:

- conduct proceedings and make decisions with due rigour, diligence and intellectual honesty
- perform their duties in the Tribunal so as to resolve matters in a timely and appropriate manner with a view to ensuring that the Tribunal's proceedings are efficient, effective and inexpensive

- provide oral reasons for decision where appropriate and deliver reserved decisions within the NCAT Divisional standards, except where the complexity or difficulty of the matter requires otherwise
- undertake and participate in professional development and training programs aimed at enhancing knowledge and skills relevant to their duties
- keep informed of developments in substantive and procedural matters within the jurisdiction of the Tribunal relevant to their duties
- support and encourage where possible the professional development of colleagues
- become proficient in the use of, and use where appropriate, technology including the Tribunal's computerised case management system, digital provision of documents, the Tribunal's intranet, digital sound recording facilities, and other technological developments implemented by the Tribunal.

In order to promote the efficient conduct of proceedings, Members should:

- clearly identify the issues and orders in dispute
- facilitate the resolution or narrowing of issues in dispute, where appropriate
- adjourn proceedings only when necessary in the interests of justice and fairness
- ensure that any interlocutory orders and applications do not unnecessarily delay the final determination of proceedings
- ensure that evidence is confined by reference to the issues in dispute and is given as concisely as reasonably possible.

Integrity

Members, in carrying out their duties as Members, are to act honestly and truthfully.

In particular, Members must:

- not knowingly take advantage of or benefit from information, not publicly available, obtained in the course of performing their Tribunal functions
- not use their position as a Member improperly to gain or seek to gain any advantage or benefit for themselves or any other person
- be scrupulous in the use of Tribunal resources
- not disclose any confidential information otherwise than as permitted by law
- refrain from conduct which would bring the Tribunal into disrepute.

Accountability and Transparency

Members are accountable for their decisions and actions taken as Members and have a responsibility to be open and frank about their decisions, action and inaction in relation to their duties.

In particular, Members are to:

- participate in performance evaluations conducted by the Tribunal;
- co-operate fully in complaint investigations carried out by the Tribunal.

Responsibility of the Tribunal Head and Heads of Divisions

It is the responsibility of the President together with the Heads of each of the Divisions to assist Members to comply with the Code of Conduct and to perform their responsibilities as Tribunal Members through the provision of appropriate training, leadership and support.

Particular Issues

Gifts, Benefits and Hospitality

Where gifts or benefits are offered, or social invitations extended, by parties or representatives in Tribunal proceedings, to Members in their capacity as such, these should, as a general rule, be declined.

If a gift is proffered to a Member, in his or her capacity as a Member, in circumstances where it cannot be or it is inappropriate for it to be declined, it should be handed to the Principal Registrar for inclusion in the Tribunal's gift register and appropriate disposition, such as for a charitable purpose or for public display in the Tribunal's premises.

Corrupt Conduct

If a Member becomes aware of an instance of behaviour that could be corrupt conduct, maladministration, or criminal conduct, relating to the Tribunal, the Member should report it promptly to the Principal Registrar or the President, and also, if appropriate, to the Independent Commission Against Corruption.

Post Service Conduct

After ceasing to be a Member of the Tribunal it is expected that a former Member:

- would continue to behave in a way that upholds the integrity and good reputation of the Tribunal
- would not appear before the Tribunal as a representative where to do so would contravene the Barristers' Rules, the Solicitors' Rules or any other similar applicable professional rules
- would not use or take advantage of confidential information obtained in the course of his or her duties as a Member.

Complaints

Complaints in relation to Members will be dealt with as outlined in the Tribunal's Complaints protocol.

Compliance with the Code

If a Member does not comply with the Code, the President may direct the Member to take specified action to rectify his or her conduct or determine that further work not be allocated to the Member until the breach is rectified. In cases of serious breach the President may refer a matter to the Attorney General or recommend that the Member not be reappointed

at the expiration of their term. Whether such action will be taken will depend on factors such as the seriousness of the conduct in question, whether there is a pattern of such conduct, the intent of the Member concerned and the effect upon the Tribunal or others of the conduct.

The Code of Conduct does not stand alone but forms part of the accountability framework within which both the Tribunal and the Members operate. It is complementary to the Tribunal's procedures and policies, including the Member professional development framework and the Tribunal's complaints process. The Code may be reviewed from time to time to ensure its relevance.

