



**NCAT**  
NSW Civil and  
Administrative  
Tribunal

# NCAT Annual Report 2023–2024



# Acknowledgement of Country

The NSW Civil and Administrative Tribunal (NCAT) acknowledges the ongoing connection Aboriginal people have to the land on which we work and live. We recognise our First Nations people as the traditional custodians of our Country and pay our respects to Elders past, present and emerging.



**NCAT**  
NSW Civil &  
Administrative  
Tribunal

The Hon. Michael Daley MP  
Attorney General  
GPO Box 5341  
SYDNEY NSW 2001

Dear Attorney,

I am pleased to submit the 2023-24 Annual Report for the NSW Civil and Administrative Tribunal.

The report summarises the Tribunal's performance and outcomes achieved during the period 1 July 2023 to 30 June 2024.

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](http://www.ncat.nsw.gov.au).

Yours sincerely,

**The Hon Justice Lea Armstrong**  
President  
NSW Civil and Administrative Tribunal

# Table of Contents

---

|   |           |
|---|-----------|
| <b>President’s Report</b> .....                       | <b>5</b>  |
| <b>2023-24 in Review</b> .....                        | <b>7</b>  |
| <b>Independence</b> .....                             | <b>9</b>  |
| Legislative framework .....                           | 9         |
| Member appointments and tenure.....                   | 9         |
| Administrative support .....                          | 10        |
| Budget and funding sources .....                      | 10        |
| <b>Leadership and effective management</b> .....      | <b>12</b> |
| Leadership group .....                                | 12        |
| Governance.....                                       | 13        |
| Disclosure of information.....                        | 14        |
| <b>Fair treatment</b> .....                           | <b>15</b> |
| Member Code of Conduct.....                           | 15        |
| Internal appeals.....                                 | 15        |
| Service Charter and service enhancement projects..... | 16        |
| Procedures and processes.....                         | 16        |
| Representation before NCAT .....                      | 17        |
| Interpreter services.....                             | 17        |
| Multicultural issues.....                             | 18        |
| <b>Accessibility</b> .....                            | <b>19</b> |
| Accessibility of services.....                        | 19        |
| NCAT website and social media.....                    | 19        |
| Resources.....  | 20        |
| Hearing locations and times.....                      | 20        |
| Fees and charges .....                                | 21        |
| Legal assistance.....                                 | 21        |
| Additional assistance .....                           | 22        |
| Procedural directions, guidelines and policies .....  | 22        |

|  |           |
|--|-----------|
| <b>Professionalism and integrity</b> .....             | <b>24</b> |
| Competency framework and performance appraisal.....    | 24        |
| Member qualifications .....                            | 24        |
| Code of Conduct.....                                   | 24        |
| Professional development, appraisal and training ..... | 24        |
| Appeals .....  | 25        |
| <b>Accountability</b> .....                            | <b>26</b> |
| Hearings open to the public.....                       | 26        |
| Service charter.....                                   | 26        |
| Complaint handling mechanisms.....                     | 26        |
| Stakeholder engagement.....                            | 27        |
| Publication of reasons for decisions .....             | 27        |
| Other engagement with the community.....               | 27        |
| <b>Efficiency</b> .....                                | <b>28</b> |
| Performance standards and monitoring.....              | 28        |
| Promotion of resolution processes.....                 | 28        |
| Flexibility of membership and procedures.....          | 29        |
| Use of digital technologies .....                      | 29        |
| <b>User needs and satisfaction</b> .....               | <b>30</b> |
| Use of NCAT website and social media.....              | 30        |
| Customer feedback and surveys .....                    | 30        |
| Stakeholder interaction.....                           | 31        |
| Internal appeals.....                                  | 31        |
| Complaints data.....                                   | 31        |
| <b>Divisional and Appeal Panel Reports</b> .....       | <b>32</b> |
| Administrative and Equal Opportunity Division .....    | 33        |
| Consumer and Commercial Division .....                 | 37        |
| Guardianship Division .....                            | 42        |
| Occupational Division .....                            | 48        |
| Appeal Panel.....                                      | 53        |
| <b>Appendices</b> .....                                | <b>58</b> |
| Appendix 1 – Legislation.....                          | 59        |
| Appendix 2 – Major Legislative Change .....            | 63        |
| Appendix 3 – Tribunal Members as at 30 June 2024 ..... | 64        |

|   |     |
|---|-----|
| Appendix 4 – NCAT Member Code of Conduct.....                                     | 93  |
| Appendix 5 – NCAT Expenditure Report.....   | 98  |
| Appendix 6 – Service Standards: Lodgement to Finalisation.....                    | 99  |
| Appendix 7 – Resolution Processes .....   | 101 |
| Appendix 8 – Fees and charges as at 30 June 2024 .....                            | 105 |
| Appendix 9 – NCAT Liaison Group and Divisional Consultative Forum Membership..... | 107 |

## NCAT Annual Report Structure

NCAT has structured the information in this annual report, in addition to the President’s Report and 2023-24 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
- User 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

---

## Celebrating a Decade of NCAT

This year marks the 10th anniversary of the NSW Civil and Administrative Tribunal (NCAT). NCAT was established by the *Civil and Administrative Tribunal Act 2013* (NSW) ('NCAT Act') and commenced operations on 1 January 2014. The functions of 22 tribunals were consolidated into a single tribunal. The purpose of establishing NCAT was to provide the people of New South Wales with a cost-effective, informal and efficient forum for resolving a range of civil and administrative disputes and other matters.

As we reflect on NCAT's achievements over the past 10 years, the most significant is the volume of work undertaken during this period. Since its establishment, NCAT has received over 700,000 applications and conducted more than 900,000 hearings, whilst maintaining an average clearance ratio of over 100%. These figures highlight the demand for NCAT's services.

Amidst this significant activity, there was the physical relocation of two Sydney-based Registries and hearing rooms to our current location at John Maddison Tower and the adjacent Civic Tower in 2016 and 2017. The Liverpool Registry was upgraded to new premises in 2019 and we opened a new NCAT Registry and hearing venue in Parramatta in 2021. Concurrently, we undertook the task of implementing a unified case management system across all Divisions of NCAT and its internal appeal panel. This major digitisation project was completed over an eight-year period from 2015 to 2023 with the assistance of the NSW Department of Communities and Justice. Additionally, the NCAT website has seen three major redesigns, with 30 million visits recorded in the past decade.

NCAT has also navigated numerous challenges over the years. Our increasing workload experienced across

all Divisions, particularly in the Guardianship Division, has tested our capacity and resources. The COVID-19 pandemic presented unprecedented obstacles, necessitating rapid adaptation of our operations to maintain service continuity. Despite these hurdles, we have focused on delivering timely and fair resolutions, innovating and refining our processes to meet the evolving needs of our users and the community.

Our commitment to continuous improvement has enabled NCAT to remain efficient and accessible. By regularly reviewing and refining our procedures, and leveraging the flexibility of NCAT's structure, we have achieved more efficient case handling and avoided backlogs. The 5-year statutory review of the NCAT Act conducted in 2019 confirmed that the Act's content and structure provided NCAT with the ability to tailor practices and procedures to adapt to future changes in workload and the operating environment.

## Launch of inaugural Aboriginal Tenancy List

In September 2023, NCAT launched the Aboriginal Tenancy List within the Consumer and Commercial Division. The List is a dedicated Group List for Aboriginal and Torres Strait Islander people involved in a tenancy or social housing dispute and facilitates access to Aboriginal service providers and specialist Aboriginal tenant advocates. Available statewide and held fortnightly, parties can voluntarily opt into the List upon request.

The aim is to increase engagement and participation rates of Aboriginal and Torres Strait Islander tenants with the NCAT process by connecting parties with advocacy and support services that assist them to navigate the system, advocate their case and make informed decisions about their circumstances.

## Ongoing commitment to digital transformation

Digital transformation has been a cornerstone of NCAT's progress, with the introduction of online application processes in some Divisions, virtual hearings, and electronic case management systems. These advancements have significantly enhanced access to our services and streamlined administrative operations, making it easier for users to engage with NCAT.

Over the past 12 months, we have successfully integrated all NCAT Divisions and the Appeal Panel into a single case management system. Additionally, we launched the new 'NCAT Online Services' registry portal, enabling users to file online, upload documents and evidence, and view case file details for all Consumer and Commercial Division matters.

In the coming years, we will continue to enhance our online services and explore new opportunities to expand our digital offerings. Our goal is to deliver high-quality, people-centred tribunal services, ensuring everyone has easy access to simple and efficient processes supported by digital technology.

## Member recruitment and professional development

On 31 October 2023, I commenced a further 5-year term as the President of NCAT. As head of one of Australia's largest and busiest tribunals, I will continue to lead the Tribunal in its efforts to deliver outcomes efficiently, fairly and cost-effectively for all parties involved, in accordance with its statutory objectives.

In February 2024, Judge Susanne Cole's appointment as Deputy President and Head of the Administrative and Equal Opportunity Division and Occupational Division came to an end and she elected not to seek reappointment. Judge Cole has continued her judicial career, now serving on the District Court of NSW. I would like to thank Judge Cole for her significant contribution and leadership during her 5-year term at

NCAT. In April 2024, Rashelle Seiden SC commenced her appointments as District Court Judge, a full-time Deputy President of NCAT, and Head of the Administrative and Equal Opportunity and Occupational Divisions. Her Honour brings to NCAT over 30 years of legal expertise and experience.

Recruitment was undertaken throughout the reporting period to refresh our membership. In 2023-24, NCAT welcomed 50 new Members, and 34 experienced Members were reappointed for further terms.

Members are appointed by the NSW Attorney General to NCAT's Divisions following a merit-based recruitment process. As at 30 June 2024, there were 290 Tribunal Members. Of these, 17 are appointed on a full-time basis. The remaining membership are part-time (sessional) Members. This structure provides NCAT with flexibility but also presents challenges in the face of the increasing demand for tribunal services.

Division-specific training was conducted for Members throughout the reporting period on legal and procedural updates. In addition, training was held for Members during the year on working with interpreters in a legal setting and Aboriginal and Torres Strait Islander cultural awareness. The ongoing professional development and support of our Members plays an integral role in promoting the quality and consistency of Tribunal decisions.

**The Hon Justice Lea Armstrong**  
President



# 2023-24 in Review

## 71,223

Applications lodged

- 6.8% decrease in applications lodged compared to 2022-23
- 616 appeals lodged

## 60.3%

Lodged online

- 82.5% of applications in the Consumer and Commercial Division lodged online

## 104,837

Hearings and other listing events

- Held in 48 locations across NSW
- Includes hearings, case conferences, conciliation, directions, expert conclaves, interim orders and mediation sessions.

## 70,666

Matters finalised

- 7.6% decrease in finalisations compared to 2022-23
- Achieved an overall clearance ratio of 99.2%

## 88

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

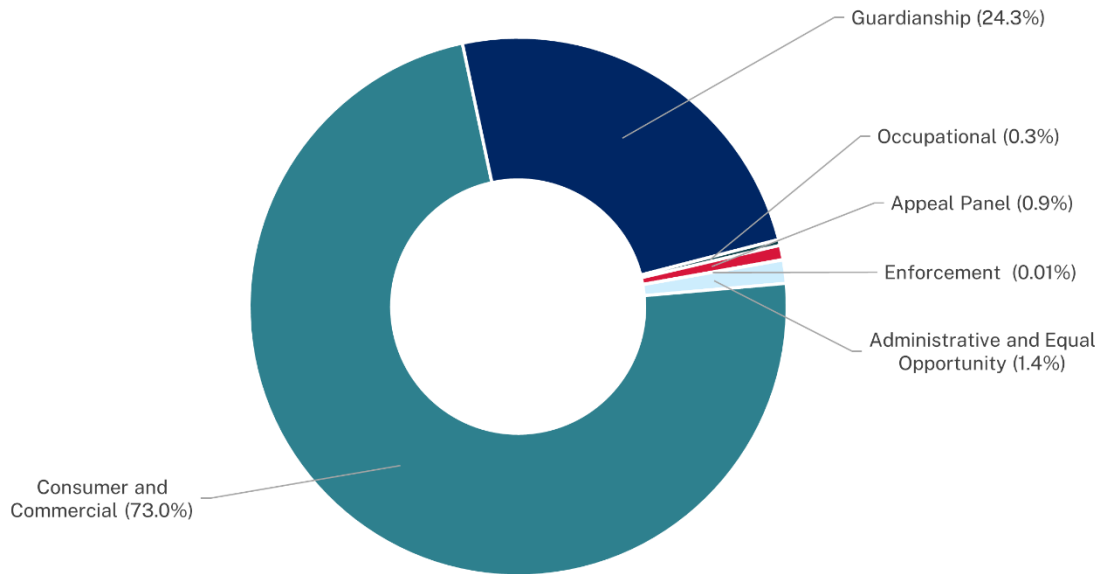
## 1.3 million+

Website visits

- 1,372,331 visitors to the NCAT website
- 3,018,673 pages viewed online
- 1,730 followers on X (formerly Twitter)
- 3,999 e-newsletter subscribers

NOTE: In November 2023, the JusticeLink case management system was implemented in NCAT's Consumer and Commercial Division and Enforcement Division. This report combines data sources from both JusticeLink and legacy case management systems. The two systems have differing approaches to data capture and as a result care should be taken when comparing with previous years' data.

## 2023-24 Applications



| DIVISION                               | NUMBER        | % OF TOTAL    |
|--|---------------|---------------|
| Administrative and Equal Opportunity   | 997           | 1.4%          |
| Consumer and Commercial                | 52,028        | 73.0%         |
| Guardianship                           | 17,323        | 24.3%         |
| Occupational                           | 249           | 0.3%          |
| Appeal Panel                           | 616           | 0.9%          |
| Enforcement (Penalties and Contempt) * | 10            | 0.01%         |
| <b>TOTAL</b>                           | <b>71,223</b> | <b>100.0%</b> |

\* Enforcement (civil penalty and contempt applications) under section 77 of the NCAT Act.

# 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.’

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p. 11*

## Legislative framework

NCAT is an independent tribunal established by the *Civil and Administrative Tribunal Act 2013 (NSW)* (NCAT Act). The NCAT 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 section 3(a) and (g) of the NCAT Act include the establishment of NCAT as an independent tribunal, 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 processes in place to monitor and assess these aspects of its work. These objectives underlie the work of NCAT’s Members and Registry staff, and inform the delivery of NCAT’s services across NSW.

In their decision-making functions, Members are independent of, and not subject to the direction of the executive branch of Government, and have the same protections and immunity from suit as a Judge of the Supreme Court of New South Wales.

The independent decision-making role of NCAT is engaged by 160 separate Acts and subordinate legislation that confer broad and diverse powers on NCAT. These powers are exercised by the four Divisions and the Appeal Panel of NCAT.

A list of the enabling legislation is provided at Appendix 1. Information about legislative changes during the year is provided at Appendix 2.

## Top ten matters

by volume 2023-24

- Residential tenancy and social housing matters
- Guardianship and financial management matters in relation to people with impaired decision-making capacity
- Consumer claims
- Home building matters
- Strata and community schemes, retirement villages and similar matters
- Motor vehicle matters
- Administrative review of government decisions including access to government information and privacy matters
- Other commercial matters (including retail lease, agricultural tenancy and agency disputes)
- Internal appeals
- Anti-discrimination matters

## Member appointments and tenure

NCAT’s membership is structurally separate from the legislative and executive branches of government. The NCAT 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 that role by the Governor of New South Wales. The Governor also appoints the Deputy Presidents of the Tribunal. Principal Members, Senior Members and General Members are appointed by the Attorney General. Aside 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 are assigned by the President to a Division of the Tribunal and may be cross-assigned by the President to other Divisions.

At 30 June 2024, NCAT had 290 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's services are available and accessible.

Apart from the appointment of current and former senior Judicial Officers as Members of the Tribunal, appointment of new Members by the Governor or the Attorney General follows a merit-based recruitment process approved by the Attorney General. The process typically 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 of NCAT, whose duty under the NCAT Act is to provide advice concerning appointments to the Attorney General.

Member recruitment activity was completed during the year and refreshed the Tribunal's membership. A number of existing Members were also reappointed for further terms.

Whether a Member is assigned to one Division or cross-assigned to other Divisions depends on the needs of the Divisions in question at the particular time, as well as the expertise of the particular Member. 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.

## Administrative support

Each Division of NCAT and the Appeal Panel has dedicated Registries that provide administrative support to its Tribunal Members. Administrative support is provided by Registry staff, under the direction of NCAT's Executive Director and Principal Registrar.

Staff operate out of dedicated NCAT Registry offices located in the Sydney CBD, and across metropolitan and regional areas. As at 30 June 2024, NCAT had 215.33 full-time equivalent (FTE) Registry staff.

## Budget and funding sources

NCAT's budget is made up of:

- Filing and other fees received by NCAT for its services as allowed for under the Civil and Administrative Tribunal Regulation 2022 (NSW)
- Recurrent funding through the NSW Treasury
- Funds from various government agencies for cost recovery of work performed. Examples include:
  - NSW Public Purpose Fund, which funds professional discipline matters involving legal practitioners in accordance with the *Legal Profession Uniform Law Application Act 2014* (NSW)

- NSW Department of Customer Service, derived from statutory sources including the Property Services Statutory Interest Account, the Rental Bond Board, and the Home Building Administration Fund
- NSW Department of Customer Service in conjunction with the Small Business Commissioner, which provides funding to NCAT to deliver effective services that support timely resolution of disputes under the *Retail Leases Act 1994* (NSW)
- Health Professional Councils, and the Australian Health Practitioner Regulation Agency.

Appendix 5 contains NCAT's Expenditure Report for the 2023-24 financial year.

# 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.’

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p. 14*

---

## Leadership group

### President

The President of NCAT is the Hon Justice Lea Armstrong, Her Honour has held this role since 31 October 2018.

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 Tribunal Members.

### 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 (subject to the direction of the President), and exercises statutory functions conferred by the NCAT Act as well as functions under delegation from the President.

As of 30 June 2024, the Division Heads (full-time Deputy Presidents) were:

- Judge Rashelle Seiden, Head of the Administrative and Equal Opportunity Division and Occupational Division (appointed to the role in April 2024)
- Mark Harrowell, Head of the Consumer and Commercial Division
- Anne Britton, Head of the Guardianship Division.

As of 30 June 2024, there were two part-time Deputy Presidents of the Tribunal: Acting District Court Judge Nancy Hennessy and Stuart Westgarth.

### Executive Director and Principal Registrar

The Executive Director and Principal Registrar of NCAT is Michelle Brazel. 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 NCAT Act and other legislation and functions delegated by the President.

### Director and Registrars

In the Principal Registry and for each Division of NCAT, a Director and Registrar or Registrar is responsible for the management of Registry staff and other functions as delegated by the Principal Registrar. As of 30 June 2024, the Director and Registrars or Registrars were:

- Amanda Curtin and Francis Monteiro, job-sharing the role of Director and Registrar, Principal Registry
- Pauline Green as Director and Registrar, Consumer and Commercial Division
- Jane Pritchard as Director and Registrar, Guardianship Division
- Louise Clegg and Michelle Bechini, job-sharing the role of Registrar, Administrative and Equal

Opportunity Division, Occupational Division, Appeals and Enforcement.

## Governance

### Rule Committee

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

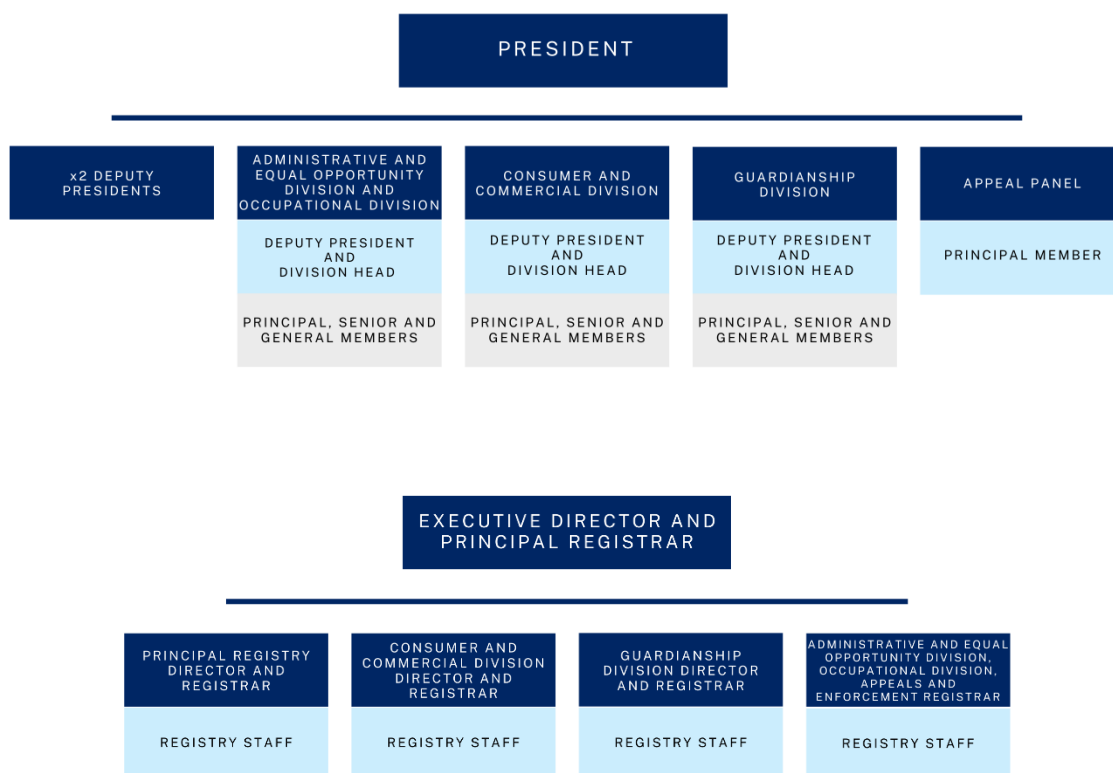
The Civil and Administrative Tribunal Rules 2014 (NSW) (Rules) apply to proceedings in the Tribunal. The Rules require matters to be dealt with in a way

that is accessible, fair and just. In addition, the Rules assist the Tribunal and parties to resolve disputes consistently, economically and promptly. Further, the Rules promote procedural flexibility and enable the Tribunal to cater to the needs of particular parties.

### NCAT Executive

The NCAT Executive comprises the President, Division Heads, and the Executive Director and Principal Registrar. The NCAT Executive meets formally on a regular basis to review the performance and management of NCAT. The NCAT Executive also considers the legislation, processes, and practice and procedure relevant to the operations of NCAT.

## NCAT Organisation Charts



## **Advisory committees**

Advisory committees are established to encourage innovation and improvement in specific aspects of the work of NCAT.

### **Practice and Procedure Committee**

The Practice and Procedure Committee is chaired by a Deputy President and comprises representatives from each Division and from the Appeal Panel. The Committee provides advice and makes recommendations to the President and the NCAT Executive on issues relating to NCAT's processes, practice and procedure, as required.

### **Professional Development Committee**

The Professional Development Committee is chaired by a Deputy President and comprises representatives from each Division. The committee provides advice and makes recommendations to the President and the NCAT Executive about the professional development of Members.

### **Accessibility Committee**

The Accessibility Committee provides advice and makes recommendations to the President and the NCAT Executive on how NCAT might improve its service delivery to assist all users. The focus of the committee is to recognise the diversity of Tribunal users, including race, culture and language, sexual orientation, gender, disability, religion or beliefs, socio-economic circumstances or geographic location.

## **Disclosure of information**

In addition to its annual reports, NCAT regularly discloses selected information on the performance of the Tribunal (including Divisions and Appeal Panel) at the meetings of the NCAT Liaison Group and the Divisional Consultative Forums. The NCAT Liaison Group and the Consultative Forums are detailed in Appendix 9.

In addition, NCAT 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.



# 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.’

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p.16*

---

## Member Code of Conduct

NCAT’s Member Code of Conduct, issued by the President under section 20 of the NCAT 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.

The Code of Conduct outlines NCAT’s recognition of the importance of fairness, dignity and respect for others in the workplace. Each person in the workplace, including staff and Members, should have a safe and secure place in which to work. NCAT does not tolerate inappropriate workplace behaviour, which includes bullying, harassment, sexual harassment, other forms of unlawful discrimination, vilification and violence.

## Internal appeals

The most significant and effective way in which NCAT can ensure fairness, consistency and quality of its decisions is through the internal appeal process. Under sections 32 and 80 of the NCAT Act, parties generally have a right to appeal to the NCAT Appeal Panel from:

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

Most first instance decisions made by NCAT can be appealed to the Appeal Panel as of right on a question of law and, by leave of the Appeal Panel, on any other grounds. There are some limitations that constrain appeals from decisions made by the Consumer and Commercial Division (under clause 12 of Schedule 4 to the NCAT Act).

The Appeal Panel hears appeals, usually constituted by two Members. Appeal Panel Members are drawn from across NCAT’s membership. The presiding Member is usually a Presidential or Principal Member or an experienced Senior Legal Member. As at 30 June 2024, there were 62 Members from all NCAT Divisions sitting on the Appeal Panel. Registry staff provide administrative support to the Members who hear internal appeals.

NCAT’s internal appeals process permits decisions at first instance to be scrutinised and, where appropriate, 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 2023-24, 616 appeals were lodged with NCAT and 627 appeals were finalised.

The *Appeal Panel Decisions Digest* is a monthly publication, providing case summaries of significant appeal decisions and keywords for other appeal decisions handed down during the month.

## Service Charter and service enhancement projects

The *NCAT Service Charter* aims to give practical expression to the legislative object in section 3(e) of the NCAT Act by ensuring that decisions of the Tribunal are timely, fair, consistent, and of a high quality.

Outcomes from initiatives highlighted in this report contribute to NCAT maintaining its commitment to timely, fair, consistent, and high-quality services by:

- providing simple processes that can be readily understood, regardless of the user's 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, gender 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 procedure
- receiving and responding to feedback, including comments, complaints and concerns.

## Aboriginal Tenancy List

In September 2023, NCAT launched an initiative to provide specialised services to Aboriginal and Torres Strait Islander people involved in a tenancy or social housing dispute. The Aboriginal Tenancy List, in the Consumer and Commercial Division, provides a culturally sensitive environment where Aboriginal and Torres Strait Islander tenants and landlords can connect with support services and specialist tenants'

advocates. During the listing process, the parties are provided opportunity to work with dedicated conciliators and Tribunal Members to help them reach agreement about their dispute. The purpose of the List is to empower parties to confidently engage with the Tribunal process for the benefit of all involved in the proceedings.

## Procedures and processes

NCAT decides how parties and witnesses will attend a hearing, which usually depends on the nature of the matter, the type of hearing event, and the issues to be determined in the matter. Hearings may be held in person, by telephone or video, or a combination (known as a 'hybrid hearing'). Most initial hearings to prepare matters (directions or callovers) are held by telephone or video. This is subject to exceptions such as Consumer and Commercial Division 'group lists'. This is where several matters are listed together and NCAT helps parties with their settlement discussions.

Final hearings are usually held in person (or 'face to face') where the parties participate in person (including through a representative where that is permitted). NCAT may allow a party or witness to attend a final hearing by telephone or video if they cannot attend in person.

All final hearings in NCAT's Guardianship Division are set-up as a hybrid hearing. Parties can attend the hearing by telephone or video if they cannot attend in person.

Under section 50 of the NCAT Act, NCAT can decide to determine a matter without a hearing, but only if it has given the parties an opportunity to make submissions on dispensing with a 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 basis of written materials. The making of decisions on this basis is commonly described as 'on the papers'.

All NCAT hearings are sound recorded. A digital copy of the sound recording can be provided to parties or

their representatives upon request with fee payment. Mediations, conciliations and other resolution processes are generally 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 complexity 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 is at Appendix 7.

## Representation before NCAT

The NCAT Act or the relevant enabling legislation determines whether a party requires leave of the Tribunal to be represented. Leave to be represented is required in most matters in the Consumer and Commercial Division and the Guardianship Division. Parties are entitled to be legally represented in the Administrative and Equal Opportunity Division and the Occupational Division (and in internal appeals from these Divisions).

A large proportion of parties who appear before NCAT are self-represented. NCAT endeavours to ensure that information about the nature and conduct of proceedings in NCAT is available to assist parties to understand their role, how to prepare their evidence and participate in proceedings.

### Guardian ad Litem and Separate Representation

NCAT 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 NCAT for the appointment of a GAL, or NCAT may appoint a GAL on its own initiative.

GALs are most often appointed in matters before the Administrative and Equal Opportunity Division, or in Guardianship Division matters before the Appeal Panel.

The NCAT Guideline *Representatives for people who cannot represent themselves (GALs)* sets out the process to be followed when NCAT appoints a GAL.

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

Interpreters are provided for parties at NCAT hearings upon request. Parties can request an interpreter on the application form, in writing or by contacting the Registry as soon as practicable before the hearing date.

During 2023-24, nearly 4,000 interpreters were requested in 76 different languages for hearings. The top languages requested were Mandarin, Arabic, Cantonese, Vietnamese, Greek, Spanish, Korean, Italian, Persian (Farsi) and Croatian.

NCAT actively promotes the Telephone Interpreter Service (TIS) at all its Registry locations. Registry staff can use TIS materials and language identification cards to help direct non-English speakers to contact TIS for a telephone interpreter.

To further support non-English speaking clients, bilingual NCAT Registry staff, who receive an allowance under the Community Language Allowance Scheme (CLAS), can provide language assistance to NCAT clients with their enquiry.

## Multicultural issues

NCAT takes part in activities to assist people from culturally and linguistically diverse communities to understand the role of the Tribunal and its services.

During the reporting period, NCAT participated in the NSW Department of Communities and Justice's Multicultural Plan working group which aims to ensure people from multicultural backgrounds have equitable access and experiences.

# 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.’

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

‘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.’

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 pp. 17, 19 and 20*

---

## Accessibility of services

NCAT offers a wide range of services tailored to meet the diverse needs of parties. These services are designed to be easily accessible for self-represented parties, enabling them to navigate the Tribunal’s processes independently. As a result, a significant number of cases at NCAT are conducted without legal representation.

### NCAT Registries

NCAT has nine Registry offices located in the Sydney CBD, metropolitan and regional areas, offering in-person services during business hours across all Divisions and the Appeal Panel. The Guardianship Division also provides an after-hours telephone service where urgent hearings are required.

Applications can be lodged in person at any NCAT Registry or Service NSW service centre, by post, or online for all Consumer and Commercial Division application types.

NCAT’s Principal Registry is located in the Sydney CBD and provides corporate support for all Divisions and the Appeals Unit.

### Online services

NCAT offers online services for parties in the Consumer and Commercial Division. In 2023-24, 82.5% of all applications received in that Division were lodged online.

NCAT launched its new online services in November 2023. This major technology upgrade increased online access for all case types managed by the Consumer and Commercial Division. The new system gives applicants the ability to save draft versions of their forms, lodge secondary request forms, and upload supporting documentation online. Respondents and other parties can also register to access and view their case information online.

Parties can also view and search upcoming NCAT hearings by case number or party name, hearing date and location on the NSW Online Registry website.

## NCAT website and social media

NCAT’s website is the primary information point for people seeking to bring a matter to the Tribunal or find out more about NCAT’s role and operations.

An ongoing program of website maintenance ensures the accuracy of information and identifies where improvements might be needed. Feedback received through NCAT’s online feedback form and website analytics are used to inform improvements to the website.

The NCAT website offers accessibility features for users with disabilities. Visitors can adjust fonts, text size, spacing, and contrast. A text-to-speech function is also available for those who prefer listening to website content.

NCAT uses social media to extend its reach to online audiences, featuring posts about new and updated resources, service news, and other topical information.

## Resources

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

- New 'External appeals' webpage developed to assist parties through the process of appealing specific types of decisions from an 'external decision-maker' (as defined in the NCAT Act) to the Tribunal.
- Various resources and guides in support of the new NCAT Online Services, including an introductory video, a range of user guides explaining each step of the online process, and frequently asked questions.
- New 'Aboriginal Tenancy List' webpage which explains how the Aboriginal Tenancy List works with specialised services for Aboriginal and Torres Strait Islander tenants and includes step by step instructions on how parties can have their matters included in the List.

NCAT's online subscription services deliver regular alerts and case digests by email. The *NCAT News* e-newsletter offers updates on new resources, initiatives and changes to NCAT operations. The *NCAT Legal Bulletin* summarises significant case law of relevance to the work of NCAT. The *Appeal Panel Decisions Digest* provides summaries of significant decisions and keywords of NCAT's Appeal Panel decisions published on the NSW Caselaw website. The *Guardianship Division Case Digest* summarises significant cases determined in that Division.

## Community languages

The NCAT website offers enhanced accessibility through integrated language auto-translation. This feature enables users to translate page content into over 100 community languages, ensuring that non-

English speakers can access Tribunal information in their preferred language.

NCAT also provides educational videos which explain how various different cases are handled by the Tribunal. These videos feature scenarios from each of NCAT's four Divisions and are presented in English and four community languages.

## Hearing locations and times

In 2023-24, there were 104,837 NCAT hearings and other listing events held, representing the highest number of hearings conducted by NCAT in a reporting period.

Tribunal hearings are conducted in hearing rooms co-located with NCAT Registries and in a range of court houses and other venues in 48 locations across metropolitan and regional areas of NSW.

NCAT's principal hearing venues have purpose-built hearing rooms, waiting areas and video-conference facilities and have been designed to accommodate the needs of people with disabilities.

## Virtual hearings

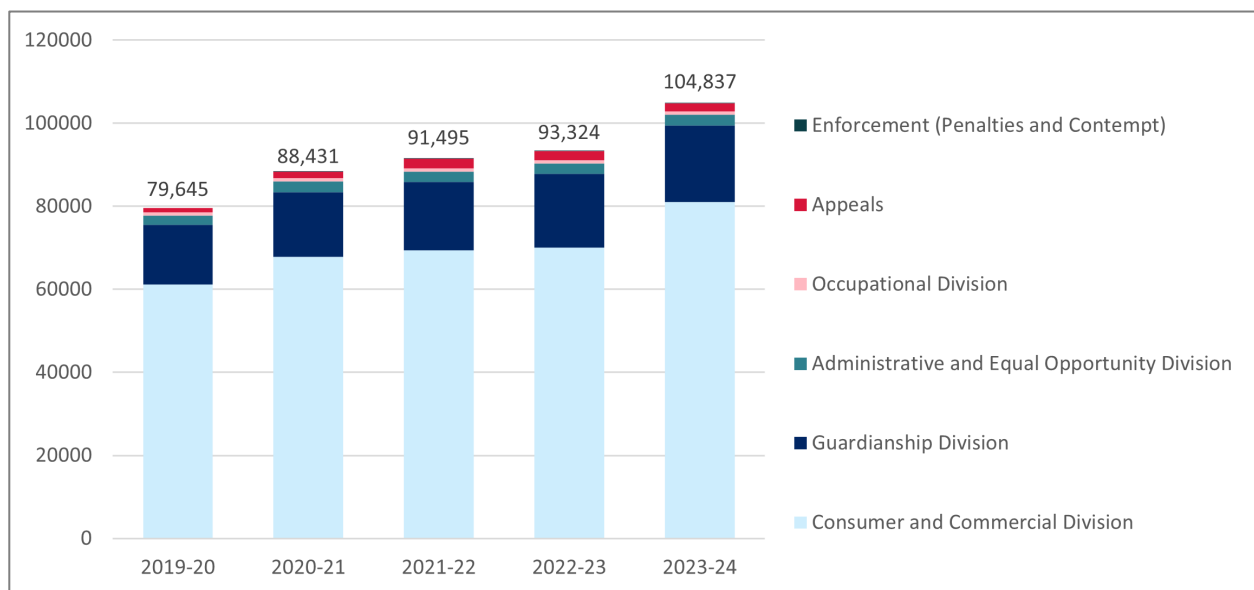
Initial case management steps, such as directions, case conferences and callovers, usually occur via telephone or video conference. These 'virtual' hearing events are preferred for shorter duration listings, offering significant time-saving benefits for both NCAT and the parties involved.

