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Consumer,
Trader &
Tenancy
Tribunal

2001-2002 ANNUAL REPORT

For the period
1st July 2001 to 24th February 2002

FOREWORD

I am pleased to provide this foreword to the first annual report of the Consumer, Trader and Tenancy Tribunal.

Following the passing of the *Consumer, Trader and Tenancy Tribunal Act* in November 2001 the new Tribunal commenced operation on 25 February, 2002 and undertook the roles of the former Residential Tribunal and the former Fair Trading Tribunal.

The Tribunal was set up as a specialist dispute resolution forum for consumer, trader and tenancy matters, with a mission to provide a more accessible, efficient and effective service to the people of New South Wales.

In its first five months, the Tribunal significantly increased hearing days, reduced the dispute resolution time and finalised many past Tribunal matters. It has successfully expanded its services and locations and recorded a dramatic improvement in customer satisfaction.

The new Tribunal is committed to providing a strong rural and regional presence. The Tribunal's Registries are located in eight regional areas offering venues for conciliation and hearing processes in an informal environment.

An extensive process of recruitment of Members of the Tribunal was carried out with 126 Member appointments being made in this period. Members are based in the Sydney, Newcastle, Gosford, Wollongong, Riverina, Queanbeyan, Central West and North Coast regions.

The Tribunal has introduced new technology to assist in the daily operations of the Registry, including a new Case Management System. Plans have also been developed for the electronic lodgement of applications.

The Chairperson of the former Residential Tribunal, Ms Sally Chopping, was appointed as Chairperson of the Consumer, Trader and Tenancy Tribunal to oversee the amalgamation and commencement of operations. I would like to acknowledge Ms Chopping's significant achievements whilst in this position.

I commend the efforts of the Tribunal in improving service delivery and maintaining appropriate customer service and look forward to further significant changes that will deliver a high standard service to the people of New South Wales.

John Aquilina MP
Minister for Fair Trading




Minister for Fair Trading

Dear Mr Aquilina

I am pleased to present the first Annual Report for the Consumer, Trader and Tenancy Tribunal for the 2001-2002 financial year.

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

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



Kay Ransome
Chairperson
Consumer, Trader and Tenancy Tribunal

Tribunal Objectives

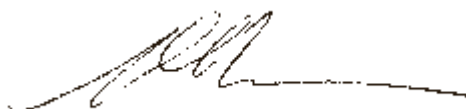
The Consumer, Trader and Tenancy Tribunal was established as the new specialist dispute resolution forum for consumer, trader and tenancy matters. The new Tribunal took over the role previously held by the former Residential and Fair Trading Tribunal on 25 February 2002.

The object of the Act is to ensure the Tribunal remains accessible and conducts proceedings in an efficient, effective, informal, expeditious and inexpensive manner whilst providing fair, consistent and quality decisions.

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Key areas for the first reporting period of the new Consumer, Trader and Tenancy Tribunal are:

- The new Tribunal was formed as a result of a review of the former Residential and Fair Trading Tribunals. The strengths of the two separate former Tribunals have been used as the foundation of this new Tribunal.
- The Tribunal inherited a backlog in excess of 1300 delayed files from the former Fair Trading Tribunal. A task force was established to concentrate on processing these matters. As a result of this initiative 1100 cases were finalised by the end of June 2002 with the balance of cases being processed to allow for further determination.
- The Building Conciliation Service (BCS) is a specialist business unit within the Tribunal which provides alternatedisputeresolution processes to resolve residential building disputes as required by the *Home Building Act 1989* and the *Consumer, Trader and Tenancy Act 2001*. Case Coordinators have access to a panel of external independent experts and accredited persons who provide alternatedisputeresolutionservice throughout NSW.
- Service to regional areas was enhanced with the Tribunal operating in eight purpose built Registries. The decentralisation of the Tribunal allows clients in remote rural areas greater access to Tribunal facilities and a stronger awareness of the services of the Tribunal. The new Tribunal concentrates on providing regular and timely hearings to ensure customer needs are met.
- Along with regional registries, 82% of Tribunal Members are appointed to regional and rural New South Wales to provide and enhance regional services.
- By June 2002 the average listing timeframe across all Divisions was 22 days after the application was received. Within 35 days of lodgement, 62% of matters were finalised with orders sent to parties.
- The rehearing rate for the Tribunal was 5%. Of the orders made by the Tribunal, 17% were withdrawals and 17% were adjournments. The Tribunal achieved a clearanceratio of 112% indicating that the Tribunal reduced its existing workload. This is an improvement on last year where the two Tribunals combined achieved a clearanceratio of 102%.
- The Tribunal regularly consults with interest groups through consultative forums facilitated by Tribunal Members and senior Registry staff for each of the Tribunal's eight Divisions. The Tribunal Members have been appointed to ensure expertise in all of the eight Divisions.
- A new computer Case Management System was introduced which enabled the Tribunal to apply efficient processing in a high volume environment.



Kay Ransome
Chairperson

The Consumer, Trader and Tenancy Tribunal of New South Wales was established by the *Consumer, Trader and Tenancy Tribunal Act 2001* which came into effect on 25 February 2002. This is the first Annual Report of the Tribunal and reports on the period from 1 July 2001 to 30 June 2002 with information provided by the former Residential Tribunal and former Fair Trading Tribunal in respect of the period prior to 25 February 2002.

The Consumer, Trader and Tenancy Tribunal is an independent decision making body which hears and determines applications under the following legislation:

Community Land Management Act 1989
Consumer Claims Act 1998
Consumer Credit Administration Act 1995
Consumer Credit (New South Wales) Act 1995
Credit Act 1984
Credit (Finance Brokers) Act 1984
Credit (Home Finance Contracts) Act 1984
Fair Trading Act 1987
Home Building Act 1989
Motor Dealers Act 1974
Motor Vehicle Repairs Act 1980
Residential Parks Act 1998
Residential Tenancies Act 1987
Retirement Villages Act 1999
Strata Schemes Management Act 1996
Travel Agents Act 1986

The Tribunal Structure

The Chairperson

The Chairperson is the executive officer of the Tribunal and is responsible for its overall operation and administration.

The Deputy Chairperson

(Determinations)

The Deputy Chairperson (Determinations) is responsible to the Chairperson and hears the more complex matters coming before the Tribunal. The Deputy Chairperson (Determinations) also deals with issues relating to the Members of the Tribunal.

The Deputy Chairperson

(Registry and Administration)

The Deputy Chairperson (Registry and Administration) is responsible to the Director-General for the effective, efficient and equitable management of staff and resources.

Tribunal Members

Members of the Tribunal are appointed by the Governor in a full-time or part-time capacity. As of 30 June 2002 seven Senior Members, 16 full-time positions and 111 part-time Members had been appointed.

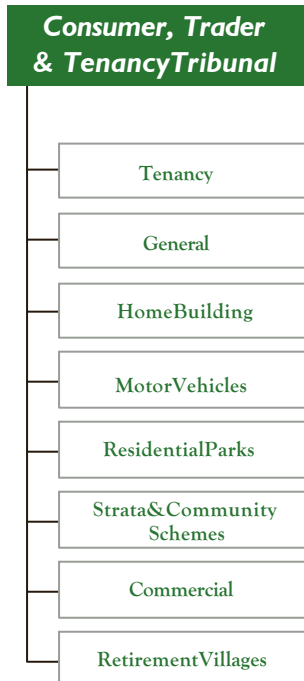
Registry

The Registrar, Deputy Registrars and Registry officers coordinate the day to day running of operations of the Registry. Registry officers are employed by the Department of Fair Trading under the *Public Sector Management Act 1988*.

The Registry is regionalised in eight locations: Sydney CBD, Newcastle, Penrith, Wollongong, Hurstville, Liverpool, Parramatta and Tamworth.