The Hon Justice Robertson Wright
President

Appendix 5

NCAT Expenditure Report

The following NCAT Expenditure Report applies to the period of 1 July 2016 to 30 June 2017.

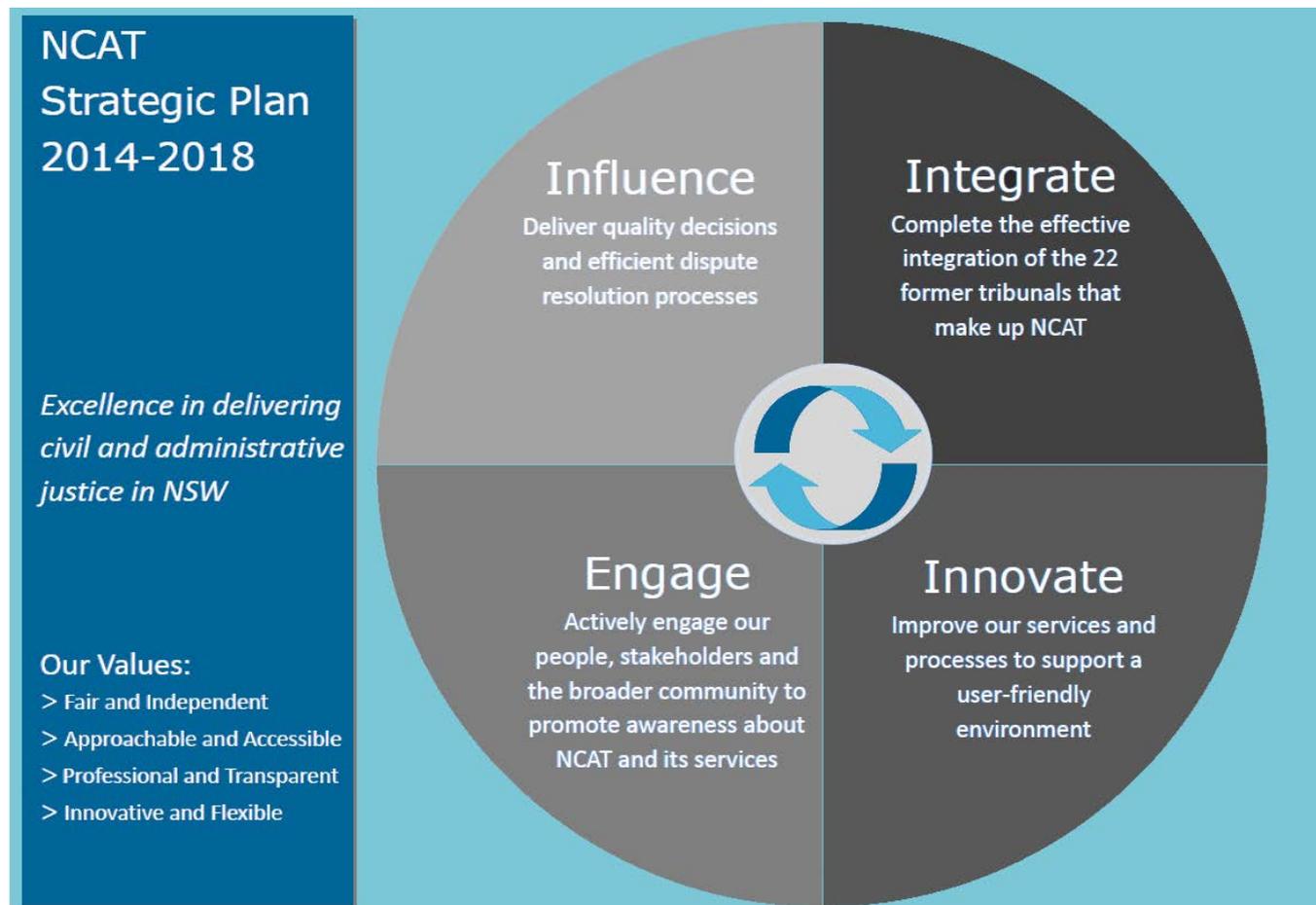
| SALARY AND RELATED PAYMENTS | \$'000 |
|------------------------------------|---------------|
| Salaries | 15,292 |
| Statutory appointees | 13,484 |
| Annual leave | 1,942 |
| Overtime | 20 |
| Long service leave | 822 |
| Superannuation | 3,013 |
| Workers compensation | 146 |
| Payroll tax | 1,798 |
| Fringe benefit tax | 33 |
| Other | 256 |
| Subtotal | 36,806 |