In the Guardianship Division, all final hearings are available as a 'hybrid hearing', allowing parties to attend by telephone or video if they cannot attend in person. For all other hearing types, parties can request to appear by telephone or video if they are unable to attend in person.

## Urgent hearings

NCAT can arrange an urgent hearing if the application involves an issue such as immediate risk of harm to person or property, severe personal or financial hardship, threat of removal of children, and warrant or lockout threats.

**Graph 1 – Hearings and other listing events 5-year comparison**



All applications in the Guardianship Division are reviewed on receipt to determine the level of risk experienced by the person who is the subject of the application ('the person'). The Guardianship Division also operates an after-hours service for urgent applications, where hearings can be held by telephone within hours of receiving the application.

## Decisions on the papers

Under section 50(2) of the NCAT Act, NCAT can make a decision 'on the papers' without a hearing. This mode of decision-making may be used only where the Tribunal is satisfied that the issues for determination in the particular matter can be adequately determined in the absence of the parties by considering any written submissions or any other material provided to NCAT. Decisions to set aside or vary a Tribunal decision and reinstatement applications are usually heard 'on the papers'.

## Fees and charges

NCAT's schedule of fees and charges for the filing of applications, appeals and other services as at 30 June 2024 is provided at Appendix 8. The payment options available include cash, cheque, credit card and eftpos.

Pensioners or students receiving an allowance or people receiving a grant of 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 postponed or waived wholly or in part. Fee waiver requests are considered under clause 6 of the Civil and Administrative Tribunal Regulation 2022 (NSW). Information about fees, including how to apply for a fee waiver, is available on the NCAT website.

## Legal assistance

A range of support services across NSW are available to assist people participating in NCAT proceedings.

The NCAT website offers information about services and organisations that offer free or low-cost legal information, advice and assistance, including those that operate referral services to legal practitioners 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. This fact sheet is



regularly reviewed and updated to ensure the most relevant services are included.

Legal Aid NSW provides a duty lawyer scheme for NCAT parties involved in anti-discrimination disputes and Working with Children Check matters in the Administrative and Equal Opportunity Division. Legal Aid NSW also provides legal assistance to parties appearing in residential tenancy appeals.

NCAT may refer parties to anti-discrimination matters to the NSW Bar Association's Legal Assistance Referral Scheme (LARS). LARS endeavours 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 parties
- providing flexible hearing rooms with varying degrees of formality appropriate to the jurisdiction
- providing assistive listening devices or hearing loops in NCAT hearing venues
- using the National Relay Service (NRS) for parties with hearing or speech impairments
- allowing additional time for people who use Augmentative and Alternative Communication (AAC)
- 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 NCAT Act to take reasonable steps to ensure parties understand the nature of the proceedings and,

if requested, to explain any procedural aspect of NCAT.

## Procedural directions, guidelines and policies

Section 26 of the NCAT Act gives the President power to give binding procedural directions. In addition, NCAT publishes guidelines and policies that provide guidance to parties on how matters are to be dealt with at NCAT. Procedural directions, guidelines and policies may apply across NCAT or at the Divisional level.

The following procedural directions, guidelines, policies and other documents are currently 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 Evidence

NCAT Procedural Direction 4 – Registrars' Powers Directions

NCAT Procedural Direction 5 – Acceptance of Home Building Claims

### Guidelines

#### NCAT Guidelines

Adjournments

Internal Appeals

Representatives for people who cannot represent themselves (GALs)

#### Administrative and Equal Opportunity Division Guidelines

Confidentiality, privacy and publication

Costs

Resolution processes

#### Consumer and Commercial Division Guidelines

Conciliation and hearing by the same Member



Confidentiality, privacy and publication

Costs

Home building applications

Representation

### **Guardianship Division Guidelines**

Confidentiality, privacy and publication

Costs

Representation

### **Occupational Division Guidelines**

Confidentiality, privacy and publication

Costs

Health Professionals Registration Appeals

Professional Discipline Matters

Resolution processes

### **NCAT Policies**

NCAT Policy 1 – Complaints

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 Domestic Violence Protocol

NCAT Member Code of Conduct

NCAT Member Terms and Conditions Handbook

NCAT Service Charter

# 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.'

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p. 20*

---

## Competency framework and performance appraisal

The *NCAT Member Competency Framework* is based on the Council of Australasian Tribunals (COAT) Tribunal Competency Framework. It 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.

## 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 NCAT Act.

A list of Tribunal Members as at 30 June 2024, along with brief biographical information, 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 NCAT. 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 is published on the NCAT website and is included at Appendix 4 of this report.

NCAT Registry staff are required to comply with the NSW Department of Communities and Justice Code of Ethical Conduct and related policies and procedures.

## Professional development, appraisal and training

During 2023-24 there were 46 professional development sessions held for Members and Registry staff on a range of topics relevant to the work of the Tribunal and Registry operations.

## Tribunal Members

Division-specific Member professional development activities are held throughout each year. Sessions are conducted both virtually and in-person where possible, allowing NCAT Members to attend remotely if needed. During 2023-24, these activities included the Guardianship Division Member Training Conference,

Consumer and Commercial Division Member Training Conference, and twilight sessions held for Administrative and Equal Opportunity Division and Occupational Division Members on specific issues relevant to those Divisions.

Other Member professional development activities include Member network groups, mentoring, briefing sessions, seminars and external conferences. During the reporting period, selected NCAT Members attended the Council of Australasian Tribunals (COAT) (NSW) 2023 Conference: Tribunals in Challenging Times – Justice, Equity and Quality; the 2024 Supreme, Federal and New Zealand Senior Courts Conference, and the COAT 2024 National Conference.

Other notable Member professional development activities held during the reporting year included:

- ‘How to work with interpreters in a legal setting’ presentation by Dr Sandra Hale, Professor of Interpreting and Translation at the University of New South Wales, delivered to Members from all NCAT Divisions over several sessions during June 2024.
- Mentoring Workshop conducted by Executive Coach, Glenn Dennett for experienced Members who have agreed to mentor newly appointed Members on 5 March 2024
- Aboriginal Cultural Awareness session delivered by NCAT General Member and Wiradjuri woman, Jennifer Newman to Consumer and Commercial Division Members on 22 April 2024.

New Members participate in an Induction Program which involves information sessions and observing hearings.

Members also participate in regular performance appraisals under the supervision of the Division Head of the Member’s primary Division, or the President. Based on the COAT Tribunal Competency Framework and the COAT Framework of Excellence, the appraisal process varies across the Divisions, reflecting their different composition and workload. Generally, the process involves self-assessment, peer review,

observation of a hearing conducted by the Member, and review of the Member’s reasons for decision.

## Registry staff

NCAT Registry staff regularly participate in professional development activities provided by the NSW Department of Communities and Justice. These activities are designed to support staff in their service delivery role, to prepare staff and managers for the future and to build organisational capability. Topics included customer service, communication, workplace ethics, cyber security and data breaches, adapting to change, disability and flexible service delivery, and cultural awareness. All new Registry staff are also required to observe Tribunal hearings as part of their induction, to better understand how their work supports Members and Tribunal users.

Performance Management and Development Plans (PDPs) are in place for all Registry staff. The development component of these plans encourages managers and staff to identify and discuss relevant professional development opportunities.

## Appeals

The decisions of the Appeal Panel provide useful information and feedback to Members concerning legal and procedural issues that arise in proceedings and provide guidance to Members sitting at the Divisional level.

It is NCAT’s practice to provide a copy of the Appeal Panel’s decision to the Member or Members who sat on the original matter when the decision is published. NCAT regularly prepares reports that list the decisions that have been appealed and the outcome of the appeal. Typically, final decisions of the Appeal Panel are made publicly available on NSW Caselaw, and a digest of recent Appeal Panel decisions is published on the NCAT website.

# 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.'

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p. 22*

---

## Hearings open to the public

NCAT is required to hear cases in public unless it otherwise orders. Most NCAT hearings are open to the public, and anyone can attend and observe proceedings from the back of the hearing room. The online publication of NCAT's hearing lists provides the public with easy access to information about upcoming hearings. This level of openness ensures accountability and promotes confidence in the Tribunal's decision making. Additionally, public access to hearings allows individuals to learn about NCAT and understand how decisions are made.

There are certain tribunal proceedings where sensitive or other confidential matters may be disclosed, or there may be minors or vulnerable persons involved. NCAT will conduct these hearings either wholly or partly in private. This happens most often in the Guardianship Division, Administrative and Equal Opportunity Division, and Occupational Division, due to the nature of functions exercised by those Divisions.

## Service charter

The *NCAT Service Charter* outlines the Tribunal's commitment to providing accessible, fair, and timely resolution of disputes. It gives practical expression to the legislative objective in section 3(e) of the NCAT Act, ensuring that the Tribunal's decisions and other resolution services are timely, fair, consistent, and of high quality.

## Complaint handling mechanisms

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 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 complaint about the delivery of a service provided by NCAT or the conduct of Registry staff, a conciliator/mediator or a Member.

In 2023-24, NCAT received 419 complaints. This equates to a complaint in 0.59% of all matters lodged with NCAT. The most common categories of complaints received during the year were decision dissatisfaction, Member or conciliator conduct, and policies and procedures. Responses to complaints include clarification about NCAT policies and procedures, providing information about avenues of appeal, and contact details for support services such as Legal Aid NSW.

Tribunal users can also share their feedback about NCAT and its services by using the *NCAT Online Feedback Form* or the NSW Government's *Feedback Assist* widget available on the NCAT website. In 2023-24, NCAT received 62 feedback items including compliments, complaints and suggestions.

## Stakeholder engagement

NCAT recognises that regular stakeholder engagement helps ensure that the Tribunal is responsive to the needs and concerns of those who use its services including the public, parties, their representatives and relevant professional or industry bodies.

There are also Divisional Consultative Forums that focus on issues concerning practice and procedure. During 2023-24 the Consumer and Commercial Division held six meetings for members of their various Consultative Forums. The Guardianship Division's Consultative Forum met twice. The Administrative and Equal Opportunity Division and the Occupational Division did not hold consultative forums during the reporting period. Separate meetings are conducted with stakeholders whenever specific issues arise.

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

## Publication of reasons for decisions

NCAT publishes many of its reasons for decisions on the NSW Caselaw website. The Tribunal's approach to publication of reasons for decisions is set out in *NCAT Policy 2 – Publishing Reasons for Decisions*. Decisions are generally selected for publication based on their public interest or educational value and are made available to the public to promote transparency and build trust in the Tribunal's decision making.

## Other engagement with the community

During 2023-24, Members and Registry staff participated in 88 community education and information programs. These included meetings and/or events conducted by the NSW Law Society's Elder Law Capacity and Succession Committee, the Judicial Council on Diversity and Inclusion, the Australasian Institute of Judicial Administration, the Australian

Guardianship and Administration Council, and the NSW Bar Association. In addition, selected Members spoke at or attended various conferences, including the 2024 Supreme, Federal and New Zealand Senior Courts Conference, COAT National Conference, COAT (NSW) Conference, and NSW Law Society Conference.

# 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.'

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p. 24*

## Performance standards and monitoring

NCAT has measures in place to monitor efficiency in dealing with its workload. NCAT's efficiency and effectiveness is measured in part by the number of matters lodged and NCAT's case clearance ratio. This indicates the capacity of NCAT to manage its workload within its current resources and systems.

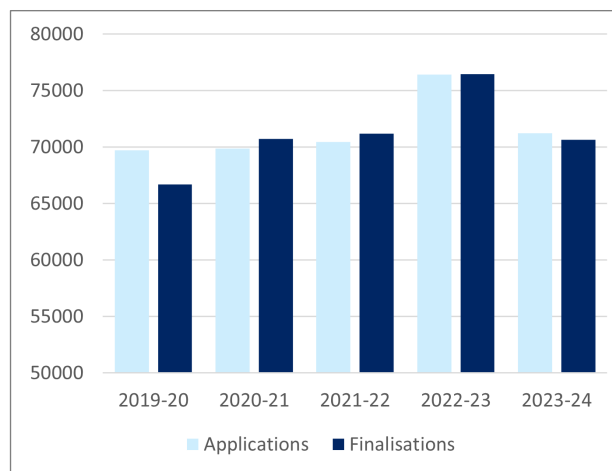
During 2023-24, there was a 6.8% decrease in the overall number of applications received by NCAT compared to the previous year.

Decreases were experienced in the Consumer and Commercial Division (-10.4%), Occupational Division (-12.9%) and Appeal Panel (-13.5%). The Guardianship Division experienced a 5.3% increase during 2023-24, representing the Division's sixth consecutive year of increases in application lodgements. The Administrative and Equal Opportunity Division also experienced a 5.5% increase.

The NCAT Executive 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 and the Appeal Panel. All applications to the Guardianship Division are triaged on receipt to assess the degree of urgency and the severity of risk (if any) to the person who is the subject of the application.

Graph 2 – Applications received and finalised 5-year comparison



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.

## Promotion of resolution processes

NCAT provides a variety of informal and formal resolution processes to enhance the efficiency of its operations. These include conciliation, mediation, directions, case conferences and expert conclaves. The promotion of these processes ensures that NCAT can provide a just, quick and inexpensive resolution of issues between parties.

In the Consumer and Commercial Division, Members and experienced Registry staff act as conciliators in group lists to help parties resolve their dispute and agree to a settlement without the need for a hearing. In home building cases, specialist Members facilitate expert conclaves.

In the Administrative and Equal Opportunity Division and Occupational Division, case conferences, mediation and directions are used to narrow issues in dispute before the final hearing. Directions are also regularly used in home building and retail lease matters in the Consumer and Commercial Division.

## Flexibility of membership and procedures

NCAT’s Members bring a wide range of qualifications, experience and expertise to the Tribunal. Although Members are assigned to a particular Division under the NCAT Act, the efficiency of the Tribunal is enhanced by the President’s ability to cross-assign Members so that their expertise can be deployed across NCAT’s Divisions as well as the Appeal Panel, when required.

Under section 38(1) of the NCAT Act, the Tribunal may determine its own procedure in relation to any matter for which the Act or procedural rules do not otherwise allow. This flexibility allows NCAT to act efficiently and promptly to resolve urgent matters or matters otherwise out of the ordinary.

## Use of digital technologies

NCAT continues to embrace enhancements in digital technologies to further provide efficiencies in its operations.

NCAT Online Services allows parties in the Consumer and Commercial Division to create and manage an account to start a new case or view an existing case online. The platform allows users to upload documents and evidence directly to their case file and receive real-time updates on their case status.

Audio-visual link (AVL) technology is available in most NCAT hearing venues. Shorter initial hearings, such as directions, case conferences, and callovers, where the focus is generally on procedural issues, are regularly conducted using AVL. This approach provides listing efficiencies for the Tribunal and reduces travel costs for the parties involved.

Members across all NCAT Divisions and the Appeal Panel also use in-hearing online systems to access case information and make orders during the hearing process. These systems also allow parties to receive by email any orders made after the hearing.

**Table 1 – Number of applications received and finalised by Division 2023-24**

| DIVISION                             | APPLICATIONS  | FINALISATIONS | CLEARANCE RATIO |
|--------------------------------------|---------------|---------------|-----------------|
| Administrative and Equal Opportunity | 997           | 944           | 94.7%           |
| Consumer and Commercial              | 52,028        | 52,673        | 101.2%          |
| Guardianship                         | 17,323        | 16,167        | 93.3%           |
| Occupational                         | 249           | 249           | 100.0%          |
| Appeal Panel                         | 616           | 627           | 101.8%          |
| Enforcement (Penalties and Contempt) | 10            | 6             | 60.0%           |
| <b>TOTAL</b>                         | <b>71,223</b> | <b>70,666</b> | <b>99.2%</b>    |



# User 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.’

*Australia and New Zealand Tribunal Excellence Framework – 2<sup>nd</sup> Edition 2017 p. 26*

NCAT can best fulfil its function when it is accessible to the people who need to use it. Understanding our users and their needs is central to NCAT’s ongoing efficacy in providing justice to the people of NSW.

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

- NCAT website and social media analytics
- Customer feedback and surveys
- Stakeholder interaction
- External engagement at conferences and meetings
- Internal appeals to the Appeal Panel
- Complaints data.

## Use of NCAT website and social media

NCAT’s website is the primary channel for users to access information about applying to NCAT to commence proceedings and to learn about the Tribunal and its processes. The website’s user-centric design allows visitors to search and navigate to easily locate the information they need.

During 2023-24, NCAT experienced an increase in web traffic and user engagement. The NCAT website received 1,372,331 visits and over 3 million page views during the reporting period, representing a 3.03% increase in user engagement from the previous year.

Feedback received through NCAT’s online feedback form and website analytics are used to inform improvements to the website. This feedback and the availability of enhanced website analytics were used

throughout the year to improve NCAT’s website content.

Social media posts and comments about new and updated resources and forms, service news, and topical Tribunal information feature on NCAT’s Twitter account. This allows NCAT to provide information and alerts to Tribunal users and stakeholders quickly, keeping them informed and up to date on legislative and procedural changes.

## Customer feedback and surveys

A range of feedback mechanisms are available to our users on the NCAT website. Users can complete the *NCAT Online Feedback Form* to provide comments or suggestions for improvement to our services. The NSW Government’s *Feedback Assist* tool is available on selected NCAT webpages and allows users to provide feedback in the form of a complaint, compliment or suggestion by selecting the corresponding icons. NCAT can also analyse general user sentiment through the *Thumbs up Thumbs down* component available on all pages on the NCAT website.

NCAT regularly participates in client surveys conducted by NSW Courts, Tribunals and Service Delivery to gather feedback and information from its users. A client survey was not conducted during the reporting period.

Users are encouraged to subscribe to the *NCAT News* e-newsletter to receive regular updates about the latest news and initiatives from NCAT. People can also subscribe to NCAT’s various case digests for summaries of decisions relevant to the work of the Tribunal. By 30 June 2024, there were 3,999



subscribers to the *NCAT News* e-newsletter and NCAT's case digest publications.

## Stakeholder interaction

The NCAT Liaison Group and Divisional Consultative Forums provide key stakeholders with the opportunity to meet regularly with the Tribunal and provide direct feedback on our procedures and processes. The participation of Members and Registry staff at conferences and meetings also allows the Tribunal to receive comments and other feedback (both positive and negative) on its performance.

## Internal appeals

Parties dissatisfied with a decision of the Tribunal can appeal to NCAT's Appeal Panel in most cases. The number of appeals, the grounds of appeal and consideration of the reasons for decision of NCAT 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 also provide guidance to Members to improve the quality of decision-making and writing throughout NCAT.

## Complaints data

NCAT considers and responds to complaints in accordance with the *NCAT Policy 1 – Complaints*. Complaints data also assists to develop and improve NCAT'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 Administrative and Equal Opportunity Division reviews government decisions affecting individuals and resolves anti-discrimination complaints.

Over 100 statutes give jurisdiction to the Division to review various decisions made by government administrators. The two statutory aims of external review of government decisions are to enhance the delivery of government services and programs, and to promote compliance by government administrators with legislation when making decisions.

The term 'equal opportunity' describes the other major function of this Division, which is to resolve complaints made under the *Anti-Discrimination Act 1977* (NSW). This Act gives a remedy to people who have been discriminated against, harassed, vilified or victimised on certain grounds.

## Work within the Division

The Division allocates matters to four Lists: Administrative Review, Community Services, Revenue, and Equal Opportunity.

The Administrative Review List manages the review of decisions made by administrators. These include access to government information, breaches of privacy, and decisions by the NSW Trustee and Guardian. Administrative decisions about occupational and professional licences and registrations are dealt with in the Occupational Division.

The Community Services List includes matters concerning the review of decisions about whether persons should be allowed to work with children and whether authorised carers (foster carers) should lose their accreditation.

The Revenue List includes the review of decisions about state taxes, such as land tax and payroll tax.

The Equal Opportunity List manages complaints referred to NCAT by the President of the Anti-Discrimination Board. These include complaints about discrimination, harassment, vilification or victimisation on grounds such as race, sex, age, religion, disability, homosexuality, transgender status and carer's responsibilities.

Table 2 –2023-24 Administrative and Equal Opportunity Division workload and performance

| LIST                  | APPLICATIONS | FINALISATIONS | CLEARANCE RATIO |
|-----------------------|--------------|---------------|-----------------|
| Administrative Review | 578          | 583           | 100.9%          |
| Community Services    | 115          | 85            | 73.9%           |
| Equal Opportunity     | 171          | 157           | 91.8%           |
| Revenue               | 133          | 119           | 89.5%           |
| <b>TOTAL</b>          | <b>997</b>   | <b>944</b>    | <b>94.7%</b>    |

## Workload

During the reporting period, the Division received 997 applications this year and finalised 944 giving a clearance ratio across the whole Division of 94.7%.

The Division encourages self-represented parties to obtain legal advice and representation in appropriate cases. Both Legal Aid NSW and the Bar Association's Legal Assistance Referral Scheme (LARS) have provided much needed legal assistance to parties who meet their guidelines.

In most kinds of proceedings, parties are given an opportunity to resolve their dispute through case conference or mediation. In suitable matters, the Division provides an experienced mediator at no cost to the parties. Those matters include anti-discrimination complaints, revenue applications, applications for access to government information and privacy breaches.

## Members and mediators

The Division comprises the Deputy President and Division Head, Principal Members, Senior Members and General Members. All of the Members, apart from the Division Head and one Principal Member, work on a sessional basis. Principal and Senior Members are typically legally qualified. General Members represent community perspectives and provide knowledge and expertise relating to their area of work.

Members participate in a program of professional development. This year that program included six twilight seminars. The program is designed to improve the knowledge and skills of Members. Members' performance is regularly appraised and feedback is given.

The Division has a group of four expert mediators, some of whom are also Members. They conduct mediations across several Lists in the Division.

## Legislation

Changes to legislation relating to the work of the Division during the year included the introduction of the following:

- *Conversion Practices Ban Act 2024*
- *Marine Pollution Regulation 2024.*

A full list of the legislation which confers power on the Division is attached at Appendix 1.

## Consultation with stakeholders

There were no stakeholder meetings held during this financial year.

## Significant decisions

### *Wolf v Secretary, Department of Education* [2023] NSWCATAD 202

The applicant was a student at Cronulla High School. Her mother lodged a complaint on her behalf alleging that the applicant, who is of Indian race, had been racially vilified by her teacher. The complaint alleged that the teacher impersonated an Indian person's accent and made disparaging comments about Indian people during a class. It also alleged that the applicant was racially discriminated against by being subjected to a learning environment where racism was tolerated instead of being addressed or denounced.

The respondent submitted that the teacher's conduct was not a 'public act' within the meaning of s 20B of the *Anti-Discrimination Act 1977* ('the Act') which is required to establish racial vilification under s 20C of the Act. The Tribunal, in considering whether the teacher's conduct was a 'public act', said the nature of the relationship between a teacher and students was synonymous in these circumstances with addressing an audience. The Tribunal also noted that there was an inherent power imbalance between a teacher and students which distinguished communications from a teacher from other categories where those indicated a private communication.

The Tribunal found that the teacher's conduct was a 'public act' within the meaning of ss 20B(1)(a) and 20B(1)(b) of the Act. The Tribunal held that the teacher's conduct constituted racial vilification as it objectively could incite in students serious contempt or severe ridicule of Indian persons on the ground of their race. The Tribunal ordered the Secretary to issue an apology to the applicant and to publish a public statement acknowledging the Tribunal's findings.

#### **GDM v Commissioner of Victims Rights [2024] NSWCATAD 169**

GDM applied for victims support under the *Victims Rights and Support Act 2013* ('the Act') as she was the victim of domestic violence. She was found by the respondent to be ineligible for victims support as the Local Court had made a \$300 compensation order for property damage in the criminal proceedings against the perpetrator. Section 25(1) of the Act provides that a person is not eligible to receive victims support if the person has been awarded compensation by a court under Part 6 of the Act in respect of the act of violence. GDM applied to the Tribunal seeking administrative review of the respondent's decision.

While it was clear that s 25(1) was to prevent a claimant from recovering 'twice' under the Act, the Tribunal observed that GDM had not recovered any funds under the Act. The Tribunal was not satisfied that the order made by the Local Court was in relation to an 'act of violence' as defined in s 19 of the Act since the order was made in relation to malicious damage to property. The Tribunal set aside the respondent's decision and made a decision in substitution that GDM was a primary victim of an act of violence and was eligible for victims support. The Tribunal remitted the matter to the respondent to make a new decision.

#### **FYU v Children's Guardian [2024] NSWCATAD 112**

FYU was refused a clearance by the Office of the Children's Guardian to work within the National Disability Insurance Scheme (NDIS). The clearance was refused following a risk assessment by the Children's Guardian which identified a serious workplace incident in 2021 where FYU left a young NDIS client with

disabilities and vulnerabilities without care and supervision for approximately one and a half hours during a shift. FYU applied to the Tribunal for administrative review of the decision.

In determining whether to grant FYU a clearance, the Tribunal applied the statutory considerations in conducting a risk assessment set out in s 16 of the *National Disability Insurance Scheme (Worker Checks) Act 2018* ('the Act'). The Tribunal found that FYU was not candid in the investigation and the Tribunal hearing. The Tribunal also said that the NDIS client was clearly vulnerable with significant disabilities and that FYU was in authority or 'locus parentis' over them as the sole carer for them overnight.

The Tribunal was of the view that the circumstances and nature of the incident were of such significance that it could not be satisfied that FYU had the requisite skill and level of responsibilities to be engaged in NDIS work. The Tribunal, having regard to the paramount consideration of the Act to prevent people with a disability from exposure to real and appreciable risks of harm, was satisfied that the applicant posed a risk of harm to persons with a disability and affirmed the decision of the Children's Guardian.

#### **Camilleri v Commissioner of Police, NSW Police Force [2024] NSWCATAD 62**

The Tribunal affirmed a decision by the Commissioner of Police to refuse to issue Mr Camilleri with a firearms licence. The Commissioner relied on Mr Camilleri's criminal charges, history of altercations with others, concerns about his mental health and risk of self-harm as well as his interactions with police. However, the Tribunal was not satisfied that there was reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because he was of unsound mind. Other than one incident where he was detained under the *Mental Health Act 2007*, there was no evidence that Mr Camilleri had a mental health condition or that he had been diagnosed or treated for any mental health condition in the past.

The Tribunal found that Mr Camilleri had been involved in violent incidents or altercations with others which was not behaviour that would be expected of a licence holder. The Tribunal also observed that Mr Camilleri had a tendency to blame others which indicated his lack of taking responsibility for his actions. The Tribunal also had serious concerns about Mr Camilleri's level of co-operation with police and his ongoing ability to comply with regulatory regimes including firearms.

Having regard to his conduct towards others and police, the Tribunal found there was some risk to public safety in his holding a firearms licence which was not merely theoretical or fanciful and permitting him to have a firearms licence would not be consistent with a need to reduce any risks to public safety to a minimum. Accordingly, the Tribunal held it was not in the public interest for Mr Camilleri to hold a firearms licence.

***Murray v Combat Sports Authority of NSW & Commissioner of Police, NSW Police Force [2024]***  
**NSWCATAD 18**

The Combat Sports Authority refused Mr Murray's application to renew his registration as a combatant under the *Combat Sports Act 2013* ('the Act') on the ground that the Authority was not satisfied Mr Murray was a fit and proper person to be registered because of his criminal history. He was convicted of possessing prohibited drugs in 2018 as well as supplying an indictable and commercial quantity of prohibited drugs and dealing with property the proceeds of crime in 2022. He applied to the Tribunal for administrative review of the Authority's decision.

The Tribunal considered that the meaning of a 'fit and proper person' should be construed in line with the objects of the Act set out in s 3. The Tribunal said that in interpreting the meaning of 'fit and proper person' to further an object of the Act 'to promote the integrity of combat sport contests', there must be considerations of whether the person complied with their registration conditions. The Tribunal found that Mr Murray had breached his registration conditions by supplying drugs while he was registered as a combatant. The

Tribunal said the regulatory regime and integrity of sports contests would be undermined by registering a person recently convicted of supplying drugs while they were registered.

The Tribunal also considered the meaning of 'fit and proper person' in the context of another object of the Act 'to promote the development of the combat sport industry'. By interpreting 'fit and proper person' to allow the registration of a combatant with Mr Murray's convictions, the Tribunal said this would undermine the public confidence in the combat sports industry, the importance of anti-doping programs in combat sports, the importance of a culture committed to clean sports as well as compliance with the applicable laws, rules and codes. As the Tribunal was not satisfied Mr Murray was a fit and proper person to be registered as a combatant, the decision to refuse his application for registration was affirmed.

# Consumer and Commercial Division

## What the Division does

The Consumer and Commercial Division resolves a wide range of housing and property-related disputes including tenancy and social housing, strata schemes, retirement villages and other types of community living, and dividing fence disputes. The Division also deals with disputes between consumers and businesses, such as consumer claims about goods and services, motor vehicles, home building and retail leases.

The Division deals with the largest workload within NCAT due to its broad jurisdiction over everyday disputes. The high volume of cases reflects the Division's critical role in providing accessible and efficient dispute resolution for individuals and businesses.

## Work within the Division

The Division manages its high workload through several strategies to ensure justice can be delivered on a large scale, promptly and cost effectively.

The Division's caseload is managed across six dedicated Divisional Registry locations, and its hearings are held in multiple venues located across metropolitan and regional New South Wales.

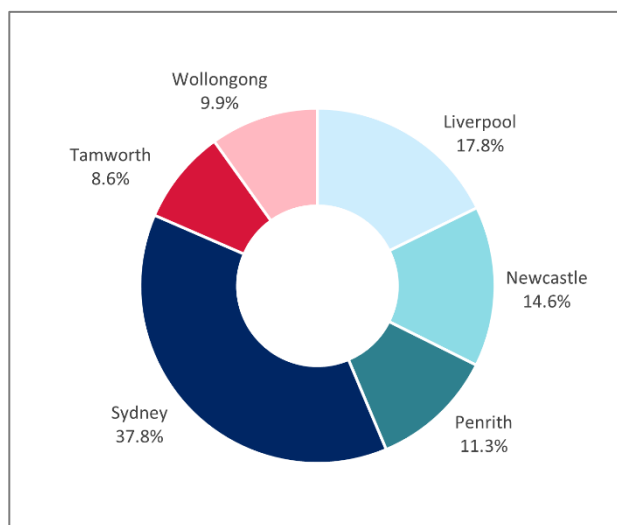
Almost all matters are listed in the first instance for a 'group list' conciliation and hearing. This process promotes informal discussions between parties to attempt to resolve their dispute before the hearing takes place. Parties are also encouraged to conduct their own case which ensures quicker resolution of the dispute without the cost or delays often associated with representation.

The provision of online services is another strategy used by the Division to manage its high workload. NCAT's new online service, launched in November 2023, allows parties to lodge, pay and manage their case online in all matter types managed in the Consumer and Commercial Division. During the reporting period, over 80% of applications managed by the Division were lodged via NCAT's Online Services.

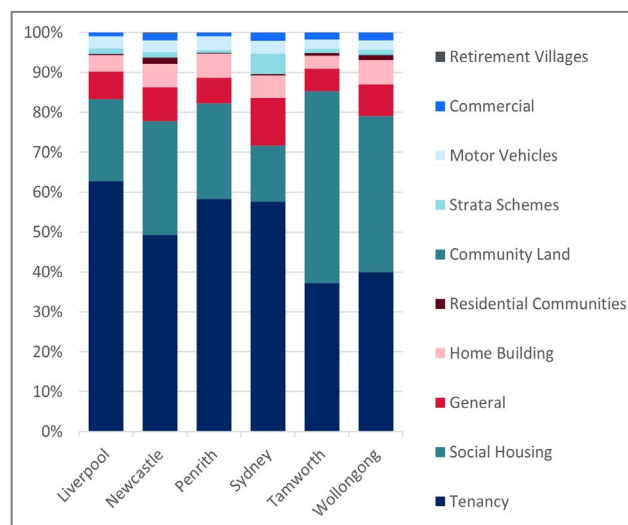
**Table 3 – 2023-24 Consumer and Commercial Division workload and performance**

| LIST                    | APPLICATIONS  | FINALISATIONS | CLEARANCE RATIO |
|-------------------------|---------------|---------------|-----------------|
| Tenancy                 | 28,052        | 28,451        | 101.4%          |
| Social Housing          | 12,396        | 12,666        | 102.2%          |
| General                 | 4,681         | 4,568         | 97.6%           |
| Home Building           | 2,741         | 2,964         | 108.1%          |
| Residential Communities | 306           | 287           | 93.8%           |
| Community Land          | 31            | 35            | 112.9%          |
| Strata Schemes          | 1,370         | 1,276         | 93.1%           |
| Motor Vehicles          | 1,566         | 1,578         | 100.8%          |
| Commercial              | 838           | 797           | 95.1%           |
| Retirement Villages     | 47            | 51            | 108.5%          |
| <b>TOTAL</b>            | <b>52,028</b> | <b>52,673</b> | <b>101.2%</b>   |

**Graph 3 – Consumer and Commercial Division  
Workload received by Registry 2023-24**



**Graph 4 – Consumer and Commercial Division  
List types received by Registry 2023-24**



## Workload

During 2023-24 the Division received 52,028 applications and finalised 52,673 giving a clearance ratio across the whole Division of 101.2%.

Compared to the previous year, lodgements in the Division decreased by 10.4% and finalisations decreased by 10.3%. However, this large decrease should be viewed in the context of the unusually high volume of post-COVID applications received during 2022-23. The Division continues to receive almost 80% of NCAT’s total workload, and the long-term trend analysis indicates a return to normal levels during the reporting period.

### Aboriginal Tenancy List

The Aboriginal Tenancy List commenced in September 2023. This significant new initiative was introduced following consultation with relevant stakeholders. The first Aboriginal Tenancy List was held in the Sydney Registry. This List, which is conducted on dedicated days in specific locations, brings together parties, Aboriginal advisory services (legal and others), as well as support services to assist Aboriginal and Torres Strait Islander tenants and landlords in the resolution of their disputes.

Members are provided with training and information concerning cultural, economic and social issues that impact those whose disputes are placed in the List. Close attention is given to achieving appropriate outcomes for the benefit of all parties that are consistent with the Tribunal’s statutory obligations. Consideration is given to the particular circumstances of the parties, including those who are disadvantaged.

## Members

During the year, 14 new Members were appointed to the Division. The number of full-time and sessional Members hearing cases in the Division during the reporting period was 102. Approximately 12 Members of the Division sat on Appeal Panels.

Division-wide training occurred for all Consumer and Commercial Division Members in March and June 2024, with Members attending both in person and via audio-visual link. The training program focused on various topics relevant to the Division’s broad jurisdiction, including access to justice for Aboriginal and Torres Strait Islander tenants, making of consent orders, time limitations in tenancy termination applications, analysing expert evidence in home building matters, conducting directions hearings in complex matters, strata issues and consumer law.