The key functions of the Registry are to:

- Translate legislative requirements into operational policies and procedures.
- Receive applications, list matters for hearings, arrange hearings, dispatch orders and issue enforcement documents.
- Provide advice to the Chairperson.
- Consult with industry and customer representatives on procedural issues.
- Ensure the operational efficiency of the Tribunal.



The Tribunal comprises the following eight Divisions

- **Tenancy**
This Division hears disputes between public and private residential landlords and tenants. This Division determines the highest volume of matters lodged with the Tribunal.
- **General**
This Division hears disputes arising under the *Consumer Claims Act 1998* which includes applications by consumers in relation to the supply of goods or services purchased by them or provided to them.
- **Home Building**
This Division hears disputes between consumers, traders and insurers concerning home building work. The Building Conciliation Service assists parties in this Division to reach settlement without the need to attend lengthy and costly Tribunal hearings.
- **Residential Parks**
This Division determines disputes arising under the *Residential Parks Act 1998* between park owners, residents and occupants.
- **Motor Vehicles**
This Division hears disputes concerning new and second-hand motor vehicles, (which includes motorboats) and faulty repairs of motor vehicles. The jurisdiction for disputes concerning the purchase of a new motor vehicle is unlimited. The jurisdiction for other disputes in this Division is limited to orders up to \$25,000.
- **Strata and Community Schemes**
This Division determines applications for adjudication and hearing between parties affected or interested in a Strata or Community Scheme.
- **Commercial**
This Division hears disputes between credit providers, debtors, lessee or lessor, mortgagee or mortgagor and other interested or affected parties.
- **Retirement Villages**
This Division hears disputes between the administering authority of a retirement village and one or more residents.

Tribunal Registry Operations

❖ Information Technology

Electronic Service Delivery Phase I

The Tribunal's Electronic Service Delivery (ESD) project is designed to enable application lodgments using Internet technologies and web-browser access in line with the New South Wales Government's *connect.nsw* strategy.

The project is designed to be implemented in three phases. Lodgments via this method by the Department of Housing began on 13 August 2001. It abolishes the need to fill in paper forms and mail or fax these to a Tribunal. It also alleviates the Registry's need to enter application information into the database.

Electronic Service Delivery Phase II

Development of the second phase of the three-phased ESD project began during the 2001/2002 financial year. The website has been enhanced to streamline the application registration process and to provide the facility to allow business groups to create and maintain their own staff accounts online.

❖ Case Management System

To coincide with the Tribunal's first day of operation, the Tribunal's Case Management System's (CMS) first major upgrade stage began live operation. The system was overhauled to enable electronic application maintenance of all eight Tribunal Divisions.

Further enhancements also provided added functionality to staff including preserving a greater depth of historical information to assist in prompt replies to customer enquiries.

The upgrade development was planned in stages. The second stage will be implemented in July 2002. This includes new system modules to manage the Alternative Dispute Resolution in the Building Conciliation Service and a module to automate the Member's diary system to allow for the allocation of the Tribunal Member to hearing venues.

❖ Building Conciliation Service

The Building Conciliation Service (BCS) was established on 1 January 2002 to assist parties in Home Building matters. The BCS provides options for parties to resolve their dispute without the need for a formal hearing.

The BCS, in conjunction with the Department of Public Works and Services, has recruited a number of building experts with expertise in a range of home building fields. These experts meet with parties, determine the issues and consider options to resolve the dispute.

❖ Sound Recording

The former Tribunals had disparate policies regarding sound recording of matters. The Consumer, Trader and Tenancy Tribunal policy is to sound record all hearings where equipment is available. Sound recording of matters during the conciliation process does not occur as these are confidential proceedings. Digital sound recording has been introduced into nine Sydney rooms and all Hurstville and Liverpool hearing rooms.

The Tribunal is committed to expanding the availability of digital sound recording as it provides greater reliability at a reduced cost. Sound recording enhances the Tribunal's proceedings and provides increased accountability and transparency.

❖ Risk Management Plan

The Tribunal had developed a Risk Management Plan. It has identified a number of risks including IT failure, venue unavailability due to natural disaster, fraud and legislative change. The Tribunal has put in place plans to manage risk and ensure that service to users is either maintained or restored as quickly as possible.

❖ Reporting

The Tribunal adopted the Key Performance Indicators model for NSW courts to assist in providing useful information to show how it is performing. The new case management system was specially designed to provide information based on all four principles being backlog, overload, clearance ratio and attendance index.

Backlog relates to the number of matters that remain outstanding beyond the Tribunal's acceptable time standards.

Overload illustrates whether the Tribunal can expect to process its future cases within time standards using its current resources.

Clearance ratio is the ratio of applications received to the number of applications finalised. It relates the incoming volume with the Tribunal's capacity to finalise its cases.

Attendance index measures the number of times parties attend a hearing before the matter is finalised.

❖ Case Management Initiatives

The Tribunal has initiated a number of case management strategies to deal with complex jurisdictional issues throughout its divisions. The following is one example:

Motor Vehicles Applications

Motor Vehicles applications can require technical expertise and special procedures have been introduced by the Consumer, Trader and Tenancy Tribunal to handle these matters more efficiently.

Pre-hearing dispute resolution through assistance of Director-General or other bodies (section 31, CTTT Act)

A trial commenced in Hurstville, Liverpool and Newcastle (later Wollongong) Registries on 15 April 2002 whereby the Registry sends copies of applications to the Department of Fair Trading or Motor Vehicle Repair Industry Authority (formerly Motor Vehicle Repair Industry Council) before the hearing, seeking their potential assistance.

It was revealed through examining the applications that a significant number of applications had already used those services. Where applications are referred the dispute often does not proceed to a hearing.

Listing initiatives

The Deputy Chairperson (Determinations) made a decision in May 2002 to develop Member expertise by identifying Members before whom Motor Vehicle cases are to be listed in the CBD hearing venue. The first of these specialised lists was held in June 2002.

New cases and contested cases are listed and a conciliating Member is also available to assist parties where they choose to attempt negotiated resolution. Increasingly more claims are resolved at the initial hearing.

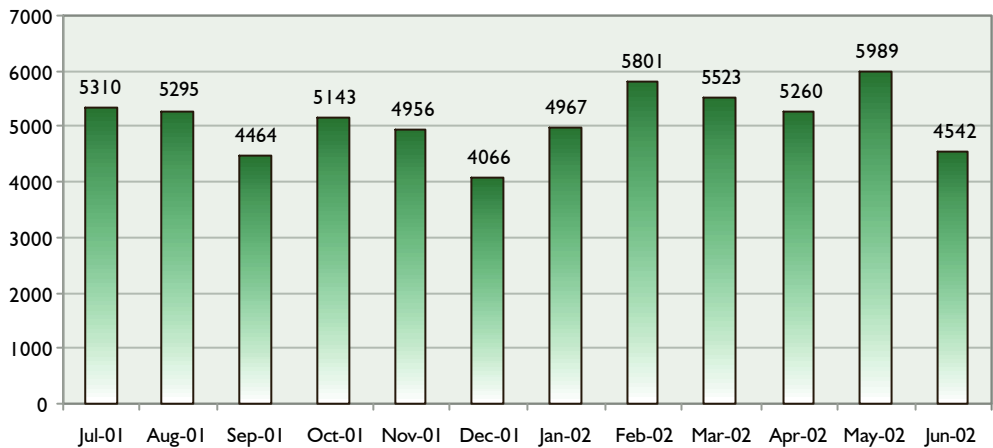
Assessors

The Chairperson wrote to the appointed assessors in April 2002 seeking an indication regarding their availability. Ten assessors have replied in the affirmative and arrangements are being made to implement the assessor provisions of the *Consumer, Trader and Tenancy Tribunal Act 2001* in relation to these kinds of cases.

