



NCAT
NSW Civil &
Administrative Tribunal

NSW Civil and Administrative Tribunal

2014 Annual Report

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NCAT
NSW Civil &
Administrative Tribunal

The Hon Brad Hazzard MP
Attorney General and Minister for Justice
52 Martin Place
SYDNEY NSW 2000

Dear Attorney,

I am pleased to submit the 2014 Annual Report for the NSW Civil and Administrative Tribunal.

The report summarises the Tribunal's performance and outcomes achieved during its first six months of operation from the period 1 January 2014 to 30 June 2014.

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

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

Yours sincerely

[signed]

The Hon Justice Robertson Wright
President
NSW Civil and Administrative Tribunal

President's Report

Six months in review

For NCAT, things move fast - even its formation. In October 2012, the New South Wales Government announced its decision to create a new super-Tribunal, bringing together over 20 existing tribunals and bodies into the Civil and Administrative Tribunal of New South Wales or NCAT. This came with the commitment to 'providing [a] simple, quick and effective process for resolving disputes and reviewing executive action'.

A Steering Committee, under the leadership of the Director General of the Department, was established to guide the practical implementation of NCAT. A broader Reference Group, under the chairmanship of Commissioner Linda Pearson, was formed to provide input to the Steering Committee from a broad range of stakeholders and interested parties. A small project team, led by Ms Sian Leatham, undertook the bulk of the work required to bring the Tribunal into existence. The project team was formed in January 2013 and delivered a fully functioning Tribunal on 1 January 2014, exercising all the jurisdiction of 22 abolished

tribunals and other bodies. This was a very substantial achievement.

The vital role played by the registrars from the former Tribunals and others in the formation of NCAT and the outstanding nature of their contribution has been recognised by the Highly Commended Award given by the Law Society's Government Solicitors' Committee to the NCAT Establishment Team - Sian Leatham, Pauline Green, Amanda Curtin, Vikki Hardwick, Garry Wilson, Kellie Blakemore and Lisette Rudge.

The legislative history of the Tribunal is similarly speedy. The original *Civil and Administrative Tribunal Act 2013* (NSW) commenced on 4 March 2013. This Act provided only the framework for the creation of NCAT, including the appointment of a President and a Principal Registrar before the Tribunal came into existence. *The Civil and Administrative Tribunal Amendment Act 2013* (NSW) was assented to on 20 November 2013. That Act extensively amended the earlier Act and provided the detailed legislative underpinnings for the Tribunal. It also extensively amended the *Administrative Decisions Tribunal Act 1997* so that it became the *Administrative Decisions Review Act 1997* which conferred on NCAT jurisdiction to review administrative decisions on the merits. Finally, the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013* tidied up the enabling legislation and the references to the former tribunals were replaced with references to NCAT. As to the regulations and rules, the *Civil and Administrative Tribunal Regulation 2013* (which included interim Rules for the Tribunal) was made on 20 December 2013 and commenced on 1 January 2014. Consequently, from 1 January 2014, the Tribunal was fully equipped for its work with its own Act, Regulation and interim Rules as well as having the necessary legislative support for its administrative review and other jurisdictions under the enabling legislation. Another significant achievement.

Speed did not in this case involve any compromise in quality. The structures and procedures

established for NCAT have proved in operation to be effective and efficient.

On 1 January 2014, the Tribunal was operational with one telephone number, one website, 4 Divisions and an Appeal Panel. Even on New Year's Day, Members of the Guardianship Division were on standby ready to deal with urgent applications under the *Guardianship Act 1987*.

In its first 6 months of operation, NCAT received approximately 40,000 applications and finalised slightly under 41,000 matters (including proceedings pending in the pre-existing tribunals and bodies). There were 270 internal appeals lodged. The website had more than 1.25 million individual page views. The Tribunal had an established presence on Twitter and Facebook. The interim Rules have been replaced by the *Civil and Administrative Tribunal Rules 2014 (NSW)* made by the Tribunal's own Rule Committee. The new Rules commenced on 7 February 2014.

The depth and breadth of the work performed by NCAT is enormous. The task of bringing together the 22 pre-existing tribunal and bodies has been complex and challenging. The success in this task has been the result of the contributions made by Members and staff.

At the end of June 2014, the Tribunal had 266 Members. NCAT has obtained the benefit of having the members of the abolished tribunals whose terms extended beyond 31 December 2013 become Members of the Tribunal. Twelve new Members were appointed and were assigned to the Guardianship Division prior to 30 June 2014. Each of the 4 Divisions has been capably led by an experienced Deputy President as the Division Head:

- The Administrative and Equal Opportunity Division by Magistrate Nancy Hennessy
- The Consumer and Commercial Division by Mr Stuart Westgarth
- The Guardianship Division by Mr Malcolm Schyvens
- The Occupational Division by the Honourable Wayne Haylen QC assisted by the Honourable Jennifer Boland AM as List Manager of the Health Practitioner Division List.

In April 2014, A/ Judge Kevin O'Connor AM became the Deputy President, Appeals.

The Members have brought enormous experience, talent and wisdom to the Tribunal in order to serve the people of New South Wales. All of the Deputy Presidents and the Principal, Senior and General Members deserve my specific appreciation for their support and hard work over the first 6 months of NCAT's operations.

It goes without saying that the Tribunal would not function without both the Members and the staff. It has been my pleasure to see the staff in operation at each of NCAT's registries and to listen to their experiences and suggestions. Their contribution has been invaluable and the way in which they have coped with and managed the changes inherent in the formation of NCAT has been impressive. Of particular significance has been the contribution made by Sian Leathem, who not only led the project team but also became the Principal Registrar of the Tribunal in October 2013. She was responsible for guiding both Members and staff through the transition and into the new Tribunal environment with charm, dedication, good humour and efficiency. The goodwill and enthusiasm displayed by staff has been extraordinarily encouraging.

One indication of how well the staff of the Tribunal and members of the Department have worked together since the formation of the Tribunal is the fact that the NCAT Team, in particular Amanda Curtin, Anne Ratu, Garry Wilson, Pauline Green, Lisette Rudge, Vikki Hardwick, Antony Brennan, Graeme Worrall, Karen Willis, Kellie Blakemore, Marcel Savary, Margaret Sleath, Lakshmi Satyanarayana, Linda Sengstock and Omar Habbouche, have been named as finalists in the Department of Justice's Excellence Award for Collaboration.

In order to remain responsive to the needs and interests of those who come before the Tribunal, a higher level Liaison Group has been convened and will meet two times each year. Its membership includes community groups, representative bodies and other who have a legitimate interest in the functioning of NCAT. This Liaison Group seeks to address NCAT-wide issues and to build on the work and membership of the Reference Group which made such a positive contribution to the establishment of the Tribunal.