## Legislation

Changes to legislation affecting the work of the Division during the year included the following:

- *Home Building Act 1989* (NSW) – introduction of new Part 3B relating to rectification and stop work orders and appeals to the Tribunal.
- *Residential Tenancies Amendment (Rental Fairness) Act 2023* (NSW) – which related to termination orders if a rental bond was not paid in accordance with the roll-over scheme.

A full list of the legislation which confers power on the Division is attached at Appendix 1.

## Consultation with stakeholders

The Consumer and Commercial Division has four separate Consultative Forums comprising the Tenancy, Aboriginal and Social Housing forum; the Home Building forum; the Residential Communities, Retirement Villages and Strata and Community Schemes forum; and the General, Commercial and Motor Vehicles forum.

The Division's forums met twice in the reporting period. These meetings allow the Tribunal to engage with advocates and other interested stakeholders about changes in legislation and the Division's practices and procedures. The forums also allow stakeholders to provide feedback and raise any issues or concerns their constituent members have experienced in the Tribunal.

## Significant decisions

### ***Unlukaplan v Habbouchi* [2023] NSWCATCD 106**

The proceedings involved an application by a landlord under the *Residential Tenancies Act 2010* (NSW) ('RT Act') to terminate a tenancy on grounds of undue hardship to the landlord under s 93 of the RT Act.

The tenants had rented the property from the former owner on 15 June 2022. After a new lease was entered into, the tenants had the benefit of a fixed term lease until June 2024. The former owner sold the residential premises to the applicant in about October 2022. Prior

to the residential premises being sold, the applicant had made a monetary offer for them to relinquish their tenancy when he became owner, but they refused. The applicant lived in Victoria when he purchased the residential premises. He sold his house in Victoria and moved to NSW in October 2022. He then rented residential premises in NSW. The applicant argued he was under financial stress due to not being able to move into the property he purchased. The tenants argued they had medical hardship reasons for remaining in the residential premises; and would incur significant additional expenses if they were forced to move out of the property before June 2024.

The Tribunal assessed whether the landlord had established 'in the special circumstances of the case... undue hardship' if the tenancy was not terminated. It discussed the legal definition of 'special circumstances' and 'undue hardship'. The Tribunal found the landlord had caused his own purported financial hardship by purchasing a property on terms that included an existing lease being in place; and in any event the discretionary weighing of the circumstances of the landlord and the tenant was not in favour of terminating the tenancy.

### ***Subway Vault (NSW) Pty Ltd v Gogo MD Pty Ltd* [2023] NSWCATCD 118**

The applicant was the lessee of premises in the inner-east of Sydney, and the respondent the lessor. The premises were not a business selling adult services, but involved payment of a fee to use the facilities for the purpose of activities that included consensual sexual activities. Drinks and food were also provided at the premises. The local Council had given approval as a 'sex on premises venue'. The premises were not located in a shopping centre. The lease between the parties had ended. The applicant commenced proceedings in the Tribunal seeking damages against the respondent. The respondent argued the Tribunal had no jurisdiction to hear and determine the proceedings under the *Retail Leases Act 1994* (NSW) ('RL Act'). The proceedings were set down for hearing to determine the issue of jurisdiction.

The Tribunal found the premises were not a 'retail shop' and the proceedings did not involve a 'retail tenancy

claim' under s 70 of the RL Act. In making this finding, the Tribunal considered the use of the premises identified in the lease; the types of shops set out in Sch 1 of the Retail Lease Regulation 2022 (NSW) (including the meaning of 'amusement and entertainment services'); and the predominant use of the premises. The Tribunal distinguished the authorities dealing with the RL Act from those involving the *Retail Leases Act 2003* (Vic), which contained different provisions involving the use of premises.

#### ***Abdalla v Rasier Pacific Pty Ltd* [2024] NSWCATACD 7**

The applicant was a former Uber driver who had his access to the Uber app terminated by the respondent by breach of the service agreement between the parties, that incorporated 'community guidelines'. The basis for the termination was a number of complaints by passengers, and the respondent had determined to affirm the decision to terminate after an internal review.

The Tribunal found that to the extent that clause 4 of the services agreement permitted the respondent to deactivate or restrict access to the app without cause or notice to the driver, or on the basis of a complaint the details of which had not been disclosed to the driver and the veracity of which has not been tested was void as an unfair contract term under ss 23-25 of the Australian Consumer Law 2010 (NSW). Accordingly, breach of contract was established by the applicant. The Tribunal discussed the authorities in *Najafi v Rasier Pacific Pty Ltd* [2023] NSWCATCD 153; *Rehman v Rasier Pacific Pty Ltd* [2024] NSWCATCD 3; and *Singh v Rasier Pacific Pty Ltd* [2024] NSWCATCD 4.

The Tribunal discussed the principles pertaining to assessment of damages for breach of contract. The Tribunal noted that clause 27 of the service agreement allowed the respondent to terminate without any breach on 30 days notice. The Tribunal opined that clause 27 was likely to be an unfair contract term, but it was unnecessary to determine that issue. The Tribunal assessed the damages as \$1,000 being the gross revenue less variable costs, doing the best it could on the limited financial records of the applicant provided in evidence.

#### ***Vojkovic v Savva* [2023] NSWCATCD 141**

The applicant was an occupant in a strata scheme. The first respondent was a lot owner and a member of the strata committee. The second respondent was the wife of the first respondent. The applicant sought two orders. First that the respondents remove their dog from the strata plan on the basis the dog was causing a nuisance, hazard, or unreasonably interfering with the use or enjoyment of another lot or the common property (s 158 *Strata Schemes Management Act 2015* (NSW) ('SSM Act'). Secondly that the first respondent be removed as a strata committee member (s 238 of the SSM Act).

In respect of s 158 of the SSM Act, the Tribunal referred to the legal authorities as to whether conduct caused a nuisance or unreasonable interference, including *Chehelnabi v Gourmet and Leisure Holdings Pty Ltd* [2020] NSWCATAP 102; and *The Owners Strata Plan No 56587 v White* [2021] NSWCATCD 67. The Tribunal stated the test was an objective one. The conduct complained of was excessive barking. The Tribunal was not satisfied on the evidence that, assessed objectively, there was any breach of by-law or nuisance or unreasonable interference established.

In respect of s 238 of the SSM Act, the Tribunal held the matters identified in s 238(2) as grounds for removal were not the only matters that could be considered but were mandatory matters that must be considered in conjunction with any other relevant circumstance. The Tribunal cited with approval *Lockrey v Rosewall* [2022] NSWCATCD 27 that a decision to remove a strata committee member should only be made in 'the clearest of cases'. The Tribunal was not satisfied that the conduct of the first respondent was sufficient to order he be removed from the strata committee.

#### ***The Owners Strata Plan No 493 v Roberts* [2023] NSWCATCD 57 and *The Owners Strata Plan No 4393 v Roberts (No 2)* [2024] NSWCATCD 1**

The respondent was a lot owner in a strata scheme who had conducted unauthorised alterations to common property when renovating her lot on a number of occasions. The Tribunal had made separate orders (4

March 2022 and 7 June 2022) restraining her from doing work. The applicant owners corporation took penalty proceedings under s 247A of the *Strata Schemes Management Act 2015* (NSW) ('SSM Act') for breach of the orders. The Commissioner of Fair Trading was joined as an intervenor in the proceedings.

After an extensive analysis of statutory interpretation, the Tribunal held that s 247A of the SSM Act only empowered the Tribunal to impose a single penalty where an order of the Tribunal is contravened on multiple occasions: *The Owners Strata Plan No 493 v Roberts* [2023] NSWCATCD 57. The Tribunal found (in *The Owners Strata Plan No 4393 v Roberts (No 2)*) that there is no prima facie rule that the penalty must be paid to the owners corporation if it is the applicant, and it is within the discretion of the Tribunal to order the penalty be paid to the owners corporation or NSW Fair Trading. The Tribunal was satisfied in the circumstances of the case that the penalty should be paid to the owners corporation. The Tribunal ordered the respondent to pay a penalty of 50 penalty units (\$5,500) and pay the owners corporation's costs of the proceedings.

#### ***Pickett v Savage* [2024] NSWCATCD 19**

The applicant entered into a contract with the respondent to perform structural landscaping works. The respondent was not suitably licensed to perform the work; and no home warranty insurance was taken out by the respondent. The applicant terminated the

contract before works were complete, on grounds that work was defective and that the respondent has not completed the work within a reasonable time. The applicant had paid the respondent (after a partial refund from the respondent to the applicant was taken into account) the amount of \$11,542.50. The total contract price if the respondent had completed the works was \$26,275.

The Tribunal found that the respondent had repudiated the contract because the works were not completed with a reasonable time under s 18B(1)(d) of the *Home Building Act 1989* (NSW) ('HB Act') and s 62 of the *Australian Consumer Law 2010* (NSW) ('ACL'); and the applicant accepted the repudiation and terminated the contract. The Tribunal considered whether the respondent being suitably licensed under the HB Act to perform work was an essential term of the contract, but ultimately did not need to decide that issue. The Tribunal dismissed the applicant's claim because the applicant was unable to establish loss, either by way of the cost of rectifying existing defective work; or any increased cost in completing incomplete work. The Tribunal discussed the applicable legal principles relating to assessment of loss in the context of a residential building work dispute. The Tribunal also considered alternative causes of action under the ACL and found that the applicant had failed to establish any loss, referring to the principles in *Mills v Walsh* [2022] NSWCA 255.

# Guardianship Division

## What the Division does

The Guardianship Division exercises a protective jurisdiction and promotes the rights of people living with decision-making disabilities.

The Division facilitates substitute decision-making by determining applications for the appointment of guardians and financial managers. 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 to enable people with decision-making disabilities to participate.

Many decisions made by the Division have a profound effect on the autonomy of persons with decision-making disabilities, and ability to make decisions about critical aspects of their lives.

Section 4 of the *Guardianship Act 1987* (NSW) requires Members of the Division when exercising their powers to observe a number of principles.

These include taking into account the views of the person with a disability, restricting their freedom of decision-making and freedom of action as little as possible and protecting them from abuse, neglect and exploitation. At all times, the welfare and interests of people with disabilities is the paramount consideration.

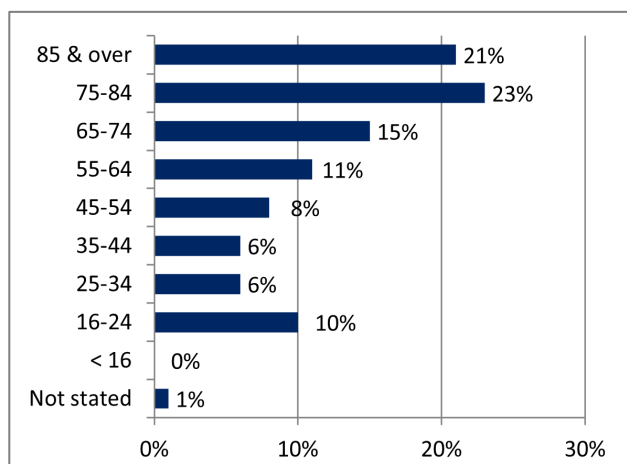
## Work within the Division

The Division uses a triage system to assess applications based on the apparent risk posed to the person who is the subject of the application (referred to as the **subject person**) or the person's estate. Listing priority is given to applications where the subject person is assessed as being at immediate risk (Risk Category 1).

Table 4 – 2023-24 Guardianship Division workload and performance

| APPLICATION TYPE                                   | APPLICATIONS  | FINALISATIONS | CLEARANCE RATIO |
|--|---------------|---------------|-----------------|
| Guardianship                                       | 5,453         | 4,798         | 88.0%           |
| Requested Review of Guardianship                   | 849           | 801           | 94.3%           |
| Financial Management                               | 3,878         | 3,725         | 96.1%           |
| Requested Review of Financial Management           | 947           | 922           | 97.4%           |
| Enduring Power of Attorney                         | 298           | 268           | 89.9%           |
| Enduring Guardianship                              | 480           | 247           | 51.5%           |
| Review/Revocation of an Enduring Power of Attorney | 35            | 37            | 105.7%          |
| Medical/Dental Consent                             | 445           | 436           | 98.0%           |
| Recognition of Interstate Appointment              | 68            | 71            | 104.4%          |
| Clinical Trial                                     | 20            | 20            | 100.0%          |
| Rehearing – Remittal                               | 1             | 1             | 100.0%          |
| Set Aside/Vary Decisions                           | 2             | 1             | 50.0%           |
| Statutory Reviews (falling due in the period)      | 4,847         | 4,840         | 99.9%           |
| <b>TOTAL</b>                                       | <b>17,323</b> | <b>16,167</b> | <b>93.3%</b>    |

**Graph 5 – Age demographic of the subject person**



Recognising the urgent nature of many applications made to the Division, the Division provides an after-hours service, enabling applications to be determined 24 hours a day, 365 days a year.

## Accessibility

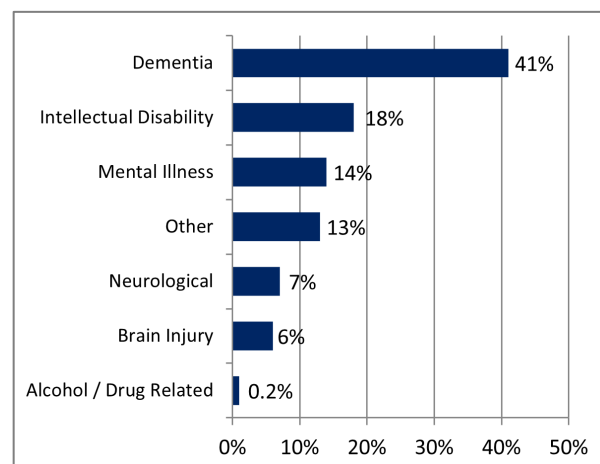
The Division endeavours to ensure that the subject person is supported to participate in proceedings to the greatest extent possible. The Division follows the guidelines developed by the Australian Guardianship and Administration Council, which are designed to maximise the participation of the subject person in guardianship proceedings wherever possible.

Division staff endeavour to contact and encourage the subject person to attend the hearing and to provide their views about the application.

Since July 2022, the Division has progressively returned to conducting in person hearings. The Division has also returned to its pre-COVID-19 pandemic practice of conducting hearings throughout greater metropolitan Sydney and regional NSW.

In addition, the Division has resumed its pre-pandemic practice of conducting 'hybrid hearings', that is, hearings where parties have the option to participate by telephone or video conference or in person. The Division encourages parties, in particular the subject person, to participate in hearings in person.

**Graph 6 – Disability identified in applications**



Throughout the reporting period the subject person participated in 78% of substantive hearings: 12% in person, 50% by video conference and 15% by telephone.

## Workload

The Division continued to experience significant growth in its workload, which increased by 5.3% from the previous year. Despite an average annual increase in workload of 8% for the last five years, the Division managed to achieve a clearance ratio of 93.3%.

In the reporting period the number of applications made to the Guardianship Division grew to 12,476 for substantive orders. In addition, the Division conducted 4,847 statutory (end-of-term) reviews of guardianship and financial management orders.

The primary driver of this growth continues to be the ageing population and the consequent increase in the number of people living with dementia and other age-related decision-making disabilities. Other factors contributing to this growth include increased public awareness of, and preparedness to report abuse and exploitation of people with disabilities and older people, difficulties dealing with the National Disability Insurance Agency, financial and other institutions on behalf of the subject person, and the introduction of safeguards to reduce the use of restrictive practices in residential aged care facilities. A further driver is family conflict generated by decisions about the subject

person's accommodation, especially where the person owns a home.

Guardianship orders are time limited. The *Guardianship Act* requires that guardianship orders be periodically reviewed by the Tribunal, generally every 12 months, or after the initial order up to 3 years. While not time-limited, financial management orders must be reviewed if ordered by the Division.

During 2023-2024, the Guardianship Division:

- received 5,453 applications for guardianship orders, 849 requested reviews and 4,349 statutory reviews
- finalised 4,798 applications for guardianship orders, 801 requested reviews and 4,357 statutory reviews
- of the guardians appointed, 51.4% were private guardians, 46.9% the Public Guardian and 1.8% a joint appointment of a private guardian and the Public Guardian
- received 3,878 applications for financial management orders, 947 requested reviews and 498 reviewable orders
- finalised 3,725 applications for financial management orders, 922 requested reviews and 483 reviewable orders
- of the managers appointed under financial management orders, 53% were private managers and 47% the NSW Trustee and Guardian
- granted 192 requests for legal representation and appointed 729 separate representatives. One or more parties were legally represented in 5.3% of all applications
- arranged for the attendance at hearings of 1,732 interpreters in 70 languages.

## Members and staff

Most hearings are conducted by a three-Member panel: a Senior (Legal) Member, a Senior (Professional) Member, and a General (Community) Member.

Members of the Division are appointed on the basis of their professional and/or personal experience with people with disabilities and/or their legal skills and experience. Senior (Professional) Members hold professional qualifications in areas such as medicine, psychiatry, psychology and social work. General (Community) Members have direct personal and/or professional experience with people with decision-making disabilities.

This multi-disciplinary model enables NCAT to draw on the collective knowledge, skill and experience of its Members. This assists the Tribunal to better evaluate the available evidence and to discharge its statutory obligation to ensure that all relevant material is disclosed to the Tribunal (s 38(6)(a) of the NCAT Act). The combination of professional and personal experience contributes significantly to the quality of its decisions.

The Division's Member professional development program focused on topics relevant to the jurisdiction, including effective communication with people with decision-making disabilities; the nature of the fiduciary obligations owed to the subject person/principal by a financial manager/attorney; brain injury: diagnosis, prognosis, rehabilitation and assessment, and questioning techniques.

Registry staff provide a specialist enquiry service and give information to the subject person, family members, and anyone with a genuine concern for the subject person's welfare about the Division's procedures and the type of information likely to be required to support or to challenge an application. In appropriate cases, staff 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 person being supported by family and friends to make decisions.

Assisting the subject person to understand NCAT's role and its procedures is a focus of the Division's enquiry service. Staff encourage the participation of the subject person by exploring options with the subject person, as well as families and friends, to participate in the



hearing process. In addition, where appropriate, staff seek information about the subject person's capacity to make decisions, the support available to assist the person to make decisions and the type of decisions that are likely to be required to be made in the foreseeable future.

## Consultation with stakeholders

The NCAT Guardianship Division Consultative Forum met twice in the reporting period.

Members of the forum include representatives from advocacy groups, such as the Seniors Rights Service, Alzheimer's Australia NSW, the Intellectual Disability Rights Service, the NSW Council for Intellectual Disability and key government agencies including the NSW Public Guardian, the NSW Trustee and Guardian and the National Disability Insurance Agency.

The forum provides the Division with an invaluable opportunity to engage with the disability sector and other stakeholders and to receive feedback about our practices and procedures.

## Significant decisions

### ZCT [2024] NSWCATGD 4

ZCT is a 24-year-old woman who has been diagnosed with schizophrenia. She is a participant in the National Disability Insurance Scheme (NDIS). Since 2021, ZCT has been under guardianship and financial management orders made by the Tribunal. In February 2024, the Tribunal reviewed the guardianship order and reappointed the Public Guardian to make decisions about the services to be provided to ZCT. In March 2024, the Public Guardian applied to the Tribunal for a review of the guardianship order because of concerns that ZCT has been financially exploited. The Tribunal heard allegations that ZCT's family had engaged with an NDIS service provider, and that the director of that provider was intending to marry ZCT. The Tribunal also heard allegations that ZCT has disclosed that she has been involved in sexual encounters with the director, that he had booked hotel rooms for her, paid money to

members of her family, and, in the past, had taken her to Libya.

The Tribunal reviewed the guardianship order and decided to reappoint the Public Guardian, after finding that ZCT's family members were not suitable to be appointed as her guardians. Due to the serious concerns for ZCT's safety and welfare, the Tribunal added additional functions to the guardianship order, giving the Public Guardian authority to make decisions for ZCT about her accommodation, services, legal services, and her access to others and the conditions of that access. The Tribunal also gave the Public Guardian authority to authorise others, including members of the NSW Police and the Ambulance Service of NSW, to take, keep and return ZCT to a place approved by the guardian. In addition, the Tribunal gave the Public Guardian authority to make decisions about ZCT's passport and whether or not she can travel outside Australia.

### SKN [2023] NSWCATGD 16

SKN is a 90-year-old man who lives in a residential aged care facility. He has been diagnosed with advanced dementia. In 2011, SKN executed an instrument appointing his wife and his two children as his enduring guardians to make decisions about where he lives, the health care and personal services he receives, and to consent to the carrying out of medical and dental treatment (the **EGA**). By 2018, SKN's condition had deteriorated, and his children began to exercise the power to make decisions on his behalf under the EGA. In May 2023, SKN's daughter made an application to NCAT seeking review of the EGA. The daughter requested that a 'restrictive practices function' be added to the EGA because a restrictive practice (chemical restraint) was being used in the aged care facility to manage her father's 'challenging behaviours', including physical and verbal violence directed at nursing staff.

Under section 15FA(1)(f) of the *Quality of Care Principles 2014* (Cth), where an aged care recipient is not able to provide her or her own consent to the use of a restrictive practice, consent must be given by a 'restrictive practices substitute decision-maker'. In

NSW, a 'restrictive practices substitute decision-maker' means a guardian appointed by the Tribunal under a guardianship order and given the authority to consent to or to withhold consent to the use of restrictive practices for the person; or an enduring guardian appointed under Pt 2 of the *Guardianship Act* and given authority to consent to or withhold consent to the use of restrictive practices.

The Tribunal considered whether it should make an order to vary the functions given to the enduring guardians under s 6K of the *Guardianship Act*, or whether it should make a guardianship order with a restrictive practices function. The Tribunal considered whether SKN's children could make decisions about the use of restrictive practices in a manner consistent with the principles in s 4 of the *Guardianship Act*. Among other things, those principles require that paramount consideration be given to the welfare and interests of the subject person. The Tribunal found that in their role as enduring guardians, the children had been conscientious and thoughtful and had given paramount consideration to the welfare and interests of SKN. The Tribunal found that the children were able to consent to, or to withhold consent to the use of restrictive practices for SKN, in a manner that complies with the principles in s 4 of the *Guardianship Act*. The Tribunal decided to vary the EGA to give the children authority to consent to or withhold consent to the use of restrictive practices. The Tribunal found that varying the EGA by adding a restrictive practices function, better reflected SKN's wishes, and no useful purpose would be served by making a guardianship order.

#### **DKK [2023] NSWCATGD 19**

DKK is an 84-year-old woman and a citizen of Germany. DKK has lived in a commune in regional NSW for over 25 years and has strong ties with her family and friends in Germany and Australia. In 2023, DKK was admitted to a public hospital with a urinary tract infection, COVID-19 and delirium. She has since recovered from these conditions. While DKK was in hospital, the Tribunal received seven separate applications for the appointment of a guardian and financial manager for DKK. The applications were made by a hospital social

worker, DKK's nephew who lives in Germany, and two neighbours and long-term friends of DKK.

Under s 14 of the *Guardianship Act*, the Tribunal may make a guardianship order if it is satisfied that a person is 'a person in need of a guardian', that is, 'a person who, because of a disability, is totally or partially incapable of managing his or her person'. The Tribunal accepted that DKK has some degree of cognitive impairment and possibly an underlying condition that is causing paranoia. However, the Tribunal was not satisfied that it could make a guardianship order for DKK. The Tribunal found that DKK's neighbours and friends at the commune, her friend in Queensland, and her family in Germany, are able to provide support to DKK and to arrange formal support services if required, such that she does not require the appointment of a guardian.

Under s 25G of the *Guardianship Act*, the Tribunal may make a financial management order if it is satisfied that the person is not capable of managing their financial affairs, there is a need for another person to manage those affairs on the person's behalf, and it is in the person's best interests that the order be made. The Tribunal was satisfied that it could make a financial management order for DKK. The Tribunal found that DKK is incapable of managing her own affairs due to her vulnerabilities and the difficulties she has in planning and managing her day-to-day finances. The Tribunal held that it was in DKK's best interests to make a financial management order and appointed two of DKK's friends jointly as her financial managers.

#### **QZH [2023] NSWCATGD 21**

QZH is 89 years old and has been diagnosed with dementia. QZH and his spouse live with one of their sons, OYH, at a house that is owned by another son, KAH. In 2020, QZH appointed OYH as his attorney and enduring guardian under enduring power of attorney and enduring guardianship instruments. QZH's spouse executed corresponding instruments appointing OYH as her attorney and enduring guardian. Following the appointments, OYH used money from the sale of his parents' property to fund building works on his own property. He proposed that once the building works are



completed, his parents will move in with him and he will care for them.

The Tribunal received applications from KAH for the appointment of a guardian and financial manager for QZH and his spouse. All applications were heard together. KAH raised concerns that the parents are vulnerable to financial exploitation, and that as their enduring guardian, OYH fails to make, or does little to assist his parents to make decisions about their personal affairs, including the care they receive.

The Tribunal decided to make a guardianship order for QZH. The Tribunal found that OYH was making decisions that were not in his parents' best interests, as evidenced by the fact that they were living in sub-optimal conditions, and OYH was not open to considering alternative accommodation options. The Tribunal found that OYH demonstrated little understanding of, or interest in, his parents' health care and medical needs.

KAH proposed that he and his wife be appointed as QZH's guardian. The Tribunal found that KAH and his wife were not suitable to be appointed as guardians because the animosity between the two brothers was such that it was likely to influence decisions he made on behalf of QZH, with the risk that family relationships will be further disrupted for the parents. The Tribunal appointed the Public Guardian.

The Tribunal also made a financial management order for QZH. The Tribunal found that OYH had acted outside his authority as attorney because he was making gifts to himself from his parents' estate and was not authorised to do so under the instruments made by his parents which appointed him as attorney. The Tribunal found that OYH's actions had put his parents' financial affairs at risk, with no apparent benefit to themselves. The Tribunal decided to commit the management of QZH's estate to the NSW Trustee and Guardian. The Tribunal found that, due to the hostility between the brothers, QZH's interests were better served by the appointment of an independent financial manager.

# Occupational Division

## What the Division does

The Occupational Division hears and determines occupational matters in three broad categories:

- Professional discipline of health practitioners, architects, veterinary practitioners, registered certifiers, lawyers and public notaries
- Administrative review of decisions relating to the licensing of specified occupations, and
- Potential breaches by local government councillors and Aboriginal land councillors of applicable codes of conduct and pecuniary interest provisions.

## Work within the Division

The Division 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 codes of conduct applicable to local government councillors under the *Local Government Act 1993* (NSW) as well as challenges to election of councillors.

In addition, the Tribunal hears and determines matters involving Aboriginal land councillors for asserted

breaches of pecuniary interest provisions and codes of conduct applicable to those councillors under the *Aboriginal Land Rights Act 1983* (NSW).

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 services and security agents.

The matters heard in this Division 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, who are competent and appropriate to practise, do so.

## Workload

During 2023-24, the Occupational Division received 249 applications and finalised 249, giving a clearance ratio across the whole Division of 100.0%. The predominant type of applications in the Division are professional disciplinary proceedings.

In health 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.

Table 5 – 2023-24 Occupational Division workload and performance

| LIST                                       | APPLICATIONS | FINALISATIONS | CLEARANCE RATIO |
|--|--------------|---------------|-----------------|
| Administrative Review                      | 123          | 132           | 107.3%          |
| Health Practitioner                        | 110          | 102           | 92.7%           |
| Legal Practitioner and Other Professionals | 16           | 15            | 93.8%           |
| <b>TOTAL</b>                               | <b>249</b>   | <b>249</b>    | <b>100.0%</b>   |

These Members provide specialist knowledge and skill to the issues requiring determination. The Tribunal panel also includes a Lay Member, whose contribution is also valuable. Case conferencing is used to narrow issues in dispute and to reduce hearing time and costs.

## Members

The Division comprises the Deputy President and Division Head, as well as Members in the Division who include Judges, Principal and Senior Members and Professional Members who are appointed as Occasional Members for a particular matter because of their professional expertise, and General and Lay Members.

In legal services matters involving disciplinary applications brought under the Legal Profession Uniform Law (NSW), 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 (barrister or solicitor) and a General Member. Constitution of the Tribunal to hear other types of matters involving legal practitioners differs depending on the type of proceeding.

Composition of the Tribunal to hear other professional disciplinary matters is fixed by the governing legislation, and typically includes a professional from the appropriate discipline.

Disciplinary proceedings against local government councillors and against Aboriginal Land councillors are usually heard by a single Member, except in the case of a challenge to a councillor's election under the *Local Government Act*, when the panel comprises three Members.

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

Professional development twilight sessions were held during the reporting period, which were well attended.

## Legislation

There was no new jurisdiction conferred on the Division during the reporting period. A full list of the legislation which confers power on the Division is attached at Appendix 1.

## Consultation with stakeholders

There were no stakeholder meetings held during this financial year.

## Significant decisions

### ***Council of the New South Wales Bar Association v Waterstreet [2024] NSWCATOD 47***

The Bar Council brought an application for disciplinary findings and orders against the respondent, a legal practitioner, under the Legal Profession Uniform Law (NSW) ('Uniform Law'). The Bar Council alleged that the respondent had engaged in unsatisfactory professional conduct and professional misconduct in relation to three complainants. The complaints against the respondent alleged that he had sexually harassed the complainants and failed to pay wages owed to one complainant who was employed by the respondent.

The Tribunal determined that the respondent had engaged in conduct which was sexual harassment and amounted to unsatisfactory professional conduct under the Uniform Law. The respondent was also found to have engaged in conduct which was likely to diminish public confidence in the legal professional and was unsatisfactory professional conduct under the Uniform Law. The Tribunal determined that the respondent was guilty of professional misconduct under s 297(1)(a) of the Uniform Law. There was also an allegation against the respondent that he was guilty of professional misconduct under s 297(1)(b) of the Uniform Law on the basis that his conduct, if established, would justify a finding that he was not a fit and proper person to engage in legal practice.

The Tribunal said that this question must be decided in the context of the circumstances of the conduct

together with the respondent's personal qualities and other circumstances which bear upon the conduct. The Tribunal accepted psychiatric evidence that the respondent suffered from bipolar II disorder which was not diagnosed until 2022. The Tribunal declined to find the respondent guilty of professional misconduct under s 297(1)(b) of the Uniform Law as the Bar Council had not established that the respondent's character played a sufficient role in his offending conduct and the psychiatric evidence indicated that the respondent's bipolar II disorder was the dominant causal factor in his offending conduct.

***Health Care Complaints Commission v Wilton [2023]***  
**NSWCATOD 153**

The Health Care Complaints Commission commenced disciplinary proceedings in the Tribunal against the respondent, a registered nurse, based on complaints that she failed to observe professional boundaries and provided poor clinical care to a patient. The complaints concerned Patient A who had a complex mental health history including depression with psychosis, suicidality and obsessive compulsive disorder. Patient A was an inpatient at the mental health facility where the respondent worked as a registered nurse. The respondent provided care to Patient A on ten occasions. During this time, a friendship developed between the respondent and Patient A.

The Tribunal found that the respondent had failed to observe professional boundaries which included meeting with Patient A for social outings, asking Patient A to look after and care for her dog in her absence, drinking alcohol in Patient A's presence and asking Patient A to buy items for her. The Tribunal determined that this conduct was unsatisfactory professional conduct under s 139B(1)(a) and s 139B(1)(l) of the Health Practitioner Regulation National Law ('National Law'). The Tribunal also found that the respondent's conduct in holding clinical sessions with Patient A in social settings was unsatisfactory professional conduct under s 139B(1)(a) and s 139B(1)(l) of the National Law. The Tribunal said that while meeting in such settings could be appropriate and therapeutic, after the friendship developed, it was not

possible to maintain professional boundaries while engaging in a social setting.

The Tribunal found that the respondent's conduct was professional misconduct as it was sufficiently serious to justify suspension or cancellation of her registration. The Tribunal determined it was appropriate to make an order cancelling the respondent's registration as a nurse given the serious boundary violations with the patient, the Tribunal's inability to be satisfied that there was no risk the respondent would behave in a similar fashion again and the paramount consideration of protecting the health and safety of the public. The Tribunal also made an order that the respondent may not apply for review of the cancellation order for six months.

***Executive Director, Local Government, under delegation from the Secretary, Department of Planning, Industry and Environment v Hindi [2023]***  
**NSWCATOD 186**

The Executive Director, Local Government referred a report concerning allegations of misconduct against Mr Hindi, a former councillor of Georges River Council, to the Tribunal under s 440J of the *Local Government Act 1993* ('the Act'). The report alleged that Mr Hindi attended a council meeting in his capacity as a councillor and engaged in misconduct under s 440F of the Act. The Tribunal decided to conduct proceedings in the matter pursuant to s 470A of the Act. The grounds raised by the applicant alleged that Mr Hindi had made personal unfavourable remarks towards the Legal Services Director and imputed an improper motive towards another Councillor. Other grounds alleged that Mr Hindi had made allegations that the General Manager had disclosed information concerning an ICAC investigation to the media and that the General Manager had tried to influence his votes.

Mr Hindi raised s 731 of the Act as a defence to several of the grounds raised on the basis that he was acting in good faith. The Tribunal did not accept s 731 was a defence to any of the alleged misconduct as the term 'for and on behalf of the Minister' in s 731 implied that a person had been authorised to do something and it was not simply any thing or matter done by a councillor for

the purpose of executing the Act. The Tribunal also noted that Mr Hindi had not precisely identified what had been done in good faith and for what purpose he was executing the Act or any other Act. The Tribunal found all except one of the grounds had been established and that Mr Hindi had engaged in misconduct by committing acts of disorder and failing to comply with the Council's code of conduct pursuant to ss 440F(1)(b) and 440F(1)(d) of the Act.

***Pearce v Commissioner for Fair Trading [2023]***  
**NSWCATOD 149**

The Commissioner for Fair Trading took disciplinary action against Mr Pearce, who held a contractor licence, on the basis that he was guilty of improper conduct and was not a fit and proper person to hold a licence. The Commissioner found that Mr Pearce provided false and misleading information about his criminal offences when applying to renew his licence on four occasions and that he had committed a common assault against a neighbour while undertaking building work. Mr Pearce applied to the Tribunal for administrative review of the Commissioner's decision.

The Tribunal was satisfied that Mr Pearce had knowingly or recklessly provided false and misleading information about his offending in four applications to renew his licence but noted that two of the applications were approved when the Commissioner had knowledge of the nature and extent of his offending. In relation to the common assault, the Tribunal said his conduct was not in keeping with his responsibilities as a licence holder and that members of the community are entitled to expect that a building contractor will conduct themselves in a professional and non-violent manner.

The Tribunal found that there was a consistent pattern in Mr Pearce's offending of aggression and failing to follow the law which went to his suitability to hold the licence. The Tribunal was satisfied that Mr Pearce's conduct warranted disciplinary action taken against him as he was not a fit and proper person to hold a contractor licence. The Tribunal affirmed the Commissioner's decision to cancel his licence but varied the decision to reduce the period of disqualification from eight years to two years.

***Council of the Law Society of New South Wales v Sideris [2024] NSWCATOD 3***

The Council made an application for disciplinary findings and orders against the respondent, a solicitor, alleging that he was guilty of professional misconduct on two grounds. The grounds alleged that the respondent breached the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (NSW) ('Conduct Rules') by sending correspondence directly to an organisation, who was the client of another solicitor, in relation to a dispute with the organisation and the respondent's mother-in-law and that the respondent sent discourteous correspondence to the organisation and its solicitor in relation to the dispute.