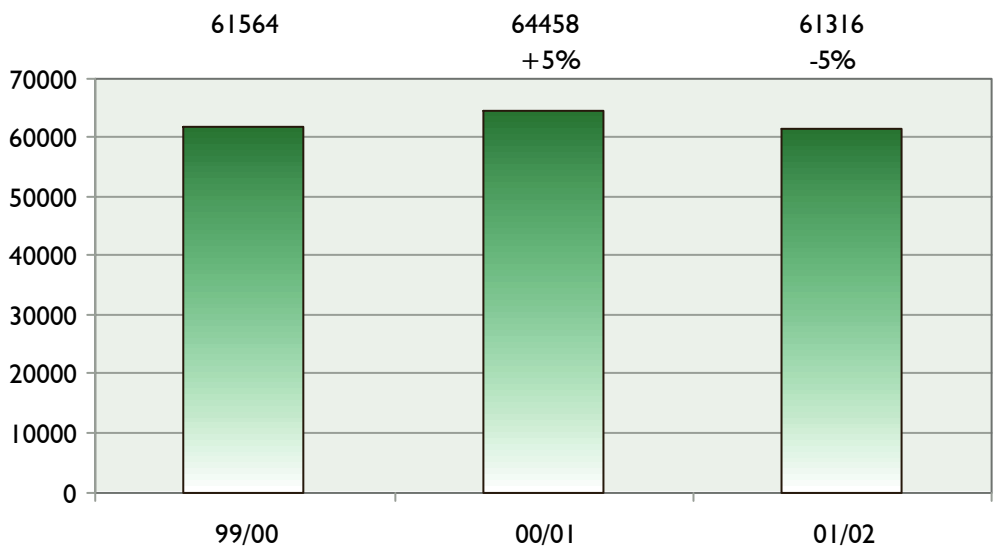
| DIVISION | APPLICATIONS LODGED | APPLICATIONS FINALISED |
|-------------------------|------------------------|---------------------------|
| Tenancy | 46 239 | 52 326 |
| General | 6584 | 7400 |
| HomeBuilding | 4641 | 4640 |
| MotorVehicles | 1422 | 1595 |
| ResidentialParks | 1107 | 1222 |
| Strata&CommunitySchemes | 927 | 799 |
| Commercial | 322 | 401 |
| RetirementVillages | 74 | 78 |
| TOTAL | 61316 | 68461 |

This includes rehearing applications lodged in each Division

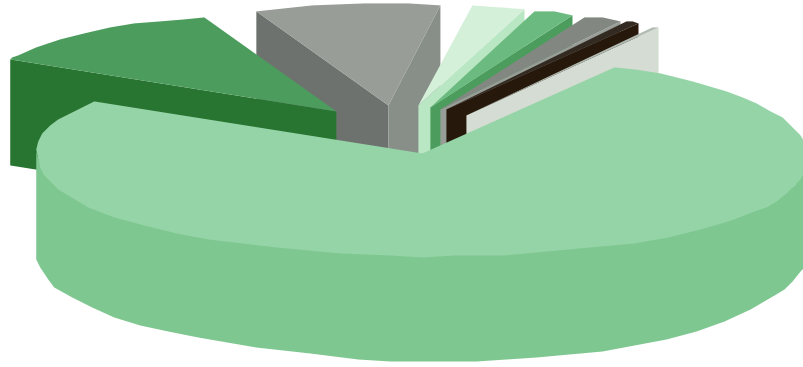
**GRAPH 1
APPLICATIONS
LODGED DURING
2001/2002**



**GRAPH 2
TREND IN
APPLICATIONS
COMPARED TO
PREVIOUS YEARS**



**GRAPH 3
 DIVISIONAL PERCENTAGES
 2001/2002**



- Tenancy 75.6%
- General 10.6%
- HomeBuilding 7.6%
- MotorVehicles 2.3%
- ResidentialParks 1.8%
- Strata&CommunitySchemes 1.5%
- Commercial 0.5%
- RetirementVillages 0.1%

**GRAPH 4
 REGISTRY LOCATIONS**



Tenancy

The Tenancy Division deals with matters arising out of the rights and obligations of landlords and tenants set out in the *Residential Tenancies Act 1987*. During the 2000/2001 reporting period the Division received 46,239 applications. This includes lodgements to the previous Tenancy (General) and Tenancy (Special) Divisions of the former Residential Tribunal. Tenancy matters represented 75.6% of all applications to the Tribunal.

Lodgements

From 25 February 2002 to 30 June 2002, landlords lodged 85.5% of applications with 73% of these matters regarding termination of the tenancy agreement.

Finalisations

During the reporting period, this Division finalised 52,326 matters.

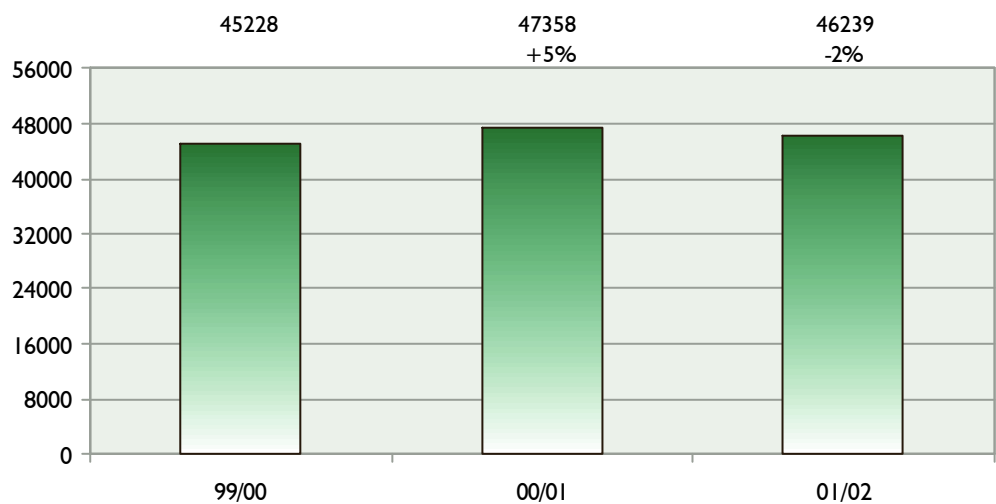
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 113% indicating the Division is reducing pending caseload.

Rehearings

From 25 February 2002 to 30 June 2002, 565 applications for a rehearing were lodged. This represents 4% of applications received during this period. Tenants lodged 68% of applications, landlords lodged 30% and occupants lodged 2% of applications.

**GRAPH 5
YEARLY
LODGE
MENT
COMPARISONS
(Tenancy)**



General

The General Division has jurisdiction to deal with matters under the *Consumer Claims Act 1998*. During the 2000/2001 reporting period the Division received 6,584 applications. This includes lodgements to the previous Consumer Claims Division of the former Fair Trading Tribunal. Matters in this Division account for 10.6% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, consumers lodged 97% of applications. Other parties lodged 3% of applications, all applications lodged by other parties were requests for a rehearing.

Finalisations

During the reporting period, this Division finalised 7,400 matters.

