



## NCAT Policy 1 (November 2017)

# Complaints

### Important Note

**A complaint cannot be used to change a decision of the Tribunal or to change the Tribunal Member hearing a matter.**

A person who wants to have a decision changed should not make a complaint but should [seek advice](#) about any rights of set aside, review or [appeal](#) they may have in relation to the decision.

A person who wants a different Member to hear their matter must ask the Member to disqualify themselves. This can be done in person at the hearing or by writing to the Registrar and other parties before the next hearing. For further information refer to the fact sheet *Complaints about NCAT*.

### Purpose

1. This policy sets out the approach and procedures which will be applied by the Civil and Administrative Tribunal of New South Wales (NCAT) in receiving and dealing with complaints concerning its Members, staff, contractors or any aspect of its functioning.
2. This policy should be read in conjunction with the fact sheet [Complaints about NCAT \[PDF, 104kB\]](#) which is published on the NCAT website to assist anyone who is considering whether or not to make a complaint concerning NCAT.

### Complaint definition

3. This policy relates to complaints only.
4. For the purpose of this policy, a complaint is a record of a person's dissatisfaction with the functioning of the Tribunal or with the conduct of NCAT staff, a Conciliator or Mediator or a Member, where the complainant seeks a response and remedial action other than changing the Tribunal's decision or changing the Member hearing a matter.
5. Feedback, whether positive or negative, is welcome and can be made by completing the [feedback form](#) available on the NCAT website. Comments and criticism where no response or action is sought will be treated as feedback. They will not be dealt with as complaints under this policy.

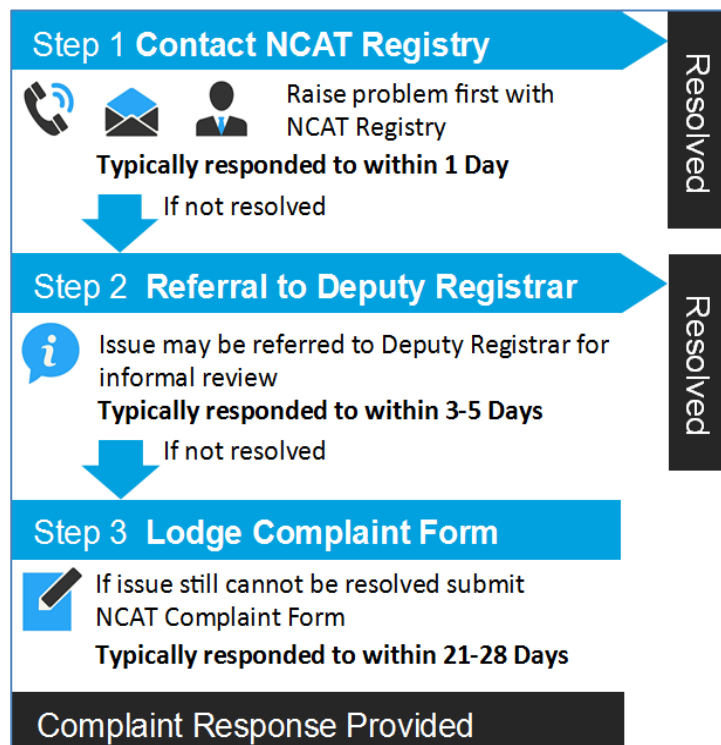
### Making a complaint

6. A person who is dissatisfied with the functioning of the Tribunal or with the conduct of NCAT staff, a Conciliator or Mediator or a Member should, where possible, raise the problem first with one of the Registries of the Tribunal in person, by telephone or by



email. The issue may be able to be resolved quickly and effectively there. If not, the issue may be referred to the Deputy Registrar at that Registry for an informal review and response. This may avoid delays in resolving the issue and the need to make a formal complaint.

7. If you have attempted to resolve the matter directly with one of the Tribunal Registries and an informal review by the Deputy Registrar has not resolved your issue, a written complaint can be lodged.
8. NCAT will treat all complainants with courtesy and respect.
9. All complaints must be in writing using the [NCAT Complaint Form \[PDF, 63kB\]](#) available on the NCAT website, and submitted by email to [ncatenquiries@ncat.nsw.gov.au](mailto:ncatenquiries@ncat.nsw.gov.au) or by post to Principal Registry, Civil and Administrative Tribunal of NSW, PO Box K1026, Haymarket NSW 2000.
10. The NCAT Complaint Form requires the following information:
  - (a) Full name and address of the person making the complaint. The Tribunal is unable to respond to anonymous complaints or complaints where no contact details are provided.
  - (b) If the complaint is related to particular proceedings, the name of the parties and the NCAT file number for those proceedings.
  - (c) A short statement of the factual basis for the complaint.
  - (d) What action the complainant wants taken as a result of the complaint.
11. The complaints process described above is summarised in the following diagram.





## Where complaints are usually referred

12. Complaint forms will usually be referred to the following persons to be dealt with:

Type of complaint	Referred to
Registry staff and Conciliators	Principal Registrar
NCAT registry, processes, procedures, services and facilities	Principal Registrar
Conduct of an NCAT Member, Member Conciliator or Member Mediator	Deputy President and Division Head
Conduct of a Deputy President/Division Head	The President

13. Complaints about NCAT's President or other judicial officers are dealt with by the Judicial Commission of NSW. These complaints can be sent to Judicial Commission of NSW, GPO Box 3634, Sydney NSW 2001.

## Complaint outcomes

14. NCAT will consider and investigate the issues raised in a complaint and may respond by:

- (a) explaining any action taken;
- (b) giving information about procedures and processes;
- (c) suggesting a solution;
- (d) providing an explanation, where appropriate;
- (e) providing an apology, where appropriate;
- (f) providing information on external organisations who may assist; or
- (g) review and if appropriate changing NCAT processes or procedures.

15. Where possible, NCAT will acknowledge written complaints within three (3) working days and respond within 21-28 days of receipt.

## Managing unreasonable complaint conduct

16. NCAT aims to consider the substance of complaints. However, unreasonable conduct by a complainant is not conducive to the effective handling and resolution of legitimate complaints and can significantly affect NCAT's efficiency. As a result, NCAT will not continue to investigate or deal with a complaint where a complainant's conduct is unreasonable.

17. Unreasonable complainant conduct may include:

- (a) excessive or persistent repetition of an issue;



- (b) inappropriate demands or expectations;
- (c) abusive, trivial or vexatious behaviour;
- (d) persistent contacting of the Tribunal or staff while a complaint is being investigated or after an outcome has been provided.

**Wright J**  
President  
November 2017