The Tribunal considered whether the respondent's conduct was done 'in the course of legal practice' and '[i]n representing a client' to constitute a breach of the Conduct Rules by examining whether the work done by the respondent was work of a kind usually done by legal practitioners including solicitors and whether the work was done in such a way to lead to the reasonable inference that the respondent was acting as a legal practitioner. The Tribunal noted that the respondent had repeatedly threatened to take legal action on behalf of his mother-in-law, used different signature blocks in his correspondence describing himself as 'Principal' or 'Principal Solicitor', failed to correct the solicitor acting for the organisation who believed the respondent was acting for his mother-in-law and former wife and referred to himself as a solicitor or acting as a solicitor in his correspondence. Accordingly, the Tribunal was satisfied that the respondent was acting 'in the course of legal practice' and 'in representing a client' as the work done by the respondent was of a kind usually done by a solicitor and the respondent's conduct led to a reasonable inference that he was acting as a solicitor.

The Tribunal found that the respondent had repeatedly breached the Conduct Rules by sending items of correspondence to the organisation after the other solicitor confirmed he acted for the organisation and requested future correspondence be sent to his office. The Tribunal was satisfied that the 'deliberate and

wilful nature' of these breaches justified a finding of unsatisfactory professional conduct and, considered cumulatively, amounted to professional misconduct. The Tribunal was further satisfied that the respondent had sent discourteous correspondence which included profanities, offensive or otherwise inappropriate language and was a breach of the Conduct Rules. The Tribunal found each instance of discourteous correspondence was capable of sustaining a finding of unsatisfactory professional conduct and, considered cumulatively, amounted to professional misconduct.

# 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 for in the NCAT Act or in the enabling legislation.

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

## Workload

There was a decrease in the number of appeals filed in the 2023-24 reporting period. The Appeal Panel received 616 appeals for the year ending 30 June 2024. In the previous year, a total of 712 appeals were received. The overall clearance ratio for the year was 101.8%.

Appeals were received from decisions in all Divisions, the largest number being received from the Consumer and Commercial Division, reflecting the high number of first instance decisions in that Division. A breakdown of statistics by Division is set out in Table 6.

Each Division manages their work by lists or order types. Table 7 on the following page is a breakdown of the appeals by list or order type.

For the 2023-24 year, 61.2% of internal appeals were finalised at or before the first hearing, and 97% of matters were finalised within nine months from the date of lodgement. 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, the Appeal Panel seeks to list all new appeals for callover within two weeks from when they are filed, with urgent stay applications and other interlocutory applications being listed more quickly.

Usually, an appeal has only one callover, at which directions are made for the preparation of appeal papers and the provision of submissions by the parties. At the callover, the appeal process is explained to the parties and a final hearing date is allocated. Parties can usually expect a hearing date six to ten weeks after the callover, with urgent appeals and interlocutory applications being dealt with more quickly.

Often, the party appealing lodges an application to stay the operation of the orders under appeal so that the party can be relieved of the obligation to comply with the orders pending the appeal. These applications are typically determined at the callover.

Table 6 – 2023-24 Appeal Panel workload and performance

| DIVISION                                      | APPLICATIONS | FINALISATIONS | CLEARANCE RATIO |
|---|--------------|---------------|-----------------|
| Administrative and Equal Opportunity Division | 50           | 64            | 128.0%          |
| Occupational Division                         | 1            | 4             | 400.0%          |
| Consumer and Commercial Division              | 520          | 519           | 99.8%           |
| Guardianship Division                         | 45           | 40            | 88.9%           |
| Designated External Appeals                   | -            | -             | -               |
| <b>TOTAL</b>                                  | <b>616</b>   | <b>627</b>    | <b>101.8%</b>   |



**Table 7 – 2023-24 Appeals finalised by Division and list/order type**

| LIST / ORDER TYPE                                 | 2023-24    |
|---|------------|
| <b>Administrative and Equal Opportunity</b>       |            |
| • Administrative Review List                      | 55         |
| • Community Services List                         | 0          |
| • Equal Opportunity List                          | 4          |
| • Revenue List                                    | 5          |
| <b>Occupational</b>                               |            |
| • Administrative Review List                      | 3          |
| • Health Practitioner List                        | 1          |
| • Legal Practitioner and Other Professionals List | 0          |
| <b>Consumer and Commercial</b>                    |            |
| • Commercial List                                 | 18         |
| • Community Land List                             | 2          |
| • General List                                    | 64         |
| • Home Building List                              | 113        |
| • Motor Vehicles List                             | 27         |
| • Residential Communities List                    | 12         |
| • Retirement Villages List                        | 2          |
| • Social Housing List                             | 30         |
| • Strata Schemes List                             | 52         |
| • Tenancy List                                    | 199        |
| <b>Guardianship</b>                               |            |
| • Initial Order                                   | 9          |
| • Review of Order                                 | 31         |
| <b>Designated External Appeals</b>                | 0          |
| <b>TOTAL</b>                                      | <b>627</b> |

**Table 8 – 2023-24 Final orders made by the Appeal Panel**

| FINAL ORDERS MADE | 2023-24    | %             |
|-------------------|------------|---------------|
| Allowed           | 104        | 16.6%         |
| Dismissed         | 358        | 57.1%         |
| Withdrawn         | 149        | 23.8%         |
| Other             | 16         | 2.6%          |
| <b>TOTAL</b>      | <b>627</b> | <b>100.0%</b> |

**Table 9 – 2023-24 Appeal Panel decisions appealed to the Supreme Court or Court of Appeal\***

| APPEAL RESULT | 2023-24   | %             |
|---------------|-----------|---------------|
| Dismissed     | 22        | 81.0%         |
| Allowed       | 5         | 19.0%         |
| <b>TOTAL</b>  | <b>27</b> | <b>100.0%</b> |

\* These figures are for matters in which there are finalised decisions published on NSW Caselaw.

Consistently with section 37 of the NCAT Act, the Appeal Panel promotes the use of alternative resolution processes where appropriate for the resolution of appeals. Conciliation at callovers has resulted in consent orders being made to finalise a significant number of matters. The Appeal Panel may also refer matters to the Community Justice Centres where appropriate.

Subject to the nature of the issues raised on appeal, and whether the NCAT Act or enabling legislation makes special provision for the constitution of the Appeal Panel (such as in appeals from the Guardianship Division), an Appeal Panel constituted to hear and determine an internal appeal usually comprises two legally qualified Members, or three legally qualified Members in the most complex of appeals.

Internal NCAT appeals from the Guardianship Division are constituted by three Members (two Legal Members, and one non-legal Senior or General Member) in accordance with clause 13 of Schedule 6 to the NCAT Act.

Orders and reasons for decisions of the Appeal Panel may be given on the day of the appeal. Otherwise, decisions are reserved. The service standard for publishing a decision and written reasons is 12 weeks from the date the decision is reserved, but usually decisions are published before this time. Table 8 provides a summary of the final orders made.

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 Supreme Court, or the Court of Appeal if the Appeal Panel included a judicial officer. Table 9 sets out the number of appeals and applications finalised by the Supreme Court for the 2023-24 reporting period and the result of those appeals.

## Members

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

Members of the Appeal Panel comprise the President, the Deputy Presidents, the Principal Members and selected Senior Members allocated by the President to the Appeal Panel. For appeals from the Guardianship Division, a non-legal General Member (who has experience with persons to whom the *Guardianship Act 1987* relates) or a Senior Member with relevant professional qualifications is included on the Appeal Panel constituted in a particular matter.

Beyond deciding the appeal in the particular matter, an important role of the Appeal Panel, through its decisions, is to provide guidance to Members sitting in Divisions of the Tribunal concerning the conduct of hearings, the interpretation of legislation and the making of decisions.

Reserved final decisions of the Appeal Panel are typically published on NSW Caselaw. The *Appeal Panel Decisions Digest* is regularly published, updating Members on important decisions from the Appeal Panel. The *Digest* is also published on the NCAT website and available as a subscription service.

## Significant decisions

### ***Eades v Qantas Airways Limited* [2024] NSWCATAP 35**

An Appeal Panel dismissed an appeal brought on the basis that NCAT had determined it lacked jurisdiction as the respondent (Qantas) had raised a defence which relied on federal law. The appellant had sought compensation from Qantas in relation to costs arising from the reschedule of his flights, including Qantas

booking a Malaysian Airlines flight contrary to his travel plans. Qantas advanced a defence under the Montreal Convention relating to International Air Travel which is incorporated into Australian federal law via the *Civil Aviation (Carriers Liability) Act 1959* (Cth), alleging it booked the tickets through Malaysian Airlines only as an ‘agent’ and not as a ‘carrier’. Where the Convention applies, it governs all claims for damage meaning the raising of this defence under the Convention would deprive NCAT of jurisdiction.

The appeal was ultimately dismissed as it was futile where the appellant had not established loss. In dismissing the appeal, the Appeal Panel noted a matter will fall within federal jurisdiction where a right or duty originates under federal law, or a defence which relies on federal law is ‘genuinely raised and not incapable on its face of legal argument’ (*Citta Hobart Pty Ltd v Cawthorn* [2022] HCA 16 at [35]). Article 30 of the Convention extends the protections of a carrier to its ‘servants and agents’. It is clear that because Qantas may have contracted with the appellant as agent for Malaysian Airlines, the application of the Convention is capable of legal argument, and may constitute a defence genuinely raised. Additionally, article 33 of the Convention states that an action for damages must be brought ‘either before the court of the domicile of the carrier or of its principal place of business, or where it has a place of business through which the contract has been made or before the court at the place of destination’ (emphasis added). Therefore, if the appellant’s claim was governed by the Convention, NCAT lacked jurisdiction to hear the claim from the outset because NCAT is not a court.

### ***Shakiri v Holland* [2024] NSWCATAP 28**

An Appeal Panel allowed an appeal from a decision of NCAT at first instance which had enforced a contract under s 10(1)(b) of the *Home Building Act 1989* (NSW) (HBA) despite the contract failing to meet the requirements set out by s 7 of the HBA. Relevantly, s 7 provides that a contract must be in writing, dated and signed by or on behalf of each of the parties to it. Section 10(1)(b) of the HBA provides that where the requirements of s 7 apply and a contract is not in

writing nor does it include a sufficient description of the work, the contract will not be enforceable. At first instance, NCAT found that the contract between the parties was not compliant with s 7, but nonetheless made the money order enforcing the contract in the builder's favour. On appeal, an Appeal Panel held that NCAT at first instance fell into error when it made the money order enforcing the contract in the builder's favour, when by virtue of s 10(1)(b), the contract was unenforceable because it was unsigned.

The Appeal Panel otherwise dismissed the appeal relating to the claim that NCAT's failure to refer to a procedural direction when rejecting an expert report was an error of law and that the Tribunal should have afforded 'presumptive weight' to the report. The weight afforded to an expert report is dependent on the Tribunal's analysis of the report's content rather than its compliance with a procedural direction.

#### ***Commissioner of Police, NSW Police Force v Ireland [2024] NSWCATAP 1***

The Commissioner of Police refused the appellant's (Mr Ireland) application for renewal of his firearms licence. Mr Ireland appealed this decision to NCAT and in his evidence relied upon medical reports from two doctors outlining that he did not appear to have a mental health disorder. Notably, these doctors were not aware of the circumstances of an emergency call as well as other key documents. The two doctors were unable to attend the hearing, but the evidence was nonetheless admitted with the caveat that it was understood it could not be tested by the Commissioner of Police. Relying on this evidence, NCAT at first instance ultimately concluded that Mr Ireland's adjustment disorder was temporary and did not necessarily constitute a mental illness within the meaning of s 4 of the *Mental Health Act 2007* (NSW). The Commissioner of Police appealed the decision asserting she was denied procedural fairness where undue weight was attributed to the medical evidence of the two doctors when she could not cross-examine the two doctors on their reports.

An Appeal Panel allowed the appeal holding that a practical injustice had arisen where NCAT at first instance placed weight on the doctors' evidence

without affording the Commissioner the opportunity to cross-examine. Whilst there is no requirement for NCAT to permit cross-examination in all circumstances, dispensing with the opportunity for cross-examination must still be subject to the rules of procedural fairness. In some circumstances, a failure to allow a party the opportunity to cross-examine will constitute a denial of procedural fairness giving rise to a question of law, or to an appealable error of law such that leave to appeal should be granted.

#### ***Davis v NSW Minister for Health [2023] NSWCATAP 211***

An Appeal Panel refused leave to appeal from a decision of NCAT which dismissed an application for administrative review on the ground that it was 'lacking in substance' pursuant to s 55(1)(b) of the *Civil and Administrative Tribunal Act 2013* (NSW) (NCAT Act). The appellant (Ms Davis) had sought administrative review of the respondent's (Minister) direction contained in the Public Health (COVID-19 Vaccination of Health Care Workers) Order 2021 (NSW). The order was subsequently repealed and the Minister made three consecutive orders under s 7 of the *Public Health Act 2010* (NSW), the last of which expired on 19 June 2022. Additionally, on 12 November 2021, the Secretary of the NSW Ministry of Health issued a determination under s 116A(1) of the *Health Services Act 1997* (NSW), which required employees of NSW Health to have received at least one dose of a COVID-19 vaccine by 12 November 2021 and two doses from 30 November 2021. Ms Davis' employment was terminated on 8 December 2021 after failing to provide evidence of vaccination. On remittal from a decision of an Appeal Panel which determined that NCAT had the power to review the direction, the Minister made an application for dismissal of the proceedings on the basis that there was no longer any operative order affecting Ms Davis. NCAT at first instance dismissed the proceedings under s 55(1)(b) of the NCAT Act, as they were 'lacking in substance'.

The Appeal Panel upheld this decision, holding that a finding that proceedings 'would be of no practical effect' may justify a conclusion that proceedings are 'lacking in substance' for the purpose of s 55(1)(b) of

the NCAT Act. Whilst the terms ‘vexatious’ and ‘lacking in substance’ are not interchangeable for the purpose of s 55(1)(b), there are proceedings which may be properly described as both vexatious and lacking in substance, because any ‘success’ would be of no practical effect. In determining whether to exercise the discretion to dismiss the proceedings after finding that the proceedings are lacking in substance, NCAT is obliged by s 36(2) of the NCAT Act to consider the consumption and diversion of the Tribunal’s resources.

***Australian Postal Corporation v Lux Cuttings Pty Ltd* [2023] NSWCATAP 316**

An Appeal Panel quashed a first instance decision and dismissed an appeal on the basis that NCAT lacked jurisdiction. NCAT at first instance had ordered Australia Post to pay the respondent the value of lost goods and services not provided. Australia Post appealed this decision on the basis that the Tribunal acted beyond jurisdiction in making this order because Australia Post is ‘the Commonwealth’ for the purposes of the Commonwealth Constitution, and only courts invested with federal jurisdiction can determine matters where the Commonwealth is a party. The Appeal Panel agreed, noting that s 75(iii) should be given ‘a wide construction and effect’ in considering whether the Commonwealth ‘is suing or being sued’ (*Maguire v Simpson* (1977) 139 CLR 362; [1977] HCA 63 at [9]). In reaching this conclusion, the Appeal Panel had regard to both the *Australian Postal Corporation Act 1989* (Cth) (APC Act), being the statute which continued Australia Post, and also to the criteria set out by McHugh J in *Australian Securities and Investments Commission v Edensor Nominees Pty Ltd* (2001) 204 CLR 559; [2001] HCA 1 at [127]. Additionally, the Appeal Panel stated that, whilst NCAT has no jurisdiction to exercise judicial power over matters within federal jurisdiction, it does possess incidental (or anterior) jurisdiction to decide whether matters brought before it are within jurisdiction.

***Wollondilly Shire Council v Styles* [2024] NSWCATAP 104**

An Appeal Panel dismissed an appeal made by the Wollondilly Shire Council in respect of NCAT’s decision

to overturn the Council’s claim of legal professional privilege over several emails Ms Styles had sought access to under the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act). NCAT at first instance found that the emails which the Council claimed legal professional privilege over did not contain legal advice. NCAT also found that the Council had not discharged its burden with respect to the existence of any public interest considerations against disclosure, the Council claiming the emails ‘speak for themselves’.

On appeal, the Appeal Panel agreed with NCAT at first instance stating that s 105 of the GIPA Act places the onus on the agency to demonstrate that relevant communications are subject to legal professional privilege. In satisfying the elements in s 118 of the *Evidence Act 1995* (NSW), an agency must establish that there exists a confidential communication between a client and a lawyer for the dominant purpose of the lawyer providing legal advice to the client. In claims for privilege under the GIPA Act, the relevant documents must be properly described and the facts relied upon as giving rise to the privilege must be set out. In this case, the emails themselves were not sufficient to discharge the onus of proving a claim of legal professional privilege.

In relation to NCAT’s finding that there was insufficient evidence to make out any of the claims that there were public interest considerations against disclosure, the Appeal Panel found again that NCAT had not gone about the fact-finding process in an unorthodox way. NCAT had not decided that without evidence the Council’s claim would inevitably fail. Rather, the absence of any other evidence or submissions left NCAT at first instance unpersuaded after reading the relevant emails. As with a claim of legal professional privilege, the party claiming that there is an overriding public interest against disclosure has the onus of proving that claim.

# Appendices

---

- 1 **Legislation**
- 2 **Major Legislative Change 2023-24**
- 3 **Tribunal Members as at 30 June 2024**
- 4 **NCAT Member Code of Conduct**
- 5 **NCAT Expenditure Report**
- 6 **Service Standards: Lodgement to Finalisation**
- 7 **Resolution Processes**
- 8 **Fees and charges as at 30 June 2024**
- 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 2024.

### NCAT Legislation

Civil and Administrative Tribunal Act 2013

Civil and Administrative Tribunal Regulation 2022

Civil and Administrative Tribunal Rules 2014

Court Security Act 2005

### Enabling Legislation

#### 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

Air Transport Act 1964

Animal Research Act 1985

Anti-Discrimination Act 1977

Apprenticeship and Traineeship Act 2001

Apprenticeship and Traineeship Regulation 2017

Associations Incorporation Act 2009

Australian Oil Refining Agreements Act 1954

Betting and Racing Act 1998

Births, Deaths and Marriages Registration Act 1995

Boarding Houses Act 2012

Building and Construction Industry Security of Payment Act 1999

Building Products (Safety) Act 2017

Business Names (Commonwealth Powers) Act 2011

Casino Control Regulation 2019

Cemeteries and Crematoria Act 2013

Cemeteries and Crematoria Regulation 2022

Charitable Fundraising Act 1991

Child Protection (International Measures) Act 2006

Child Protection (Offenders Registration) Act 2000

Child Protection (Working with Children) Act 2012

Children (Detention Centres) Act 1987

Children (Detention Centres) Regulation 2015

Children (Education and Care Services) National Law (NSW)

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 2022

Children's Guardian Act 2019

Coal Industry Act 2001

Combat Sports Act 2013

Commons Management Act 1989

Community Gaming Act 2018

Community Housing Providers (Adoption of National Law) Act 2012

Community Housing Providers National Law (NSW)

Community Services (Complaints, Reviews and Monitoring) Act 1993

Co-operatives (Adoption of National Law) Act 2012  
 Co-operative Housing and Starr-Bowkett Societies Act 1998  
 Criminal Records Act 1991  
 Crown Land Management Act 2016  
 Dormant Funds Act 1942  
 Drug and Alcohol Treatment Act 2007  
 Education Act 1990  
 Education (School Administrative and Support Staff) Act 1987  
 Electricity Supply Act 1995  
 Electoral Act 2017  
 Exhibited Animals Protection Act 1986  
 Explosives Act 2003  
 Fines Act 1996  
 Firearms Act 1996  
 First Home Owner Grant and Shared Equity Act 2000  
 Fisheries Management Act 1994  
 Food Act 2003  
 Food Regulation 2015  
 Forestry Act 2012  
 Game and Feral Animal Control Act 2002  
 Gaming and Liquor Administration Act 2007  
 Gaming and Liquor Administration Regulation 2016  
 Gaming Machines Act 2001  
 Gas and Electricity (Consumer Safety) Act 2017  
 Gas Supply Act 1996  
 Government Information (Public Access) Act 2009  
 Guardianship Act 1987  
 Health Records and Information Privacy Act 2002  
 Hemp Industry Act 2008  
 Higher Education Act 2001  
 Hunter Water Act 1991  
 Licensing and Registration (Uniform Procedures) Act 2002  
 Liquor Act 2007  
 Liquor Regulation 2018  
 Local Land Services Act 2013  
 Local Land Services Regulation 2014  
 Marine Pollution Act 2012  
 Marine Pollution Regulation 2024  
 Marine Safety Act 1998  
 Motor Accident Injuries Act 2017  
 Motor Accidents Compensation Act 1999  
 Motor Vehicle Sports (Public Safety) Act 1985  
 National Disability Insurance Scheme (Worker Checks) Act 2018  
 Native Title (New South Wales) Act 1994  
 NSW Trustee and Guardian Act 2009  
 Ombudsman Act 1974  
 Paintball Act 2018  
 Personal Property Securities (Commonwealth Powers) Act 2009  
 Pesticides Act 1999  
 Photo Card Act 2005  
 Police Act 1990  
 Poppy Industry Act 2016  
 Privacy and Personal Information Protection Act 1998  
 Private Health Facilities Act 2007  
 Public Health Act 2010  
 Public Lotteries Act 1996  
 Public Spaces (Unattended Property) Act 2021  
 Rail Safety National Law NSW  
 Registered Clubs Act 1976  
 Relationships Register Act 2010  
 Residential (Land Lease) Communities Act 2013 (Section 175)  
 Residential Tenancies Act 2010 (Division 3 of Part 10)  
 Retail Trading Act 2008  
 Retirement Villages Act 1999  
 Rice Marketing Act 1983  
 State Debt Recovery Act 2018  
 Sydney Water Act 1994  
 Taxation Administration Act 1996

Teacher Accreditation Act 2004  
Thoroughbred Racing Act 1996  
Unclaimed Money Act 1995  
Victims Rights and Support Act 2013  
Waste Avoidance and Resource Recovery Act 2001  
Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017  
Water Act 1912  
Water Industry Competition Act 2006  
Water NSW Act 2014  
Weapons Prohibition Act 1998  
Work Health and Safety Act 2011  
Work Health and Safety Regulation 2017

### **Consumer and Commercial Division**

Agricultural Tenancies Act 1990  
Australian Consumer Law  
Boarding Houses Act 2012  
Community Land Development Act 2021  
Community Land Management Act 2021  
Contracts Review Act 1980  
Conveyancers Licensing Act 2003 (only in relation to Division 3 of Part 4)  
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 and Stock 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 2015  
Sydney Water Act 1994 (Section 58)

Uncollected Goods Act 1995

### **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 and Development Certifiers Act 2018  
Conveyancers Licensing Act 2003 (Division 3 of Part 4)  
Design and Building Practitioners Act 2020  
Fair Trading Act 1987  
Health Care Complaints Act 1993  
Health Practitioner Regulation (Adoption of National Law) Act 2009  
Health Practitioner Regulation National Law (NSW)  
Home Building Act 1989  
Legal Profession Uniform Law (NSW)  
Legal Profession Uniform Law Application Act 2014  
Licensing and Registration (Uniform Procedures) Act 2002  
Local Government Act 1993  
Motor Dealers and Repairers Act 2013  
Passenger Transport Act 2014  
Pawnbrokers and Second-hand Dealers Act 1996  
Point to Point Transport (Taxis and Hire Vehicles) Act 2016  
Property and Stock Agents Act 2002  
Public Notaries Act 1997  
Security Industry Act 1997  
State Insurance and Care Governance Act 2015  
Surveying and Spatial Information Act 2002  
Tattoo Industry Act 2012  
Tow Truck Industry Act 1998

Veterinary Practice Act 2003

Wool, Hide and Skin Dealers Act 2004

Workplace Injury Management and Workers  
Compensation Act 1998



# Appendix 2

## Major Legislative Change 2023-24

---

### **Civil and Administrative Tribunal Amendment Act 2023**

The *Civil and Administrative Tribunal Amendment Act 2023* implemented recommendations arising from the statutory review of the *Civil and Administrative Tribunal Act 2013*, making minor and consequential amendments to correct cross-references to other Acts. The amendments commenced on 20 September 2023.

### **Marine Pollution Regulation 2024**

The *Marine Pollution Regulation 2014* was repealed and remade on commencement of the new regulation on 25 March 2024.

### **Building Legislation Amendment Act 2023**

The *Building Legislation Amendment Act 2023* provided for a right of appeal against rectification orders and stop work orders to the Tribunal under the *Home Building Act 1989* and expanded the Tribunal's administrative review powers under the *Building and Development Certifiers Act 2018* and *Building and Practitioners Act 2020*. The amendments commenced on 11 December 2023.

### **Anti-Discrimination Amendment (Religious Vilification) Act 2023**

The *Anti-Discrimination Amendment (Religious Vilification) Act 2023* amended the *Anti-Discrimination Act 1977* to make it unlawful to vilify a person or group of persons on the grounds of religious belief or affirmation or religious activity. The amendments commenced on 12 November 2023.

### **Unclaimed Money Act 1995**

The *Unclaimed Money Act 1995* was amended under the *Revenue, Fines and Other Legislation Amendment Act 2023* to give the Tribunal powers of review in relation to the Chief Commissioner of State Revenue's

determination of an application for repayment. The amendments commenced on 4 September 2023.

### **Tattoo Parlours Amendment (Statutory Review) Act 2022**

The *Tattoo Parlours Amendment (Statutory Review) Act 2022* renamed the *Tattoo Parlours Act 2012* to the *Tattoo Industry Act 2012* and extended the Tribunal's review powers to include visiting tattooist permits. The amendments commenced on 1 September 2023.

### **Statute Law (Miscellaneous Provisions) Act 2023**

The *Statute Law (Miscellaneous Provisions) Act 2023* repealed the COVID-19 pandemic provisions in the *Civil and Administrative Tribunal Act 2013* under Schedule 1 Part 5 Division 1-4. The repeal took effect on 14 July 2023.

### **Residential Tenancies Amendment (Rental Fairness) Act 2023**

The *Residential Tenancies Amendment (Rental Fairness) Act 2023* amended the *Residential Tenancies Act 2010* to allow the *Residential Tenancies Regulation 2019* to make provision for the power of the Tribunal to make termination orders if a rental bond is not paid in accordance with a rental bond roll-over scheme. The amendments commenced on 3 July 2023.

# Appendix 3

## Tribunal Members as at 30 June 2024

---

### President

#### **The Hon Justice Lea Armstrong** BA (Hons) LLB (Hons) LLM

Justice Armstrong was appointed a Judge of the Supreme Court of New South Wales and President of the NSW Civil and Administrative Tribunal on 31 October 2018.

Prior to her judicial appointment, Justice Armstrong served for over three years as NSW's first female Crown Solicitor, with over 25 years' experience in government and commercial law.

Prior to being appointed as the NSW Crown Solicitor, Justice Armstrong worked as NSW Treasury's first General Counsel. Earlier in her career, Justice Armstrong served in a range of senior roles in the Crown Solicitor's Office, including as General Counsel and as an Assistant Crown Solicitor in commercial law and in administrative law. She also worked in a major Sydney commercial law firm, then Blake Dawson Waldron Solicitors. Prior to her professional life as a solicitor, her Honour was an Associate to Justice McHugh at the High Court of Australia.

Justice Armstrong holds a Masters of Law from the University of NSW, and a Bachelor of Laws (Honours) and a Bachelor of Arts (Honours) from the Australian National University.

### Deputy Presidents

#### **Anne Britton** BA LLB (USyd)

Anne Britton was admitted as a lawyer in 1989 and is currently Deputy President of NSW Civil and Administrative Tribunal and head of the Tribunal's Guardianship Division.

For over two decades, Anne has held senior roles in State and Commonwealth Tribunals. Currently, Chair of the Council of Australasian Tribunals (COAT) (National) and Member of the Judicial Council on Cultural Diversity. Anne has a long-standing interest in Tribunal Member professional development and among other things has led the development of COAT's online course for new members, which was launched in 2017.

Her experience includes Senior Member (2009-2014), Administrative Appeals Tribunal, Judicial Member (1996-2006)

and Deputy President (2006-2009), NSW Administrative Decisions Tribunal and Board Member (2000-2006), NSW Legal Aid Commission. Anne taught in the Masters Program at UNSW Law School and has significant experience in governance roles, including as a former director of the NSW Legal Aid Commission, the Communications Law Centre and Belvoir Street Theatre.

#### **Mark Harrowell** BComm LLB

Mark Harrowell was admitted as a solicitor in New South Wales in 1982. He has degrees in Commerce and Law. Presently, he is the Deputy President and Head of the Consumer and Commercial Division of the NSW Civil and Administrative Tribunal, having been appointed to that position in September 2019.

Previously, he worked in private practice having been a partner and managing partner of Abbott Tout from 1990-2007 and a partner at HWL Ebsworth from 2007-2012. He practised in the area of commercial litigation including construction law, contract and property disputes. His experience also extends to corporate law, insolvency and insurance as well as trade practices and consumer law.

In 2012 he was appointed as a part-time Senior Member of the former Consumer Trader and Tenancy Tribunal of NSW, becoming the Deputy Chairperson (Determinations) in 2013. Following the establishment of the Tribunal in 2014 and until his appointment as Deputy President he held the position of Principal Member, initially as List Manager in the Consumer and Commercial Division, then as Principal Member Appeals.

#### **Acting Judge Nancy Hennessy** LLB (Hons) (ANU) LLM (USyd)

Judge Hennessy was appointed as an Acting Judge of the District Court on 4 February 2019 and is currently a Deputy President of the NSW Civil and Administrative Tribunal.

Before her appointment as an Acting Judge, Judge Hennessy was a NSW Magistrate and Head of the Administrative and Equal Opportunity Division of the Tribunal. Her areas of expertise include administrative law, human rights and protective jurisdictions involving children and people with disabilities.

### **Judge Rashelle Seiden SC BSc LLB (Hons) MTax MBA**

Judge Seiden was sworn in as a Judge of the District Court of NSW and appointed Deputy President of the NSW Civil and Administrative Tribunal, and Division Head of the Occupational Division and Administrative and Equal Opportunity Division, on 15 April 2024.

Prior to that, her Honour had 28 years of experience as a barrister (appointed Senior Counsel in 2013), with a broad ranging administrative and appellate practice, appearing in the High Court of Australia on multiple occasions. Judge Seiden has a longstanding involvement with the Tribunal, having first been appointed as a sessional Deputy President of the Administrative Decisions Tribunal in 2012 and later a Principal Member at NCAT.

### **Stuart Westgarth BA LLB**

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 former Fellow of the Australian Institute of Company Directors. Mr Westgarth 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 1995-1999. He was a partner at HWL Ebsworth from 2008-2012 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**

### **Aczel, Thomas MBBS (USyd) FRACS**

Senior Member. Studied Medicine at Sydney University 1970-1975. Advanced Surgical training in NSW and Queensland, and in the UK. Fellow of the Royal Australasian College of Surgeons conferred 1984. Commenced private practice as a General Surgeon in 1987. Appointed as VMO, Hawkesbury District Hospital 1987. Services to the RAAF Richmond 3 Hospital 1987 to 2011. Senior Lecturer in Surgery, Notre Dame University Medical School 2010 to the present. Retired from Surgical practice in 2023. Commenced working for NCAT in the Guardianship Division in 2024.

### **Adamovich, Barbara BA LLB LLM**

Senior Member. Admitted as a solicitor in 1998. From 2008 a Legal Member of the Mental Health Review Tribunal and, since 2012, a Senior Member (Legal) of the Guardianship Division of NCAT (formerly the Guardianship Tribunal).

### **Ainslie-Wallace, The Hon Ann BA LLB (UNSW)**

Principal Member. Admitted to the NSW Bar in December 1978. Appointed the District Court of NSW in July 1997 and was a Deputy Chair of the NSW Medical Tribunal. From 2010 to February 2022 was a judge of the Appeals Division of the Family Court of Australia until 2022. Appointed an acting judge of the District Court of NSW in 2022. Appointed Adjunct Professor of Law at UTS Sydney in 2006. In 2018 awarded Doctor of Laws (honoris causa), UTS Sydney. Fellow of the Australian Academy of Law. October 2015 appointed Master Benchler of the Honourable Society of the Inner Temple. A life member of the National Judicial College of Australia and a member of its Programs Advisory Committee. A director and chair of the board of the Australian Advocacy Institute and has been a member of the teaching faculty of that Institution since its inception in 1991. A faculty member of the Advanced International Advocacy Course, Keble College Oxford.

### **Alder, Julia BA (USyd) DipLaw GradCertJourn (UTS)**

General Member. 1996-2015, litigation solicitor at various Sydney firms, including Corrs Chambers Westgarth. 2005-2012, a writer for publications including the *Law Society Journal*, *Workplace Review* and *SafetyCulture*.

### **Alderton, Zoe LLB**

Senior Member. Admitted as a solicitor in 2014. Called to the bar in 2017. As a solicitor, worked for the Aboriginal Legal Service appearing in remote and regional courts in western NSW. Appears in a diverse range of matters including criminal matters, intentional torts, professional discipline, and coronial inquests.

### **Ali, Birgun (Rosa) DOBA DipApSC (Orth) BA (Hons) MSc (ClinNeuropsych)**

Senior Member. Qualified as an Orthoptist in 1987 and then as a Clinical Neuropsychologist in 1997. Fellow of the Australian Psychological Society College of Clinical Neuropsychologists (CCN). Over 30 years of clinical experience in NSW Health, private consultancy, academic, supervisory and leadership roles. Currently working as a Clinical Neuropsychologist at Liverpool Hospital, Neurology Department and in private practice. Previously worked as a Clinical Neuropsychologist at Concord Hospital (21 years) and the Sydney Children's Hospital Network, Neurology, Oncology and Brain Injury Rehabilitation Departments (6 years); as an Orthoptist in health and developmental disability services (6 years); and as an academic at the University of Technology Sydney, Graduate School of Health. Significant experience in teaching and supervising clinical psychology trainees.

**Alkadamani, Rabih** BEc LLB (Hons)

Senior Member. Barrister since 1994. Practices in a broad range of commercial and corporate disputes, employment law and equity.

**Andelman, Larissa** LLM (UNSW) MCom (UOW) BCom (UOW) DipLaw (LPAB)

Senior Member. Admitted as a solicitor in NSW in 2003. Called to the Victorian Bar in 2006. Called to the NSW Bar in 2012.

**Anderson, Mark** BA LLB

Senior Member. Admitted as a solicitor in 1985 and as a barrister in 1990. Currently a barrister at the private Bar with over 30 years of advocacy experience and a part-time Senior Member of NCAT since 2014. Interests and experience in multicultural and Indigenous cultural issues; delivered a paper at the 6th World Congress on Family Law and Children's Rights 'Protecting the rights of indigenous and multicultural children and preserving their cultures in fostering and adoption' subsequently published in the *Family Court Review*: Vol 52 No 1, Jan 2014. Recently presented at the July 2019 Conference of The International Centre for Family Law Policy and Practice in London in relation to gender dysphoria and transgender issues. Presented on representing children at the AFCC Australian conference in Melbourne in 2017 and in Sydney August 2019. Worked as a counsellor and youth worker for the Association of Children with Learning Disabilities and with UNIFAM in his earlier years and subsequently trained and performed telephone counselling for Lifeline. Extensive work over the years in the care jurisdiction of the Children's Court and District Court, as well as regular appearances in *parens patriae* and adoption matters in the Supreme Court and Court of Appeal, and in the *Federal Family Law Act 1975* (Cth) jurisdiction.