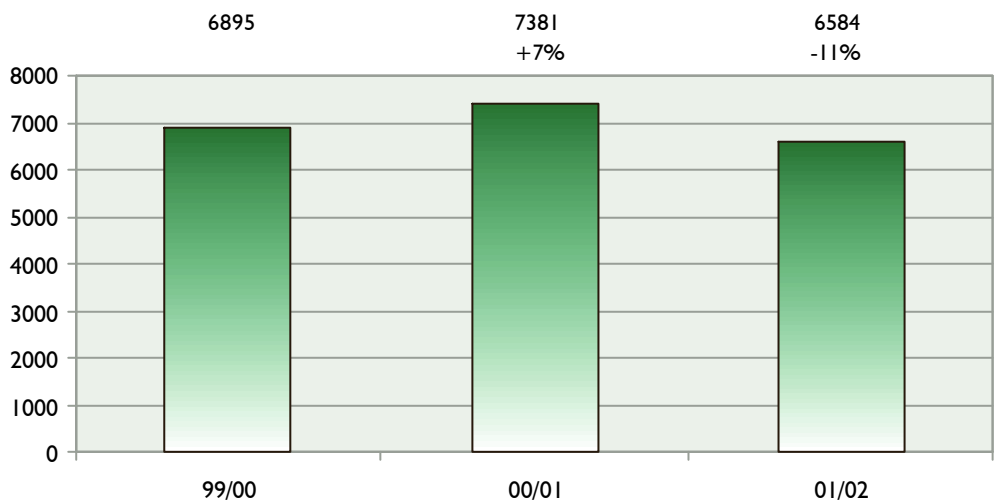
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 112% indicating the Division is reducing pending caseload.

Rehearings

From 25 February 2002 to 30 June 2002, 200 applications for a rehearing were lodged. This represents 8% of applications received during this period. Consumers lodged 62% of applications, other parties lodged 38% of rehearing applications.

**GRAPH 6
YEARLY
LODGEMENT
COMPARISONS
(General)**



HomeBuilding

The Home Building Division has jurisdiction to deal with matters under the *Home Building Act 1989*. During the 2000/2001 reporting period the Division received 4,641 applications. This includes lodgements to the previous Home Building Division of the former Fair Trading Tribunal. Matters in this Division account for 7.6% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, consumers lodged 79.5% of applications, traders 17.7%, insurers 0.2% and other parties lodged 2.6%.

Finalisations

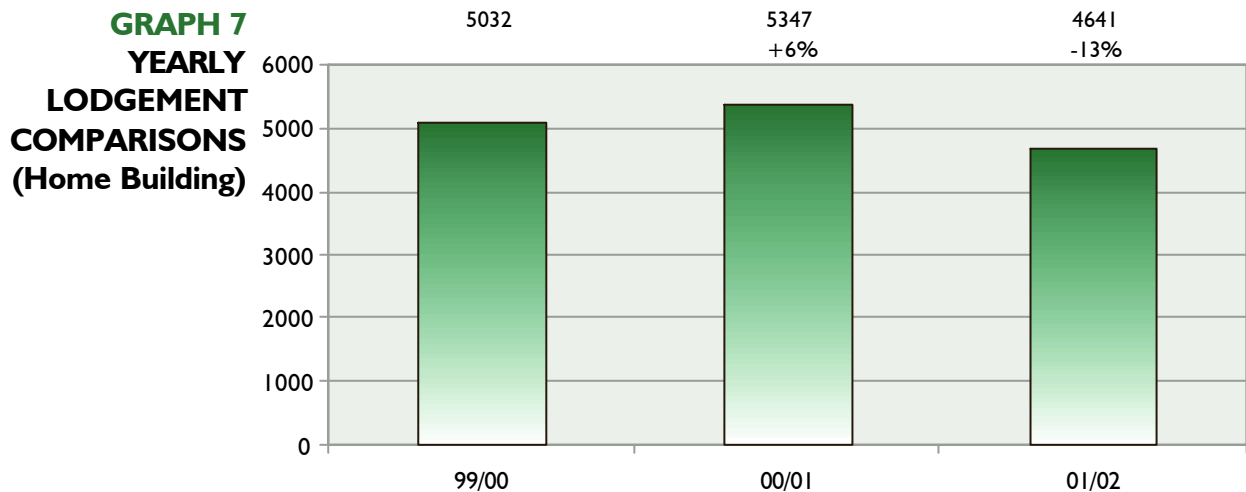
During the reporting period, this Division finalised 4,640 matters.

Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 100% indicating the Division is keeping pace with lodgements.

Rehearings

From 25 February 2002 to 30 June 2002, 132 applications for a rehearing were lodged. This represents 6% of applications received during this period. Consumers lodged 54% of applications, traders 33% and other parties lodged 13% of rehearing applications.



Building Conciliation Service

The Building Conciliation Service (BCS) operates as a specialist unit within the Home Building Division. It is the role of BCS staff to consult with parties and determine the best options to manage each application.

Options available to the case coordinators to assist in the dispute resolution process include:

- Referral to an independent expert who will meet the parties onsite, examine the issue in dispute and canvass possible solutions as well as prepare a technical report, or:
- Referral to a mediator who will meet the parties onsite and endeavour to mediate a solution, or:
- The case coordinator will work with the parties to broker a solution.

Finalised

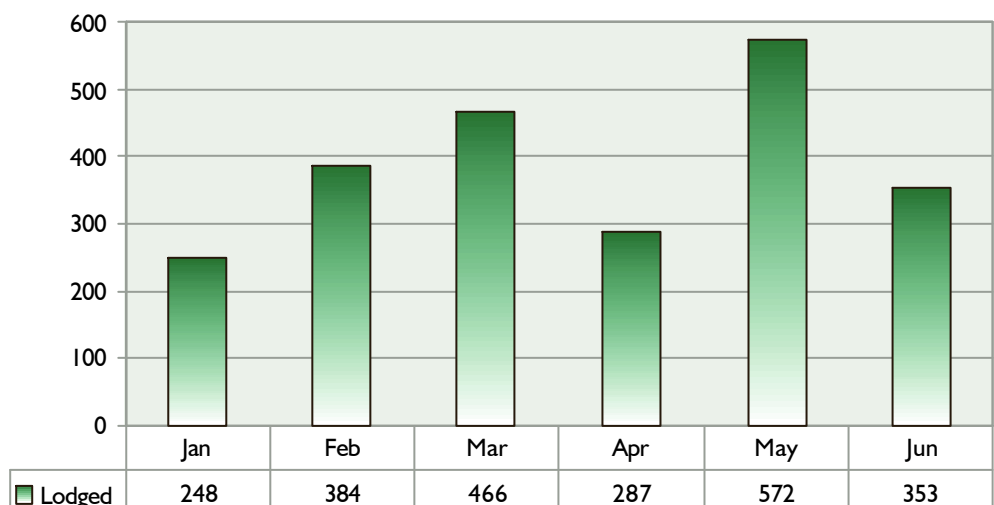
Participation in the alternative dispute resolution (ADR) process offered by the BCS is voluntary and requires the participation of both parties. If parties decline to be involved in this process the matter proceeds to hearing. Since its commencement on 1 January 2002 to 30 June 2002, the BCS has finalised 422 matters using alternative dispute resolution.

Taskforce

The Consumer, Trader and Tenancy Tribunal inherited more than 1,300 active Home Building cases from the previous Fair Trading Tribunal. As concluding these matters was a major priority for the Tribunal, a specific taskforce was set up to process these cases. As a result, more than 1,100 cases were finalised by 30 June 2002. In particular, the Tribunal singled out these delayed matters to ensure that orders were promptly prepared and dispatched. Where a further hearing was required, the application was listed quickly and the Tribunal provided appropriate resources to determine the case.



**GRAPH 8
NOTIFICATION
OF DISPUTES
RECEIVED
(BCS)**



Motor Vehicles

The Motor Vehicle Division has jurisdiction to deal with matters under the *Consumer Claims Act 1998*. During the 2000/2001 reporting period the Division received 1,422 applications. This includes lodgements to the previous Motor Vehicles Division of the former Fair Trading Tribunal. Matters in this Division account for 2.3% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, consumers lodged 92% of applications. Other parties lodged 8% of applications. All applications lodged by other parties were requests for a hearing.