| OPERATIONAL EXPENSES | \$'000 |
|--|---------------|
| Contractors | 982 |
| Office accommodation | 5,639 |
| Postage and couriers | 689 |
| Telephones | 537 |
| Electricity gas | 161 |
| Minor computer purchases and consumables | 146 |
| Fees | 279 |
| Security services | 592 |
| Training and development fees | 35 |
| Travel expenses | 439 |
| Printing and stores | 161 |
| Interpreters | 526 |
| Publication | 135 |
| Insurance | 81 |
| Maintenance | 407 |
| Minor miscellaneous | 71 |
| Subtotal | 10,880 |
| Depreciation | 1,082 |
| Ex-Gratia payments | 4 |
| Total operational expenses | 48,772 |

Note: This appendix is based on information supplied by Finance, Department of Justice. The Audit Office had not completed the audit of the Department's financial statements when this information was supplied.

Appendix 6

NCAT Strategic Plan 2014-2018



Key initiatives 2016-2017

INNOVATE/ENGAGE: Guardianship Hospital Project

In February 2017 NCAT partnered with NSW Health, Department of Premier and Cabinet, NSW Trustee and Guardian and the Office of the Public Guardian in the 'Hospital Project' pilot. The aim of the pilot was to reduce the waiting time for hospital patients awaiting a decision of the Guardianship Division. NSW Health funded additional staff for the Guardianship Division and a specialist unit was established to focus on Guardianship applications

where the person the subject of the order was in hospital.

The Guardianship Hospital Project reduced the time spent in hospital by patients waiting for determination of a guardianship application from 50 days to 16 days, well exceeding the project performance target of 21 days. This has resulted in improved outcomes for patients including improving the overall experience for the patient, their family, social worker applicants and other employees in the health system.

INTEGRATE / INNOVATE / INFLUENCE: Transformation Project

The NCAT Transformation Project continued throughout the 2016-2017 reporting year. One of the key milestones of the project was reached in December 2016, when the first release of the new NCAT case management system was rolled out across the Administrative and Equal Opportunity and the Occupational Divisions.

This release included the introduction of InHearing Orders (IHO) in early 2017 to replace the manual and paper-based process. This initial rollout in the Administrative and Equal Opportunity and the Occupational Divisions allows Members to make directions using the IHO. IHO is a web based tool that is available online, enabling Members to make directions and/or orders in the John Maddison Tower, in metropolitan Sydney, regional and remote areas of NSW.

Members can simply click and select set orders and wording without having to handwrite. A key feature is the ability for parties to receive their correspondence and orders by email. Orders are made in a more efficient, timely and accurate way which means that parties will receive outcomes instantaneously, meaning they can act on them straight away.

The new case management system provides a platform which is the basis for technological enhancements such as IHO and will facilitate future online lodgement across all of NCAT.

ENGAGE/INNOVATE: Accessibility Project

In 2016-2017 NCAT continued its strong focus and commitment to being accessible and responsive to the needs of all Tribunal users. The NCAT Accessibility Committee continued to drive the organisations focus in this area.

The committee recommended a survey of NCAT stakeholders, staff and Members as part of the NCAT

website review. The results of the survey informed the website review project resulting in an improved keyword search facility, changes to NCATs quick links and identifying further structural changes which are currently under consideration, for implementation in the future.

The Committee's analysis of the accessibility of venues at which the Tribunal sits across NSW continued throughout the reporting year. A formal venue review was commenced in May 2017. NCAT Members are providing feedback on the accessibility of venues and this feedback will be used to develop a venue attributes guide. This guide will assist NCAT staff when scheduling venues, to ensure that venues are accessible to NCAT clients, staff and members.

ENGAGE/INNOVATE: Educational Videos Project

In September 2016, NCAT launched a series of educational videos that offer a practical understanding of the way in which a range of matters are dealt with before the Tribunal. The videos feature dramatised scenarios of the common types of cases heard at NCAT. The scenarios include, a tenant with outstanding rent due, appointment of a guardian and financial manager for a person with a decision-making disability, problems with residential home building work and review of a government agency's decision.