In addition, each Division has its own Consultative Forums. These Forums reach out to key stakeholders within the jurisdiction of each Division and provide an open dialogue between those stakeholders and the leadership teams of the various Divisions.

One policy decision which has been and, I anticipate, will continue to be particularly beneficial for the Tribunal is the introduction of appeals (as of right on a question of law and by leave on other grounds) from almost all first instance decisions of the Tribunal other than professional disciplinary and regulatory decisions of the Occupational Division. The review of decisions by the Appeal Panel is a beneficial innovation which permits decisions as first instance to be scrutinised and, where necessary corrected, without the expense or time involved in bringing proceedings in the District Court or the Supreme Court. This scrutiny is salutary and will assist significantly in improving the quality of decision making and writing throughout the Tribunal.

Achieving the consolidation of a sometimes bewildering array of tribunals and bodies into one Tribunal in such a short period of time did not occur without much hard work by, and the support of, the Department of Justice. In particular, I should thank on behalf of the Tribunal as a whole, the two Attorneys General who have done much to advance the cause of NCAT, the Honourable Greg Smith SC MP and the Honourable Brad Hazzard MP. Their support and encouragement has been of the greatest consequence. In

addition, I should note the considerable contribution of Mr Laurie Glanfield AM who, as the former Director General of the Department, was responsible for bringing the project to fruition as well as the Secretary Mr Andrew Cappie-Wood and the Deputy Secretary, Courts and Tribunal Services, Mr Michael Talbot, who have ensured that resources have been made available for the NCAT project and who have demonstrated their commitment to the Tribunal as an integral part in the administration of civil justice in this State.

NCAT's objectives are simple – to deliver prompt, accessible civil justice. Our understanding of justice is that it is delivered when there is a fair process and a resolution according to law and the evidence.

It is a significant responsibility and a notable privilege to serve the people of New South Wales through the Tribunal. The first 6 months of operations of NCAT have passed very quickly and the pace of work shows no signs of slackening. The tasks for the coming year include implementing an integrated and comprehensive digital platform from which the Tribunal can operate more effectively, harnessing the wealth of experience and talent available from the former tribunals for the benefit of NCAT as a whole and enhancing the accessibility of the Tribunal for all users. I look forward to the opportunity to continue the important work of the Tribunal in 2014-2015.

**The Hon Justice Robertson Wright
President**

Message from the Principal Registrar

The first six months in the life of the NSW Civil and Administrative Tribunal (NCAT) have been challenging, exciting and rewarding. Between the day the Tribunal commenced operating on 1 January 2014 and 30 June 2014, NCAT has received 39,509 applications, finalised 40,873 matters and conducted more than 51,400 hearings. This, in itself, is an impressive achievement. However, it has been accomplished while also undergoing a significant transformation process.

Twenty two tribunals have been consolidated into a single operating entity, including the former Administrative Decisions Tribunal, Consumer Trader and Tenancy Tribunal, Guardianship Tribunal and the 14 former health professional tribunals. NCAT's creation is one of the most significant reform projects undertaken by the NSW Government in recent years, impacting multiple government departments and agencies. In fact, NCAT's establishment represented one of the most significant developments in the administration of civil justice in New South Wales in the past 190 years.

Tribunals have been transitioned into NCAT from eight separate ministerial portfolios. To achieve this by the commencement date of 1 January 2014, an enormous amount of preparatory work and planning was undertaken by the Steering Committee, Reference Group, Project Team, key members and staff of the constituent tribunals and corporate services staff in the Department of Justice. This has truly been a team effort and a tremendous example of cross-agency collaboration.

For many citizens in NSW, NCAT will represent the only interaction they have with the justice system. The tribunal's establishment has provided us with a once in a generation opportunity to participate in the development of a new and innovative agency that can make a real and positive difference to the lives of tens of thousands of citizens in this State.

As we undertake the significant work involved in consolidating NCAT, it is helpful to reflect on the objectives for establishing NCAT, including:

- improving access to justice for NSW citizens by providing a single, simple point of access for tribunal services;
- improving the quality of tribunal decision-making through consistency in standards, processes and professional development;
- promoting greater transparency and accountability, both in relation to tribunal decision-making and oversight of government decision-making; and
- creating opportunities to deliver increased efficiency through economies of scale.

These objectives have been pivotal to the development of NCAT's first Strategic Plan, which was drafted in consultation with members, staff and key users of the Tribunal. The four priority areas: Integrate, Innovate, Engage, and Influence are each directed at ensuring that NCAT continues to deliver high quality, cost-effective and prompt dispute resolution and registry services. Particular emphasis will be placed on the following areas over the next 12 months:

- Expanding online services wherever possible
- Trialling innovative dispute resolution tools, including Online Dispute Resolution
- Providing tribunal users with a cost-effective and efficient internal appeals mechanism, and
- Improving the quality and consistency of tribunal decision-making by providing more consistent professional development and training for members.

Part of the challenge associated with being a new agency is ensuring that we raise awareness of NCAT's services and build recognition of its important role in the justice system of NSW. To this end, considerable effort has been placed on developing NCAT's website, creating a social media presence and having members and senior staff actively participate in relevant conferences, meetings and forums. NCAT will look to build on this early work in 2014-2015 through continued enhancements to our website and by working with other relevant agencies, peak bodies and non-government organisations to ensure information about our services reaches those members of the NSW public who may require them. We will also look to expand our cooperative relationships with Legal Aid, Law Access, the Tenants Advice and Advocacy Service and other Community Legal Centres, to facilitate the provision of legal advice

and information to self-represented parties within NCAT.

NCAT currently has a dozen sites located around NSW which provide locally based registry and dispute resolution services for much of the NSW public. As part of the broader justice system administered by the Department of Justice, we are also forging closer links with the Local Courts to ensure that our clients have the benefit of the large geographical reach of that Court, including the ability to participate in NCAT conferences, conciliations and hearings in those venues where appropriate. While we will look for opportunities to consolidate our NCAT premises where possible, we are committed to ensuring this does not result in reducing the accessibility of services to rural and regional clients.

It has been a privilege to be involved in the creation and establishment of NCAT. I wish to acknowledge the outstanding leadership that has been provided by our inaugural President, Justice Robertson Wright and extend my sincere thanks to the dedicated members and staff who have all contributed to the Tribunal's early success.

Sian Leathem
Principal Registrar

2014 in Review

With the amalgamation of 22 Tribunals on 1 January 2014, NCAT inherited three separate case management systems of various ages and varying capacities.

NCAT is currently working on bringing all of its Divisions onto a single case management system that will enable the capture of consistent statistical information across the Tribunal. This is one of the top priorities of the NCAT Integration Project and will result in the availability of more detailed statistical reporting in future.

The following statistics relate to the initial six months of NCAT operations - 1 January to 30 June 2014.