Finalisations

During the reporting period, this Division finalised 1,595 matters.

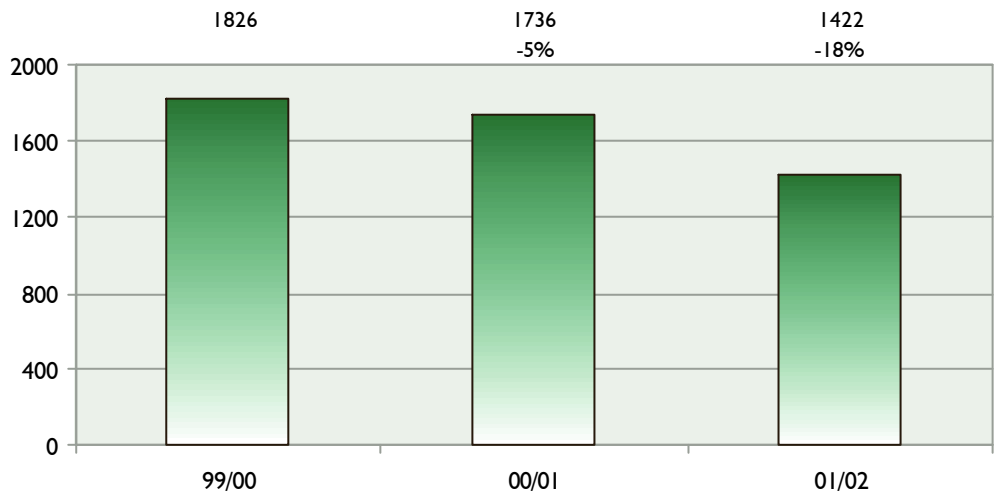
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 112% indicating the Division is reducing pending caseload.

Rehearings

From 25 February 2002 to 30 June 2002, 74 applications for a rehearing were lodged. This represents 15% of applications received during this period. Consumers lodged 45% of applications, other parties lodged 55% of rehearing applications.

**GRAPH 9
YEARLY
LODGE
MENT
COMPARISONS
(Motor Vehicles)**



Residential Parks

The Residential Parks Division has jurisdiction to deal with matters under the *Residential Parks Act 1998*. During the 2000/2001 reporting period the Division received 1,107 applications. This includes lodgements to the previous Residential Parks Division of the former Residential Tribunal. Matters in this Division account for 1.8% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, Residents lodged 53.3% of applications, park owners lodged 46.4% and occupants lodged 0.3% of applications.

Finalisations

During the reporting period, this Division finalised 1,222 matters.

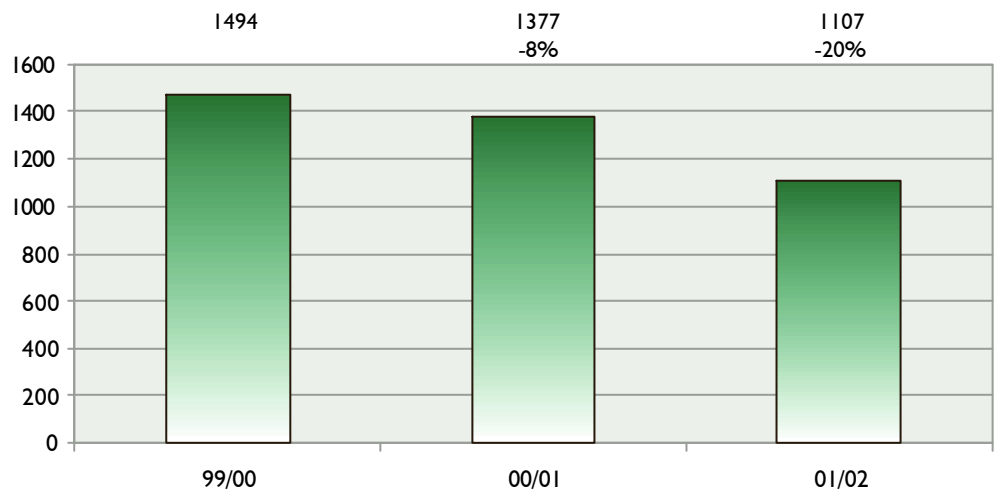
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 110% indicating the Division is reducing pending caseload.

Rehearings

From 25 February 2002 to 30 June 2002, seven applications for a rehearing were lodged. This represents 2% of applications received during this period. Residents lodged 86% of applications while park owners lodged 14% of rehearing applications.

**GRAPH 10
 YEARLY
 LODGEMENT
 COMPARISONS
 (Residential Parks)**



Strata and Community Schemes

The Strata and Community Schemes Division has jurisdiction to deal with matters under the *Strata Schemes Management Act 1996* and *Community Land Management Act 1989*. During the 2000/2001 reporting period the Division received 927 applications. This includes lodgements to the previous Strata and Community Schemes Division of the former Residential Tribunal. Matters in this Division account for 1.5% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, lot owners lodged 49% of applications, owners corporations lodged 40%, other parties lodged 9% and occupiers lodged 2%.

Finalisations

During the reporting period, this Division finalised 799 matters.

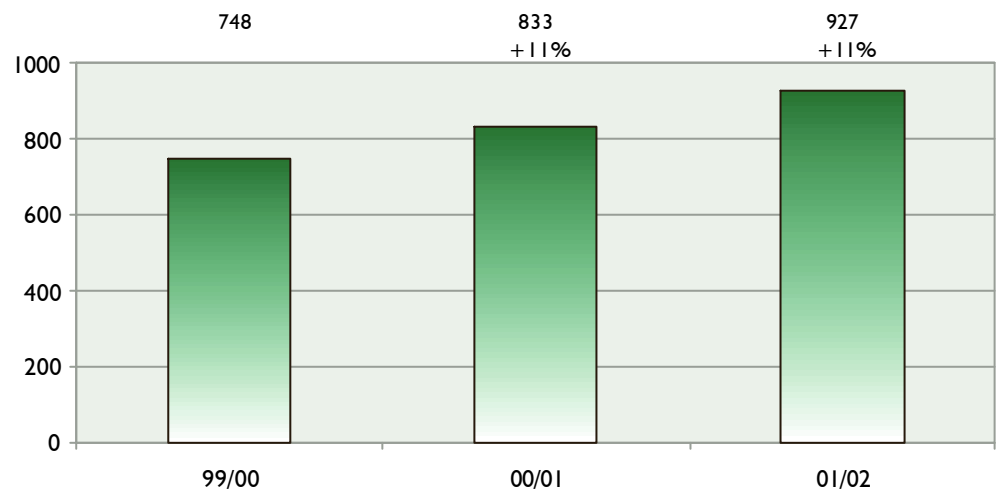
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 86% indicating the Division is accumulating cases.

Appeals

From 25 February 2002 to 30 June 2002, 27 applications were lodged requesting an appeal against an order of the adjudicator.

**GRAPH II
YEARLY
LODGEMENT
COMPARISONS
(Strata & Community
Schemes)**



Commercial

The Commercial Division has jurisdiction to deal with matters under the *Consumer Credit Administration Act 1995*, *Consumer Credit (New South Wales) Act 1995*, *Credit Act 1984*, *Credit (Finance Brokers) Act 1984*, *Credit (Home Finance Contracts) Act 1984* and *Travel Agents Act 1986*. During the 2000/2001 reporting period the Division received 322 applications. This includes lodgements to the previous Commercial Division of the former Fair Trading Tribunal. Matters in this division account for 0.5% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, debtors lodged 48% of applications, interested/affected parties lodged 23%, credit providers lodged 15%, mortgagees lodged 7% and other parties lodged 7% of applications.