The videos explain how an application is made, how to prepare for the hearing what happens at the hearing and the Tribunal's decision process.

The videos are presented in English and the four most commonly used community languages at NCAT. The videos also have community language and English captioning. The videos supplement the print version online information already available to assist parties.

Appendix 7

Resolution Processes

The Tribunal has a wide and flexible power to resolve disputes other than by adjudication. These processes are referred to in the legislation as resolution processes. A resolution process is any process in which the parties to proceedings are assisted to resolve or narrow the issues between them. The more common term is 'alternative dispute resolution' or ADR. However, in NCAT, resolution other than by adjudication should be considered as mainstream rather than an alternative.

In the Occupational Division, where the focus is on professional discipline, there is little scope for the use of resolution processes other than narrowing the issues in dispute. While resolution processes other than adjudication have been trialled in the Guardianship Division, the protective nature of proceedings in that Division means that special care must be taken. There is more scope for resolution processes to be used in the Administrative and Equal Opportunity Division where mediation is routinely used for discrimination complaints to assist parties resolve their issue. Resolution processes such as expert conclaves, negotiation and conciliation are used extensively in the Consumer and Commercial Division.

Following is the range of resolution processes offered by the Tribunal.

Conciliation

Conciliation is routinely used to resolve disputes in the Consumer and Commercial Division. It brings people in dispute together to talk about their issues in an informal, private meeting and try to reach an agreement. Conciliation is closely linked to the hearing process. Agreements reached by parties during conciliation can be turned into enforceable consent agreements by a Tribunal Member.

The Guardianship Division also uses conciliation to assist parties to resolve aspects of their matter outside the Tribunal hearing process.

Mediation

Schedule 37 of the Act defines mediation as a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute.

Mediation is offered for suitable cases such as discrimination matters and reviews of applications for access to government information and privacy matters. It is a confidential, informal problem-solving process managed by an independent mediator. The mediator manages the process but does not take sides or give an opinion about the case.

The Community Justice Centre (CJC) can provide mediation to parties to proceedings before the Tribunal. Parties can refer themselves directly to the CJC and in some instances Members and/or Tribunal staff can suggest that parties consider mediation services offered by the CJC.

Conclave

Conclave is a joint meeting between experts engaged by the applicant and the respondent. This resolution method is usually used in the Home Building List of the Consumer and Commercial Division. During a conclave, the experts discuss the issues on which they have prepared reports with a view to clarifying matters in dispute, reaching agreement where possible and reducing the issues to be determined. The conclave is usually held on-site and is facilitated by a Tribunal Member.

Case conference

In the Administrative and Equal Opportunity Division, some matters are listed for a preliminary session where the Tribunal Member explores ways to resolve the proceedings or reduce the issues in dispute. These preliminary sessions are called case conferences and are used in reviews of decisions of government information access or privacy issues and discrimination matters.

Directions hearings

Matters may be listed for directions hearings to prepare for the substantive hearing. They are usually short in duration and used if there is a need to establish jurisdiction, identify issues in dispute, set a timeframe for the hearing or make directions for the exchange of evidence. All parties are required to attend directions hearings and to comply with procedural directions.

Types of hearings

Matters are listed for hearing according to the type of application and nature of the dispute. Notices of Hearing are issued to parties in advance of their hearing. They provide information such as the type of hearing event they will be attending and what they need to do to prepare for their hearing.

Group lists

A group list is where a number of Consumer and Commercial Division cases are listed together before a Tribunal Member.

When both parties appear at the hearing they are encouraged to resolve their dispute through conciliation. If only one party appears, ex-parte orders (i.e. orders made where the other party is not in attendance) may be made or the application may be dismissed by the Tribunal Member. If conciliation is unsuccessful the case proceeds to hearing.

Sometimes, if the parties need to obtain further evidence, or the hearing will take further time, the

matter can be adjourned to a hearing on a later date.

Hearings

Hearings are listed for a specific length of time where the issues in dispute will be finally determined and a decision made. These hearings can run for an hour or several days, depending on the complexity, the nature of the jurisdiction and the issues in dispute.