39,509 Applications lodged

- 55 percent of all applications lodged online.
- 56 percent of applications lodged online in the Consumer and Commercial Division.
- 270 internal appeals were lodged from final, ancillary and interlocutory decisions of the Tribunal.

51,487 Hearings held

- Almost 70 venues across New South Wales used for Tribunal hearings.

40,873 Applications finalised

- Achieved an overall clearance ratio of 104 percent, reflecting NCAT's finalisation of work on hand at 1 January 2014 and continuing resolution of new matters.

64 Community events and stakeholder group meetings held

- 53 presentations delivered by NCAT staff and Tribunal Members to a range of audiences.
- 11 stakeholder group meetings held.

1,270,534 Website page views

- Most popular web pages were the Tribunal's 'Forms', 'Contact us', 'Hearing lists', 'Apply online', 'Fees', 'NCAT Decisions' and 'Your matter is about'.
- 107 likes on NCAT Facebook - 59 messages posted; 17 comments received; 42 mentions.
- 137 NCAT Twitter followers - 58 tweets posted, and 39 retweets.

Applications by Division¹

Division	Number	% of total
Administrative and Equal Opportunity	339	0.86%
Consumer and Commercial	33,102	83.78%
Guardianship	5,610	14.20%
Occupational	188	0.48%
Internal Appeals	270	0.68%
TOTAL	39,509	100%

¹ Savings, transitional and other provisions of the Act resulted in 9,965 matters on hand being transferred from the former tribunals into the relevant Division of NCAT.

Our Organisation

The Civil and Administrative Tribunal of New South Wales (NCAT) is an independent statutory body established on 1 January 2014 by the *Civil and Administrative Tribunal Act 2013* (NSW) (the Act), which provides the framework for its organisation and operations.

List of Former Tribunals

On the establishment of NCAT, 22 former tribunals and bodies were abolished and their jurisdiction and functions became the responsibility of NCAT. Those 22 abolished tribunals and bodies were:

- Medical Radiation Practice Tribunal
- Medical Tribunal
- Nursing and Midwifery Tribunal
- Occupational Therapy Tribunal
- Optometry Tribunal
- Osteopathy Tribunal
- Pharmacy Tribunal
- Physiotherapy Tribunal
- Podiatry Tribunal
- Psychology Tribunal
- Vocational Training Appeals Panel

- Aboriginal and Torres Strait Islander Health Practice Tribunal
- Aboriginal Land Councils Pecuniary Interest and Disciplinary Tribunal
- Administrative Decisions Tribunal
- Charity Referees
- Chinese Medicine Tribunal
- Chiropractic Tribunal
- Consumer, Trader and Tenancy Tribunal
- Dental Tribunal
- Guardianship Tribunal
- Local Government Pecuniary Interest and Disciplinary Tribunal
- Local Land Boards

The President

The Hon Justice Robertson Wright, the inaugural NCAT President, was sworn in as a Supreme Court Judge on 25 October 2013. Prior to his appointment Justice Wright practised as a barrister for 30 years.

He previously held an appointment as a Judicial Member of the Administrative Decisions Tribunal from 2007 to 2013.

Division Heads/Deputy Presidents

Each of the NCAT Divisions is led by a Division Head who is also a Deputy President of the Tribunal. The Division Head is responsible for the management of matters within that Division and exercises the statutory functions conferred by the Act as well as functions under delegation from the President. NCAT's five Deputy Presidents are:

- Magistrate Nancy Hennessy, Head of the Administrative and Equal Opportunity Division
- Mr M D Schyvens, Head of the Guardianship Division
- Mr Stuart Westgarth, Head of the Consumer and Commercial Division
- The Hon. Wayne Haylen QC, Head of the Occupational Division
- Acting Judge Kevin O'Connor AM, Deputy President - Appeals

NCAT Membership

Members of the NSW Civil and Administrative Tribunal are statutory office holders and are

appointed by the Governor or by the Attorney General and Minister for Justice under the Act.

At 30 June 2014, there were 266 Members of the Tribunal in five categories:

- President
- Deputy President
- Principal Member
- Senior Member
- General Member

As at 1 January 2014, Members of abolished tribunals whose terms extended after 31 December 2013 automatically became members of NCAT. In addition, in February 2014, 12 new Senior Members of NCAT were appointed and they were assigned to the Guardianship Division. In February 2014, the first publicly advertised selection process for appointment to NCAT took place and this resulted in approximately 500 candidates applying to be members of the Tribunal. More than 150 appointments have been subsequently made, across the Divisions. Planning for further recruitment of Members was underway by the end of the 2013-2014 financial year.

Members bring legal expertise or other specialist knowledge to tribunal decision making, and are located in Sydney, metropolitan, regional and country areas to provide flexibility and to ensure NCAT services are available and accessible.

A number of NCAT Members work across more than one Division. These “cross assignments” provide greater flexibility in allocating Members to hear matters and assist in extending Member expertise to other Divisions within NCAT.

Refer to [Appendix 2](#) for a full list of the NCAT membership.

Code of Conduct

A Member Code of Conduct was finalised in April 2014 pursuant to section 20(1)(b) of the Act.

This Code applies to all Members of the Tribunal and provides guidance to Members in the performance of their statutory functions. It also

assists Members in identifying and resolving ethical issues if they arise.

The Member Code of Conduct is kept under review to ensure currency, and is published on the NCAT website at www.ncat.nsw.gov.au.

Tribunal Member Professional Development

A number of activities are in place across NCAT Divisions to promote professional development, including Member network groups, briefing sessions and conferences, mentoring, and performance appraisals.

A comprehensive Induction Course was developed during the first half of 2014 for training of the first intake of new NCAT Members after June 2014. The course included attendance at information sessions and provision of an Induction Manual. New Members also observed hearings and were partnered initially with existing Members who provided support and insight into the conduct of hearings in the Tribunal.

By June 2014, work had commenced on the development of a Member Competency Framework that identifies the critical competencies, abilities and qualities required to be an effective Tribunal Member. The Framework, which also identifies the knowledge, skills, behaviours and attitudes that Members are expected to possess and display at all times in performing their role, has been modelled on similar documents used in some of the former Tribunals.

During 2014-15 a Professional Development Program for Members will be developed to provide a more integrated approach to these activities across the Tribunal.

eNewsletters

Two eNewsletters are circulated within NCAT to promote professional development, and to encourage awareness about issues relevant to Members and staff.

The Member Bulletin, a periodic case law summary, assists Members in keeping updated on important legal issues and precedents with particular relevance to the work of the Tribunal. By 30 June, two Member Bulletins had been issued.

Staff and Members receive the President's Newsletter which includes news about operational and topical issues. Three of these newsletters were distributed over the six month reporting period.