Finalisations

During the reporting period, this Division finalised 401 matters.

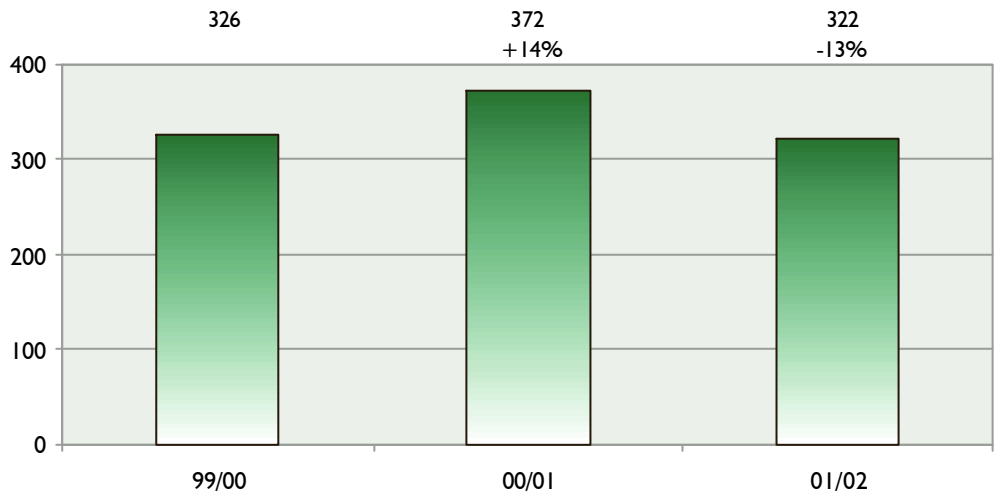
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 125% indicating the Division is reducing pending caseload.

Rehearings

From 25 February 2002 to 30 June 2002, 11 applications for a rehearing were lodged. This represents 13% of applications received during this period. Debtors lodged 36% of applications, credit providers lodged 27%, interested/affected parties lodged 18% and other parties lodged 19% of rehearing applications.

**GRAPH 12
YEARLY
LODGEMENT
COMPARISONS
(Commercial)**



Retirement Villages

The Retirement Villages Division has jurisdiction to deal with matters under the *Retirement Villages Act 1999*. During the 2000/2001 reporting period the Division received 74 applications. This includes lodgements to the previous Retirement Villages Division of the former Residential Tribunal. Matters in this Division account for 0.1% of the Tribunal's workload.

Lodgements

From 25 February 2002 to 30 June 2002, administering authorities lodged 67% of applications while residential lodged 33% of applications.

Finalisations

During the reporting period, this Division finalised 78 matters.

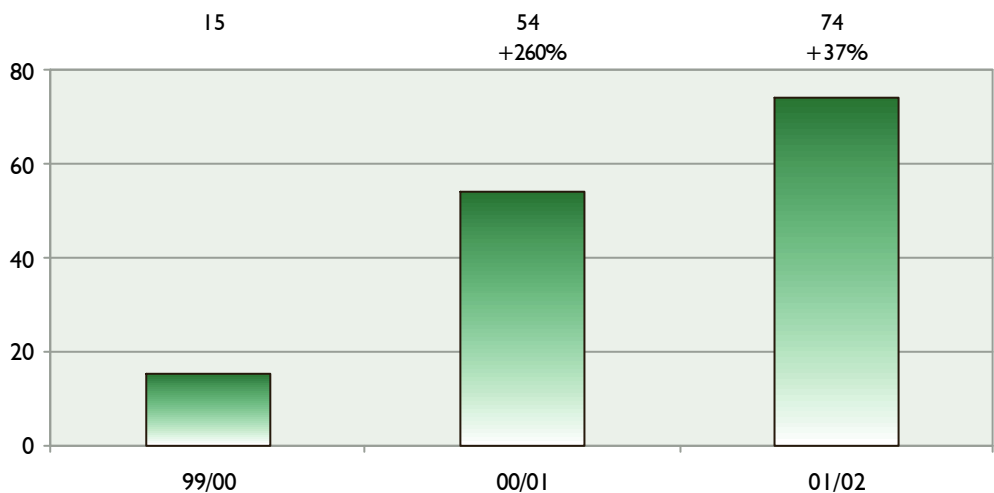
Clearance Ratio

During the reporting period, this Division achieved a clearance ratio of 105% indicating the Division is reducing pending caseload.

Rehearings

From 25 February 2002 to 30 June 2002, one application for a rehearing was lodged. This represents 7% of applications received during this period. A Resident lodged the rehearing application.

**GRAPH 13
YEARLY
LODGE
COMPARISONS
(Retirement Villages)**



Efficient, Effective and Fair Hearings

❖ Regional Services/Accommodation

Sydney

With the formation of the new Tribunal, the former Fair Trading Tribunal vacated its Sydney Registry and hearing rooms. As a consequence, office and hearing space were rationalised with a reduction of space occupied by the two former Tribunals from six floors to four in the CBD. As a result two remaining floors were sublet.

Liverpool

A new Registry and hearing rooms were established and began operation in Liverpool during February 2002.

Tamworth

In Tamworth a purpose-built Registry along with hearing rooms were released and fitted out. The new Registry opened in February 2002.

Wollongong, Parramatta, Penrith, Newcastle and Hurstville

The above former Fair Trading Tribunal Registries were modified, without disruption to customers, to allow for staff increases and co-location of staff from the former Tribunals.

The Tribunal is currently reviewing its accommodation to ensure that it is rationalised, occupationally healthy and safe and meets client needs. This includes reviewing existing services to ensure that our premises are accessible to our clients who have diverse physical needs.



❖ Hearing List Arrangements

Group Lists

The Tribunal initially lists the majority of applications, being claims under \$25,000 in a Group List. At the Tribunal's own venues, two lists are set to hearing rooms. Hearing lists commence at three times during the day being, 9:30am, 11:15am and 2:00pm. One Member is assigned a list each and at least one other Member is available for conciliation.

In cases where both the applicant and the respondent appear, the Tribunal offers assistance to endeavour to resolve the dispute through negotiation. If an agreement is reached, then the agreement is confirmed with the Tribunal making of enforceable orders.

Listing according to this model provides flexibility to both the Tribunal and the parties to adapt the first hearing to their needs. This listing practice is demonstrably successful with approximately 65% of cases resolved at the first hearing.

Directions Lists

Directions Lists are applied to cases where the value of the claim exceeds \$25,000. In these more complex cases, the purpose of the first hearing is to make procedural directions so that all aspects of the dispute are identified and a timetable is established for hearing the application. An example of extensive use of this process is with Home Building Division applications.

❖ Regional Sitings

The Tribunal is developing a strategy to provide adequate services to regional areas. The Tribunal must use the premises of other organisations in locations throughout the State as it only has dedicated hearing rooms in Campbelltown and Blacktown in addition to its eight Registries. Local Court premises are often used in regional locations on the following basis: they suit the size of Tribunal lists and are able to be made easily secure.

The Tribunal presently sits:

- Twice per week Gosford, Wyong, Lismore
- Once per week Hornsby, Taree, Kempsey, Port Macquarie, Coffs Harbour, Tweed Heads and Ballina.
- Other centres are serviced as necessary.

❖ Conciliation Resources

At all Tribunal Registries and hearing rooms, the Tribunal has conciliation rooms available for parties to utilise during confidential conciliation. Where possible the Tribunal also allocates a Member specifically for conciliation.

❖ Enforcement

The Tribunal, like all other tribunals, is required to refer the enforcement of its money orders to the Local Court or District Court. Orders for the possession of premises are executed by the Office of the Sheriff of NSW following the issuing of a warrant for possession by the Tribunal.