The number of Tribunal Members hearing a matter depends on the Division in which the application was lodged. Hearings in the Consumer and Commercial Division are conducted before a single Tribunal Member while the majority of applications in the Guardianship Division are before a panel of three Members. Some Tribunal Members are Community Members having expertise in certain areas.

NCAT's hearings are open to the public unless a specific order is made closing the hearing. Hearing lists are published on the NCAT website except for Guardianship Division lists. Public hearings ensure that the Tribunal's processes are transparent. In the Guardianship Division this is balanced with right to privacy of the person who is the subject of the proceedings.

Internal appeals

This process permits decisions at first instance to be scrutinised and, where necessary, corrected without the expense or delay involved in bringing proceedings in the District Court or the Supreme Court. This scrutiny also improves the standard of decision making and writing throughout the Tribunal.

Under section 32 of the *Civil and Administrative Tribunal Act 2013* (NCAT Act), parties have a right to lodge an internal appeal from:

- Any decision made by the Tribunal in proceedings for a general decision or an administrative review decision

- Any decision made by a registrar of a kind that is internally appealable.

Internal appeals can be lodged as of right on a question of law in most cases. An appeal on other grounds can be lodged if the Appeal Panel grants leave.

The Appeal Panel which hears any internal appeal will in most cases be made up of two or three Members from across the divisions. At least one of the Members will be a lawyer.

Not all NCAT decisions are internally appealable. Some matters NCAT's internal appeal jurisdiction does not extend to include:

- Decisions made in the Occupational Division relating to the following professions: medical practitioners, health professionals (nurses, psychologists, physiotherapists and similar professions), legal practitioners, veterinary practitioners, architects, registered surveyors, accredited certifiers
- Decisions made in the Occupational Division in relation to applications for dismissal of councillors from civic office
- Decisions in proceedings for the exercise of the Tribunal's enforcement jurisdiction
- Decisions of the Tribunal in proceedings for the imposition of a civil penalty in exercise of its general jurisdiction
- Decisions made by an Adjudicator under the *Strata Schemes Management Act 1996*
- Decisions of an Appeal Panel
- Decisions of the Tribunal under the *Child Protection (Working with Children) Act 2012*.

Exclusions to appeal are set out in the Divisional Schedules to the NCAT Act and in some of the specific laws giving jurisdiction to NCAT.

Some Divisional decisions that are not subject to an internal appeal may be appealed to the Land and Environment Court, the Supreme Court or the Court

of Appeal. A decision of the Guardianship Division may be appealed either to the Appeal Panel or the Supreme Court but not to both.

Information about lodging an appeal is provided in *NCAT Guideline 1 – Internal Appeals*. This Guideline and the application forms are available on the NCAT website. NCAT appeal decisions are published to the NSW Caselaw website and a selection are published in NCAT's *Legal Bulletin*.

The *NCAT Appeal Panel Decisions Digest* can be subscribed to for monthly keyword summaries of decisions of the Internal Appeal Panel.

Set aside or vary Tribunal Decision

In some instances, a party to proceedings may apply to NCAT to set aside or vary a Tribunal decision after the matter is finalised, as an alternative to lodging an appeal. The grounds for an application to set aside or vary Tribunal decisions are contained in Part 3 of the *Civil and Administrative Tribunal Regulation 2013*. Dissatisfaction with the decision is not a sufficient reason to request that the Tribunal decision be set aside or varied.

Applications to set aside or vary a Tribunal decision are often decided 'on the papers', based on the information provided on the application form and any written submissions provided by the parties. The Tribunal may refuse the application or call for submissions from the other party before determining the application.

The Tribunal will not grant an application to set aside or vary a decision unless the other party has been notified and given a copy of the application and has been given a reasonable opportunity to respond. The Tribunal will consider all responses before making a decision.

Matters are listed for hearing according to the type of application and nature of the dispute. Notices of Hearing are issued to parties in advance of their

hearing. They provide information such as the type of hearing event they will be attending and what they need to do to prepare for their hearing.