NCAT Registries

Principal Registry

The Principal Registry is managed by the Principal Registrar, Ms Sian Leathem. The Principal Registrar assists the President in the leadership and management of the Tribunal. The Principal Registrar also undertakes statutory and other functions conferred by the Act. The Principal Registry assists the work of the Tribunal through managing projects that improve and streamline the systems, procedures, communications and other operational aspects of an independent Tribunal. The Internal Appeals Panel is supported within the Principal Registry.

Divisional Registries

NCAT has Registries located in Sydney CBD, metropolitan and regional areas. These Registries are managed by three Divisional Registrars.

The Divisional Registrars provide specialised administrative and case management support for applications received in their Division. They are also responsible for managing Registry staff and exercising statutory and other functions as delegated by the Principal Registrar.

Staff learning and development

Most staff attended Cross Divisional Training Sessions held in Sydney, metropolitan and regional locations during January and February 2014. This training helped staff to become familiar with the operations in all NCAT divisions and offered them an opportunity to meet staff from other divisions and the Principal Registry. The Sessions were an

important component of the change management activities implemented during the transition phase.

The Cross Divisional Training Sessions were followed up by a series of Forums in various Registry locations during June and July 2014. The NCAT President and the Principal Registrar provided an overview on activities over NCAT's first six months, and encouraged staff and Members to talk about their experiences and to provide comments and suggestions for improvement. These Forums were well attended.

Various other learning and development activities were conducted at the divisional level and included structured monthly briefing days and regular lunchtime sessions with presentations from internal and external speakers, as well as on-the-job training.

NCAT staff can also access a range of eLearning and face to face courses offered through the Department of Justice. This training supplements NCAT activities and extends the skills of staff to undertake their roles and to transition into the NCAT environment.

NCAT Strategic Plan 2014-2018

More than 100 staff and Tribunal Members participated in a series of Strategic Planning Workshops held in a number of locations during April and May 2014. Discussions were focussed on the priorities for NCAT over the next five years and comments and suggestions informed the development of the document.

The NCAT Strategic Plan 2014-2018 was launched by the President at the Staff and Member Forums held in various locations during June and July. The Plan is included as [Appendix 6](#) to this report. The four strategic directions identified in the Plan provide the framework for NCAT's development over the next five years:

- **Integrate** - complete the effective integration of the 22 former tribunals that make up NCAT
- **Influence** - deliver quality decisions and efficient dispute resolution processes

- **Engage** - actively engage our people, stakeholders and the broader community to promote awareness about NCAT and its services
- **Innovate** - improve our services and processes to support a user-friendly environment.

Development of a Business Plan to consolidate the range of current or planned priority activities to address each of above strategic directions was underway at the end of the June 2014.

Our Governance

The following groups have been established to help guide the operations of NCAT to ensure it achieves and meets its legislative objectives of delivering Tribunal services that are prompt, accessible, economical and effective.

Rule Committee

The Rule Committee was established under Division 5 of the Act. Its functions are:

- to develop rules of practice and procedure to be followed in proceedings in the Tribunal, and
- to ensure that the rules it makes are as flexible and informal as possible.

The Rule Committee comprises the President and NCAT's four Division Heads, and the Principal Registrar is the Secretary of the Committee.

During this reporting year, the Rule Committee met on five occasions. At these meetings, the Committee made the *Civil and Administrative Tribunals Rules 2014* which were published in the NSW Government Gazette. The Committee also considered various minor and technical amendments to the Act and made amendments to Rule 42 of the Rules.

Division Heads Group

This Group comprises the President and each of the Division Heads. It usually meets on a monthly basis to discuss issues including divisional reporting, NCAT practice and procedure and stakeholder consultation meetings.

By the end of June, the Group had met four times, at which they formalised the establishment of the Practice and Procedure Committee and finalised various procedural directions relating to their Division.

Executive Group

The Executive Group comprises the President, Principal Registrar, Deputy Registrar (Operations), and each of the Divisional Registrars.

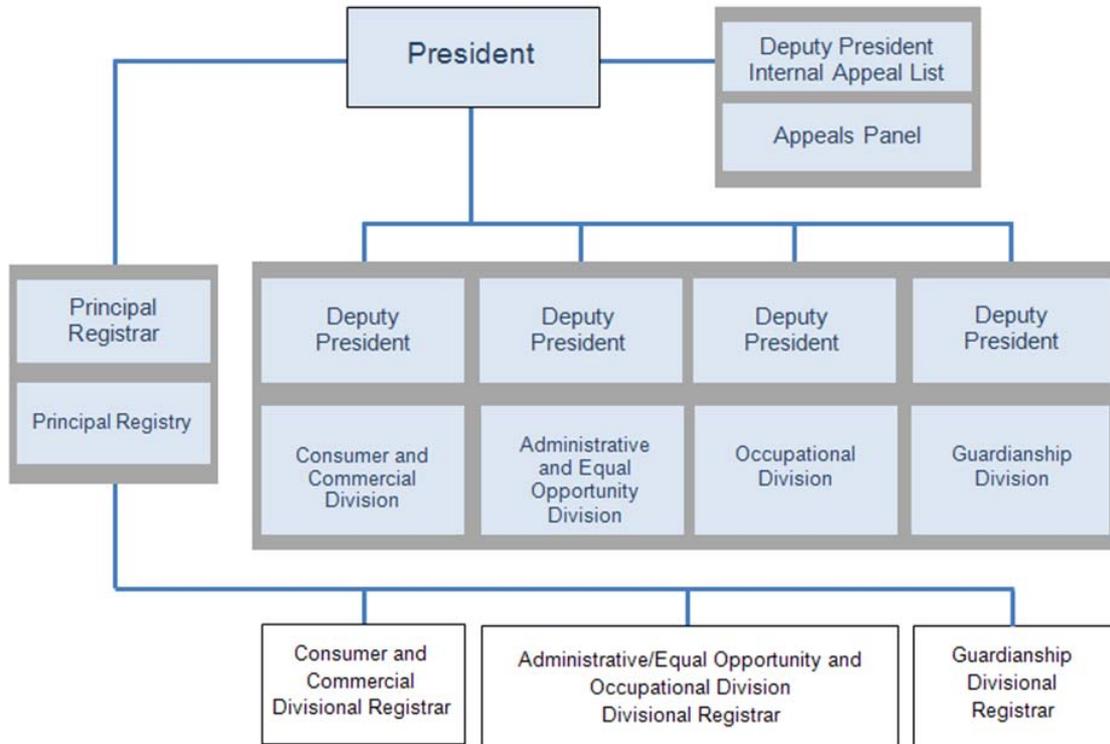
The Group meets each month to discuss matters relating to the management of NCAT, including resourcing, performance and service delivery activities.

Practice and Procedure Committee

The Practice and Procedure Committee was established to provide advice and make recommendations to the Rule Committee, the Division Heads Group and the Executive Group on the processes, legislation and practice and procedure relevant to the operation of NCAT.