**Anthony, Lyn** BA MAppPsych

Senior Member. Registered Psychologist since 1996. Has worked in Forensic, Secondary and Tertiary education and in Private Practice. Member of the Mental Health Review Tribunal since 2008 (Civil and Forensic hearings). Appointed as a Member to NCAT's Guardianship Division in 2016.

**Archibald, Ian** BA LLB

Senior Member. Admitted as a solicitor in 1981. Practised in general law until 2001 when called to the Bar. Since then, has been in private practice principally in the areas of equity, commercial and administrative law. Has wide experience across state and federal jurisdictions.

**Ash, David** BA LLM

General Member. Admitted as a barrister in 1998. Currently arbitrator, barrister and nationally accredited mediator. 2008

to date, contributing author to the annual NSW Civil Procedure Handbook; 2018 to date, consulting Editor to the Federal Court Reports; book author, *Three Sydney Judges*.

**Bailey, Robyn** BA (Languages) LLB LLM NMAS Cert IV (Inv)

Senior Member. Guardianship Division, Administrative and Equal Opportunity Division and Occupational Division. Admitted to the Bar in 1988 and as a solicitor in 1989. Nationally accredited Mediator; Director - Exploresolutions Pty Ltd Senior Member - ACT Civil and Administrative Tribunal; Senior Member, former Veterans' Review Board; Assessor and Arbitrator; Former facilitator, Defence Abuse Response Taskforce; Regular Judge at the annual International Chamber of Commerce Mediation Competition (Paris).

**Bain, Margaret** BSc (Psych) M Clin Psych M Clin Neuropsych

Senior Member. Qualified as a Clinical Psychologist in 1995 and as a Clinical Neuropsychologist in 2002. Previously qualified as a registered nurse. Experience as a clinical neuropsychologist and clinical psychologist primarily in acute hospital settings in neurology, HIV, and consultation liaison psychiatry services. Member of the Australian Commission on Safety and Quality in Health Care Cognitive Impairment Advisory Group 2016 – 2019. Fellow of the Australian Psychological Society College of Clinical Neuropsychologists (CCN) and College of Clinical Psychologists (CCLP). Past Chair of CCN NSW and past CCN National Executive Committee Member.

**Baird, Dr Ameer** PhD MPsych (Clin Neuro) BA (Hons)

Senior Member. Clinical neuropsychologist with a PhD from the University of Melbourne. Has worked in clinical and research positions in London and Paris and is now in private practice at Newcastle. Member of the NSW Mental Health Review Tribunal. Due to complete a Juris Doctor and Diploma of Legal Practice at the University of Newcastle at the end of 2024. Recently awarded a Justice Fellowship from the Law and Justice Foundation of NSW to explore dementia and criminal law.

**Balla, Acting Judge Audrey** BA LLB (UNSW)

Principal Member. Admitted as a solicitor in 1979. Acting Justice of the Supreme Court of the ACT, Acting Judge of the District Court of NSW. Author of legal texts covering insurance law, motor accidents and industrial accidents.

**Banerjee, Dr Kathryn** MBChB MRCPCH MSc  
FAFRM

Senior Member. Senior Staff Specialist working in Paediatric Rehabilitation with experience in neurodisability, brain injury, cerebral palsy, spinal conditions, and musculoskeletal disorders. Works with children and families with physical disabilities, intellectual impairment, behaviour and mental health disorders, linking closely with therapists, NDIS and other community support services.

**Barnes, Matthew** BEc(Hons)/LLB(Hons) LLM  
(Criminal Practice) MAppLaw (Commercial  
Litigation) GDLP

General Member. Admitted as a legal practitioner in 2006 and called to the Bar in 2022. Accredited as a mediator under the National Mediator Accreditation System. Part-time lecturer at the University of Wollongong (Advanced Legal Skills and Evidence Law) and the College of Law (Advocacy).

**Barnes, Shenagh** LLB (Hons) LLM (Hons)

Senior Member. Many years of experience in the law, including as a legal practitioner, academic, tribunal member and judge.

**Barnes, Dr Susan** BA (Hons1) PhD Anthropol

General Member. Research interest in violence and abuse. Now retired. 2005-2010, Disability Advocate; 2010-2016, NSW Manager Disability Advocacy at People with Disability Australia (PWDA); 2015-2020, Community Member of NCAT in the Guardianship Division. Reappointed in 2021 as a Community Member for a further five years.

**Barnetson, Diane** BA BLegStud MIR

General Member. Since 1982 has worked in the Consumer Claims Tribunal and its subsequent Tribunals. 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. Has taught legal studies at TAFE and Wollongong University.

**Bartley, Glynis** LLB BSW GDLP

Senior Member. Admitted as a solicitor in 1996. Qualified as a social worker in 1986. From 1986-1988, District Officer, NSW Department of Family and Community Services. 2001-2004, Investigation Officer NSW Ombudsman. 2004-2014, Member and Senior Member of the Social Security Appeals Tribunal. 2014-2017, full-time Member of the Migration and Refugee Tribunals, then the Migration and Refugee Division of the Administrative Appeals Tribunal.

**Bartrop, John** BCom LLB (UNSW)

General Member. Appointed in January 2019. Admitted as a solicitor in 1978. Commercial Litigation Partner of a national law firm from 1984 to 2012. Practice included appearing in all Courts and Tribunals and undertaking mediations. Held various management positions including Managing Partner, Practice Group Coordinator and Board Member. Currently volunteer at a community legal centre.

**Bassett, Graham** BA DipEd MInfoTech LLB (Hons)

General Member. After being Head of Information Technology at various Sydney schools, admitted as a barrister in both Queensland and NSW in 2002. Practises in Byron Bay in family provision and copyright. Lectured from time to time in Cyberlaw and Intellectual Property at Southern Cross University until 2018. Member of the Consumer Trader and Tenancy Tribunal (2007-2014) and NCAT for the Northern Rivers area of NSW. From 2014 to 2021, director of the Bath (UK) based company, George Wood Movie Limited. Reappointed to NCAT in late 2017 in Sydney and also do hearings in regional areas and Northern Rivers.

**Beale, Dr Ivan** MSc PhD

Senior Member. Adjunct Associate Professor, UNSW. Psychology Research Consultant. From 1990-1997, Associate Professor and Director, Professional Psychology Unit and Learning Assessment Centre, University of Auckland. 2005-2016, Aftercare board member. Since 2005, Member of the Mental Health Review Tribunal. 2001-2014, Professional Member of the Guardianship Tribunal.

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

Senior Member. Admitted as a solicitor in 1982 and admitted to the Bar in 1990. Appointed Senior Counsel in 2003. Nationally accredited mediator. Expertise in equity, commercial law, administrative law, arbitration and mediation.

**Bishop SC, Elizabeth** LLB MTax

Senior Member. Admitted to the Bar in 2009. Initially appointed to the Administrative and Equal Opportunity Division in July 2021, she also sits in the Occupational Division and on the Appeal Panel. Member of Ground Floor Wentworth Chambers. Member, Business Law Section, Law Council of Australia. Fellow, Tax Institute of Australia. Member, Women's Lawyer Association of NSW. Recognised in Doyle's Guide (leading tax barrister) and the International Tax Review (Women in Tax). Expertise spans a broad range of areas, including administrative law, revenue law, trusts, proceeds of crime and disciplinary disputes involving tax practitioners.



**Black, Mirriam BSW MSW**

General Member. Social Work Field Supervisor UWS, Director Capacity Australia, 2010-2013 NSW Government Home Care Advisory Board Member, formerly CEO Parkinson's NSW, formerly NSW Manager Family Support, Dementia Australia NSW, formerly Coordinator and Counsellor, NSW Dementia Information and Counselling Service.

**Blake AM SC, Garth BA LLM (USyd)**

Senior Member. Barrister from 1984 to 2020, and in 2002 appointed Senior Counsel. Practised at trial and appellate levels in federal and state jurisdictions with a focus on commercial law and equity. 2002, Churchill Fellowship, to investigate church policy and practice in addressing child sexual abuse in Australian churches. 2018, Member of the Order of Australia, for significant service to the Anglican Church of Australia, particularly to child protection policy and professional standards, and to the law. Various roles in the Anglican Church of Australia since 1998, particularly relating to the protection of children and professional standards. International roles in the Anglican Communion since 2007; currently chair of the Anglican Communion Safe Church Commission.

**Blaxland, Wendy BSW**

Senior Member. Inaugural honorary secretary ADARDS, (now Dementia Australia). Court Visitor, 1994-2003, for Office of Protective Commissioner (now TAG). Extensive experience, in a variety of social work roles, in community and hospital settings, working with people living with dementia and other neurocognitive disorders, their families and carers.

**Bliim, Steven DipLaw SAB**

General Member. Admitted as a solicitor in 1984. Most recently, three years as Principal Solicitor of a Community Legal Centre. 2012-2014, Solicitor General of the Republic of Nauru. 20 years at the Bar and 14 years as a solicitor.

**Block, Regina BA LLB**

General Member. In-house legal and compliance counsel with investment banks 1986-2003. Solicitor in private practice since 2003 and acting as Special Counsel for a financial services law practice since 2023. Expert in commercial law, financial services law and compliance. Former Board member and chair of Finance Risk and Audit Committee of Independent Community Living Australia 2017-2021. Volunteer Solicitor at a community legal centre since 2013. General Member of NCAT appointed February 2024.

**Bluth, Dennis LLB LLM BA (USyd)**

Senior Member. Admitted as a solicitor in 1977. Was a partner with a large national law firm for over 25 years. Specialises in all areas of property law. Accredited property lawyer by the Law Society of NSW. Recognised in Doyle's Guide as a 'recommended' New South Wales property and real estate lawyer. Formerly, member of the Law Society Property Committee, and the General Practice Section of the Law Council of Australia. Former member of the Property Services Advisory Council. Named 'Lawyer of the Year' for Leasing Law in Best Lawyers™ Australia 2019 edition. Former Chair General Practice Section, Law Council of Australia.

**Bolt, Mary BA (Hons) (Syd) LLB (UNSW)**

General Member. 2003, College of Law Exemptee Program. 1999-2013, part-time member of the Administrative Decisions Tribunal sitting in the General Division, Equal Opportunity Division and Community Services Division. 2014 to date, General Member of NCAT in the Occupational Division and Administrative and Equal Opportunity Division. Also sits on appeal matters from the Guardianship Division.

**Booby, Rhonda BA MA(Psych) LLB (Hons) EMPA (Merit) DipEd DipLegPrac**

Principal Member. Admitted as a solicitor in NSW in 1999. Currently, Legal Member, Mental Health Review Tribunal; 2015-2017 appointed to the State Parole Authority. 2014-2015, part-time Law Reform Commissioner.

**Bowman, Brooke**

Senior Member. Admitted as a solicitor in 2009. Has over 14 years' legal experience practicing in children's law and criminal law. Since May 2021 has worked as a Children's Registrar at the Children's Court NSW. Held various legal roles with the Office of the Director of Public Prosecutions, NSW Family and Community Services (FACS) Legal (Child Law Adoptions and Child Law team Adoptions) as Principal Solicitor and with the Crown Solicitor's Office as Senior Solicitor 2019-2021. Qualified as a Mediator with LEADR in 2012. Worked as a social worker in DCJ and Health 2000-2004.

**Boxall, Andrew BA LLB (USyd) DSU (Paris II) MA (UNSW) GradDip Art History (Adelaide)**

Senior Member. Solicitor (NSW 1977, England & Wales 1982, WA 1987, Victoria 1989, Hong Kong 1989). Consultant, Allens Linklaters. Member, Superannuation Complaints Tribunal, 2016-2020. From 1986-2016, Partner, Allens Linklaters; since 1995, Director, Waratah Receivables Group; 2004-2013, Director, UnitingCare Ageing, Western Region; 1996-2004, Director Transparency International; 2005 to date, Trustee, AMF Australia Foundation.

**Boyce, Philip DipLaw (SAB) LLM**

Senior Member. Full-time Senior Member appointed to the Consumer and Commercial Division since 2014. Admitted as a solicitor in NSW in 1977. Private legal practice since 1977. 2006-2013 Senior Chairperson, Local Land Boards of NSW; 2003-2006 Judicial Member, Administrative Decisions Tribunal of NSW. Solicitor for Registrar General, Acting General Legal Counsel and Head of Legal Division, NSW Department of Lands.

**Boyce, Stuart MFireSafeEng MAIBS**

General Member. JP, Grade A1 PCA and Grade A1 Accredited Certifier at the Buildings Professional Board since July 1998. Currently Founding Company Director at BCA Logic. Over 27 years' experience providing practical and innovative Building Code consultancy advice across numerous sectors and building types. Consultancy advice includes Building Code Compliance, Fire Engineering, Accessibility Compliance and other Building Legislative advice.

**Boyd-Boland, Stephen LLM (USyd)**

Senior Member. Solicitor for over 25 years. Extensive experience in commercial law, property law and estate planning. Previously a lawyer at Ashurst's (then Blake Dawson Waldron), an in-house lawyer at a large corporation and a lawyer at a mid-size law firm. Currently a solicitor/director in a boutique general practice. An accredited mediator with significant experience in dispute resolution. On the NSW Law Society panel of mediators, a Notary Public and also sits as a Member of the Personal Injury Commission.

**Briggs, Phillip BArch (Hons1) PhD MDR FRAIA MIAMA**

General Member. Chair NSW Chapter AIA Senior counsellors, Referee NSW District and Supreme Courts, Expert determiner, Arbitrator, Conciliator, Mediator. 1980 to date; Member of each NSW Tribunal having jurisdiction for resolution of building disputes to current membership of NCAT.

**Bryant, Lachlan BA LLB (Hons)**

Senior Member. Admitted as a solicitor in 2006. Private practice 2006 to 2012 including work as Panel Member for Legal Aid NSW. Taught several law subjects at the University of Wollongong 2016 to 2022. Professional standards and safeguarding focus since 2012.

**Bullock, Suellen Mitchell BSocStud (USyd)**

General Member. Career is a mixture of social work, corporate management and administrative law review: Social Worker at Royal South Sydney Hospital and Rehabilitation Centre; Social Worker, NSW Legal Services Commission; Senior Social Worker QLD Legal Aid Office; Investigation Officer NSW

Ombudsman's; Executive Officer, NSW Ombudsman's Office; Part-time Senior Member Veteran's Review Board; Deputy Principal Member Social Security Appeals Tribunal; Deputy Division Head Administrative Appeals Tribunal, Social Security and Child Support Division; Internal Ombudsman with the Internal Ombudsman Shared Service with Cumberland City, Inner West and City of Parramatta Councils.

**Burnet, Dr Heike MBBS (Germany) AMC FRACP**

Senior Member. Staff Specialist in Geriatric Medicine at Royal Prince Alfred and Balmain Hospital providing acute/subacute inpatient medical care.

**Burton SC, Gregory BA (Hons) LLB (Hons) (Syd) BCL (Oxon) FCI Arb FRI**

Senior Member. Admitted to the NSW Bar in 1989 and appointed Senior Counsel in 2004. Senior Counsel in private practice. Arbitrator, mediator, expert determiner, court referee; auDA dispute resolution panel for domain names; 1990, founding and current editor, Journal of Banking and Finance Law and Practice; co-author, Banker and Customer in Australia; Procurator (church counsel) Presbyterian Church of Australia; 1980-1983, formerly solicitor Freehills (now HSF); 1984-1985, associate to Hon Justice Deane, High Court of Australia; 1987-1988, lecturer in law, Australian National University (ANU).

**Camden, Jodie LLB (UNSW)**

General Member. Graduated Bachelor of Laws University of NSW October 1999. Holds a post-graduate certificate in Management from Macquarie Graduate School of Management 1998. Admitted to practice as a solicitor February 2002. Practices as a Government Solicitor predominantly in employment law matters in NSW government agencies. Currently appointed as a member of the Law Society of NSW Government Solicitor's Committee and Diversity & Inclusion Committee, with past appointments to the Legal Technology Committee, Professional Conduct Committee and Employment Law Committee. A long-term member of the Institute of Public Administration Australia (NSW). Appointed as a General Member of NCAT's Consumer and Commercial Division in December 2018, with further appointment for a period of 5 years from December 2020.

**Campbell, Cathy DipLaw (LPAB)**

General Member. Called to the NSW Bar in 1998. After a successful career on the production side of commercial television, obtained employment with insurance litigation law firm Max Connery and Co while studying law part-time. Practised as a solicitor with a varied practice in civil work generally, with a particular emphasis on legal professional negligence. Previously a Member of the Consumer Trader and

Tenancy Tribunal. Involved with the young persons' charity Stepping Stone House, Sydney.

**Carter, Dr Tanya Lorraine** BVSc (USyd) MSc IAWEL (Edin) MANZCVS (Animal Welfare) FRCVS

General Member. An experienced small animal veterinarian who established her own veterinary practice in Haberfield, Sydney and is also a wildlife researcher. Published author and presenter on veterinary ethics. Master's degree in international animal Welfare Ethics and Law. Past President of the Animal Welfare Chapter of the Australian and New Zealand College of Veterinary Scientists (ANZCVS), President of the Welfare and Ethics Special Interest Group of the Australian Veterinary Association (AVA), Chair of the AVA's Animal Welfare Trust, member of a number of animal ethics committees. Former Member of NSW Veterinary Surgeons Board and Administrative Decisions Tribunal. Member of the NSW Kangaroo Management Advisory Panel and Chair of the NSW GWIC Animal Welfare Committee.

**Charles, David** BA LLM

Senior Member. Admitted as a solicitor in 1981. Admitted as a barrister in 1991. Over 35 years of experience in civil litigation as a practising solicitor and barrister. Appointed as Strata Schemes Adjudicator in 2012. Volunteered as a duty barrister from time to time at the Downing Centre, Local Court, under the NSW Bar Association Duty Barrister Scheme.

**Cheng, Kevin** BSc LLB (UNSW)

General Member. Admitted as a solicitor of the Supreme Court of NSW in 2012. Extensive experience of over 10 years in government practice, particularly in the areas of dispute resolution, information law and administrative decision making. Currently Senior Advisor at the Office of the Australian Information Commissioner. Past roles include - Business Consultant at the NSW Information and Privacy Commission; Senior Lawyer at the Australian Government Solicitor.

**Chenoweth, Dr Bruce** MBBS (Monash) DPM RCS RCP (London) MRCPsych

Senior Member. Raised in Mackay, educated at Wesley College Melbourne. Early experience as a General Practitioner in Mackay, then Psychiatry training in the UK. Returned as Deputy Director Psychiatry at Royal Brisbane Hospital then worked in the child abuse unit at the Mater Hospital Brisbane. 17 years in Adolescent Mental Health and the Early Psychosis Unit in Newcastle with an inexorable drift to Intellectual Disability Mental Health from 1991. Years of consulting to group homes, large residentials, and regional and rural centres followed. 10 years with the Developmental Assessment Unit at St George Hospital and involvement with NSW Health and

UNSW Dept of 3DN. Teaching and training of junior colleagues in Developmental Psychiatry has been a privilege and a joy.

**Christie, Alec** BA (Hons) LLB (Hons) GradDip European Union Law

Senior Member, Administrative and Equal Opportunity Division. Admitted as a solicitor in 1989 in New South Wales and the Commonwealth. A partner of the Digital Law and Privacy and Cyber Teams at Clyde & Co practising in the areas of information technology (including in relation to Big Data analytics, AI, VR/AR and IoT), digital transformation, e-commerce (including online marketing), Blockchain, smart contracts and distributed ledgers, Cloud computing, sourcing and open-source software. However, Alec specialises in (and is most recognised by peers and a number of legal directories for) data privacy and cyber security across both the public and private sectors and a range of industries.

**Cigolini, Associate Professor Maria** MBBS (USyd) FRACGP FACHPM (RACP) GradDipPallMed (Melb)

Senior Member. Senior Palliative Medicine physician with background in General Medicine and Supportive Care, until recently Clinical Head of Palliative Medicine Royal Prince Alfred Hospital, Sydney. Clinical Associate Professor of Medicine at the University of Sydney, Lecturer and MD student tutor. Clinical and research supervisor, Royal Australasian College of Physicians. Post-graduate training and committee experience in bioethics, clinical and human research ethics. Strengths include service, program and policy development toward quality assurance and improved patient outcomes in conjunction with other disciplines, across all health sectors and for specific patient cohorts.

**Clark, Katrina** BSc LLB

General Member. Admitted as a solicitor in 1985 in NSW. Practised commercial law and litigation with Mallesons and Gilbert & Tobin, specialising in intellectual property law and consumer law and appointed General Counsel of Accenture for ANZ in 1993. Embraced community law and advocacy in early 2000s working with Legal Aid NSW and community legal centres and appointed board member through that period, acting in various key positions, for Carers NSW, the Association for Children with a Disability in NSW and Children and Young People with Disability Australia. Co-authored, published and distributed *Through The Maze* and *Helping You and Your Family*, information resources for families and therapists designed to help families caring for a child with a disability. Assigned in 2017 to the Guardianship Division and Consumer and Commercial Division of NCAT.



**Coleman SC, The Hon Acting Judge Ian BA LLB (USyd) MA (UWS) MSustAgric (USyd)**

Principal Member. Barrister at Law 1975-1991; Trial judge - Family Court 1991-1999; Judge Advocate - Australian Defence Force 1992-1997; Part-time commissioner, Australian Law Reform Commission 1993-2003; Appeal Division judge - Family Court 1999-2013; Barrister at Law (Australia and Fiji) 2013 to date; Adjunct Professor, School of Law Western Sydney University 2013-2017; Member South Katoomba RFS, Katoomba RSL, Blue Mountains Conservation Society, Wentworth Falls Golf Club.

**Compton, Caroline BA MEd JD GDLP PhD**

General Member. Former legal academic, currently a medical student at the University of Sydney.

**Conley, Jennifer BA LLB**

Senior Member. Admitted as a solicitor in 1993. Previous experience as a solicitor in civil and administrative law with Legal Aid and community legal centres. Prior to the commencement of NCAT, appointed to the Guardianship Tribunal and the Administrative Decisions Tribunal. Currently also appointed to the Mental Health Review Tribunal.

**Connelly, Janice BA LLB LLM**

Senior Member. Admitted as a solicitor in 1989. Nationally accredited as a mediator in 2009. Extensive Court and Tribunal experience. Currently an assessor and arbitrator for the Local Court of NSW, a Senior Member (Legal) of the Guardianship Division and Appeal Panel of NCAT, a Presiding Legal Member of the Mental Health Review Tribunal and a mediator with the Personal Injury Commission.

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

Senior Member. Qualified as a psychologist in 1979; Admitted as a solicitor in 1992. Extensive experience in guardianship jurisdictions in Victoria and NSW. Experience in a variety of legal roles and in advocating for people with disabilities. Currently also appointed as a Legal Member of the Mental Health Review Tribunal.

**Conroy, Tracie BAdultEd (UniSA) MEd (UTS)**

General Member. Extensive history in equity, diversity and inclusion senior roles within university and TAFE settings. Extensive experience working with people with disability, particularly young adults experiencing mental health issues/illnesses. Experience working with Commonwealth and State anti-discrimination legislations including managing complaints.

**Cootes AM, Janene BSocStudies**

General Member. Qualified as a social worker in 1977. Executive Officer, Intellectual Disability Rights Service. Appointed to the Guardianship Tribunal of NSW in 2002.

**Corley, Susan LLB LLM BSc (Hons) PhD**

General Member. Admitted as a solicitor in 1985. Currently also a Senior Research Associate at UNSW. From 1985-1992, solicitor with Mallesons, Stephen Jacques; 1994-2000, Legal Counsel and then Senior Legal Counsel with AMP Ltd; 1994-2013, part-time member of the Consumer Trader and Tenancy Tribunal and its predecessor tribunals.

**Cornwell, Erika BSW Dip FamilyTherapy**

General Member. Has worked in various non-government agencies, including as Director of a service for adolescents and families. Held various roles in state government, including as a social worker and official visitor. Part-time member for 20 years, until mid 2019, of the Social Security Appeals Tribunal, which merged in 2015 with the Administrative Appeals Tribunal.

**Corr, Dr Melissa MBBS FRANZCP**

Senior Member. Consultant psychiatrist at Royal Prince Alfred Hospital from 1989 specialising in the psychiatry of medical illness.

**Crawford, Dr Julia**

General Member. Small animal veterinarian with 33 years' experience. Past President of the NSW Division of the Australian Veterinary Association, Chair of the Veterinary Nursing Group National Industry Advisory Group and a Director of the Australian Veterinary Association.

**Crowley, Debbie**

General Member. Since 1990, involved in community organisations that provide disability services or fund disability services. Experienced foster carer.

**Curtin SC, The Hon Acting Justice Greg BA LLB**

Senior Member. Appointed Acting Justice of the Supreme Court of the ACT in May 2023. Appointed as a Senior Member of NCAT in 2016, was appointed senior counsel in 2010. Admitted as a solicitor in 1987 and admitted as a barrister in 1989. In private practice Acting Justice Curtin was an experienced trial and appellate barrister whose practice included a wide range of commercial and common law cases, was a member of the NSW Bar Association, a Member of the NSW Bar Association Council, the ACT Bar Association, the Australian Bar Association, the Chartered Institute of Arbitrators (London, UK), the International Chamber of Commerce, the London Court of International Arbitration,

Chairman of Level 22 Chambers, a registered foreign lawyer to the Singapore International Commercial Court and a registered practitioner with the Dubai International Financial Centre Courts.

**D’Arcy, Jennifer** BComm LLB (UNSW)

Senior Member (Legal) in the Guardianship Division of NCAT from 2006 and a Legal Member of the Mental Health Review Tribunal. Previously a legal member of the Social Services and Child Support Division of the Administrative Appeals Tribunal. Experience in working in private practice and in community legal centres.

**Davidson, Lorna** LLB (Hons) (UofG) LLM (Cantab) LLM (CU)

Senior Member. Prior to moving to Australia, worked for the United Nations as a senior legal advisor in Chambers at the International Criminal Tribunal for the former Yugoslavia. Previously a human rights lawyer with non-governmental organisations in the United States and United Kingdom. Most recently held positions in the Office of the Solicitor Assisting the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and previously at the Royal Commission into Institutional Responses to Child Sexual Abuse.

**Davidson, Patricia** BEd (SpecEd) MSpecEd

General Member. Qualified as a special education teacher in 1974. Over 40 years’ experience working with people with disabilities in the fields of education and the community. 14 years’ experience with the Public Guardian as a principal guardian, regional manager and assistant director.

**Davison, Steven** BA (Hons) Psych MPH (Hons)

General Member. Appointed to the Administrative and Equal Opportunity Division in 2014. Roles in the private sector and government in rehabilitation, injury compensation, OH&S, housing, social services, health and disability. Experience as a psychologist in community, forensic and occupational settings. Policy advisor on disability, aged care and public health. Research interests include progressive neurological diseases, health technology and patient safety.

**De Jersey, Sancia** BA LLB MBA

Senior Member. Admitted to practice as a solicitor in 1988. 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 lastly as a partner at HWL Ebsworth before being appointed a Member of the Consumer Trader and Tenancy Tribunal in 2012, and then appointed to NCAT, Consumer and Commercial Division.

**Deane, Megan** BA LLB (UNSW) LLM (Melb)

Senior Member. Admitted as a solicitor in NSW in 1996. Former member of the Migration Review Tribunal 2000-2015, Refugee Review Tribunal 2005-2015 and Social Security Appeals Tribunal 2009-2011. Accredited Mediator.

**Dinnen, Deborah** BA LLB LLM

Senior Member. Admitted as a Solicitor in 2005, called to the Bar in 2011. Appointed to NCAT in 2016, in the Administrative and Equal Opportunity Division and Occupational Division. Appointed to the NSW Dust Diseases Tribunal in 2018 as a Contributions Assessor. As counsel, practises in administrative law, employment and industrial law, discrimination, coronial inquests and inquiries.

**Dixon SC, Harry** BA LLB LLM

Senior Member. Admitted to practice as a Solicitor in 1979; admitted to the Bar in 1988 and appointed Senior Counsel in 2000 with experience in administrative law, alternative dispute resolution and mediation, civil and human rights and discrimination, employment law and industrial law.

**Djekovic, Dr Kate** MBBS BPsych (Hons) FRACP

Senior Member. Staff Specialist Geriatrician at Concord Repatriation General Hospital, providing acute and subacute inpatient care and care in outpatient clinics. Particular interests include assessment and management of cognitive disorders and behavioural and psychological symptoms of dementia.

**Drennan, Jeniffer** BA LLB (Hons)

General Member. Formerly an NCAT conciliator. Nationally accredited mediator since 2007 (NMAS). Currently Chair of Resolution Institute Newcastle Professional Development Group - a group actively promoting the advancement of a diverse range of dispute resolution models in the wider community.

**Dubler SC, Dr Robert** LLB (Hons1) (USyd) BEc (Hons1) (USyd) LLM (Hons1) (Cantab) PhD (USyd)

Senior Member. Admitted as a solicitor in 1986. Called to the bar in 1990. Appointed senior counsel in October 2004. LEADR accredited mediator, 2012.

**Duffy, Dr Francis** PhD MSW BSW (Hons) Grad Cert Social Development

Senior Member. Previous Lecturer in Social Work and Policy Studies, University of Sydney. Sessional social work academic at Charles Sturt University - current. Research areas include ageing, disability and social work practice. Previously a senior social worker and team leader at St Vincent’s Hospital for 10 years. Board director with

Charingfield Residential Aged Care Facility, Waverley for 9 years and previous board director of Abbeyfield Australia Community Housing. Counsellor at Relationships Australia since 2020 – Royal Commission into Institutional Responses to Child Sexual Abuse – Redress; Men’s Behavioural Change; Mental Health and older people (Covid program).

**Dunn, Sarah** LLB (Hons)

Senior Member. Sitting in the Administrative and Equal Opportunity Division and the Occupational Division. Admitted as a solicitor in 1991. Commercial Litigation Partner at Freehills (now Herbert Smith Freehills) 1999-2011. Partner of KPMG and KPMG Law 2013 -2020 specialising in taxation disputes.

**Durack SC, Philip** BJuris LLB BCL

Senior Member. 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

General Member. Admitted as a barrister to the Supreme Court of NSW, 1983. From 1999-2007, Member of the Migration and Refugee Review Tribunal; 2003-2012, Member of the State Parole Authority of NSW.

**Eggleton, Dr Kylie** BA (Hons1) LLB BMed MD FRACGP

Senior Member. Works as a general practitioner in private practice with special interest in aged care and disability sectors. Admitted as a solicitor of the Supreme Court of NSW in 1999. Former local government and environmental lawyer and Associate to Justice RN Talbot.

**Ellensohn, Maria** MSM (Germany)

Senior Member. Qualified as social worker in 2002. Extensive experience in the disability and health sectors. Appointed as a Member of the Guardianship Division of NCAT in 2021.

**Ellis SC, Graham** BComm LLB FIAA FCPA

Senior Member. Holds the senior qualifications of an actuary, accountant and barrister. Admitted as a barrister in 1980. Served as a judge of the senior trial court and senior appellate court in Papua New Guinea 1990-1992 and 2009-2011.

**Epstein-Frisch AM, Belinda** BSW MSW

General Member. Adviser to the Independent Advisory Council of the National Disability Insurance Scheme (2014-2023); Consultant, National Support Agency, Disability Support Organisation Program 2014-2017; Member, National People with Disability and Carer Council 2008-2013; Deputy Chair, National Disability and Carer Ministerial Council 2006-2008;

Convenor, Disability Safeguards Coalition 1997-2007; Senior Systemic Advocate, Institute for Family Advocacy and Leadership Development 1993-2013. General Community Member of NCAT in the Guardianship Division since 2012.

**Fairlie, David** BA LLB LLM

Senior Member. 1975 as a Legal Practitioner; 1984-2008 partner, Mallesons Stephen Jaques; 2009-2020, General Counsel, Competitive Foods Australia Pty Limited. 1994, President, Law Society of NSW; 2016-2020 chair, Disciplinary Tribunal Chartered Accountants Australia and NZ. 2010-2013, Judicial Member Administrative Decisions Tribunal; 2006-2019, Director, Australian Centre for International Commercial Arbitration.

**Ferreira, Ingrid**

General Member. Over 30 years’ experience in business administration, customer service, middle management. Involved with Down Syndrome NSW and Special Olympics. Works for IDRS; this position puts her in contact with people with intellectual disability, many of whom are incapable of making essential life decisions.

**Foda, Sandrah** LLB BSc GAICD

General Member. Called to the Bar in 2000. Currently briefed as Counsel by the ATO, ASIC, APRA and private clients and has a broad commercial practice. In 1995 was Tipstaff to the Honourable Mr Justice Powell AM QC of the Court of Appeal of New South Wales. In 1997, was admitted as a solicitor and joined the firm of Hunt & Hunt Lawyers. Since 2014, an Adjudicator in relation to Building and Construction Industry Security of Payment Act 1999 (NSW). Holds a Bachelor of Science majoring in Pure and Applied Mathematics. Director of the King’s School Foundation Council.

**Foreman AM, Emeritus Professor Philip** BA MLitt MEd PhD FACE FAPS

General Member. Former Dean of Education, University of Newcastle, 2001-2007; Life Member Royal Institute for Deaf and Blind Children; Life Member Australian College of Educators; Former Chair, NSW Institute of Teachers, 2007-2013; Former Chair, Australasian Teacher Regulatory Authorities; Former Member, Administrative Decisions Tribunal, 2007-2013; Member, NCAT 2014 to present. Books: *Education of Students with an Intellectual Disability: Research and Practice* (2009); *Inclusion in Action* (6th edition, 2022). Currently, Emeritus Professor, University of Newcastle.

**Franke, Melissa** BASW GradCertMgt

Senior Member. Social worker in NSW Health for 24 years in hospital and community settings. Manager of Sutherland Hospital Social Work Department and part-time Unit Head of

the Community Social Work Team at Southcare (Aged and Extended Care) since 2010. Worked as an ACAT Assessor and Authorised Visitor for the NSW Trustee and Guardian (2012-2022).

**French, Philip** BA (Hons) LLB (Hons) GDLP

Senior Member. Admitted as a solicitor in 2007. Currently, also a Legal Member of the Mental Health Review Tribunal. Extensive experience in the provision of community legal services to persons with disability.

**Frost, Stephen** BA (Hons) DipLaw (BAB) FTI

Senior Member. Admitted as a lawyer in 1989. 1995-2008 partner in the business advisory firm KPMG; 2006-2017 Member, Senior Member and Deputy President of the Administrative Appeals Tribunal; 2010-2013 Judicial Member of the former NSW Administrative Decisions Tribunal. Extensive experience in taxation and revenue law and administrative law.

**Gardner, Michelle** LLB GDLP

Senior Member. Admitted as a solicitor in 2000. Extensive Tribunal experience. Currently, also a Legal Member of the Mental Health Review Tribunal and a Legal Member of the Victorian Civil and Administrative Tribunal. Previously a Senior Member of the Social Security Appeals Tribunal.

**Gardner, Patrick** BSc (Psych) JD

General Member. Admitted as a solicitor in the Supreme Court of NSW in 2011. Experience having worked as a solicitor in private practice and in-house. Prior to appointment to NCAT, a long-term volunteer and board member in the community legal sector.