Appendix 8

Fees and charges as at 30 June 2017

Administrative and Equal Opportunity Division and Occupational Division

| MATTER TYPE | STANDARD FEE | CORPORATION FEE | REDUCED OR CONCESSION FEE |
|---|--------------|-----------------|---------------------------|
| Administrative review application | \$98 | na | \$25 |
| <ul style="list-style-type: none"> to be determined by 2 or more Members* | \$206 | na | \$52 |
| <ul style="list-style-type: none"> More than \$10,000 and not more than \$30,000 | No fee | No fee | No fee |
| General application or external appeal | \$98 | \$196 | \$25 |
| <ul style="list-style-type: none"> to be determined by 2 or more Members* | \$206 | \$412 | \$52 |
| <ul style="list-style-type: none"> to be determined by Appeal Panel | \$405 | \$810 | \$101 |
| <ul style="list-style-type: none"> under the <i>Aboriginal Land Rights Act 1983, Anti-Discrimination Act 1977, Local Government Act 1993, Legal Profession Uniform Application Act 2014, Public Notaries Act 1997, Dormant Funds Act 1942 or Apprenticeship and Traineeship Act 2001</i> | No fee | No fee | No fee |
| Health Practitioner List matters | No fee | No fee | No fee |
| Internal Appeal | \$405 | \$810 | \$101 |
| Set aside application | \$99 | \$198 | \$25 |

* Refer to section 27 and relevant Divisional Schedules of the *Civil and Administrative Tribunal Act 2013*.

Consumer and Commercial Division

| MATTER TYPE | STANDARD FEE | CORPORATION FEE | REDUCED OR CONCESSION FEE |
|--|--------------|-----------------|---------------------------|
| Residential proceedings | \$48 | \$96 | \$12 |
| General consumer or commercial proceedings | | | |
| <ul style="list-style-type: none"> Claims not more than \$10,000 (or no amount) | \$48 | \$96 | \$12 |
| <ul style="list-style-type: none"> Claims over \$10,000 to \$30,000 | \$99 | \$198 | \$25 |
| <ul style="list-style-type: none"> More than \$30,000 | \$258 | \$516 | \$65 |
| Strata schemes | | | |
| <ul style="list-style-type: none"> Strata application | \$99 | \$198 | \$25 |
| <ul style="list-style-type: none"> Application for interim orders | \$99 | \$198 | \$25 |
| <ul style="list-style-type: none"> External appeal against order of Adjudicator under the <i>Strata Schemes Management Act 1996</i> | \$98 | \$196 | \$25 |
| Community schemes | | | |
| <ul style="list-style-type: none"> Application for Adjudicator's orders | \$83 | \$166 | \$21 |
| <ul style="list-style-type: none"> Application for Adjudicator orders and interim orders when lodged at same time | \$167 | \$334 | \$42 |

| MATTER TYPE | STANDARD FEE | CORPORATION FEE | REDUCED OR CONCESSION FEE |
|--|--------------|-----------------|---------------------------|
| <ul style="list-style-type: none"> • Application for Tribunal orders <ul style="list-style-type: none"> ○ General application for orders under Division 4 of the <i>Community Land Management Act 1989</i> ○ External appeal against order of Adjudicator ○ Application to impose a civil penalty | \$83 | \$166 | \$21 |
| | \$98 | \$196 | \$25 |
| | \$99 | \$198 | \$25 |
| Retail leases | \$98 | \$196 | \$25 |
| Internal appeal | \$405 | \$810 | \$101 |
| Set aside application | \$99 | \$198 | \$25 |

Guardianship Division

| MATTER TYPE | STANDARD FEE | CORPORATION FEE | REDUCED OR CONCESSION FEE |
|---------------------------------|--------------|-----------------|---------------------------|
| Guardianship proceedings | No fee | No fee | No fee |
| Internal appeal | \$405 | \$810 | \$101 |
| Set aside application | \$99 | \$198 | \$25 |

Explanatory notes

Corporation fee - Corporations that lodge an application with the incorrect fee will be contacted and will be required to pay the correct fee.

Reduced or concession fee applies to applications lodged by the following eligible persons: A person who receives a pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991*; a person who receives a service pension under Part III of the *Veterans Entitlements Act 1986*; or a person in receipt of a grant of legal aid or assistance from a community legal centre.

Residential proceedings include matters about tenancy, social housing, residential communities, retirement villages and boarding houses.

General consumer or commercial proceedings include matters about agent commissions and fees, agricultural tenancy, consumer claims, conveyancing costs, dividing fences, holiday parks, home building, motor vehicles, pawnbrokers and second-hand dealers and Travel Compensation Fund appeals.