The Practice and Procedure Committee is chaired by Principal Member Michael Chesterman and comprises Deputy Divisional Registrars and Tribunal Members from across the four Divisions. Committee meetings are held as required, with the first meeting convened on 12 May 2014.

Chart 1 – NCAT Organisation Structure



Our Communities

NCAT is committed to providing a high level of service to those who seek the assistance of the Tribunal to resolve their disputes. We also aim to continually improve our operations and processes to enhance access.

Involving our communities enables us to better explain our services to them, to share information on NCAT activities and operations, to gather feedback that can be used to improve our processes, and to respond to identified issues. That involvement occurs in a number of ways, and includes a program of stakeholder engagement and a centralised feedback system.

Stakeholder Engagement

NCAT recognises that to be a high performing tribunal, it must maintain an external orientation that is accountable, open and responsive to client needs. Consultation with external stakeholders is essential as it provides a user perspective on operations and assists the Tribunal in monitoring user satisfaction with the services we offer.

In addition to ongoing meetings with interest groups, there are two levels of formal stakeholder engagement across NCAT.

The NCAT Liaison Group, chaired by the President, is the overarching consultation mechanism involving key stakeholders. The Group was established in February 2014 and held its first meeting on 20 March. The role of the Group is to provide feedback and suggestions on operational and policy issues relating to service provision across NCAT.

Divisional Consultative Forums chaired by the relevant Division Heads focus on more detailed issues around practice and procedure in each Division. By the end of June 2014, NCAT's Consumer and Commercial Division had convened six Consultative Forum meetings and the Occupational Division had participated in four meetings of the Health List Consultative Forum. Planning was also underway for the establishment of Consultative Forums for stakeholder organisations interested in the operations of the Administrative and Equal Opportunity Division, the Occupational Division and the Guardianship Division.

See [Appendix 4](#) for the list of organisations represented on the NCAT Liaison Group and on Divisional Consultative Forums.

Guest Speaking Engagements and Events

In its first six months of operations, NCAT was heavily engaged in promoting the new Tribunal in the community and raising awareness about its services. For example, NCAT registry staff and Tribunal Members delivered presentations to a range of audiences and participated in other events. This activity formed another important component of our change management process and is ongoing.

NCAT Feedback Channels

An integrated NCAT feedback system was introduced in June 2014 to provide a consistent and co-ordinated approach to gathering and using feedback to inform and improve processes and service delivery. The feedback system includes online forms and surveys.

Two feedback forms are available:

- A complaint form for anyone who is dissatisfied with some aspect of NCAT and requires a response to their concerns; and
- A feedback form for those who wish to make a suggestion, raise an issue or convey a compliment concerning NCAT but do not require a response.

Both of these online forms and the NCAT Complaint Policy are available on the NCAT website feedback and complaints webpage. Staff and Members are also encouraged to use the online feedback form.

In June, a short online website survey was developed to collect feedback from people who visit the NCAT website. This feedback will assist in identifying information gaps and how the website can be improved to assist usability. The survey was promoted and accessible on the website from July 2014. Other online surveys aimed at encouraging feedback about NCAT services are under development.

Our Clients

The wide ranging jurisdictions mean that NCAT clients are from a broad cross section of the community. Some are regular users of NCAT's services, or are familiar to the services previously delivered by the former tribunals that now make up NCAT – for example, real estate agents, technical experts, support and advocacy groups, lawyers, health professionals, statutory bodies and government agencies.

The majority of clients, particularly those in the Consumer and Commercial Division, are one-off users who represent themselves during proceedings and have little or no experience with a legal environment.

NCAT's challenge is to ensure everyone regardless of their level of experience, including one-off users, has ready access to its services, and that helpful educational resources are available to equip all people who come to the Tribunal to understand, and to be able to, actively participate in the process.

Clients with additional needs

NCAT aims to ensure clients with additional needs receive the necessary assistance to access its services. Some of these services include:

- Flexible hearing options such as wheelchair accessible hearing rooms or hearings by telephone or video-conferencing
- Free interpreter services for hearings (including Auslan interpreters)
- Hearing loop access in Tribunal hearing venues upon request
- Promotion of the National Relay Service (NRS) for parties with hearing or speech impairments.

The types of matters dealt with in the Guardianship Division of NCAT involve people with impaired decision-making capacity. As a result, all applications in that Division are reviewed on receipt to determine whether the application identifies any risk to which the person who is the subject of the application ("the person") might be exposed. A Registry officer will liaise with the applicant, the person, and other people who are most significantly involved in the matter to prepare the application for hearing. The time between lodgment of an application and hearing in the Guardianship Division depends on a range of factors including the risk to the person, the time required to gather the necessary evidence to prepare the application for hearing, and the availability of the parties.

The Guardianship Division also operates an after-hours service to respond to urgent applications which require hearing outside business hours.

There has been training to assist staff and Members in providing services to clients with additional needs. For example, skills in communicating with people with cognitive and decision making impairment, and using augmentative and alternative communication; including people with disabilities in consultations; and training in victims services and working with children checks.

Our Services

NCAT provides a wide range of services for parties with differing needs. Our services have been designed so people can readily access the Tribunal and conduct a significant proportion of cases without legal representation. The Tribunal is increasing its online services to allow more people to transact with it over the internet. Information about our services is also available from Service NSW centres and the NCAT website www.ncat.nsw.gov.au. Applications can be lodged in person at NCAT Registries and Service NSW centres, by post, or via NCAT Online.

Hearing locations

There are nine NCAT registries in metropolitan and regional NSW, and hearings are held in up to 70 locations around the State. This assists people to access our services regardless of where they live. The Tribunal's online hearing lists are available at www.ncat.nsw.gov.au.

Alternative access to hearings

Telephone

Tribunal hearings by telephone are available for parties who are unable to travel, or who because of their location would need to travel a significant

distance to the closest hearing venue and would incur excessive travel costs.

Video Conferencing

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

Interpreter Services

A free interpreter service is provided for parties at NCAT hearings, upon request. Requests for interpreters can be made on the application form, in writing or by contacting the NCAT Registry as soon as practicable before the hearing date.

By 30 June 2014, NCAT had spent over \$332,000 on interpreter services to assist people from a range of cultural backgrounds. The top languages requested across NCAT were Mandarin, Arabic, Cantonese, Vietnamese, Korean, Greek, Persian, Spanish, Turkish and Italian.

NCAT eServices

NCAT Online

NCAT Online is a 24 hour online service that enables people to complete and lodge most Consumer and Commercial Division applications online. Most applications lodged online are automatically listed and a notice of hearing dispatched by return email. Parties can also track progress of their application online at any time.

eConnect

eConnect is an online service which allows people to subscribe to receive Notices of Hearing, and other Tribunal correspondence from the Consumer and Commercial Division by email.