**Gatland, Jill** BA (Hons) (Syd) LLB (UNSW)

Senior Member. Admitted as a solicitor in 1999 and as a barrister in 2013. Currently, a barrister in private practice with chambers at 11th Floor St James Hall. Formerly principal litigator for the Australian Taxation Office. Expertise in administrative law, equity, commercial law and taxation and revenue law.

**Geikie, Neil** LLB MA (Social Theory) GDLP

Senior Member, Guardianship Division. Admitted as a solicitor in 1990. NSW Court Arbitrator (2001 to current). Member of the Professional Conduct Advisory Panel of The Law Society NSW (2010 to current). Nationally Accredited Mediator (2013 to current). Principal of ReSolution Mediation. Extensive litigation experience in testamentary disputes, contested deceased estates, family law, commercial disputes, professional disciplinary representation.

**George, Dr Katrina** BA LLB (UNSW) PhD (Syd) GAICD

General Member. Admitted as a solicitor in 1994. Solicitor in private practice until 2000. Senior Lecturer, School of Law, Western Sydney University until 2013, with research and teaching interests in criminal law, torts, health law and ethics. Principal of an independent girls' school between 2013 and 2020. Graduate of the Australian Institute of Company Directors.

**Giurissevich, Anthony** BA LLB (USyd)

Senior Member. Admitted to the Supreme Court NSW and High Court in 1976. Currently, consultant lawyer in Sydney mid-tier firm. Past Legal Member of Social Security Appeals Tribunal and Veterans' Review Board. Current Member of Mental Health Review Tribunal.

**Given, Fiona** BA (Hons) LLB

General Member. Fiona Given has lived experience of disability and is a keen advocate for people who have little or no speech. Fiona works as a Research Assistant at the University of Technology Sydney and serves on the board of Advocacy and Assistive Technology Australia.

**Glover, Ross** LLM

General Member. Commenced practice at the NSW Bar in 2010 where he has a broad commercial practice, with particular expertise in the conduct of large scale and complex litigation before the Supreme Court of NSW and the Federal Court of Australia. Extensive experience in the conduct of inquiries, including as Commissioner of the Public Inquiry into Wingecarribee Shire Council. Member of the CDPP external counsel panel and a Reserve Legal Officer in the Royal Australian Navy.

**Goldstein, David** BJuris LLB

Senior Member. Admitted as a barrister and solicitor in Western Australia, 1979. Admitted as a solicitor in NSW, 1983. Admitted as a solicitor in Hong Kong in 2006. Senior Member (part-time) Civil and Administrative Tribunal, Consumer and Commercial Division and at NCAT since 2012.

**Goodman, The Hon Justice Scott** BSc LLB (Hons) LLM

Senior Member. Solicitor from 1989-2001, including as a partner of a national law firm, specialising in commercial litigation including taxation litigation. Called to the bar in 2001 and appointed senior counsel in 2016. Mediator. Over 30 years' experience in a wide range of commercial litigation matters and in commissions of inquiry, including ICAC and the Banking Royal Commission. Appointed Federal Court Judge in November 2021.

**Goodman-Delahunty, Professor Jane BA TTHD JD PhD**

General Member. Admitted to the bar in 1983, qualified as an experimental cognitive psychologist in 1986 (USA), as a registered psychologist in 2005 (Australia), and accredited as a mediator in 1994 (USA) and 2002 (Australia). Currently, Professor, Newcastle Law School, University of Newcastle. From 2002-2013, Commissioner, NSW Law Reform Commission; 2007-2013, mediator, NSW Department of Commerce; 1992-2001, administrative judge, US Equal Employment Opportunity Commission; From 2007, General Member of NCAT. Elected Fellow of the American Psychological Association.

**Gracie, Malcolm BA LLB (Hons1)**

Senior Member. Barrister - admitted 1989. Arbitrator – (former) Fellow CI Arb, Fellow ACICA, Grade 1 Arbitrator Resolution Institute. ACCC - NBNC National Arbitrator Pool; Minister for Industry and Resources - Mining and Petroleum Onshore Acts Arbitration Panels; Economic Regulation Authority of WA – Railway Access Arbitration Panel; NT Minister for Mining and Industry- Member of the Mediators Panel under the Petroleum Regulations 2020 (NT). Supreme and District Court Arbitration and Expert Determination Panels. Lieutenant Commander Royal Australian Navy (Reserve Legal Officer). Defence Force Registered Mediator. Memberships: NSW Bar Association; Honourable Society of Lincoln's Inn (UK).

**Grafenauer, Katherine AMusA BSc/LLB (Hons) GDLP NMAS PRI**

General Member. Member of Commercial and Consumer Division since December 2022. Admitted as a legal practitioner in 1998. Over 20 years' experience in commercial litigation, now work almost exclusively in ADR. Principal mediator at Adaptive Mediation. Nationally accredited mediator since 2018. Member of NSW Law Society, Resolution Institute and Australian Mediation Association. 20 years' experience in commercial litigation, now work almost exclusively in ADR. Principal mediator at Adaptive Mediation. Nationally accredited mediator since 2018. Member of NSW Law Society, Resolution Institute and Australian Mediation Association.

**Grant, Christopher BEc LLM GradDipEd**

Senior Member. Admitted as a solicitor in 1989. Solicitor for over 25 years working in community legal centres, NSW Legal Aid and private firms. From 2014-2016, worked with the Royal Commission into Institutional Responses to Child Sexual Abuse. Main areas of practice are criminal law, family law and children's law.

**Green, Dr Jenny BEd MA (Special Education) GradCert (Higher Education) PhD**

General Member. Board member of the Australian Centre for Disability Law. Consultant, academic, researcher and practitioner with 30 years' experience in no-for-profit organisations and disability.

**Griffin, Leah BA LLB AMDRAS**

General Member. Admitted as a solicitor in 2010. Practice included appearing in State and Federal Courts and Tribunals and undertaking mediations.

**Griffin, Michael LLB LLM**

Senior Member. Brigadier (Retd), Principal of Griffin Consulting, Former Integrity Commissioner and Agency Head of the Australian Commission for Law Enforcement Integrity, Former Director of Military Prosecutions, Former Australian Crime Commission Examiner, 30 plus years legal practice, 40 plus years military service, Inaugural Chair of Veterans Centre Australia.

**Halbert, Jennifer BA LLB**

Senior Member. Appointed to the Guardianship Division in 2016, cross appointed to the Consumer and Commercial Division 2017-2021. Member National Sport Tribunal appointed 2020 and continuing. Nationally Accredited Mediator. Admitted as a solicitor in 1991 and thereafter private practice as a solicitor specialising in litigation particularly Family Law, Reviewer for the Office of the Legal Services Commissioner, and senior solicitor Women's Legal Resources Centre. From 2003 to 2019, Registrar of the Family Court of Australia (FCOA) and the Federal Circuit Court (FCC), and 2006-2016, Regional Appeal Registrar Eastern Region FCOA.

**Halstead, Nathan MBuildSurv (UWS) GradDip FireEng (VU) MTechEnvEng (UTS) JP**

General Member. More than 27 years of experience in building regulations and fire safety projects in the construction industry. Significant expertise in delivering large and complex projects across all sectors of industry, including complex performance-based compliance solutions and fire safety engineering. Registered as an Unrestricted Building Surveyor within NSW. Nationally, an Accredited Member of the Australian Institute of Building Surveyors. Fire safety credentials include being registered in NSW as a Certifier – Fire Safety; and as an Accredited Practitioner Fire Safety Assessment, enabling him to assess all 36 Fire Safety Measures as required by the Fire Protection Accreditation Scheme. Registered Professional Engineer - Fire Safety in three states: NSW, Queensland and Victoria. Also registered in NSW as a Design Practitioner – Fire Safety Engineering. As Managing Director of the AED Group,



### **Hamilton, Renae BA LLB (USyd)**

Senior Member. Admitted as a solicitor in 1996. Over 25 years' experience in litigation and dispute resolution in private practice, specialising in insurance litigation, predominantly personal injury matters involving catastrophic injury, psychological injury, and more recently historical sexual abuse matters. Currently Special Counsel at Wotton+Kearney. Senior Member of NCAT's Guardianship Division since 2021.

### **Handebo, Simon BBus LLB LLM Grad Dip FDRP**

Senior Member, Guardianship Division. Admitted as a solicitor in 2011, with experience primarily in family law and child protection. Prior to commencing at NCAT worked as a Judicial Registrar with the Federal Circuit and Family Court of Australia, specialising in high-risk parenting disputes. Previously worked as Senior Children's Registrar at the Children's Court of NSW. Qualified as a Family Dispute Resolution Practitioner.

### **Hanstein, Sharon BA LLB LLM**

General Member. Admitted as a solicitor in 1994. From 2001 to 2010, a solicitor with Blake Dawson Waldron and the Australian Government Solicitor. From 2012, a Member of the Consumer, Trader and Tenancy Tribunal and NCAT.

### **Harris, Philip CSM RFD psc(r) BA LLM**

General Member. Principal of a private legal practice in Tamworth specialising in property law and conveyancing, business and commercial law, and wills, deceased estates, powers of attorney and guardianship.

### **Harris Ingall, Athena BHA LLB GDipHthMedLaw (Melb) GDipLegalPrac MEd**

Senior Member, Guardianship Division. Admitted as a solicitor in 2003. Fellow of the Resolution Institute (Australia and Aotearoa New Zealand), Legal Member of the Mental Health Review Tribunal since 2016. Formerly, a Conference Registrar (Mediator/ Conciliator) at the Administrative Appeals Tribunal (AAT) and the AAT's inaugural Learning and Development Manager, the Legal Member of the Physiotherapy Council of NSW and a member of the Impaired Nurses Panels, Midwives and Nurses Registration Board of NSW, and a career in health care. Has led and advised on several member professional development projects in tribunals and for the Council of Australasian Tribunals.

### **Harvey, Danae BA (Hons) LLB**

General Member. Has worked in community legal centres in the Hunter and Illawarra regions of NSW from 1993-2003. In 1999 accredited as a mediator through Lawyers Engaged in ADR (LEADR). 2002-2013, appointed to the Consumer Trader and Tenancy Tribunal; 2005-2008, Mental Health Review

Tribunal. 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**

General Member. Qualified mediator through LEADR, 2013-2016. Voluntary work with University of Western Sydney Law School since 2011. 1983-1987, Social Security Appeals Tribunal Sydney; 1993-1997, Director of Human Resources, Centrelink; 1999-2000, Social Security Appeals Tribunal Canberra; 2001-2006, Director of Human Resources and Communications, Department of Health and Ageing; 2006-2010 and 2013-2018, General Member, Veterans' Review Board; from 1998, a General Member of the Occupational Division of NCAT; since 2002 a General Member of the Equal Opportunity Division of NCAT; and since 2016, a General Member of the Childrens Guardian area.

### **Healy, Aine**

General Member, Guardianship Division. Consultant with professional and lived expertise in disability, inclusion, social policy, communications and advocacy. Previously with Every Australian Courts, NSW Council for Intellectual Disability and IDEAS, along with volunteer roles in community organisations.

### **Hennings, Simon BA LLB (USyd)**

General Member. Admitted as a solicitor 1989. Currently, full-time Member of NCAT. 2002-2005, part-time Member of the Consumer, Trader and Tenancy Tribunal; 2006-2013, full-time Member of Consumer, Trader and Tenancy Tribunal; Since 1994, Committee Member Camden Show Society; Since 2001, Community Member for the Community Consultative Committee Camden Gas Project.

### **Herberte, Jillian BSW (UNSW) EMPA (ANU)**

General Member. Extensive experience at Executive Director level within the former Department of Family and Community Services. Oversight of service delivery and reform in Child Protection, Out of Home Care, Disability and Housing services. Experience in interdepartmental committees and internal program review.

### **Higgins, Sigrid BA LLM**

Senior Member. Admitted as a solicitor in 1983 and called to the NSW Bar in 1999. Graduate Certificate in Dispute Resolution 2000. Practised as a barrister until 2020 and now practising as a solicitor. Part-time Judicial Member and Deputy President of the former NSW Administrative Decisions Tribunal until 2013; 2008-2013, Member, Defence Honours and Awards Appeals Tribunal; 2005-2012, Patent and Trade Marks Disciplinary Tribunal; 2002-2005, Legal Member of the NSW Chiropractors' Registration Board; 1995-1997, Executive

Secretary of the International Commission of Jurists (Geneva, Switzerland); 1991-1993, Manager and Senior Lawyer, Commerce Commission (Wellington, New Zealand), and Principal Legal Officer and Senior Assistant Director in the Office of the Commonwealth Director of Public Prosecutions; 1983-1987, Principal Legal Officer (Criminal Law Policy) Commonwealth Attorney General's Department.

### **Houlahan, Lynn Mary** BA Psych PGDipPsych MSpecEd DipWelfare JP

Senior Member. Registered psychologist. Currently an Independent Decision Maker with the National Redress Scheme for victims of child sexual abuse; 1996 to date, NSW Mental Health Review Tribunal; 2013-2017, psychologist/commission officer with Royal Commission into Institutional Responses to Child Sexual Abuse; 1995-2013, deputy chairperson, NSW Housing Appeals Tribunal; 1996-2008, Professional Member, Administrative Decisions Tribunal. Formerly, regional co-ordinator and was previously an area manager, DOCS Disability and Child Protection Services.

### **Hughes, Julie** BLegS (Macq) GDL (USyd) GDLP

Senior Member. Graduating 1994 and admitted in 2004, has been involved in legal education at Newcastle Law School for over 20 years as a lecturer (specialising in Health Law, Civil Procedure, Contract), and clinical supervisor. Legal Member of the Mental Health Review Tribunal (16 years), a Chairperson/Deputy of various health professional tribunals and Professional Standards Committees, and a Principal Member of NCAT Occupational Division. Private practice background in medical negligence, wills/estates/elder law, family law, and commercial. Has practiced in community legal centres, most recently as supervising solicitor in Newcastle University's Older Persons' Legal Clinic.

### **Hung, Chun-Chi (Michael)** BCom LLB (Hons1) LLM

General Member. Admitted as a solicitor in 2008. Since 2014, Principal Lawyer of ClearSky Legal specialising in business law and property law. Teaching Fellow of UNSW Law & Justice, and consultant to Herbert Smith Freehills. Qualified as Accredited Specialist in Business Law in 2019. Appointed member of Specialist Accreditation Business Law Advisory Committee since 2020. Former tipstaff to Mr Justice Peter W Young AO.

### **Hunt, Sally** BA LLB

General Member. Admitted as a solicitor in NSW in 2001. Former member of the Migration and Refugee Review Tribunals 2010-2015. Accredited specialist in Immigration Law and currently principal of a boutique immigration law firm. 20 years' legal practice in private, government and corporate roles. Trained in mediation.

### **Isenberg, Naida**

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

### **Jammy, Paul** BA LLB

General Member. Practising barrister (admitted as a barrister in 1991 in South Africa, joined the Sydney Bar in 2012. Commercial litigation solicitor at Clayton Utz 2008-2012. Internationally accredited mediator. Principal areas of practice are banking and financial services litigation and regulation, and general commercial litigation.

### **Jay, David** BSc (Hons) LLB (Hons)

Senior Member. Admitted to New South Wales Bar in 2004. Currently, practising barrister in commercial disputes, equity and tax law. Has presented papers for the Law Society's CLP programs on environmental law and family provision claims. Qualified mediator and acts as a Contributions Assessor for the Dust Diseases Tribunal. Before admission to the Bar, acted as a solicitor and in-house counsel for a private company. Member, Francis Forbes Society for Australian Legal history. Former tipstaff for Justice Peter Young.

### **Johnston, Susan** BSocStud MPH

General Member. Guardianship and Appeal Divisions since 2014. 2007-2014 Community Member of Guardianship Tribunal. 2008-2018 Board Director of Evergreen Life Care (aged care facility). 1994-2020 Member of Mental Health Review Tribunal. Over 15 years' experience as an accredited Social Worker in mental health, homelessness and HIV services and 20 years' experience as a human services consultant providing policy, planning and program evaluation services to government and non-government agencies.

### **Jones, Neil** BBus LLB ADipAg

Senior Member. Legal Member with the Mental Health Review Tribunal. Originally working in agriculture, admitted as a Solicitor of the Supreme Court of NSW and the High Court of Australia in 2002. Principal of a legal practice in Orange. Panel solicitor for Legal Aid NSW in areas of Mental Health advocacy, crime (duty, summary and indictable), family law and childcare and protection (children and adult panels).



**Kearney, James BSc LLB (Hons1)**

Senior Member. Pursued a career as a scientist before being admitted as a solicitor in 1985. Admitted as a barrister in 1986 and has practised as a barrister at the private bar in NSW since then. Nationally Accredited Mediator and since 2009 a contributions assessor and mediator with Dust Diseases Tribunal of NSW; Chair of the MAIF Tribunal in 2017-2019; in 2016 appointed Senior Legal Member of NCAT sitting in the Guardianship Division and on the Appeal Panel.

**Kennedy, Claudia BA DipEd DipRC MA**

Senior Member. Qualified as a rehabilitation counsellor in 1983, MASRC. Worked in disability practice, policy and education since 1980 at CRS, WorkCover, ADHC and University of Sydney.

**Kennedy, Nicole BTech (Marine Engineering) MIS MIL JD**

General Member. Practised experience as a generalist solicitor and Principal solicitor in the Community Legal sector, particularly in FVPLS organisations working in all areas of law. Experience as a Tenant Advocate.

**Kinsey, Graham LLB**

General Member. Admitted as a barrister in 1976. Admitted as a solicitor in 1981. 1974-1977, legal clerk and legal officer with Corporate Affairs Commission; 1977-1986, legal officer and then manager of the Legal Services Branch, Department of Consumer Affairs. 1986, solicitor in private practice with John Orford & Associates; 1987-2014, sole practitioner; 2014-2017, Koutzoumis Lawyers. 2009-2013, part-time Member, Consumer Trader and Tenancy Tribunal. From 2014, part-time General Member of NCAT's Consumer and Commercial Division.

**Koch, Benjamin BA LLB (Hons1)**

General Member. Admitted as a solicitor in 2003. Associate to the Hon Justice Besanko in the Supreme Court of South Australia in 2004. Between 2005-2010, solicitor and subsequently senior associate at Henry Davis York. Called to the Bar in 2010 and practices in insolvency, banking and commercial litigation from 9 Selborne Chambers.

**Kyriagis, Dr Maria**

Senior Member. A Paediatric Rehabilitation Staff Specialist with nearly 20 years' experience at Sydney Children's Hospital with clinical expertise in medical rehabilitation of children with significant disabilities. Currently the Head of Department of Rehab2Kids Unit at Sydney Children's Hospital. An examiner for Australian Faculty of Rehabilitation Medicine (Paediatrics) and teaches undergraduate and postgraduate medical

students. Currently pursuing a Master of Bioethics from the University of Sydney.

**Landau, Dr Peter MBBS (Hons) (USyd) FRACP**

Senior Member. Current clinical appointment as Senior Staff Specialist in Geriatric Medicine, Westmead Hospital. Other positions held at Westmead include; Director Physician Training 1992-2000, Director Clinical Training 1993-2002, Director Stroke Service 2003-2017, Head, Geriatric Medicine Department 2005-2017, Clinical Director, Critical Care & Medicine 2013-2019. Councillor, Postgraduate Medical Council of NSW 1995-2005. Member of Guardianship Tribunal 1988-1995.

**Laurence, Kerrie BA (Educational Psychology)**

General Member. Community Member with NCAT since 2002. Experience in education services for adults and children with an intellectual disability (TAFE and Department of Education); assessment and accreditation of Aged Care Services (Quality Assessor, Age Care Standards and Accreditation); carer and advocate for parents living with dementia. Extensive experience in child protection and family services with Department of Communities and Justice, with focus on investigations of alleged abuse in residential and out-of-home care. Previous Member of Social Security Appeals Tribunal and the Veteran's Review Board.

**Law, Dr Jane Sarah MBBS MMSCI (Epidemiology)**

Senior Member. Qualified in 1983 in UK. Trained and worked as a GP for over 17 years in Australia. Special interest in adults with Intellectual Disability Medicine, working at the NSW Developmental Disability Health Unit for 19 years. Currently working with the same population as an outreach service with Intellectual Disability Healthcare.

**Le Breton, John Vincent**

General Member. Experience managing government and non-government services supporting people with disabilities. Community Member in Guardianship Division since 2007. Member Mental Health Review Tribunal since 2016. Former Director of the NSW Office of the Public Guardian and former Director of Victims Services NSW. Former Member Administrative Decisions Tribunal. Former member NSW Ministerial Reference Group on Person Centred Approaches and former Co-chair NSW Ombudsman's Committee on Community Living.

**Le Poer Trench, The Hon Acting Judge Mark**

Principal Member. Appointed as a Judge to the Family Court of Australia in October 2001. Prior to appointment, His Honour spent 20 years practising at the NSW Bar, predominately in

family law, appellate advocacy, children's matters and de facto relationships. His Honour is currently a mediator and arbitrator for family law matters, and a member of the Australian Institute of Family Law Arbitrators and Mediators. His Honour is a member of the Family Law Section of the Law Council of Australia.

#### **Leal, Suzanne** BA (Hons) LLB (USyd)

Senior Member. Admitted as a solicitor in 1992. Former Member of the Migration Review Tribunal 2001-2015, Refugee Review Tribunal 2004-2015; and Judicial Member of the Administrative Decisions Tribunal 2004-2015. Accredited specialist in criminal law (1999), legal practitioner (criminal law) at the NSW Legal Aid Commission 1995- 2001, policy officer at the Criminal Law Review Division of the NSW Attorney General's Department 1993-1995. Presenter, *Writing Better Judgments* program for the National Judicial College of Australia 2020 – present.

#### **Ledda, John** LLB LLM (Hons) (USyd)

Senior Member. Deputy Parliamentary Counsel, NSW Parliamentary Counsel's Office 2016-2021. Legislative drafter 1992-2023. Research Officer, NSW Court of Appeal 1989-1991. Admitted as a solicitor in 1989. Called to the NSW Bar in 1995.

#### **Lee, Steve** BSc (Hons1) MSc (Clinical Neuropsychology)

Senior Member. Qualified as a Clinical Neuropsychologist in 1996. Clinical experience as a neuropsychologist includes brain injury (TBI) rehabilitation, neurology, neuropsychiatry, mental health, private clinical and medicolegal practice, teaching and supervision. Currently employed as a Senior Clinical Neuropsychologist in an Older Persons Mental Health Service, as an Instructional Designer with HETI, and appointed to the Mental Health Review Tribunal in 2024.

#### **Lethbridge SC, Robert** LLB

Senior Member. Barrister (15 June 1979). Appointed Senior Counsel in 2001. Chairman NSW Bar Association Family Law Committee 2021/2022 and continuing. Member NSW Bar Association Diversity and Equality Committee 2020/2021 and continuing. Australian National University LLB. Practice Areas: Family Law, Appellate. Specialises in complex Australian and International property and parenting matters and is a qualified Mediator. Expertise as a trial lawyer as well as in the appellate division of the Family Court. Has appeared in the NSW Supreme Court Court of Appeal and in the High Court of Australia. Trains other lawyers in trial and appellate advocacy for the Australian Institute of Arbitrators.

#### **Levine, Judith** BA LLB (Univ Medal) (UNSW) LLM (NYU)

Senior Member. Admitted as a lawyer in NSW (2000) and New York (2003). Independent arbitrator in domestic and international contract, investor-state and sports disputes, including in Australia, England, France, Hong Kong, Singapore and Switzerland. President, Australian International Commercial Arbitration Centre. Member, National Sports Tribunal. Judge, Commonwealth Secretariat Arbitral Tribunal. Previously Senior Legal Counsel at the Permanent Court of Arbitration; attorney at White & Case in New York; judicial clerk at the International Court of Justice; assistant adviser to the Commonwealth Attorney-General, judge's associate at the High Court of Australia.

#### **Levingston, John** BA LLB (ANU)

General Member. Member of NCAT and the former Consumer, Trader and Tenancy Tribunal since 2010. Commonwealth Public Service 1977-1981 Overseas Trade (coal and uranium); International Trade Policy; OIC NSW Consumer Protection, Trade Practices Commission 1980-1981. Admitted to the High Court and Supreme Courts of the ACT 1981, NSW 1982 and Victoria 1995. Private practice as a Solicitor (15 years) and a Barrister (28 years); Accredited Mediator (NMAS); Arbitrator; Costs Assessor NSW Supreme Court. Previously honorary positions as Adjunct Professor of Law at the University of Canberra; Conjoint Professor of Law at the University of Newcastle. Contributor to the Butterworths Australian Legal Dictionary 1997. Author of legal texts published by The Federation Press Sydney: *The Law of Affidavits* (2013 and 2nd ed 2023); and *The Law of Tribunals* (2016). Author, *NCATapaedia* 2015.

#### **Levy SC, Acting Judge Leonard**

Principal Member. Called to the Bar in NSW in 1977. Appointed Senior Counsel in 1996. Principal areas of practice included common law, professional negligence, and professional disciplinary cases. Called to the Bar of England and Wales in 2006. Judge of the District Court 2008 – 2023, also serving as a Deputy Chairman of the former Medical Tribunal of NSW. Appointed as a Principal Member of NCAT in 2023.

#### **Lewis, Paul** BA (Psych) LLB GDLP NMAS

General Member. Admitted to practice as a Solicitor, 1990 (NSW) and 1992 (Qld.) Specialises in family law and practising mediator for over 30 years (trained in community mediation and facilitation by the Community Justice Program, Qld, 1993-94). Accredited Specialist in Family Law and in Dispute Resolution by the NSW Law Society. Former lecturer in Family Law and Practical Legal Training at Western Sydney University, former Independent Children's Lawyer and Family Dispute Resolution Practitioner under the Family Law Act,

trained in Collaborative Law (2005 by Stu Webb and Marion Korn, UTS short course). Private practice experience has included personal injury, bankruptcy, commercial leasing, minor crime, anti-discrimination, conveyancing and small business matters. Currently an editorial consultant to the ADJR (Australasian Dispute Resolution Journal) alongside other voluntary committee roles with the NSW Law Society at present and in recent years.

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

General Member. Currently, in private practice as a dispute resolution consultant and strategic facilitator with experience in commercial, workplace, discrimination and family law matters. Fellow of Resolution Institute and accredited in 2003. Accredited as a family dispute resolution practitioner in 2009. Appointed as a Defence Force Restorative Engagement Facilitator 2017 and a Guardian ad Litem NSW in 2005. Mediator and General Member of the NCAT Administrative and Equal Opportunity Division.

**Little, Joanne** BA LLB (Hons) (USyd)

Senior Member. Admitted to the legal profession in New South Wales in 2002. Admitted to the legal profession in England and Wales in 2009 and called to the Bar in 2010. Over 20 years' experience as a legal practitioner with experience as an advocate, in private practice within Australia (Allens Linklaters), private practice internationally having practised in London, Paris and Amsterdam (Freshfields Bruckhaus Deringer) and solicitor in-house (St. George Bank and Westpac Banking Corporation). Specialising in commercial litigation, banking and finance, insurance, insolvency, Corporations Act and equity.

**Lloyd, David** BEc LLB LLM (USyd)

Senior Member. Legal practitioner for over 30 years. Barrister at the NSW bar practising in employment and industrial law, administrative law, discrimination and human rights law.

**Lo Surdo SC, Anthony** BA LLM (USyd) FCIArb FACICA FRIArb1AdvMed

Senior Member. Legal practitioner since 1987. Called to the NSW Bar in 1996 and appointed Senior Counsel in 2011. A commercial silk, arbitrator and mediator in private practice with chambers in Sydney, Melbourne, Darwin, London and Dubai. Regularly appointed as an arbitrator and mediator internationally and domestically. A member of leading world arbitral institutions including ACICA, ADGM, AIAC, CAS, DIAC, HKIAC, JCAA, KCAB, LCIA, QICCA, SAC, SIAC & THAC. A Grade 1 Arbitrator, Advanced Mediator and Expert Determiner (Resolution Institute). Registered in PNG as an international and domestic arbitrator and accredited as a mediator

instructor and coach. Accredited as an international mediator by the International Mediation Institute and as a mediator by the Singapore International Mediation Institute. Specialist sports lawyer with experience in selection, anti-doping, disciplinary and governance disputes. Member of the Court of Arbitration for Sport, National Sports Tribunal (Cth), Racing Appeals Tribunal (NSW), Football Australia Judicial Bodies and Chair of the Football NSW Appeals Tribunal.

**Longley, Wendy** BSc (Hons) MA MSc PhD

Senior Member. Qualified as a clinical neuropsychologist in 1987. Fellow of the Australian Psychological Society's College of Clinical Neuropsychologists. Senior Member (Professional) of the Guardianship Division since 2014. Also working as a clinical neuropsychologist at the War Memorial Hospital, Waverley, since 2015. PhD completed successfully in mid-2019 in the area of neuropsychological rehabilitation at Sydney University, Department of Medicine. 1987-1993, Clinical Neuropsychologist, Concord Hospital. 1993-2013, Senior Clinical Neuropsychologist, Multiple Sclerosis Australia (NSW). Ongoing, guest lecturer and/or clinical supervisor at Sydney University, Macquarie University, University of Technology Sydney, and the Australian National University.

**Love, Elizabeth** BSW BA MMHlth (Older Person)

Senior Member. Qualified as a Social Worker in 2002. Worked as a Social Worker for over 20 years at St Vincent's Hospital (Sydney), St Thomas Hospital (London) and Wolper Jewish Hospital in the areas of older people's mental health, disability, rehabilitation and immunology and infectious diseases. Casual academic at the University of Sydney, Faculty of Social Work (2013 -2018) and board member of Charingfield, residential aged care facility (2015-2018).

**Lucy, Dr Juliet** BA (Hons1) LLB (Hons1) PhD

Senior Member. Admitted as a legal practitioner in 2005; called to the bar 2012. Barrister, Maurice Byers Chambers. From 2008- 2012, senior solicitor, NSW Crown Solicitor's Office. 2006-2007, solicitor, Clayton Utz (Brisbane). 2004-2006, research associate to President, Administrative Decisions Tribunal. 2000-2003, lecturer, Western Sydney University.

**Lynch, Anne** BA (USyd) LLB (UTS)

General Member. Admitted as a solicitor in 1994. Worked in private legal practice and with an insurance company in dispute resolution. Most recently employed as a conciliator at NCAT with employment primarily in Tribunals since 2001. Extensive experience in mediation and alternative dispute resolution.

**Lynch, Joanne BA LLB**

General Member. Admitted as a solicitor in 1988. Registrar Children's Court of NSW 2015-current, Member Consumer Trader and Tenancy Tribunal (CTTT) 2002-2013, solicitor regional practice 1989-2002, trainer at Riverina Institute of TAFE 2002-2019, sessional lecturer Charles Sturt University 2013-2015.

**Lyne, Elizabeth BBus CPA GAICD**

General Member. Currently, board director, Marathon Health Ltd; Trustee, NSW Responsible Gambling Fund. Past board director, Murrumbidgee Primary Health Network. Past board director, Murrumbidgee Medicare Local Ltd. Past board director, Riverina Division of General Practice and Primary Health Ltd.

**MacIntyre, Everton Amrit BA (Hons) LLB**

Senior Member. Admitted as a solicitor in NSW in 1987. Partner at Baker McKenzie 1999-2023. Senior Adviser at Baker McKenzie 2023 to date. Member of the Australian Taxation Office Public Rulings Panel (External Member) 2012-2020. Chairperson of the Tax Institute/RevenueNSW liaison committee 2010-2023. Co-author of CCH Australian GST and Duties services 2000 to date. Author of articles in the Australian Law Journal and Australian Bar Review on revenue and other topics.

**Maclean, Dr Jennifer BSc PhD LLB**

General Member. Admitted as a solicitor in 2002. 2003-2006, legal officer at Legal Aid NSW; 2007 to date, held a number of senior legal roles in Federal and State government departments, including the Federal Department of Human Services, and NSW Department of Justice.

**Maher, Maryanne BA LLB MBA DipLabRels GAICD**

General Member. Admitted as a solicitor of the Supreme Court of NSW in 1989. Practised in major law firms prior to joining a management consulting organisation and a medical research institute. Currently working in and has many years' experience in the non-profit sector. Extensive experience as a consumer representative in Australian Medical Research. A community member for Health Professional Councils Authority and Medicines Australia, Code of Conduct Appeals Committee.

**Martin, Meredith BA (Hons) DipEd MEd PhD**

Senior Member. Currently consultant in disability, welfare, mental health, criminal justice sectors. Part-time lecturer, Sydney University. Member of Mental Health Review Tribunal. Professional Member of the Guardianship Tribunal. Ministerial Advisory Committee on Literacy and Numeracy (2012-2017) and NSW Board of Studies (2002-2017).

**Massey, Vaughan DipLaw (SAB) PGDip Conflict Resolution**

Senior Member. Admitted as a solicitor in 1979. Currently sole practitioner in private practice. Experience appearing as a separate representative before NCAT's Guardianship Division and in matters before the Mental Health Review Tribunal over several years. Engaged in the study and practice of alternate dispute resolution since 1985. Ministerial appointment to the Council of the University of New England, 1984-1987. Volunteer solicitor and Member of the Management Committee of Macquarie Legal Centre, various times 1998-2004.

**Matheson, Alice AEd BA (Hons) Clinical Psychology MA (Hons) Clinical Neuropsychology**

Senior Member. Nine years' experience as a clinical psychologist in the public sector. Qualified as a clinical neuropsychologist 1981. Extensive experience in the assessment of all forms of brain impairment and cognitive rehabilitation. Currently a Fellow of the Australian Psychological Society College of Clinical Neuropsychology (CCN), Senior Member of the Guardianship Division of NCAT, and Senior Member of the ACT Civil and Administrative Tribunal.

**Matkovich, Nicholas BA LLB MBA**

Senior Member. Admitted as a Solicitor in the NSW Supreme Court in 1978, and subsequently admitted to practice in all States and Territories of Australia. Executive Certificate in Insurance, Fellow of ANZIIIF and Fellow of ALUCA. Currently a Partner of the national law firm HWL Ebsworth. Notary Public.

**Matthies, Christopher BA LLB ExecMPubAdmin**

Senior Member since January 2024. Admitted as a legal practitioner in 1999. From 2010, held senior executive positions at the Commonwealth Administrative Appeals Tribunal with responsibility for areas including governance and strategy, digital service delivery, library and information services, and legal and policy services. From August 2020, was the Administrative Appeals Tribunal's Chief Legal Officer. Currently also appointed as the National Education and Care Services Freedom of Information Commissioner.

**McAteer, John BA (Macq) MA (Macq) BLegS (Macq) GDLP (UTS)**

Senior Member. Legal practitioner (Australian Lawyer) admitted 2001 solicitor NSW and Commonwealth. Currently, solicitor in sole practice, board member, NFP social housing provider, Liveable Australia Foundation. From 2009-2011, NSW Privacy Commissioner; 2006-2009, Registrar Victims Compensation Tribunal; 2002-2006, solicitor advocate, NSW

Attorney General's; 1996-2002, senior investigator, NSW Ombudsman. Qualified mediator.

**McAuliffe, Jane BA (Hons) MA DPpsych (Clinical Neuropsychology)**

Senior Member. Qualified as a Clinical Neuropsychologist in 1987. Currently, a clinical neuropsychologist in both public and private rehabilitation and aged care services. Since 2008, engaged in clinical trials for the treatment of dementia within the Hornsby Ku-ring-gai Hospital Research Unit. A fellow of the Australian Psychological Society College of Clinical Neuropsychologists (CCN) and, from 2016-2018, Chair of the NSW CCN.