The Tribunal issued 3,755 warrants for possession and 5,852 certified money orders to parties in the reporting period. When compared to last financial year there has been a 7% increase in warrants issued and a 12% decrease in certified money orders issued.

Failure to comply with a Tribunal order, other than a money order, may be referred to the Compliance Branch of the Department of Fair Trading by the parties or the Tribunal.

❖ Security

During the period, the Tribunal contracted with Business & Procurement Consulting of Public Works, to release a tender for security services to the Tribunal to enhance services in various locations whilst minimising costs. The selection process is well advanced and it is expected that the successful tenders will be announced early in the 2002/2003 financial year.

❖ Motor Vehicles and Parking

The former Tribunals' fleet cars were amalgamated and rationalised. Cars have now been placed at Dubbo and the Central Coast to provide greater flexibility to service those areas. Parking allocations have also been rationalised and costs minimised.

❖ Disability Access

With the assistance of the Department of Fair Trading, the Tribunal has undertaken a review of accessibility to Registry and hearing rooms for disabled users. Whilst in general few problems have been identified, the Tribunal is working towards enhancing premises to ensure that Registry and hearing rooms are accessible to disabled people. Steps taken include the investigation of the installation of hearing loops and improving signage.

❖ TTY

The Tribunal has installed Typewriter Telephone facilities for people who are speech or hearing impaired.

❖ **Ethnic Affairs Priorities Statement Report**

Services to people from non-English speaking backgrounds include:

- Free telephone or in-person interpreters services as required.
- Within the Tribunal, 13 Registry officers, covering seven languages, receive the Community Language Allowance Scheme (CLAS) allowance to provide language assistance to clients.
- Application forms containing translating and interpreting information in 16 community languages.
- Pre-hearing information factsheets printed in seven community languages.
- The Renting Guide available in 17 community languages, available at all Tribunal Registries.
- Access to Tribunal procedures in community languages from the Department of Fair Trading's website.

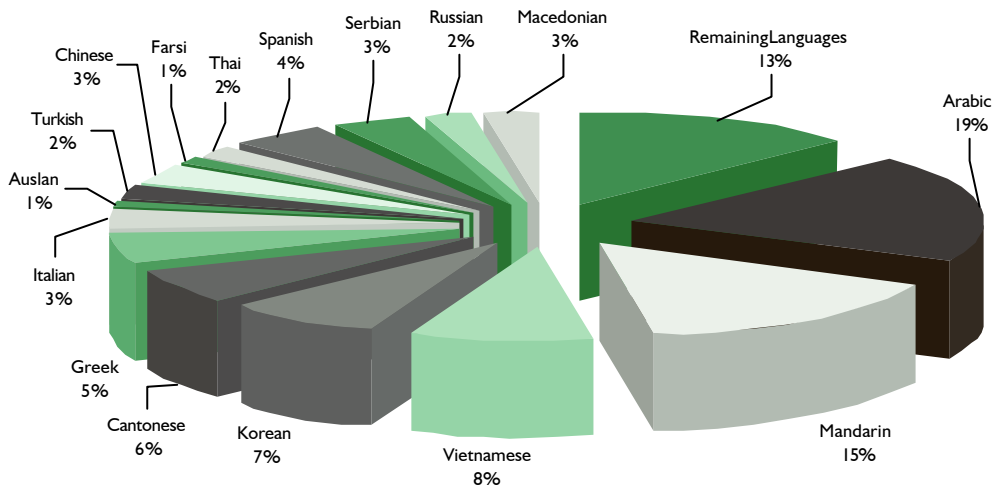
Staffing profile:

The Tribunal's staff consists of 22% of people whose language first spoken as a child was not English.

Data is collected on language groups using the interpreter services to better understand community language needs.

The Tribunal is engaged in consultation with the Department of Fair Trading in considering what other steps can be taken to improve language assistance to users.

**GRAPH 14
 INTERPRETER
 LANGUAGE USE**



Accessible and Inexpensive

❖ **Application Forms**

The Tribunal has developed new application forms that are now Division specific. All application forms contain general information about Tribunal procedures including the conciliation and hearing process. Application forms also contain the orders that may be made within that Division.

The Building Conciliation Service developed an application form which streamlined the process of lodging applications to the Tribunal. Applicants are now only required to complete the Notice of Dispute to bring a matter before the

Tribunal alleviating the requirement to lodge two applications if alternative dispute resolution is unsuccessful.

New rehearing application and renewal of proceedings forms were also created and printed in the reporting period.

Application forms located at www.fairtrading.gov.nsw.au were updated for easier public access. This site now contains all Tribunal application forms and can also be easily located through www.cttt.nsw.gov.au.

❖ Telephone and Facsimile Services

A new automated telephone system with a centralised 1300 number was introduced. This system requests clients to enter a postcode which then directs their call to the Registry Team dealing with their case.

Initially the system experienced some difficulties. A successful overhaul has now ensured the system runs smoothly. It is envisaged that during 2002/2003 the Tribunal will introduce informative messages for caller to listen to in the event that they are transferred or their call placed on hold.

❖ Community Education

A series of public information sessions were arranged and held throughout the State. These sessions are designed to improve public awareness of the Tribunal's role and activities in rural and regional New South Wales.

Student groups and other interested parties have also toured the Tribunal's facilities to observe hearings and gain first hand experience of Tribunal procedures.

❖ Publications and Policy Documents

Consumer, Trader and Tenancy Tribunal application forms and information are specialised to include information regarding:

- Tenancy Division
- General Division
- Home Building Division (notification & orders form)
- Motor Vehicles Division
- Residential Parks Division
- Strata & Community Schemes Division
- Commercial Division
- Retirement Villages Division
- Rehearing application form
- Notice to Renew Proceedings
- Introducing the new Consumer, Trader and Tenancy Tribunal leaflet

❖ Freedom of Information

The judicial functions of the Tribunal are exempt under Section 10 of the *Freedom of Information Act*.

Under Commonwealth legislation the Tribunal is required to provide access to information on case files to the Department of Social Security.

Parties to proceedings have access to the information contained on their case files in accordance with the provisions of Clause 38 of the Consumer, Trader and Tenancy Tribunal Regulation 2002.

❖ Tribunal Operational Committees

Representatives of the Tribunal participated in Consultative Committee meetings. For example, senior Tribunal staff attended meetings with interested parties from the Motor Vehicles, General, Tenancy, Commercial, Residential Parks and Home Building Divisions.

The Tribunal currently operates eight consultative committees with industry groups to obtain ideas and feedback on procedural and listing initiatives. As a result of these consultative initiatives the Tribunal is able to make operational changes to improve services to its clients.