Subscription services

At the start of June, NCAT introduced a new email subscription service which is accessed from the website homepage. In the first month, 541 people

subscribed to the service and receive the following publications:

- **Legal Bulletin e-newsletter:** highlights interesting case law from NCAT's jurisdiction, and other useful information and updates that are of significance to the Tribunal's work. The first NCAT Legal Bulletin was issued on 4 June 2014.
- **What's New Alert:** an email alert service linking to recent announcements, media releases and other new information published on the NCAT website. The first What's New alert was issued on 23 June 2014.

By 30 June 2014, the Tribunal's Facebook page had attracted more than 100 likes, 59 messages had been posted and 17 messages received. Posts included the latest news about how the Tribunal resolves disputes, how to take a dispute to the Tribunal, and announcements about new or updated resources. The Twitter account had gained more than 130 followers, there had been 58 tweets uploaded, 39 of which were re-tweeted.

NCAT Website

The NCAT website is the primary source of information for the public and users of the Tribunal's services.

The new NCAT website, which integrated information from former Tribunals' websites, provides information about NCAT's four Divisions. In addition to easy to use application forms and guidance information, there is a range of resources that can be viewed on screen and downloaded.

In the six months to 30 June 2014, the website received more than 1.2 million views. The most popular website pages were the Tribunal's 'Forms', 'Contact us', 'Hearing lists', 'Apply online', 'Fees', 'NCAT Decisions' and the 'Your matter is about' webpages.

Social Media

NCAT is building its social media presence with a steady growth in NCAT Facebook and Twitter followers. This is extending NCAT's communication reach to a wider online community and providing a network for sharing the latest news and spreading awareness about NCAT's diverse services.

A policy document and guidelines for staff and Tribunal Members, as well as Terms of Use, were developed and are available at www.ncat.nsw.gov.au.

Our Processes

The objectives of NCAT are to provide Tribunal services that are prompt, accessible, economical and effective. 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' that can result in faster and more targeted hearings.

In order to minimise any disruptions to service delivery during the transition phase, the alternative dispute resolution (ADR) approaches of former tribunals were brought forward into NCAT. This section of the report discusses the various approaches that were employed across NCAT's broad jurisdiction during this reporting year.

NCAT Procedural Directions, Guidelines and Policies

The Act makes provision for the Tribunal to make procedural directions, guidelines and policies that provide further details about how matters are dealt with at the Tribunal.

By 30 June 2014, the President has issued the following:

NCAT Procedural Directions

- NCAT Procedural Direction 1 – Service and Giving Notice
- NCAT Procedural Direction 2 – Summonses
- NCAT Procedural Direction 3 – Expert Witnesses
- NCAT Procedural Direction 4 – Registrars' Power Directions

NCAT Guideline

- NCAT Guideline 1 – Internal Appeals

NCAT Policies

- NCAT Member Code of Conduct
- NCAT Service Charter
- NCAT Complaint Policy
- NCAT Social Media Policy and Guidelines
- NCAT Policy – Availability and Provision of Statistical Data
- NCAT Policy – Publishing Reasons for Decisions

NCAT Procedural Directions, Guidelines and policies are available at www.ncat.nsw.gov.au.

Dispute Resolution

The Tribunal has a legislative requirement to use its best endeavours to assist parties to reach a settlement that is acceptable to 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.

Following is the range of dispute resolution options offered by the Tribunal.

Conciliation

Conciliation is a technique that is routinely used to resolve disputes in the Consumer and Commercial Division. It brings people in dispute together to talk about their issues in an informal, private meeting and try to reach an agreement. Conciliation is closely linked to the hearing process. Agreements reached by parties during conciliation are turned into enforceable consent agreements by a Tribunal Member.

The Guardianship Division also assist parties to resolve their matter outside the Tribunal hearing process.

Mediation

Schedule 37 of the Act defines mediation as a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute.

Mediation is offered for suitable cases such as in the Equal Opportunity List of the Administrative and Equal Opportunity Division. 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. One possible outcome of mediation is that the parties reach agreement about how the matter can be resolved.

Conclave

Conclave is a joint meeting between experts engaged by the applicant and the respondent. This ADR method is usually used in the Home Building List of the Consumer and Commercial Division with the purpose of limiting or eliminating the need for expert evidence, or the issues to be determined, at hearing. The conclave is usually held on-site and is facilitated by a Tribunal Member.

During a conclave, the experts discuss the issues on which they have prepared reports with a view to clarifying matters in dispute, reaching agreement where possible and reducing the issues to be determined.

Preliminary Sessions

In the Administrative and Equal Opportunity Division, preliminary conferences, planning meetings and case conferences are sessions that parties must participate in before a hearing. At these sessions a Member explores avenues to resolve the proceedings or reduce the issues in dispute. These preliminary sessions are called:

- 'preliminary conferences' in state revenue cases

- 'planning meetings' in government information access and privacy cases
- 'case conferences' in discrimination cases.

Directions hearings

Directions hearings are a case management tool used to prepare for the substantive hearing. They are usually short in duration and are used in matters where there may be 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 must comply with procedural directions.

Online Dispute Resolution

By June 2014, plans were underway to trial Online Dispute Resolution on an 'opt in' basis for identified consumer disputes brought to the Consumer and Commercial Division. An evaluation at the completion of the trial will determine whether this online technology will be added to NCAT's suite of dispute resolution techniques.

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. Following are the hearing types conducted by this Tribunal.

Group Lists

A 'group list' is where a number of Consumer and Commercial Division cases are listed together before a Tribunal Member on a particular day. The majority of applications are listed for first hearing in a group list.

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 a few hours or several days, depending on the complexity of the issues in dispute.

The number of Tribunal Members hearing an individual matter will depend on the Division in which the application was lodged. For example, hearings in the Consumer and Commercial Division are conducted before a single Tribunal Member while the majority of applications in the Guardianship Division are before a panel of three members.

With the exception of hearings in the Guardianship Division, NCAT's hearings are open to the public unless a specific order is made closing the hearing. Hearing lists are published on the NCAT website. Public hearings ensure that the Tribunal's processes are transparent.

Adjudication on the papers

The Tribunal may dispense with a hearing if the issues for determination can be adequately determined on the basis of written submissions and other material. Dispensing with an oral hearing may be appropriate for example where there are no factual issues in dispute.

In the Strata and Community Schemes list of the Consumer and Commercial Division, adjudications are generally determined 'on the papers'. Parties make written submissions which are considered by an Adjudicator, who is usually also a Tribunal Member. The adjudicator makes a written determination on the basis of those submissions.

Review of Guardianship and Financial Management Orders

In addition to hearing new applications, the Tribunal reviews the guardianship and financial management orders it has made.