Other services

| SERVICE | FEE |
|--|-------------------|
| Copy of sound recording (for each hearing event) | \$40 |
| Application for issue of a summons (for production of or o give evidence, or both) | \$44 |
| Request for the production to Tribunal of documents held by court | \$51 |
| Retrieval of any document or file from archives | \$78 |
| Copy or certified copy of decision or written reasons | \$78 |
| Request by a non-party to inspect public access documents | \$41 [#] |
| Photocopying of documents where requesting party makes the copies | \$0.50 per sheet |
| Photocopying of documents where a Tribunal staff member makes the copies | \$2 per sheet |
| Fees for any other service provided | \$41 |

[#] Payment of fee is applicable per finalised matter. Fee is for inspection only and is payable in addition to any charges for the photocopying of documents.

Appendix 9

NCAT Liaison Group and Divisional Consultative Forum Membership

NCAT Liaison Group

Bar Association of NSW
Brain Injury Association NSW
Community Legal Centres Group (NSW) Inc
Health Care Complaints Commission
Health Professionals Councils Authority
Law Society of NSW
Legal Aid Commission of NSW
Real Estate Institute of NSW
Redfern Legal Centre
Tenants' Union of NSW

Consumer and Commercial Division

Tenancy Consultative Forum / Aboriginal Consultative Forum

Aboriginal Affairs NSW
Aboriginal Housing Office
Aboriginal Legal Service (NSW/ACT)
Anaiwan Local Aboriginal Land Council
Argyle Community Housing Ltd
Bungree Aboriginal Association
CHOICE
Civil Law Service for Aboriginal Communities
Common Equity NSW
Department of Finance, Services and Innovation
Dtarawarra Aboriginal Resource Unit
Estate Agents Co-operative
Financial Counsellors Association of NSW
Gandangara Local Aboriginal Land Council
Greater Sydney Aboriginal Tenants Service
Homelessness NSW
Housing Appeals Committee
Housing NSW
Human Rights Committee - Law Society of NSW
Inner Sydney Tenants' Advice and Advocacy Service
Jemmeson and Fisher

Law Society of NSW
LawAccess NSW
Legal Aid NSW
Mission Australia
Murra Mia Tenant Advocacy Service
NSW Aboriginal Land Council
NSW Federation of Housing Associations
Property Owners Association of NSW
Public Tenants Council (Central Sydney)
Real Estate Institute of NSW
Redfern Legal Centre
Seniors Rights Service
Southern Sydney Tenants Service
Teacher Housing Authority of NSW
Tenant Advice and Advocacy Service
Tenants' Union of NSW
Urban Development Institute of Australia (UDIA) NSW
Western Aboriginal Tenants Advice and Advocacy Service
Western Sydney Community Legal Centre
Western Sydney Tenants' Service

Commercial / General / Motor Vehicles Consultative Forum

Australian Manufacturing Workers Union
CHOICE
Department of Finance, Services and Innovation
Disability Council NSW
Fair Trading Advisory Council
Financial Counsellors Association of NSW
Financial Rights Legal Centre
Institute of Automotive Mechanical Engineers
Jemmeson and Fisher
Kemp Strang Lawyers
Law Society of NSW
LawAccess NSW
Legal Aid NSW
Motor Traders Association

Multicultural NSW
NSW Fair Trading
NSW Office of Migration Agents Registration Authority
Property Owners Association of NSW
Redfern Legal Centre
Tenants' Union of NSW

Home Building Consultative Forum

Australian Institute of Building
Bannermans
Building and Construction Council of NSW
Civil Contractors Federation
Department of Finance, Services and Innovation
Housing Industry Association
Institute of Building Consultants
Institution of Engineers Australia
Law Society of NSW
LawAccess NSW
Master Builders Association
Master Painters Association
Master Plumbers Association of NSW
National Electrical and Communications Association of NSW
National Wood Flooring Association
NSW Fair Trading (Legal Services)
Owners Corporation Network
Paint Solutions and Associates
Royal Australian Institute of Architects (NSW Charter)
Russo and Partners
Shaw Reynolds Lawyers
Strata Community Australia (NSW)
Suncorp
Swaab Attorneys
Swimming Pool and Spa Association of NSW and ACT
Western Sydney Community Legal Centre