Consumer, Trader And Tenancy Tribunal Consultative Committees

❖ Tenancy Division

- Property Owners Association
- Real Estate Institute of NSW
- Tenants Union of NSW
- South West Tenants Advice
- Renting Service, Department of Fair Trading
- Southern Sydney Tenancy Service
- EAC Multilist
- Combined Pensioners & Superannuants Association
- Public Tenants Council (Central Sydney)
- Department of Housing
- ARCH
- NSW Federation of Housing Association Inc
- NSW Aboriginal Housing Office
- Gandangara Local Lands Council

❖ General Division

- Australian Consumers Association
- Combined Pensioners and Superannuants Association
- Community Relations Commission
- Disability Council of NSW
- Australian Retailers Association NSW
- Pawn Brokers Association of NSW
- Department of Fair Trading
- Attorney General's Department, Law Access NSW

❖ Home Building Division

- Law Society of NSW
- Master Builders Association
- NSW Bar Association
- Housing Industry Association
- National Electrical and Communications Association of NSW
- Royal Australian Institute of Architects
- Master Plumbers and Mechanical Contractors Association of NSW
- Swimming Pool and Spa Association of NSW
- Building and Construction Council NSW Inc
- Australian Institute of Building
- Institution of Engineers Australia
- Civil Contractors Federation
- Department of Fair Trading

❖ Motor Vehicles Division

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

❖ Residential Parks Division

- Caravan & Camping Industry Association
- Affiliated Parks Residents Association
- Combined Pensioners & Superannuants Association
- Central Coast (North) Park Residents Association
- Energy and Water Ombudsman NSW

❖ Strata and Community Schemes Division

- Institute of Strata Title Management
- Home Unit Owners Association
- Property Owners Association of NSW
- Tenants Union of NSW
- Combined Pensioners and Superannuants Association

❖ Commercial Division

- Consumer Credit Legal Centre
- Financial Counsellors Association of NSW & ACT
- Legal Aid Commission of NSW
- Kemp Strang Lawyers
- Department of Fair Trading
- Redfern Legal Centre
- Wesley Counselling Services

❖ Retirement Villages Division

- Combined Pensioners & Superannuants Association
- Retirement Village Association of NSW & ACT
- Australian Consumers Association
- The Aged-Care Rights Service
- Housing Industry Association
- Aged Services Association of NSW
- Nursing Homes and Extended Care Association
- Council on the Ageing (NSW) Inc
- Wesley Mission

Currency of Expertise and Knowledge

❖ Complaints Handling

Matters relating to the conduct of proceedings by the Tribunal are handled by the Chairperson. Complaints concerning the Registry and its procedures are addressed by the Registrar.

A total of 221 written complaints were received by the Consumer, Trader and Tenancy Tribunal. The majority of these complaints dealt with matters and issues associated with the two former Tribunals. The Tribunal is committed to responding to complaints within 21 days. The majority of correspondence is dealt with within 14 days.

❖ Technology Available for Public, Members and Staff to Access Information in many Locations

A computer has been provided in the public areas at all Tribunal Registries for clients to access significant case decisions and legislative provisions.

All Registries have a direct telephone link in the public area connected to the Department of Fair Trading's information call centre, for clients needing information about their matter.

❖ Registry Training

Cross training of Registry staff and Members from the former Tribunals commenced in November 2001 to ensure the development of specialist legislative and procedural knowledge before the commencement of the new Tribunal. Change management procedures were implemented to facilitate the effective integration of the former two Tribunals.

Ongoing training on procedures and legislative change is conducted monthly and is part of the Tribunal's strategy to achieve long-term improvements by implementing best practice methodologies across the operational areas of its Registry.

❖ External training

Registry staff attended training sessions which included topics regarding Team Participation and Telephone Customer Service.

- 16 Officers attended a six week (one day per week) Team Leader training program.
- Three managers completed the Public Sector Management Course.

❖ Member Training

The Tribunal conducted formal training for all Tribunal Members during December 2001, January 2002 and May 2002. Informal training continues for Members with all new Members receiving a minimum of four days on the job training.



**CTTT Registry Staff
by Level**
& EEO Representation**

| Level | Total Officer | Officer responding to EEO data | Men | Women | Aboriginal & Torres Strait Islander People | People from Racial, Ethnic, Ethno-Religious Minority groups | People whose Language First Spoken as a Child was not English | People with a Disability | People with a Disability requiring Adjustment at Work |
|---------------------|---------------|--------------------------------|-----|-------------|--|---|---|--------------------------|---|
| \$27,606 - \$36,258 | 3 | 3 | 2 | 1 | 0 | 0 | 0 | 0 | 0 |
| \$36,259 - \$40,535 | 62 | 56 | 9 | 53 | 3 | 23 | 16 | 4 | 1 |
| \$40,536 - \$51,293 | 31 | 31 | 7 | 24 | 1 | 11 | 8 | 3 | 2 |
| \$51,294 - \$66,332 | 34 | 34 | 13 | 21 | 0 | 7 | 5 | 3 | 0 |
| \$66,333 - \$82,914 | 10 | 10 | 3 | 7 | 0 | 0 | 0 | 0 | 0 |
| >\$82,914 (non-SES) | 2 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 |
| \$82,914 (SES) | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 144* | 138 | | 109* | 4 | 43* | 31* | 12* | 4* |

*Totals provided only where staff may be identified

**Information provided by Department of Fair Trading

**CTTT Registry Staff
by Employment Basis****

| Level | Total Officer | Officer responding to EEO data | Men | Women | Aboriginal & Torres Strait Islander People | People from Racial, Ethnic, Ethno-Religious Minority groups | Peoples whose Language First Spoken as a Child was not English | People with a Disability | People with a Disability requiring Adjustment at Work |
|-------------------|---------------|--------------------------------|------------|-----------|--|---|--|--------------------------|---|
| Permanent: | 136 | 132 | 32 | 103 | 4 | 39 | 28 | 11 | 3 |
| Full Time | 120 | 116 | 32 | 88 | 4 | 37 | 26 | 10 | 2 |
| Part Time | 16 | 16 | 0 | 15 | 0 | 2 | 2 | 1 | 1 |
| Temporary: | 6 | 4 | 0 | 5 | 0 | 4 | 2 | 1 | 1 |
| Full Time | 6 | 4 | 0 | 5 | 0 | 4 | 2 | 1 | 1 |
| Part Time | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SES | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 144 | 138 | 35* | 9* | 4 | 43 | | 12 | 4 |

*Totals provided only where staff may be identified

**Information provided by Department of Fair Trading

**CTTT Officer
Classification
Profile to June 2002**

| | |
|----------------------------------|------------|
| SES | 2 |
| Senior Officers | 2 |
| Statutory Appointees – Full Time | 25 |
| Statutory Appointees – Part Time | 90 |
| Legal Officers | 1 |
| Clerks | 139 |
| Grand Total | 259 |

| <u>EXPENDITURE</u> | | \$,000 |
|---|--|---------------|
| <u>Salary and Related Payments</u> | Salaries | 4,862 |
| | Statutory Appointees | 5,714 |
| | Employment Agencies & Security Services | 1,874 |
| | Annual Leave | 528 |
| | Overtime | 160 |
| | Meal Allowance | 14 |
| | Long Service Leave | 326 |
| | Superannuation | 976 |
| | Workers Compensation | 71 |
| | Payroll Tax | 780 |
| | Fringe Benefit Tax | 77 |
| | | 15,382 |
| <u>Operational Expenditure</u> | Office Accommodation | 3,263 |
| | Postage and Couriers | 370 |
| | Telephones | 432 |
| | Minor Computer Purchases and Consumables | 155 |
| | Fees | 1,131 |
| | Training and Development Fees | 71 |
| | Motor Vehicle Expenses | 116 |
| | Travel Expenses | 485 |
| | Minor Equipment, Consumables and Stores | 562 |
| | Minor Miscellaneous Expenses | 102 |
| | | 6,687 |
| Depreciation | | 830 |
| Total Operational Expenses | | 22,899 |
| Administrative On Costs | | 2,370 |
| Total Recurrent Expenditure | | 25,269 |
| Capital Expenditure | | 1,362 |
| TOTAL EXPENDITURE | | 26,631 |

| <u>REVENUE</u> | | \$,000 |
|--|--|-----------------|
| Lodgements Fees | | (1,521) |
| Contribution from Rental Bond Board | | (7,034) |
| Contribution from Statutory Interest Account | | (16,419) |
| | | (24,974) |
| Net Cost of Services | | 1,657 |
| Less Non Cash Transactions – Depreciation | | 830 |
| CASH DEFICIT | | 827 |

***Figures provided by Department of Fair Trading

The Tribunal's full financial figures are included in the Independent Audit Report of the Department of Fair Trading Year ended 30 June 2002 and published in that Annual Report.