**McCarthy, Shaun BA LLB PhD**

Senior Member (Legal), Guardianship Division. Associate Professor, University of Newcastle School of Law and Justice, Director of University of Newcastle Legal Centre, Program Convenor of Graduate Diploma of Legal Practice (Practical Legal Training) at the University of Newcastle.

**McCue, Margaret LLM (UNSW)**

General Member. Appointed to the former Consumer Trader and Tenancy Tribunal in 2011. Admitted as a solicitor in 1988. Currently, a commercial lawyer practising in Macquarie Street Sydney. Nationally accredited mediator appointed to the Personal Injury Commission in 2020, and the former Workers Compensation Commission since 2011. Current appointment as a Local Court Arbitrator and executive board member of the Australian Dispute Resolution Association (ADRA). Participated in a number of mentoring programs for the advancement of women in law at the University of NSW; University of Wollongong and Notre Dame University, Sydney. In May 2017, completed the Company Directors course conducted by the Broken Bay Institute. Has held the following appointments: Non-executive board member of local chamber of commerce; Governor of a perpetual care entity; Director of a co-educational school; Chair of the board of strata scheme 'The Oxley', Elizabeth Bay.

**McDaniel AO, Emeritus Professor Michael FRSN**

General Member. Member of the Wiradjuri Nation of Central NSW and former Pro Vice-Chancellor (Indigenous Leadership), University of Technology Sydney. Served on a number of tribunals including the National Native Title Tribunal, NSW Mental Health Review Tribunal, NSW Administrative Appeals Tribunal, and NSW Guardianship Tribunal. Also served as a Commissioner with the NSW Land and Environment Court. Currently a Special Advisor to the Vice-Chancellor, University of Technology Sydney and serves as Chair of the Sydney Opera House Trust.

**McDonald, Paul LLB (Hons)**

General Member. Part time member of the Commercial and Consumer Division. Barrister since 2018 specialising in commercial disputes and equity matters (including family provision). Before that, solicitor (from 2001) mainly in commercial litigation with some government work (state and federal). Also a Public Notary (NSW) and legal presenter/educator.

**McDonald, Scott BA LLB FAICD**

Senior Member, Consumer and Commercial Division. Also 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. Sits on and advises boards (including not for profits) and facilitates the legal education modules on directors' duties to members of the Australian Institute of Company Directors in the AICD Company Directors' Course.

**McFarlane, Mary Beth BA LLB Dip Legal Practice**

General Member. Appointed to the Consumer and Commercial Division in 2021. Admitted as a solicitor in 2009. Even balance of time spent working between private and public sectors, with an extensive background in prosecutions. Current Legal Member of the Mental Health Review Tribunal.

**McGirr, Patrick Dip Teach (UNSW) MMgmt (UWS) MComm (Hons) (WSU)**

General Member. Background in education and later senior management roles in human services spanning both government and private sector organisations. Experience in social research, identifying needs, and delivering service responses including aged/dementia care. 15 years' experience as an Associate Lecturer in Business (Western Sydney University). Key teaching/research areas were strategic/financial analysis and leadership development at MBA level. Lived experience (30+ years) formally supporting a person with a dual diagnosis of psychosocial and intellectual disability. Working knowledge of the role of a Private (Financial) Manager and current know-how in negotiating through NDIS processes.

**McIlhatton, Susan BA LLB**

Senior Member. Admitted as a solicitor in 1983. Previously senior solicitor Legal Aid Commission, Senior Member Refugee Review Tribunal, Deputy District Registrar Federal Court of Australia, Member Consumer Trader and Tenancy Tribunal, Deputy President Guardianship Tribunal.



### **McIvor, Kirsty** BComms (Journalism) Cert IV Workplace Training and Assessment

General Member. Communication professional having worked as a journalist, producer and foreign correspondent for the ABC and Chief Communication UNICEF in Bangladesh and Indonesia. Runs own communication consultancy. Over 19 years' experience, knowledge and insight into the needs of a person with disability. Alumni Sydney Leadership Australia.

### **McMahon, Karen** BA LLB LLM

Senior Member. Admitted as a solicitor in 1992. Over 25 years' experience in litigation and dispute resolution in private practice, government and community sector. Specialised practice in health law between 2001-2016. Past Member of NSW Law Society Medico-Legal Liaison Committee. Legal Member with the Mental Health Review Tribunal and NCAT's Guardianship Division since 2016.

### **McNeill, Susannah** BA LLB MPub&IntLaw

General Member. Admitted as a solicitor in 1999, worked as an immigration and refugee lawyer in private practice and community legal centres. Former Director of Migration Institute of Australia and Migration Agents Registration Authority, former Member of the Migration and Refugee Review Tribunals. Senior Administrator with the International Rescue Committee in Bangkok, Thailand 2007-2008. From 2016 to present Reviewer with the Administrative Appeals Tribunal.

### **McPhee, Dr Brenda** MBBS (USyd)

Senior Member. Guardianship Division and Appeal Panel. Over 30 years experience in general practice in community and women's health centres. Former professional member of the Social Security Appeals Tribunal (1994-2005).

### **Millar, Paul** BA LLB LLM PhD (Law)

General Member. Over 20 years' experience sitting on tribunals in Australia and New Zealand hearing immigration appeals. The tribunals in Australia were the former Refugee and Migration Review Tribunals and the Migration and Refugee Division of the Administrative Appeals Tribunal. Such experience provides all necessary skills in analysing evidence, identifying the relevant issues, conducting hearings and delivering decisions that meet the requirements of procedural fairness. This includes the ability to effectively communicate with parties who do not have legal representation.

### **Mishra, Hooma** BA LLB (Hons) GDLP MPA

Senior Member. Admitted as a solicitor in 2003. Significant experience across legal and policy roles at The Cabinet Office, NSW Department of Communities and Justice, NSW Mental Health Commission and NSW Department of Customer

Service. Extensive work history in areas of criminal justice and victims of crime, child protection, forensic mental health and working closely with vulnerable communities, including people with lived experience and their carers.

### **Mitchell, Dr Tanya** BA LLB PhD

Senior Member. Background in criminal legal practice with the Aboriginal Legal Services in New South Wales (SRACLS) and the Northern Territory (NAAJA); Investigator with the Children in State Care Commission of Inquiry headed by the Honourable Mullighan QC; Academic at the University of Sydney, after a period of travel and work in Istanbul and Addis Ababa, and wrote PhD on the transformation and expansion of the summary criminal jurisdiction into a major mechanism of social control.

### **Mobbs, Karen** BA LLB

Senior Member. Admitted as a solicitor in 1989 with over 30 years of legal experience gained in both the private and public sectors, including in senior positions at Commonwealth, state and local government levels.

### **Moir, Jillian** BA (Hons) LLB GDLP BSc (Psychology)

Senior Member. Admitted as a solicitor in 1993. Former Senior Member, Veterans' Review Board and Member of the Social Security Appeals Tribunal/Administrative Appeals Tribunal. Many years' experience in mediation and conciliation.

### **Molony, Peter**

Senior Member. Admitted as a barrister and solicitor of the Supreme Court of Victoria in 1980. Admitted as a barrister of the Supreme Court of NSW in 1986. From 1999-2002, Senior Member Fair Trading Tribunal; 2002-2013, Judicial Member Administrative Decisions Tribunal; 2002-2011 Senior Member Guardianship Tribunal; 2013-2016 Senior Member NCAT.

### **Montgomery, Stephen** BScAgr LLB (Hons) GDLP

Senior Member. Legal Practitioner since 1992. Currently a solicitor. From 1999-2002, Member, Fair Trading Tribunal of NSW; 2002-2007, Member, Consumer Trader and Tenancy Tribunal; 2001-2013, a Judicial Member of the Administrative Decisions Tribunal; 2014 to present, Senior Member NCAT.

### **Moran, Peter** LLB

Senior Member. Admitted as a solicitor in 1983. Currently, a Partner in law firm Colin Biggers & Paisley with over 39 years' extensive experience in insurance, reinsurance and commercial litigation. Lawcover panel solicitor for 32 years. Regularly presents papers and seminars on risk management to the legal profession and conducts training sessions for

regional legal practitioners throughout NSW. From 2016 to date, Senior Member NCAT.

### **Mortensen, Karl (Ned) LLB BBuild GDLP**

General Member. Admitted as a solicitor 2016. Appointed as panellist adjudicator for Adjudicate Today in NSW, Vic, SA and ACT. Former partner at Roberts Crosbie Mortensen Lawyers 2019-2024 primarily practicing in building and construction litigation. Former expert witness specialising in construction following an earlier construction industry career.

### **Moujalli, Daniel BEc LLB (Hons) (USyd)**

Senior Member. Admitted as a solicitor in Australia in 1996 and in England and Wales in 1999. Practising as a barrister in NSW and ACT since 2007. Adjunct lecturer with the College of Law Sydney since 2018. Author and presenter of various papers on legal practice and procedure.

### **Mulvey, Craig BCom LLM**

Senior Member. Current barrister in private practice. Appointed as a Senior Legal Member Guardianship Tribunal NSW, 2010 – 2014. Since 2014, appointed as a Senior Member NCAT in the Guardianship, Administrative and Equal Opportunity and Occupational Divisions and the Appeal Panel. Past board member and co-convenor of the Inner-City Legal Centre. Current chair and board member of the Intellectual Disability Rights Service. Member of the NSW Bar Association's Legal Aid Committee and past member of the Elder Law Committee.

### **Murray, Dr Maree**

General Member. Teaches Law at the University of Technology, Sydney. Expertise in Diversity and Inclusion. Previously was Director of the Wingara Mura Leadership Program, and Deputy Director of Diversity and Inclusion, at the University of Sydney. Experience as an Industrial Relations academic, in research and evaluation, and in conducting workplace arbitration and mediation.

### **Newman, Jennifer BA GradCert Indigenous Research**

General Member. PhD candidate, Institute for Social Justice ACU; teaching Aboriginal Studies in a range of settings.

### **Ng, Chuan BCom LLB (UNSW)**

General Member. Admitted in the Supreme Court of NSW (1998). Legal/Research Officer, Royal Commission into NSW Police Service (1995-1997). Research Assistant to Common Law Judges, Supreme Court of NSW (1997). Judge's Associate, District Court NSW (1998). Prosecuting lawyer NSW ODPP (1999-2001) and Senior/Principal Federal Prosecutor CDPP (2001-2005). Appointed as CDPP In-house Counsel/Crown

Prosecutor (2005-2008). Judicial Registrar of the Federal Court and Federal Circuit Court of Australia (2008-2021). Adjunct Lecturer teaching criminal law UNSW (2010-2019). Accredited Mediator NMAS since 2009. Currently in private practice and A/Sheriff of the Supreme Court of Norfolk Island.

### **O'Carrigan, Patrick FRAIA AIAMA**

Senior Member. Registered architect and urban designer with over 25 years' experience in private and public sectors. Qualified as an arbitrator. Former Member, Administrative Decisions Tribunal with an interest in ethics and governance.

### **O'Dowd, Norman James BA LLB MPA**

Senior Member. Admitted as a legal practitioner in 1993. Gained specialist accreditation in family law in 1999. Worked for Legal Aid NSW, providing representation to children and young people in the family law courts. Extensive mediation experience. Recently worked at UTS and The College of Law, teaching in the areas of family law, ethics law and justice, foundations of law and legal and professional skills. Also employed as a research associate on projects related to cross border surrogacy arrangements, and family violence and self-representation in the family law system.

### **Organ, Lynne LLB**

Senior Member. Admitted as a solicitor in 1985. Senior Member of NCAT's Guardianship Division. Legal Member, Mental Health Review Tribunal (2016 to date). Community Legal Centre, Legal Aid and private practice (1986-2001). Extensive litigation and dispute resolution experience in health and administrative law including disciplinary work, medical negligence and inquests at Health Care Complaints Commission in the prosecution section and in private practice (2001-2015).

### **Oxenham, Melanie BSW**

General Member. Member of Australian Association of Social Workers (AASW). Former Official Community Visitor; Employed by the Public Guardian 1997-2012. Project Officer, Planning Ahead Tools website 2011-2012. Policy Officer/Mentor- NSW Supported Decision-Making Pilot 2012-2017. Facilitator/trainer NDIS awareness 2015-2017.

### **Perrignon, Richard BA (Hons) LLB (USyd)**

Senior Member. Admitted as a solicitor of the Supreme Court of NSW in 1987 and as a barrister-at-law in 2002. From 2008-2014, judicial member of the Administrative Decisions Tribunal while practising at the Bar. Since 2010, a Member of the Workers Compensation Commission. Appointed as Senior Member, NCAT 2014 in the Administrative and Equal Opportunity Division and Appeal Panel. He is a nationally accredited mediator and mediates cases before the Appeal



Panel and in other Divisions of the Tribunal. As a barrister, he appears as Crown Prosecutor for the Commonwealth of Australia in jury trials for offences under Commonwealth law.

### **Pickering, Edwina** BSW MIR

General Member. Previous employment with National Disability Services and NSW Ombudsman, and as a consultant in the health and community sectors. Member of Guardianship Tribunal since 2014.

### **Pinto, Susan Marie** BA (Hons) LLB MA (Criminology)

Senior Member. Admitted as a legal practitioner in 1999. Previous experience in criminal intelligence and as a legal officer in refugee law. First appointed as a Tribunal member on the Administrative Appeals Tribunal in 2003 and reappointed until 2017, specialising in migration and refugee law. Appointed to the Hong Kong Torture Claims Appeal Board in mid 2017 and reappointed until September 2022 assessing applications for asylum in Hong Kong. Appointed to the Nauru Refugee Status Review Tribunal in 2018 and reappointed until December 2021, undertaking applications for persons seeking asylum. Appointed as a senior legal member of Guardianship Division of NCAT in March 2021.

### **Pirina, Christina** BSc (Macq) LLB (Hons II) (USyd) LLM (UNSW)

General Member. Admitted to legal practice in 2005, with experience in a range of government, not-for-profit and private sector roles. Principal Solicitor at Macarthur Legal Centre, since 2014. Trained in mediation and Family Dispute Resolution (FDRP), with teaching experience as a casual academic (Western Sydney University (2015-2017)) and mediation/FDR coach (NSW College of Law (2015-2021)). Author of *Dealing with Debt: a legal guide to personal debt in NSW*, a legal resource guide, published by the NSW State Library (2022).

### **Porter, Lyn** GradDipSocSc (Community Services)

General Member. Currently appointed as an Official Community Visitor. Many years of experience working in the areas of domestic violence, child protection investigation and monitoring the conduct of service provision in the Disability and Out of Home Care Sectors.

### **Poulos, Kathryn-Anne** LLB Dip Nursing

General Member. Admitted as a barrister in 1998 and practising in medical negligence, personal injury, inquest and statutory tribunals, insurance and commercial and banking. Previously appointed an Arbitrator by the NSW Bar Association for domestic and international arbitrations and by

the District Court of NSW. Previously qualified as a registered nurse.

### **Radburn, Sean** BBus LLB JD

General Member. Legal practitioner at Somerville Laundry Lomax Solicitors.

### **Raif, Kira** BA LLB LLM

Senior Member. Appointed as a member to the Migration and Refugee Review Tribunals in 2006 and a Senior Member in 2011. Presently a Senior Member of the AAT. Prior to Tribunal appointments, worked in private practice specialising in immigration law.

### **Ransome, Kay** BA (Hons) LLB (Hons)

Principal Member. Admitted as a solicitor in NSW in 2008. Legal Member, Disciplinary Appeal Board, Institute of Actuaries of Australia. Member, Torture Claims Appeals Board and Adjudicator, Non-refoulement Claims Petition Office, Hong Kong. Lawyer whose primary expertise is administrative law. Many years' experience in tribunals, including as Chairperson of the former Consumer Trader and Tenancy Tribunal and as Principal Member, former Refugee Review Tribunal and Migration Review Tribunal.

### **Redfern PSM, Jan** BEc LLB LLM (Syd)

Senior Member. Admitted as a solicitor in 1983, working in private practice and as a partner of a national law firm for 10 years. Currently a sessional Deputy President of the Mental Health Review Tribunal (Forensic Division). Deputy President and Division Head of the Migration & Refugee Division of the Administrative Appeals Tribunal, 2016-2024. Appointed to senior executive positions with the Australian Securities and Investments Commission, 1999-2008, including General Counsel and Executive Director of Enforcement. Working on tribunals since 2009, with previous appointments as a senior member of the Administrative Appeals Tribunal, legal member then part-time Deputy President of the NSW Guardianship Tribunal and Principal Member of NCAT, 2009-2016.

### **Richter, Ruth** BA (Hons) GradDip SpecEd

General Member. Over 25 years' experience in the human services sector in direct service provision/management roles in non-government disability organisations, legal substitute decision-making and investigative roles for the NSW Government, senior consulting roles in the human services area with reputable consulting firms; Independent decision-making for the Australian Government, policy research reform.

### **Riordan, Michelle** LLB

Senior Member. Currently, Manager of Legal Education, Office of the General Counsel, Workers Compensation Independent

Review Office. Previously a solicitor in private practice from 1987-2013, including a lengthy period of partnership in a law firm based in Sydney; 2005-2013, a Judicial Member of the Administrative Decisions Tribunal.

### **Roberts, Susan BA LLB (Hons)**

Senior Member. Admitted as a solicitor in 1989. Currently, a consultant in the management and governance of institutions and organisations in the human rights and social justice field. From 1994-2010, various roles at the Australian Human Rights Commission including Director, Legal Services and Executive Director.

### **Robertson, David LLB BEc BCL**

Senior Member. Admitted as a solicitor in 1986 and as a barrister in 1991. Practised in all areas of commercial law with a focus on banking, insolvency and building and construction. Appeared in courts and tribunals at all levels, in both NSW and interstate, including numerous mediations and arbitrations. Rhodes Scholar. Awarded the Rupert Cross Prize at Oxford University.

### **Robinson, Kate BSc (Hons) LLB (Hons) MEL (USyd) GAICD**

Senior Member. Admitted as a solicitor in 2002. Government lawyer 2002-2023. Accredited Specialist Government and Administrative Law, NSW Law Society.

### **Rogers, Linda BSW LLB**

Senior Member. Admitted as a solicitor in 1996 and currently a sole practitioner. Legal Officer, NSW Guardianship Tribunal (1998-2002). Principal Solicitor, Intellectual Disability Rights Service (2002-2003). Member of Social Security Appeals Tribunal (2008-2014). Member of the Law Society of NSW Elder Law, Capacity and Succession Committee (2017-2019). Sessional academic at Western Sydney University (2017-2020) and Macquarie University 2024. Senior Lawyer at the Disability Royal Commission (2020-2023).

### **Roney KC, Peter BA LLB**

Senior Member, Administrative and Equal Opportunity Division. practices and continues in private practice as Senior Counsel, specialising in Commercial law, Consumer law, and Industrial Workplace Safety Law. Appointed King's Counsel in 2010. Former member of the Anti-Discrimination Tribunal Qld. Member of the Human Rights Division Qld Civil and Administrative Tribunal since 2009.

### **Rose, Jeffrey BCom LLB (UNSW) GDLP (UTS)**

General Member. Admitted as a solicitor in 1994. Appointed as a Notary Public in 2002. Called to the Bar in 2011. Currently, a

barrister in private practice since 2011 and a Legal Officer with the Royal Australian Navy since 2012.

### **Ross, Katherine BA BLegS**

Senior Member. Admitted as a solicitor of the Supreme Court of NSW in 1987. 1991-2009, partner, Dunn Ross Lawyers; 2010-2011, Special Counsel, Harris Wheeler Lawyers. Past President, Disability Advocacy (NSW). Past part-time lecturer and tutor, University of Newcastle.

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

Principal Member. Admitted as a solicitor of the Supreme Court of NSW in 1988. Currently a Principal Member of the Tribunal, sitting in the Consumer and Commercial Division and on the Appeal Panel. 2006-2013, Member Consumer Trader and Tenancy Tribunal. Previously a Senior Member of the Refugee Review Tribunal and a Member of the Social Security Appeals Tribunal.

### **Roushan, Shahyar BA LLB GDLP**

Senior Member. Admitted as a solicitor and barrister in 1997. Since 2015, Senior Member of the Commonwealth Administrative Appeals Tribunal. Previously, Member and then Senior Member of the Refugee Review Tribunal and the Migration Review Tribunal.

### **Royer, Rosemary BSocStud (USyd) GradCertEdStud (Disability) (Newc)**

General Member. Qualified social worker. Has extensive experience at a senior level over many years in government and non-government organisations working with vulnerable families, children and young people. Developed statewide policy and implemented services across health and disability services. Appointed in 2014 to NCAT's Administrative and Equal Opportunity Division as a General Member, and to the Guardianship Division in 2016.

### **Ruschen, Katherine BA LLB (Hons)**

General Member. Over 20 years' experience as a solicitor, including 10 years as a partner of both boutique and mid-tier law firms. Specialist commercial and insurance litigation and dispute resolution lawyer, with a focus on professional malpractice and professional misconduct. Has represented healthcare and legal professionals in several high-profile Coronial Inquests and Royal Commissions and before professional disciplinary bodies. Appointed as an External Merit Reviewer for the State Insurance Regulatory Authority (SIRA). Holds a mediation qualification from the Australian Disputes Centre.

### **Rutledge AM, Pamela BA Dip SW**

General Member. Following experience as a Social Worker in front-line service delivery, had extensive experience in senior roles in the NSW public sector, including experience in health, housing and ageing and disability. In 2009 moved to the not-for-profit sector to become CEO of Richmond Fellowship NSW then CEO of Flourish Australia (RichmondPRA Ltd). Appointed as a Community Member of NCAT Guardianship Division and sits as a Member on the Mental Health Review Tribunal and is a Board member of Aspect Australia and the Nepean Blue Mountains Local Health District.

### **Ryan, Moira Cynthia BEc DipEd LLB LLM (Applied Fam)**

Senior Member. Admitted as a solicitor in 1992. In private practice for 21 years in the areas of family law, wills and estates. From 2013 to 2021 appointed a Registrar in the Family Court of Australia and the Federal Circuit Court of Australia. Accredited Specialist in Family Law from 2002-2024 and Nationally Accredited Mediator from 2012-2024. Appointed to the Guardianship Division of NCAT in 2021.

### **Sarginson, Gregory BA LLB LLM (USyd)**

Senior Member. Admitted as a solicitor in 1994. Admitted to the NSW Bar 2003. Barrister; Lecturer, University of Sydney Law Extension Committee. From 2005-2015, reporter, NSW Council of Law Reporting; From 2005 to date, lecturer, University of Sydney Law Extension Committee; From 2014 to date, contributor, NSW Civil Procedure Handbook (Thomson Reuters).

### **Sarofim, Professor Elizabeth LLB (Hons1) BSc (Molecular Biology) GAICD**

Senior Member. Held senior roles in state and federal government regulatory agencies prior to moving to private commercial legal practice and a Partner. Practised at Ashurst, Baker McKenzie, HWL Ebsworth and Dentons as Head of the Competition practice. Sits on various Boards, is an adjunct professor of law and business, and head of Competition and Regulation editorial at Thomson Reuters.

### **Scarlett OAM RFD, Stephen BA LLM GradDipCrim DipSocSc**

Senior Member. Admitted as a solicitor in 1971. Admitted to the NSW Bar in 2017. Accredited Mediator NMAS. Magistrate. 1998-1995, Local Court of NSW; 1995-2000, Senior Children's Magistrate Children's Court of NSW; 2000-2013, Judge of the Federal Magistrates Court of Australia; 2013-2016, Judge of the Federal Circuit Court of Australia; 2017 to date, Senior Member of NCAT in the Occupational and Administrative and Equal Opportunity Divisions; 2015, awarded the Medal of the

Order of Australia; 1964-2006, served in the Army Reserve and retired with the rank of Colonel.

### **Searson, Jean-Anne BA (Hons) LLB (Hons) (USyd) GDLP (College of Law)**

General Member. Admitted as a solicitor of the Supreme Court of NSW in 1999. Also a Legal Member of the NSW Mental Health Review Tribunal. Practised as a solicitor in private practice in rural NSW and at Legal Aid NSW.

### **Sheahan AO, Terence William BA LLB FRNS**

Principal Member. Served in the NSW Parliament 1973-1988, including as a Cabinet Minister 1980-1988, in a range of portfolios including Attorney General 1984-1987. Later served as a Judge of the NSW Land and Environment Court 1997-2019, and President of the NSW Workers Compensation Commission 2001-2007. Appointed as an Officer in the General Division of the Order of Australia in 2002. The citation referred to his service to the law, especially in the area of ADR, to the Parliament of NSW, and to organisations involved in health and aged care, education, human rights, and the environment.

### **Shipp, Bernie BA LLM**

Senior Member. Admitted as a solicitor of Supreme Court of NSW in 1983, nationally accredited mediator in 2011. Member of Council of Australian Tribunals and the Law Society of NSW. From 1998-2006, Member, Social Security Appeals Tribunal; 2000-2013, Member, Guardianship Tribunal; 2001-2011, Member, Consumer Trader and Tenancy Tribunal. Senior (Legal) Member of NCAT in the Guardianship Division and Commercial and Consumer Division since 2014.

### **Shub, Oscar BCom LLB**

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

### **Simon, Theresa BA DipEd LLB**

Principal Member. Admitted as a solicitor in 2002. Prior to serving as Principal Member, Administrative and Equal Opportunity Division, she was previously appointed as a Principal Member, Consumer and Commercial Division. Also sits on NCAT's Appeal Panel. Practised as a solicitor in private practice in Western Sydney and established the Home Building Advocacy service at Macquarie Legal Centre. From 2008-2011, lectured in Law at Western Sydney University; 2011-2013, appointed as a Family Dispute Resolution

Practitioner with Legal Aid. Previously a secondary school teacher in Western Sydney.

### **Sindler, Michelle** BA (Hons1) LLM

Senior Member. Admitted as a solicitor in New South Wales (1985) and in all other Australian states and territories (1990) and in England and Wales (2007). Currently, an independent arbitrator working in Australia, the Asia-Pacific and in Europe. From 1990-2001, partner at Minter Ellison in Sydney; 2001-2007 partner of a major law firm in Switzerland; 2008-2010, partner of a major law firm in the UK; 2010-2013, Chief Executive Officer of the Australian International Disputes Centre (now the ADC) and Secretary-General of ACICA, the Australian Centre for International Commercial Arbitration.

### **Slack-Smith, Gemma** BSW LLB

Senior Member. Degrees in law, social work and frontline management and a Churchill Fellowship recipient. Admitted as a solicitor in 2006. Extensive experience in child protection law. Significant experience working with, and for, disadvantaged clients with mental health, family violence and drug and alcohol challenges. Extensive litigation experience representing children and adults with physical, mental and intellectual disabilities. Member of the NSW Children's Legal Issues Committee. Legal Member with the Guardianship Division of NCAT since 2016.

### **Smith, Holly** LLM

General Member. Admitted as a solicitor in 2005 with experience in community and government practice, working in various areas of law. Recent years have been working as Registrar of the Local Court.

### **Smith OAM, Dr Margaret** BA (Hons) MPsychol PhD FAPsS

General Member. Qualified as a community psychologist in 1977, registered psychologist AHPRA Psychology Board of Australia and Fellow of the Australian Psychological Society. Currently, community psychologist working with non-government mental health advocacy groups and a part-time member of the Mental Health Review Tribunal. From 2000-2008 Associate Professor in criminology and social work at the University of Western Sydney. Advocacy and consultancy work in disability, mental health reform and women's health programs since 1980.

### **Smith, Peter** DipLaw (BAB)

General Member. Admitted as barrister in 1988. From 1999 Member of Residential Tribunal; 2002, Member of Consumer, Trader and Tenancy Tribunal; 2014, Member of NCAT.

### **Smith, Dr Stephen** BA MHA (UNSW) LLM SJD (USyd)

General Member. First career was in hospital management and took up law as a mature age student. After some years as solicitor in private practice went into academic work and took early retirement as a tenured senior lecturer at a city law school. Major interests were law and the health professions, administrative law and consumer law. Was for some years head of the university student law service. Was a part-time Member of the Fair Trading Tribunal and Consumer Trader and Tenancy Tribunal before appointment to NCAT.

### **Spencer CF, Dr Margaret** Certificate Nursing (State Registering Nursing) BTh BSW PhD

General Member. Appointed to the Guardianship Division (2009). Senior Social Worker. Director of Field Education, University of Sydney (2014 -currently). Over 40 years of clinical experience working with individuals with cognitive impairment living in vulnerable and complex contexts. Recognised nationally and internationally as an expert on the support needs of families where a parent has intellectual disability.

### **Stahel, Wendy** BA (Psychology)

General Member. Community Member in Guardianship Division since November 2021. Worked for public broadcasters for over 30 years (BBC, SBS & ABC). Volunteer currently working with agencies in Sydney LGA to assist clients being re-housed. Carer and advocate for dementia sufferers since 2014.

### **Staples, Melissa** BA (Hons) MPsychol

Senior Member. Registered psychologist with specialist endorsement in the areas of neuropsychology and clinical psychology. Qualified as a psychologist in 1990. Currently, a private consultant. Has been a Professional Member of the Guardianship Tribunal since 2006.

### **Stares, Glenda** BA LLB GDLP

Senior Member. Admitted as a solicitor in the NSW Supreme Court in 2006. Over 16 years' experience as a lawyer working with Legal Aid NSW and Shoalcoast Community Legal Centre as well as running own private practice. Many years of relevant experience acting as a separate representative and legal representative before the Guardianship Division and Mental Health Review Tribunal.

### **Starke, Alana** LLB (Hons) Executive MBA GAICD

Senior Member. Admitted as a Solicitor in 1996. Worked in both the public and private sectors at an executive level and across a wide range of legal areas including litigation, child protection, GIPA, privacy, corporate governance and commercial law. Formerly General Counsel FACS, Sydney

Water Corporation and Sydney Ferries (within Transport for NSW). Extensive previous experience at King & Wood Mallesons.

**Steer, Charlotte** BA LLB (USyd) GCULT (UNSW)

Senior Member, Guardianship Division and Consumer and Commercial Division. Admitted as a lawyer in 1988. Associate to the Hon Michael McHugh AC KC on the High Court of Australia in 1989. Experience as a lawyer at Legal Aid in NSW and ACT, NSW Anti-Discrimination Board and Seniors Rights Service, and Conference Registrar at AAT. Nationally accredited mediator. Teaching Fellow, UNSW Law and Justice, since 1996. Tribunal Member since 1997 on Residential Tenancies Tribunal, Residential Tribunal, Fair Trading Tribunal, Consumer, Trader and Tenancy Tribunal.

**Stephens, Dr Amanda** BA MBBS PhD

Senior (Professional) Member. Commenced tertiary education with a combined Arts/Law degree, completing Arts before completion of Medicine (University of Sydney) and then a PhD in Law focusing primarily on child protection. Has worked primarily in Emergency Medicine in Australia and the UK with a recent change to Virtual (telehealth) medicine for SLHD.

**Stevenson, The Hon Acting Judge Jan** BA/LLB (UNSW)

Principal Member. NSW Barrister specialising in Family Law and Child Protection 1981-2001. Justice of the Family Court of Australia 2001-2021.

**Stewart, Leanne** BSW (UNSW)

General Member. Currently, consultant in aged and community care. From 1982-1991, Department of Social Security, social worker Moree, Dee Why, then Deputy Area Manager Sydney; 1991-1993. Home Care Service of NSW, Regional Manager, Sydney Metropolitan; 1993-1996, Anglican Retirement Villages Operations Manager. Community Member of the Guardianship Division NCAT since 2001, and Appeals Panel since 2016.

**Stubbs, Kerry** BA (Hons2.1) MA (Hons1) Grad Cert Writing MAICD

General Member. Currently non-Executive Director on a number of Boards, including Northcott Innovation Ltd, Healthy North Coast Ltd and member of the Board of Trustees and Deputy Chancellor of Western Sydney University. Previous CEO of Northcott, a large disability services provider. Previous Executive Director of St Vincent's Hospital. Many years experience in equal employment opportunity research and work, and in multicultural issues. Previous Chair of the National Accreditation Authority for Translators and Interpreters (NAATI). Member of NSW Government Domestic

Violence and Sexual Assault Council and the Federal COVID-19 Disability Advisory Committee.

**Sullivan, Judy** BEc LLB (ANU) LLM (USyd)

Senior Member. Solicitor, now principal of private practice. Litigation and revenue background. Former partner at King & Wood Mallesons and PwC, member of Tax Practitioners Board, Deputy Chair ACT Gambling & Racing Commission, Director National Association of Visual Arts. Member ASIC Financial Services and Credit Panel.

**Sutherland, Stuart** LLB GDLP LLM

General Member. Admitted as a solicitor in 2003. Currently a Principal in a law firm based in Newtown. Worked extensively in private practice in commercial, consumer, conveyancing, mental health, family and criminal law. From 2005, Panel Member for Legal Aid NSW and co-author of 'Children Under the Family Law Act, Lawyers Practice Manual New South Wales', Redfern Legal Centre. 2013-2014, volunteer solicitor with the Intellectual Disability Rights Service. Previously a casual lecturer in criminal law at the University of Western Sydney.

**Suthers, Aaron** LLB

Principal Member. Accredited specialist (Family Law). Accredited mediator, NMAS - FDRP. 1995, admitted to legal practice. Formerly a Director of Cheney Suthers Lawyers, Orange. From 2006-2009, Member, Guardianship and Administration Tribunal (Qld); 2009-2014, Member, Queensland Civil and Administrative Tribunal; 2014-2018, Senior Legal Member, NCAT.

**Sword, Donald**

General Member. Extensive experience in the delivery of services to people experiencing homelessness, and expertise in mental health and drug and alcohol services. 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. Member of the NSW Legal Aid Review Committee, the Justice Disability Advisory Council, and the State Parole Authority.

**Taylor, Susan** BSocStud

Senior Member. Qualified as a social worker in 1973. 1992-2015, worked on Marrickville and Canterbury Acute Care Mental Health Teams; 1988-1992, manager of service providing support for people with multiple sclerosis; 1996-2011, Member of the Social Security Appeals Tribunal; 2002-2006, Member of the Mental Health Review Tribunal; 1992 to date, Professional Member of the Guardianship Tribunal.



**Terceiro, Michael** BA LLB (Hons) (Macq) LLM (USyd) MDR (Hons) (UNSW) ProfCertArb (Adel)

General Member. Admitted as solicitor of NSW Supreme Court and High Court of Australia in 1998. Former Director Enforcement and Mergers and Asset Sales and National GST Enforcement Coordinator, Australian Competition and Consumer Commission 1993-2008; Private practitioner running own law firm since 2008; Deputy Chair, Mortgage and Finance Association Disciplinary Tribunal since 2010; Deputy Chair, SME Committee, Law Council of Australia since 2015; Expert Competition and Consumer Law Consultant to Lexis Nexis since 2018; General Editor of Australian Business Law Review since 2019; Expert Competition and Consumer Law Consultant to CCH/Wolters Kluwer since 2019; College of Law Assessor since 2022.

**Thew, Penelope** GAICD BA LLB (UNSW) GDLP MLLR (USyd) Advanced Advocacy Course (Oxford)

General Member. Admitted to the New South Wales Bar, 2005. Admitted as a solicitor of the Supreme Court of New South Wales, 2000. Currently practising at the New South Wales Bar. From 2000 -2005 worked as a solicitor in private practice and performed an Internship with the International Labour Organisation in Geneva, Switzerland; 1997-1999, worked with the former Human Rights and Equal Opportunity Commission. Graduate Member of the Australian Institute of Company Directors.