Residential Communities Consultative Forum

Affiliated Residential Park Residents Association (ARPRa)
ARPRa Central Coast Residents Association
Caravan and Camping Industry Association NSW
Combined Pensioners and Superannuants Association of NSW Inc
Department of Finance, Services and Innovation
Independent Park Residents Action Group of NSW
Land Lease Living Industry Association NSW
Law Society of NSW
LawAccess NSW

Park and Village Service (PAVS)
Port Stephens Park Residents Association
Senior Rights Service
Tenants Union of NSW
Tweed Residential Parks Homeowners Association
Western Sydney Community Legal Centre

Retirement Villages Consultative Forum

Aged and Community Services NSW and ACT
Aged Care Association Australia (NSW)
Bougainvillea Retirement
Council on the Ageing NSW
Department of Finance, Services and Innovation
Law Society of NSW
LawAccess NSW
Leading Age Services Australia NSW-ACT
NSW Fair Trading
Public Interest Advocacy Centre
Retirement Villages Residents Association
Seniors Rights Service
Wesley Mission

Strata Consultative Forum

Australian College of Community Association Lawyers
Australian Resident Accommodation Managers Association (ARAMA)
Bannermans Lawyers
Department of Finance, Services and Innovation
Fair Trading NSW
Housing Industry Australia
Law Society of NSW
LawAccess NSW
Older Persons Tenants' Services – Combined Pensioners and Superannuants Association
Owners Corporation Network
Property Council of Australia
Property Owners Association of NSW
Strata Community Australia (NSW)

Guardianship Division

Guardianship Consultative Forum

Aboriginal Legal Services (NSW/ACT)
Ageing, Disability and Home Care (ADHC)
Alzheimer's Australia NSW
Brain Injury Association of NSW

Community Legal Centres NSW Inc
 Disability Council NSW
 First Peoples Disability Network Australia
 Intellectual Disability Rights Service
 Law Society of NSW
 Leading Age Services Australia NSW-ACT
 Legal Aid NSW
 Mental Health Coordinating Council
 Mental Health Review Tribunal
 Multicultural Disability Advocacy Association of NSW
 National Disability Insurance Agency
 National Disability Services NSW
 NSW Council for Intellectual Disability
 NSW Department of Family and Community Services
 NSW Ministry of Health
 NSW Network of Women with Disability
 NSW Trustee and Guardian
 Office of the Public Guardian
 People with Disability Australia
 Senior Rights Service

Administrative and Equal Opportunity Division

Administrative and Equal Opportunity Division Consultative Forum

Aboriginal Legal Service (NSW/ACT)
 Anti-Discrimination Board of NSW
 Association of Children's Welfare Agencies (ACWA)
 Australian Taxi Drivers Association
 Connecting Carers NSW
 Family and Community Services (FACS)
 Firearms Registry
 Independent Liquor and Gaming Authority
 Information and Privacy Commission NSW
 Kingsford Legal Centre, UNSW Law - Community Legal Centres NSW
 Law Society of NSW
 Legal Aid NSW
 Liquor and Gaming NSW
 Local Government NSW
 NSW Bar Association
 NSW Crown Solicitor's Office
 NSW Department of Education
 NSW Department of Justice (Justice Legal)

NSW Fair Trading
 NSW Trustee and Guardian
 Office of State Revenue
 Office of the Children's Guardian
 Public Interest Advocacy Centre Ltd
 Transport for NSW
 Victims Services

Occupational Division

Professional Disciplines Consultative Forum

Australian Health Practitioner Regulation Agency
 Australian Medical Association (NSW) Ltd
 Avant Mutual Group Limited
 Building Professionals Board
 Dibbs Barker
 Eakin McCaffery Cox
 Health Professional Councils Authority
 Hicksons Lawyers
 HWL Ebsworth
 Law Society of NSW
 MDA National
 Medical Indemnity Protection Society
 Medical Insurance Group Australia (MIGA)
 Meridian Lawyers
 NSW Architects Registration Board
 NSW Bar Association
 NSW Health Care Complaints Commission
 NSW Nurses and Midwives Association
 Office of Local Government
 Office of the Legal Services Commissioner
 T A Williams
 TressCox
 Veterinary Practitioners Board of NSW
 Watts McCray Lawyers
 Barristers from 15 Wardell, 6 St James Hall, Culwulla, Denman, Level 22 Chambers and Wentworth Chambers