Four types of reviews are conducted:

- **Statutory reviews of guardianship orders:** This is an automatic review that the Tribunal is required to conduct at the end of the term of a guardianship order.
- **Tribunal ordered reviews of financial management orders:** This is a review of a financial management order that the Tribunal conducts because the financial management order specified that it be reviewed within a certain period.
- **Requested reviews of a guardianship or a financial management order:** This is a review that the Tribunal may conduct if it receives a request from the person who is the subject of the order or from someone with a genuine concern for the welfare of that person. These include applications to revoke the appointment of a financial manager and to appoint a different person in that role.
- **Own motion reviews:** This is a review of an order initiated by the Tribunal.

When the Tribunal reviews one of its orders it will consider the person's current circumstances to decide whether the order is still necessary and if any changes need to be made. The Tribunal can also decide that the order should not continue because there is no longer a need for a substitute decision maker to make decisions on behalf of the person with a disability.

Unlike guardianship orders, most financial management orders made by the Tribunal operate indefinitely. In some circumstances the Tribunal may decide to review a financial management order after a specified period of time. If this is the case, the review period will be stated in the order and a further hearing will be conducted to determine whether the financial management order should continue.

Internal Appeals

The positive experience of internal appeals in the former Administrative Decisions Tribunal has been carried over into NCAT. This process permits decisions at first instance to be scrutinised and,

where necessary, corrected without the expense or delay involved in bringing proceedings in the District Court or the Supreme Court. This scrutiny also improves the standard of decision making and writing throughout the Tribunal.

Under section 32 of the *Civil and Administrative Tribunal Act 2013*, parties have a right to an internal appeal from:

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

Internal appeals can be made as of right on a question of law in most cases. An appeal on other grounds can be made if the Appeal Panel grants leave.

The Appeal Panel which hears any internal appeal will in most cases be made up of two or three members. At least one of the members will be a lawyer. Panel Members are drawn from across NCAT's membership.

NCAT's internal appeal jurisdiction does not extend to:

- a decision of an Appeal Panel
- a decision of the Tribunal in an external appeal
- a decision of the Tribunal in proceedings for the exercise of its enforcement jurisdiction,
- a decision of the Tribunal in proceedings for the imposition of a civil penalty in exercise of its general jurisdiction, or
- a decision of the Tribunal in most professional disciplinary proceedings.

Some Divisional decisions that are not subject to an internal appeal may be appealed to the Supreme Court or Court of Appeal.

Information about lodging an appeal is provided in [NCAT Guideline 1 – Internal Appeals](#). This Guideline and the requisite forms are available on the NCAT website. NCAT appeal decisions are

uploaded to the NSW Caselaw website, and a selection is published in NCAT's Legal Bulletin.

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, as an alternative to appeal, 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 2013* and others are found in the Act. Dissatisfaction with the decision is not a sufficient reason to request that the Tribunal decision be set aside or varied.

Applications to set aside or vary a Tribunal decision are often decided 'on the papers', based on the information provided on the application form and any written materials provided by the parties. The Tribunal may refuse the application in the first instance or call for submissions from the other party before determining the application.

The Tribunal will not grant an application to set aside or vary a decision unless the other party has been notified and given a copy of the application and has been given a reasonable opportunity to respond. The Tribunal will consider any response before making a decision.

Our Divisions

- deciding whether to give permission for a complaint to go ahead after it has been declined by the President of the Anti-Discrimination Board
- deciding whether to register a conciliation agreement made at the Anti-Discrimination Board so it can be enforced
- reviewing a decision of the President of the Anti-Discrimination Board relating to an application for exemption from the *Anti-Discrimination Act 1977*.

Administrative and Equal Opportunity

The Administrative and Equal Opportunity Division took up much of the work of the former Administrative Decisions Tribunal.

This Division review administrative decisions made by NSW Government agencies. Over 50 statutes give this Division power to review decisions. Examples of decisions that the Administrative and Equal Opportunity Division may review include decisions about:

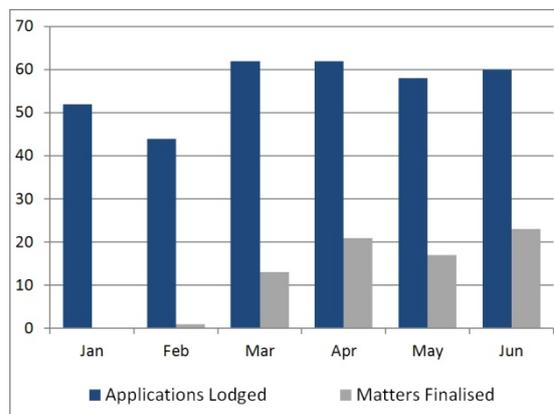
- access to information held by government
- use of and access to personal information held by government
- firearms licences
- guardianship and financial management decisions by the NSW Trustee and Guardian
- administrative decisions made in the community services sector,
- various State taxation decisions; and
- compensation payable to victims of crime.

In addition, the Division hears complaints under the *Anti-Discrimination Act 1977* (NSW) and related matters such as:

Application trends

In the six months to 30 June 2014, 339 applications were received and 75 matters commenced after 1 January 2014 were finalised. During this same period, the Administrative and Equal Opportunity Division also finalised other matters which were transferred to it from a former tribunal. Those applications and finalisations are not reflected in the graph.

Graph 1 – Administrative and Equal Opportunity Division Applications Lodged and Finalised – January to June 2014²



Month	Jan	Feb	Mar	Apr	May	Jun
Lodged	53	44	62	62	58	60
Finalised	0	1	13	21	17	23

² Graph 1 shows the monthly number of applications received and finalised in the Administrative and Equal Opportunity Division. In addition, savings, transitional and other provisions of the Act resulted in matters on hand being transferred from the former tribunals into the relevant Division of NCAT.

Consumer and Commercial

The Consumer and Commercial Division took up the work of the former Consumer, Trader and Tenancy Tribunal, retail lease matters (previously heard in the Administrative Decisions Tribunal), and dividing fence matters (previously dealt with by Local Land Boards).

This Division has a broad jurisdiction dealing with disputes of varying complexity in areas as diverse as residential tenancy to the motor vehicle “lemon” laws.

Members sitting in this Division are required to be across legislation and

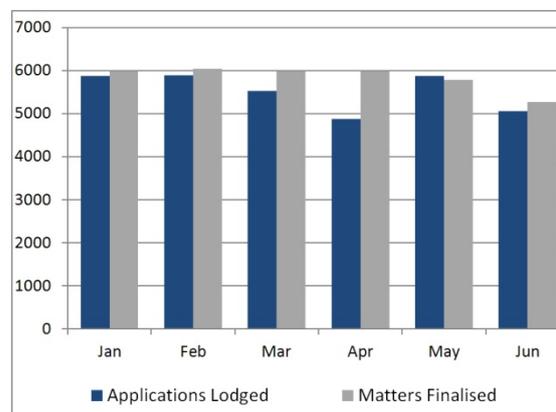
will typically deal with disputes from all the following areas:

- Agent commissions and fees
- Agricultural tenancy
- Boarding houses
- Consumer claims
- Conveyancing costs
- Dividing fences
- Holiday parks (long-term casual occupancy)
- Home building
- Motor vehicles
- Pawnbrokers and second-hand dealers
- Residential parks
- Retail leases
- Retirement villages
- Social housing
- Strata and community schemes
- Tenancy
- Travel Compensation Fund appeals

Application trends

In the six months to 30 June 2014, 33,102 applications were received and 35,043 matters were finalised.