**Thode, Sabine** BEc (USyd) DipLaw BSAB

Principal Member. Consumer and Commercial Division. Called to the Bar in 1999. Member of the Appeal Panel, cross-appointed to the Administrative and Equal Opportunity and Guardianship Divisions.

**Thompson, Dr Susan** MBBS FRANZCP RANZCP AIRS

Senior Member. Child, adolescent, adult and family psychiatrist working for many years in inpatient and outpatient public mental health settings, private practice and for Relationships Australia. Currently, Professional Member of NCAT's Guardianship Division and a Psychiatrist Member, Mental Health Review Tribunal.

**Thomson, Bruce** BA Dip FP FIAA

General Member. A self-employed independent consulting actuary with experience in risk management, investment, insurance and complaint mediation. Board and Committee member of charitable and local sporting associations. Former chair of a retirement village.

**Tibbey, Amanda** BJuris LLB LLM (UNSW) Grad Cert in Management (UWS)

Senior Member. Admitted as Solicitor in 1987, called to the Bar in 2004 practising in equity, commercial and administrative law. 2014 to date, Senior Legal Member, NCAT Guardianship Division; 2015 to date, cross appointed to Administrative and Equal Opportunity Division and Commercial and Consumer Divisions of NCAT. Nationally accredited mediator, appointed to Supreme and District Court panels of Mediators; Contributing author, Thomsons Civil Practice and Procedure, 2012 to date. 2013-2014, Chair, Women Barrister's Forum; 2014-2016, Member, NSW Bar Association Professional Conduct Committee; 2007- 2008, Member, NSW Bar Association Human Rights Committee; 2020 to date Member of Advisory Committee, Francis Forbes Society for Australian Legal History; 2008 to date, Visitor, Australian College of Theology; 2012 to date, Executive Member, NSW Ecumenical Council; 2021 to date, Chancellor, Riverina Diocese, Anglican Church of Australia.

**Titterton OAM, Robert** BComm (UNSW) LLB (UNSW) MArtsMgt (UNE)

Senior Member. Former Principal Member. Admitted as a solicitor in 1988 and barrister in 1992. Sits in the Occupational Division, Consumer and Commercial Division and Administrative and Equal Opportunity Division as well as the Appeal Panel. Former member of the Administrative Appeals Tribunal (Cth) and Consumer Trader and Tenancy Tribunal (NSW).

**Toohy, Jill** BJuris LLB

Senior Member. Admitted as a solicitor and barrister in WA, 1981. Former member and Registrar of the Refugee Review Tribunal; Senior Member, Human Rights, State Administrative Tribunal (WA); Senior Member, General Division, Administrative Appeals Tribunal with responsibility for NDIS Division. Currently sessional member Personal Injury Commission; Deputy Principal Member, Nauru Refugee Status Review Tribunal.

**Topolinsky, Vadim** BE (Structural) (UTS) FIEAust (NPER) FNIFI

General Member. Structural engineer and consultant with over 25 years' experience in structural, civil, forensic and remedial engineering. 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).

**Toteva, Anastacia** BComms (PR) LLB (Hons1) LLM (International Law)

General Member. Admitted as a solicitor in 2009. Most recently, Senior Solicitor at the Australian Centre for Disability Law (2021-2024). Broad generalist, advisory and litigation experience as a Senior Solicitor at the NSW Crown Solicitor's Office (2016-2020), the Australian Human Rights Commission (2013-2016) and Clayton Utz (2009-2013). Currently also appointed as a Legal Member of the Mental Health Review Tribunal.

**Turnbull, Mark**

General Member. Admitted as a solicitor in 1996 and as a barrister in 2013. Prior to his appointment to NCAT, appeared before the Guardianship Division and its predecessor the Guardianship Tribunal both as a separate representative appointed by NSW Legal Aid and as a private legal representative. For 12 years, successfully operated a legal firm as a sole practitioner where the majority of his clients were first generation migrants from non-English speaking backgrounds. Legal Member Mental Health Review Tribunal since 2021.

**Tyson, Matthew** BCL (Oxon) (Hons1)

Senior Member. Barrister, 8 Selborne Chambers. Lieutenant-Commander, Royal Australian Navy.

**Ulman, Gary** LLB (Melb) LLM (USyd) MA (UNSW)

Senior Member. Admitted as a solicitor in 1975. Currently a solicitor in private practice, nationally accredited mediator, and Chair of The Law Society of NSW's Alternative Dispute Resolution Committee. Previously dispute resolution partner, MinterEllison 1982-2016. Former President, The Law Society of NSW, and Chair of the Society's Professional Conduct and Litigation, Law and Practice Committees. Also, former Chair, Resolution Institute.

**Vrabac, Nick** BA LLB

Senior Member. 10 years' experience as a solicitor with the government and private practice. 2002-2010, Deputy Chairperson, Consumer Trader and Tenancy Tribunal. Volunteer with the Sydney Olympics and the World Youth Day. Secretary/Vice President of a National League Soccer Club for seven years.

**Walker, Emeritus Professor Geoffrey** LLB (Hons2) (USyd) LLM SJD (Penn) LLD (Qld)

Senior Member. Admitted to the Bar, 1965. From 2004-2009, Executive Deputy President, Administrative Appeals Tribunal; 2012-2014, Judicial Member, Administrative Decisions Tribunal; 2015 to date, Senior Member, NCAT. Translations of five major French historical works on Australia have been catalogued by

the State Library of New South Wales and are available online for public use.

**Watson, Margaret** BA (Welfare Studies) Cert Somatic Psychotherapy

General Member. Counsellor, Post Adoption Resource – the Benevolent Society. From 1972-1975 Welfare Manager, The Smith Family; 1982-1994 Member, Social Security Appeals Tribunal; 1990-2018 NSW Guardianship Tribunal full and part-time staff member; 2002-2010 Part-time Member, Guardianship and Administration Tribunal (Qld)/Queensland Civil and Administrative Tribunal 2002-2010. 2008-date, Member of Guardianship Tribunal/NCAT.

**Watts AM, The Hon Acting Judge Garry** BA LLB

Principal Member. 1976 to 2005 senior partner in the largest private family law firm in Australia. Involved in many committees and working groups, for example as a member of the Family Law Council and as Chairman of the Family Law Section of the Law Council of Australia. Has regularly provided continuing legal education to the profession. In 2005 was appointed as a Justice of the Family Court of Australia and in 2018 as a permanent member of the Appellate Division of the Family Court. Retired from the court in 2022.

**West AM, Dr Carolyn** MBBS (Hons) DCH

Senior Member. Qualified as a medical practitioner in 1969. VMO Spina Bifida Service, RPAH, 1982-2018. Staff Specialist, The Children's Hospital at Westmead, Director, Spina Bifida Service, 1979 to 2011. Medical Advisory Committee, Allowah Children's Hospital, 1990 to 2016. Guardianship Tribunal, 1989 to the present. Member of Order of Australia for services to disability especially Spina Bifida, 2007.

**Willcox, Chris** BSc (Psych) (Hons) MPsych (Clinical) GCPSM

Senior (Professional) Member, Guardianship Division. Clinical Professor in the School of Psychology at the University of Newcastle where he teaches in the under and postgraduate psychology programs. Also previously taught into and been a psychotherapy educator for the HNET psychiatry training program. Deputy President of the Psychology Council of New South Wales. Chair of the Registration and Compliance Committee of the Psychology Board of Australia. Clinical psychologist who worked in public mental health for over 30 years having been the Head of Psychology for the Hunter New England Mental Health Service and co-chair of the NSW Ministry of Health Psychology Advisory Network.

**Wilson, Lucinda** BCom (Hons) LLB (Hons)

Senior Member. Barrister for 10 years before being appointed full-time Consumer and Commercial Division Senior Member.



Had a civil and criminal practice at the Bar and conducted jury trials as both Crown Prosecutor and defence counsel. Previously on the Equal Opportunity Committee of the Bar Association and on the board of various non-profit organisations and Community Legal Centres.

**Woods, Harry BA (USyd) Dip Law (SAB)**

Senior Member. Admitted to practise as a Solicitor of the Supreme Court of New South Wales in 1994. Practised as Barrister in New South Wales since 2000, regularly representing clients across a broad spectrum of commercial law matters, including general commercial disputes, building and construction, administrative law, employment and industrial law, consumer law and trade practices disputes, as well as insolvency and bankruptcy matters.

**Woolf, Dr Claudia BPsych (Hons) MPsych (ClinNeuro) PhD**

Senior Member. Project Coordinator for the Cognitive Intervention Implementation Working Group of the Australian Dementia Network Memory Clinic Initiative, The University of Sydney. Clinical Neuropsychologist at Prince of Wales Hospital. Clinical Neuropsychologist at St Vincent's Hospital Sydney. May 2013 – April 2015 Research Assistance with the Dementia Collaborative Research Centre, University of New South Wales. Australian Health Practitioner Regulation Agency professional membership.

**Wroth, Dr Melanie MBBS (USyd) FRACP**

Senior Member. Senior Staff Specialist Geriatrician at RPA Hospital managing acute inpatient medical care and providing a geriatrics consultation service throughout the hospital. Chief Clinical Advisor to Aged Care Quality and Safety Commission since May 2019. Member of the Medical Council of NSW for hearings resulting from complaints about medical practitioners 2000-2019.

**Wylie, Dr Rachel BSc (Hons) Biomed MBBS FRACGP**

Senior Member. Experienced regional General Practitioner. Special interest in working with children and adults with intellectual disability and mental illness. Currently working with Regional Community Mental Health Team and Older Persons Acute Inpatient Psychiatric Unit.

**Yin, Edward AMusA (AMEB) BMedSc (UNSW) LLB (UWS) LLM (UTS)**

General Member. Admitted as a solicitor of Supreme Court of NSW and High Court in 2008; called to the NSW Bar in 2014; Notary Public since 2016. Worked as a solicitor in medium and boutique law firms in conveyancing, banking and finance, and litigation. Currently working as a barrister in all areas of

commercial litigation, equity, family law, common law, and criminal law. Adjunct lecturer at College of Law since 2016, adjunct lecturer at Macquarie Law School 2020-2022, Fellow of Australian and New Zealand College of Notaries.

**Zammit, Peta LLB BSocSc**

Admitted as a solicitor of the Supreme Court of NSW in 2005. Accredited as a mediator by the College of Law in 2020. Principal areas in private practice were insurance and commercial litigation.

**Ziegler, Deborah BA LLB**

Senior Member, appointed to the Administrative and Equal Opportunity Division, Appeal Panel and Consumer and Commercial Division. Admitted as a solicitor in 1996. Currently a nationally accredited mediator. Previously worked in private practice at Freehills (now Herbert Smith Freehills) specialising in corporate and commercial law, as a forum facilitator with Forum Sentencing NSW, and as a member of the Consumer Trader and Tenancy Tribunal.

**Zraika, Malek LLB GDLP Acc Spec (Comm Lit)**

General Member. Admitted as a solicitor in NSW in 2007, Principal of Cogent Lawyers 2013-present. Accredited Specialist in Commercial Litigation 2019-present, with a special focus on competition and consumer protection, equity, torts, building and construction. Former committee member of the Law Society of NSW Public Law and Litigation Practice Committees 2019 – 2021. Also holds automotive trade qualifications and expertise in automotive fault diagnosis and repair since 1993 to present.

# Appendix 4

## NCAT Member Code of Conduct

---

1. 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). It applies to all Members of the Tribunal, including occasional Members. The Code may be reviewed from time to time to ensure its relevance.

### Purpose

2. 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.
3. 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

4. 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.
5. Members are to perform their duties and conduct themselves consistently with these objects.

### General Responsibilities

6. 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

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

### Respect for the Law

8. Members should, while acting as a Tribunal Member and while performing functions associated with membership, demonstrate respect for all aspects of the law.
9. 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**

10. Fairness requires a Tribunal Member to make unbiased, impartial decisions and to give all parties the opportunity to put forward their positions.
11. 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.
12. 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 Members;
  - refrain from 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 (including, for example, being a member of a registered political party).

## **Independence**

13. Tribunal Members are to perform their duties independently, free from external influence and free from the fear of adverse consequences.
14. Members should not allow themselves to be put in a position where their independence may be compromised or be perceived to be compromised.
15. Where part-time Members have a professional practice in addition to being Members of the Tribunal, they:
  - cannot appear before the Tribunal as a representative of a party or other person;
  - cannot advise individuals or bodies concerning Tribunal proceedings or potential proceedings involving those individuals or bodies; and
  - cannot act for or against or provide services to individuals or bodies who are litigants before them in the Tribunal.

## **Respect for Persons**

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

17. 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.

18. The Tribunal recognises the importance of fairness, dignity and respect for others in the workplace. Each person in the workplace, including staff and Members, should have a safe and secure place in which to work. The Tribunal does not tolerate inappropriate workplace behaviour, which includes bullying, harassment, sexual harassment, other forms of unlawful discrimination, vilification and violence.

## **Diligence and Efficiency**

19. 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.

20. 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 to enhance relevant knowledge and skills;
- 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 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.

21. 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 that it is given as concisely as is reasonably possible.

## **Integrity**

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

23. 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**

24. Members are accountable for their decisions and actions taken as Members and have a responsibility to be open and frank about their decisions, actions and inaction in relation to their duties.
25. 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**

26. 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**

27. 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.
28. 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. Donating the gift to a charity, using the gift for the benefit of Members or staff generally or publicly displaying the gift in the Tribunal's premises may be appropriate, depending on the circumstances.

### **Corrupt Conduct**

29. 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**

30. 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

31. Complaints in relation to Members will be dealt with as outlined in *NCAT Policy 1 - Complaints*.

## Compliance with the Code

32. 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 of the conduct upon the Tribunal or others.
33. 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.

# Appendix 5

## NCAT Expenditure Report

The following NCAT Expenditure Report applies to the period of 1 July 2023 to 30 June 2024.

| <b>SALARY AND RELATED PAYMENTS</b>   | <b>\$'000</b> |
|--|---------------|
| Salaries (staff and full-time members (comprising judicial officers and statutory appointees)) | 20,488        |
| Statutory appointees (part-time members)   | 15,761        |
| Contractors (agency temporary staff)   | 949           |
| Annual leave and sick leave  | 2,793         |
| Overtime   | 17            |
| Long service leave   | 2,662         |
| Superannuation   | 3,780         |
| Workers compensation   | 402           |
| Payroll tax  | 2,418         |
| Fringe benefit tax   | 45            |
| Other  | 1             |
| <b>Subtotal</b>  | <b>49,316</b> |
| <b>OPERATIONAL EXPENSES</b>  | <b>\$'000</b> |
| Office accommodation   | 7,874         |
| Postage and couriers   | 498           |
| Telephones   | 375           |
| Electricity gas  | 158           |
| Minor computer purchases and consumables   | 127           |
| Fees   | 273           |
| Computer service costs   | 211           |
| Training and development fees  | 109           |
| Travel expenses  | 493           |
| Printing   | 184           |
| Interpreters   | 764           |
| Publication  | 114           |
| Insurance  | 129           |
| Motor Vehicle  | 55            |
| Maintenance  | 403           |
| Minor miscellaneous  | 106           |
| <b>Subtotal</b>  | <b>11,873</b> |
| Depreciation   | 7,289         |
| Ex-Gratia payments   | 0             |
| Impairment on receivables – JusticeLink  | 2             |
| <b>Total operational expenses</b>  | <b>68,480</b> |

**Note:** This appendix is based on information supplied by the NSW Department of Communities and Justice. The Audit Office had not completed the audit of the Department's financial statements when this information was supplied.



# Appendix 6

## Service Standards: Lodgement to Finalisation

The following tables show the service standards for the resolution of matters by each NCAT Division, as indicated from lodgement to finalisation, during the period of 1 July 2023 to 30 June 2024.

### Administrative and Equal Opportunity Division

| LIST                       | SERVICE STANDARD | TARGET | MET TARGET % | TOTAL VOLUME | VARIATION TO TARGET |
|----------------------------|------------------|--------|--------------|--------------|---------------------|
| Administrative Review List | 9 mths           | 80%    | <b>82%</b>   | <b>583</b>   | 2%                  |
| Community Services List    | 9 mths           | 80%    | <b>81%</b>   | <b>85</b>    | 1%                  |
| Equal Opportunity List     | 9 mths           | 80%    | <b>90%</b>   | <b>157</b>   | 10%                 |
| Revenue List               | 9 mths           | 80%    | <b>82%</b>   | <b>119</b>   | 2%                  |

### Consumer and Commercial Division

| LIST                              | SERVICE STANDARD | TARGET | MET TARGET % | TOTAL VOLUME  | VARIATION TO TARGET |
|-----------------------------------|------------------|--------|--------------|---------------|---------------------|
| Tenancy List                      |                  |        |              |               |                     |
| <i>Termination</i>                | 4 wks            | 80%    | <b>74%</b>   | <b>15,036</b> | -6%                 |
| <i>Non-termination</i>            | 8 wks            | 80%    | <b>76%</b>   | <b>13,415</b> | -4%                 |
| Social Housing List               |                  |        |              |               |                     |
| <i>Termination</i>                | 4 wks            | 80%    | <b>62%</b>   | <b>8,534</b>  | -18%                |
| <i>Non-termination</i>            | 8 wks            | 80%    | <b>83%</b>   | <b>4,132</b>  | 3%                  |
| General List                      | 12 wks           | 80%    | <b>78%</b>   | <b>4,568</b>  | -2%                 |
| Home Building List                |                  |        |              |               |                     |
| <=\$30,000                        | 16 wks           | 80%    | <b>70%</b>   | <b>1,290</b>  | -10%                |
| >\$30,000                         | 18 mths          | 80%    | <b>96%</b>   | <b>1,566</b>  | 16%                 |
| <i>Other</i>                      | 16 wks           | 80%    | <b>80%</b>   | <b>108</b>    | 0%                  |
| Residential Communities List      |                  |        |              |               |                     |
| <i>Termination</i>                | 6 wks            | 80%    | <b>75%</b>   | <b>104</b>    | -5%                 |
| <i>Non-termination</i>            | 20 wks           | 80%    | <b>77%</b>   | <b>183</b>    | -3%                 |
| Strata and Community Schemes List |                  |        |              |               |                     |
| <i>Adjudication</i>               | 16 wks           | 80%    | -            | -             | -                   |
| <i>Hearing</i>                    | 16 wks           | 80%    | -            | -             | -                   |
| Community Land                    | 24 wks           | 80%    | <b>72%</b>   | <b>35</b>     | -8%                 |
| Strata Schemes List               |                  |        |              |               |                     |
| <i>Group</i>                      | 16 wks           | 80%    | <b>77%</b>   | <b>818</b>    | -3%                 |
| <i>Special</i>                    | 24 wks           | 80%    | <b>81%</b>   | <b>458</b>    | 1%                  |
| Motor Vehicles List               | 16 wks           | 80%    | <b>80%</b>   | <b>1,578</b>  | 0%                  |
| Commercial List                   | 16 wks           | 80%    | <b>75%</b>   | <b>797</b>    | -5%                 |
| Retirement Villages List          | 16 wks           | 80%    | <b>55%</b>   | <b>51</b>     | -25%                |

## Guardianship Division

| LIST            | SERVICE STANDARD | TARGET | MET TARGET % | TOTAL VOLUME  | VARIATION TO TARGET |
|-----------------|------------------|--------|--------------|---------------|---------------------|
| Risk Category 1 | 3 days           | 80%    | <b>98%</b>   | <b>170</b>    | 18%                 |
| Risk Category 2 | 20 days          | 80%    | <b>98%</b>   | <b>286</b>    | 18%                 |
| Risk Category 3 | 60 days          | 80%    | <b>90%</b>   | <b>10,407</b> | 10%                 |
| Risk Category 4 | 100 days         | 80%    | <b>59%</b>   | <b>5,304</b>  | -21%                |

## Occupational Division

| LIST  | SERVICE STANDARD | TARGET | MET TARGET % | TOTAL VOLUME | VARIATION TO TARGET |
|---|------------------|--------|--------------|--------------|---------------------|
| Administrative Review List                      | 9 mths           | 80%    | <b>86%</b>   | <b>132</b>   | 6%                  |
| Health Practitioner List                        | 12 mths          | 80%    | <b>76%</b>   | <b>102</b>   | -4%                 |
| Legal Practitioner and Other Professionals List | 12 mths          | 80%    | <b>80%</b>   | <b>15</b>    | 0%                  |

## Appeals

| LIST    | SERVICE STANDARD | TARGET | MET TARGET % | TOTAL VOLUME | VARIATION TO TARGET |
|---------|------------------|--------|--------------|--------------|---------------------|
| Appeals | 9 mths           | 80%    | <b>97%</b>   | <b>627</b>   | 17%                 |

## Enforcement (Penalties and Contempt)

| LIST                                 | SERVICE STANDARD | TARGET | MET TARGET % | TOTAL VOLUME | VARIATION TO TARGET |
|--------------------------------------|------------------|--------|--------------|--------------|---------------------|
| Enforcement (Penalties and Contempt) | 9 mths           | 80%    | <b>83%</b>   | <b>6</b>     | 3%                  |

# Appendix 7

## Resolution Processes

---

NCAT 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. This is achieved through the application of appropriate dispute resolution strategies, which reflect the differing nature of disputes and the varying skills and knowledge of the parties.

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 to assist parties resolve their issues.

Resolution processes such as expert conclaves, negotiation and conciliation are used extensively in the Consumer and Commercial Division.

### Conciliation

Conciliation is routinely used to resolve disputes in the Consumer and Commercial Division. It is a confidential process which brings parties together to discuss the issues in an informal manner and explore options to settle the dispute.

Conciliation is closely linked to the hearing process. Agreements reached by parties during conciliation can be turned into enforceable consent agreements by the Tribunal.

### Mediation

Schedule 1 to the Civil and Administrative Tribunal Regulation 2022 (NSW) 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 anti-discrimination matters, and applications to review government decisions in relation to access to information, privacy, and state revenue 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 for parties to proceedings before NCAT. Parties can refer themselves directly to the CJC and in some instances Members and/or Tribunal staff can suggest that parties consider accessing mediation services offered by the CJC.

### Conclave

A conclave is a joint meeting between experts engaged by the applicant and the respondent. This resolution method is used in the Consumer and Commercial Division's Home Building List. 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 narrowing 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 narrow the issues in dispute. These preliminary sessions are called 'case conferences' and are used in reviews of government decisions about access to information, privacy, and in anti-discrimination matters.

## Directions hearings

Matters may be listed for directions hearings to prepare for the substantive hearing. They are usually short in duration and may be 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 of the matter, the nature of the jurisdiction and the issues in dispute.

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.

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 usually 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 who represent community perspectives and provide knowledge and expertise relating to their area of work.

NCAT's hearings are open to the public unless a specific order is made closing the hearing. Public hearings ensure that the Tribunal's processes are transparent. NCAT's hearing lists are published on the NCAT website, with the exception of matters heard in the Guardianship Division.

## 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 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.

In most cases, internal appeals can be lodged as of right on any question of law. An appeal on other grounds can be lodged if the Appeal Panel grants leave, subject to the limitations on internal appeals against decisions of the Consumer and Commercial Division in clause 12 of Schedule 4 to the NCAT Act.

The Appeal Panel, which hears internal appeals, 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 Tribunal 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 of an Appeal Panel
- Decisions of the Tribunal under the *Child Protection (Working with Children) Act 2012*.

Exclusions to internal appeals are set out in the Divisional Schedules to the NCAT Act and in some of

the specific Acts or regulations 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 generally published to the NSW Caselaw website and a selection are published in the *Appeal Panel Decisions Digest*.

The *Appeal Panel Decisions Digest* can be subscribed to for monthly keyword summaries of Appeal Panel decisions.

## 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. The grounds for an application to set aside or vary Tribunal decisions are contained in Part 3 of the Civil and Administrative Tribunal Regulation 2022 (NSW). 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 may be decided on the papers, that is in the absence of the parties and based on the information provided on the application form and any written submissions provided by the parties.

NCAT will not grant an application to set aside or vary a decision unless the other party has been notified, received a copy of the application and been given a reasonable opportunity to respond. The Tribunal will consider all responses before making a decision.

## Reinstatements

If an applicant or appellant fails to appear in proceedings and the matter is dismissed on that basis, NCAT may reinstate those proceedings if it considers that there is a reasonable explanation for that failure to appear.

An application for reinstatement must be made within 7 days of the orders made dismissing the proceedings. NCAT may extend this time if there are special circumstances.

Reinstatement applications may be listed for hearing or decided on the papers based on the written material provided. Before making a decision, NCAT will send a copy of the application to the other parties seeking their view on having the original application or appeal reinstated.

# Appendix 8

## Fees and charges as at 30 June 2024

### Administrative and Equal Opportunity Division and Occupational Division

| MATTER TYPE  | STANDARD FEE | CORPORATION FEE | REDUCED OR CONCESSION FEE |
|--|--------------|-----------------|---------------------------|
| <b>Administrative review application</b>   | \$119        | \$238           | \$30                      |
| <ul style="list-style-type: none"> <li>required to be determined by 2 or more Members*</li> </ul>  | \$247        | \$494           | \$62                      |
| <ul style="list-style-type: none"> <li>under the <i>Apprenticeship and Traineeship Act 2001</i></li> </ul>   | No fee       | No fee          | No fee                    |
| <ul style="list-style-type: none"> <li>under the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i></li> </ul>  | No fee       | No fee          | No fee                    |
| <b>General application or external appeal</b>  | \$119        | \$238           | \$30                      |
| <ul style="list-style-type: none"> <li>to be determined by 2 or more Members*</li> </ul>   | \$247        | \$494           | \$62                      |
| <ul style="list-style-type: none"> <li>to be determined by Appeal Panel</li> </ul>   | \$486        | \$972           | \$122                     |
| <ul style="list-style-type: none"> <li>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 or Dormant Funds Act 1942</i></li> </ul> | No fee       | No fee          | No fee                    |
| <b>Health Practitioner List matters</b>  | No fee       | No fee          | No fee                    |

\* Refer to section 27 and relevant Divisional Schedules of the *Civil and Administrative Tribunal Act 2013* (NSW).

### Consumer and Commercial Division

| MATTER TYPE   | STANDARD FEE                 | CORPORATION FEE              | REDUCED OR CONCESSION FEE    |
|---|------------------------------|------------------------------|------------------------------|
| <b>Residential proceedings</b>  | \$58                         | \$116                        | \$15                         |
| <b>General consumer or commercial proceedings</b>   |                              |                              |                              |
| <ul style="list-style-type: none"> <li>Claims not more than \$10,000 (or no amount)</li> </ul>                        | \$58                         | \$116                        | \$15                         |
| <ul style="list-style-type: none"> <li>Claims over \$10,000 to \$30,000</li> </ul>                                    | \$120                        | \$240                        | \$30                         |
| <ul style="list-style-type: none"> <li>More than \$30,000</li> </ul>  | \$309                        | \$618                        | \$77                         |
| <b>Strata and community schemes</b>   |                              |                              |                              |
| <ul style="list-style-type: none"> <li>General application</li> </ul>   | \$120                        | \$240                        | \$30                         |
| <ul style="list-style-type: none"> <li>General application and interim orders when lodged at the same time</li> </ul> | \$240                        | \$480                        | \$60                         |
| <b>Retail leases</b>  | \$119                        | \$230                        | \$30                         |
| <b>Renewal of proceedings</b>   | Same as original application | Same as original application | Same as original application |

### Guardianship Division

| MATTER TYPE                     | STANDARD FEE | CORPORATION FEE | REDUCED OR CONCESSION FEE |
|---------------------------------|--------------|-----------------|---------------------------|
| <b>Guardianship proceedings</b> | No fee       | No fee          | No fee                    |



## Other application fees (all Divisions)

| MATTER TYPE               | STANDARD FEE                 | CORPORATION FEE              | REDUCED OR CONCESSION FEE    |
|---------------------------|------------------------------|------------------------------|------------------------------|
| Internal appeal           | \$486                        | \$972                        | \$122                        |
| Set aside application     | \$120                        | \$240                        | \$30                         |
| Reinstatement application | Same as original application | Same as original application | Same as original application |

### Explanatory notes

**Corporation fee** – applies to all organisations defined as a corporation by section 57A of the *Corporations Act 2001*. 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 eligible pensioners or individuals in receipt of a grant of legal aid or assistance from a community legal centre. The concession rate is set at 25% of the full fee (round up or down to the nearest whole dollar amount).

**Residential proceedings** – matters about tenancy, social housing, residential communities, retirement villages and boarding houses.

**General consumer or commercial proceedings** – 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 uncollected goods.

### Other services

| SERVICE   | FEE              |
|---|------------------|
| Copy of sound recording (for each hearing event)                                    | \$48             |
| Application for issue of a summons (for production of or to give evidence, or both) | \$53             |
| Request for the production to Tribunal of documents held by court                   | \$61             |
| Retrieval of any document or file from archives                                     | \$94             |
| Copy or certified copy of decision or written reasons                               | \$94             |
| Request by a non-party to inspect public access documents                           | \$48             |
| Photocopying of documents where a Tribunal staff member makes the copies            | \$2.00 per sheet |

# 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

Aboriginal Legal Service  
Community Legal Centres Group NSW  
Health Care Complaints Commission  
Health Professional Councils Authority  
Law Society of NSW  
Legal Aid NSW  
NSW Bar Association  
Real Estate Institute of NSW  
Redfern Legal Centre  
Synapse  
Tenants' Union of NSW

### Administrative and Equal Opportunity Division

Aboriginal Legal Service (NSW/ACT) Limited  
Anti-Discrimination Board of NSW  
Association of Children's Welfare Agencies (ACWA)  
Crown Solicitor's Office (NSW)  
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 Department of Communities and Justice  
NSW Department of Education  
NSW Fair Trading  
NSW Office of the Children's Guardian  
NSW Police Force  
NSW Trustee and Guardian  
Office of the Children's Guardian  
Point to Point Transport Commission  
Public Interest Advocacy Centre Ltd  
Revenue NSW

Transport for NSW

Barristers from Selborne and Wentworth Chambers

### Consumer and Commercial Division

#### Tenancy Consultative Forum / Aboriginal Consultative Forum

Aboriginal Housing Office  
Aboriginal Legal Services  
Anaiwan Local Aboriginal Land Council  
Argyle Community Housing  
Bungree Aboriginal Association  
Civil Law Service for Aboriginal Communities  
Common Equity NSW  
Community Housing Industry Association NSW  
Financial Counsellors Association of NSW Inc  
Home Building Advocacy Service (HoBAS)  
Housing Appeals Committee  
Inner Sydney Tenants' Advice & Advocacy Service, Redfern Legal Centre  
Inner Sydney Voice Regional Social Development Council  
Law Society of NSW  
LawAccess NSW  
Legal Aid NSW  
Murra Mia Tenant Advocacy Service  
National Property Group  
NSW Aboriginal Land Council  
NSW Department of Communities and Justice  
NSW Department of Customer Service  
NSW Fair Trading  
Property Council Australia  
Property Owners Association of NSW  
Public Interest Advocacy Centre  
Real Estate Institute of NSW  
Redfern Legal Centre  
Tenants Union of NSW  
The Shed

Wesley Mission  
Western Sydney Community Legal Centre Limited

### **Commercial / General / Motor Vehicles Consultative Forum**

Australian Manufacturing Workers Union  
CHOICE  
Disability Council of NSW  
Financial Counsellors Association of NSW  
Financial Rights Legal Centre  
Institute of Automotive Mechanical Engineers  
Law Society of NSW  
LawAccess NSW  
Legal Aid NSW  
Motor Traders Association  
Multicultural NSW  
NSW Department of Customer Service  
NSW Fair Trading  
Property Owners Association of NSW  
Redfern Legal Centre  
Tenants Union of NSW  
Thomson Geer Lawyers

### **Home Building Consultative Forum**

Aubrey Brown Lawyers  
Australian Institute of Architects (NSW)  
Australian Institute of Building  
Bannermans  
Civil Contractors Federation  
Engineers Australia (Sydney)  
Home Building Advocacy Service  
Housing Industry Association  
Institute of Building Consultants NSW  
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  
NSW Department of Customer Service  
NSW Fair Trading  
Paramonte Legal  
Property Council of Australia (NSW)  
Property Owners Association of NSW

Russo and Partners  
Strata Community Australia (NSW)  
Suncorp  
Swaab Attorneys  
Swimming Pool and Spa Association of NSW

### **Residential Communities Consultative Forum**

Affiliated Residential Park Residents Association (ARPRA)  
Aged and Community Care Providers Association  
Caravan and Camping Industry Association NSW  
Combined Pensioners and Superannuants Association of NSW Inc.  
Home Building Advocacy Service  
Independent Park Residents Action Group of NSW  
LawAccess NSW  
NSW Department of Customer Service  
Tenants Union of NSW  
Tweed Residential Parks Homeowners Association

### **Retirement Villages Consultative Forum**

Aged and Community Care Providers Association NSW-ACT  
Aged and Community Services Australia NSW-ACT  
Bougainvillea Retirement  
NSW Department of Customer Service  
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  
LawAccess NSW  
Marrickville Legal Centre  
NSW Department of Customer Service  
NSW Fair Trading  
Owners Corporation Network  
Property Council of Australia  
Property Owners Association of NSW  
Strata Community Australia (NSW)

## **Guardianship Division**

Aged & Community Care Providers Association  
Aboriginal Legal Services (NSW/ACT)  
Dementia Australia  
Disability Advocacy Service, NSW Trustee and Guardian  
Disability Council NSW  
DCJ Legal - Child Protection Law  
First Peoples Disability Network (Australia)  
Intellectual Disability Rights Service  
Law Society of NSW  
Aged & Community Care Providers Association  
Legal Aid NSW  
Mental Health Coordinating Council  
Mental Health Review Tribunal  
Multicultural Disability Advocacy Association of NSW  
(MDAA)/NSW Network of Women With Disability  
National Disability Insurance Agency  
National Disability Services  
NSW Ageing and Disability Commission  
NSW Bar Association  
NSW Carers Advisory Council  
NSW Council for Intellectual Disability  
NSW Department of Communities and Justice  
NSW Ministry of Health  
Office of the Public Guardian  
People With Disability - PWD Australia  
Seniors Rights Service  
Synapse  
The Benevolent Society  
The Disability Trust

Meridian Lawyers  
NSW Architects Registration Board  
NSW Bar Association  
Health Care Complaints Commission  
NSW Nurses and Midwives Association  
Office of Local Government  
Office of the Legal Services Commissioner  
Veterinary Practitioners Board of NSW  
Barristers from Culwulla, Denman, Level 22, Maurice  
Byers, New, St James Hall, Wardell and Wentworth  
Selborne Chambers

## **Occupational Division**

Australian Medical Association (NSW) Limited  
Australian Health Practitioner Regulation Agency  
(AHPRA)  
Avant Mutual Group Limited  
Building Professionals Board  
Bartier Perry Lawyers  
Health Professional Councils Authority (HPCA)  
Hicksons Lawyers  
HWL Ebsworth Lawyers  
Law Society of NSW  
MDA National  
Medical Indemnity Protection Society (MIPS)  
Medical Insurance Group (MIGA)



**NCAT**  
NSW Civil and  
Administrative  
Tribunal

T: 1300 006 228  
W: [ncat.nsw.gov.au](http://ncat.nsw.gov.au)