Graph 2 – Consumer and Commercial Division Applications Lodged and Finalised – January to June 2014³



Month	Jan	Feb	Mar	Apr	May	Jun
Lodged	5881	5890	5526	4878	5872	5055
Finalised	5986	6044	5978	5982	5779	5274

Guardianship

The Guardianship Division, which took up the work of the former Guardianship Tribunal, conducts hearings to determine applications about adults with impaired decision making capacity and who may require a legally appointed substitute decision maker.

Applications may be made to the Guardianship Division to:

- make guardianship orders to appoint a private guardian (family member or friend) and/or the NSW Public Guardian
- make financial management orders to appoint a private financial manager and/or the NSW Trustee & Guardian
- provide consent for treatment by a doctor or dentist
- review enduring powers of attorney
- review an enduring guardianship appointment

³ Graph 2 shows the monthly number of applications received and finalised in the Consumer and Commercial Division. In addition, savings, transitional and other provisions of the Act resulted in matters on hand being transferred from the former tribunals into the relevant Division of NCAT.

- approve a clinical trial so that people with an impaired decision-making capacity can take part.

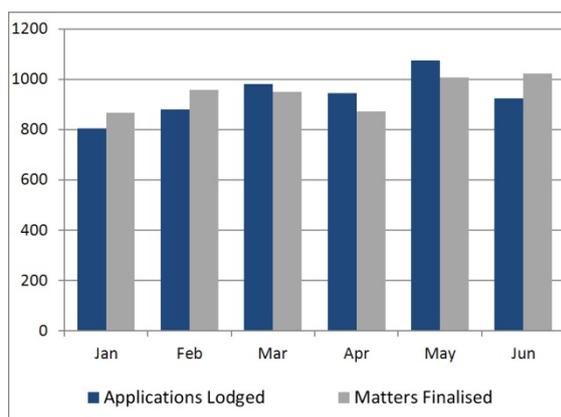
The Guardianship Division of NCAT considers applications about people who are in NSW or who have property or other financial assets in NSW.

The *Guardianship Act 1987* sets out the limits of the responsibilities and functions and the principles to be applied when the Division is making decisions.

Application trends

In the six months to 30 June 2014, 5,610 applications were received and 5,679 matters were finalised.

Graph 3 – Guardianship Division Applications Lodged and Finalised – January to June 2014⁴



Month	Jan	Feb	Mar	Apr	May	Jun
Lodged	804	881	982	944	1075	924
Finalised	867	958	950	873	1007	1,024

Occupational

The Occupational Division took up the work of various former medical tribunals, and legal practitioner and other professional disciplinary matters previously dealt with by the Administrative Decisions Tribunal.

⁴ **Graph 3** shows the monthly number of applications received and finalised in the Guardianship Division. In addition, savings, transitional and other provisions of the Act resulted in matters on hand being transferred from the former tribunals into the relevant Division of NCAT

This Division also reviews decisions concerning occupational conduct, discipline and licensing.

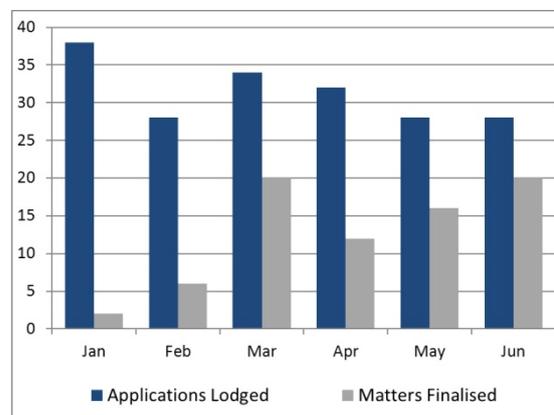
Applications may be made to the Occupational Division about:

- Taxi licences
- Real estate agent licences
- Motor dealers and repairer licences
- Valuers and licenced conveyancers
- Health professionals
- Legal practitioners
- Veterinary practitioners
- Architects and building professionals.

Application trends

In the six months to 30 June 2014, 188 applications were received and 76 matters were finalised. During this same period, the Occupational Division also finalised other matters which were transferred to it from a former tribunal. Those applications and finalisations are not reflected in the graph.

Graph 4 – Occupational Division Applications Lodged and Finalised – January to June 2014⁵



Month	Jan	Feb	Mar	Apr	May	Jun
Lodged	38	28	34	32	28	28
Finalised	2	6	20	12	16	20

⁵ **Graph 4** shows the monthly number of applications received and finalised in the Occupational Division. In addition, savings, transitional and other provisions of the Act resulted in matters on hand being transferred from the former tribunals into the relevant Division of NCAT.

Internal Appeals

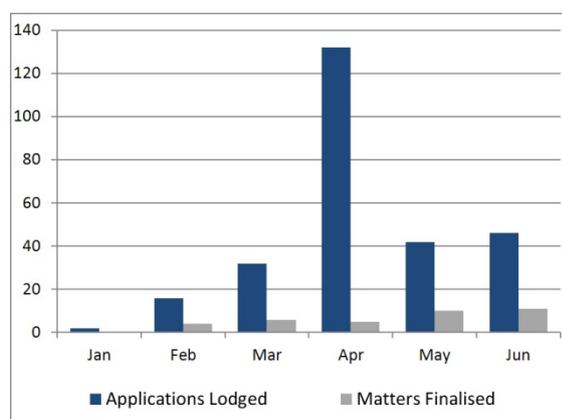
A further aspect of NCAT’s work is the availability of an internal appeal from most decisions made in one of the Divisions.

The Internal Appeal Panel has taken up the work previously undertaken by the Appeal Panel of the former Administrative Decisions Tribunal and the District Court.

Application trends

In the six months to 30 June 2014, 270 internal appeals were received and 36 internal appeals were finalised.

Graph 5 – Internal Appeals Applications Lodged and Finalised – January to June 2014⁶



Month	Jan	Feb	Mar	Apr	May	Jun
Lodged	2	16	32	132*	42	46
Finalised	0	4	6	5	10	11

⁶ **Graph 5** shows the monthly number of internal appeals applications received and finalised in the six months to 30 June 2014. The target for finalisation of internal Appeals applications is six months, hence the low number of finalised matters to 30 June 2014.

* The spike in the number of Internal Appeals lodged during April was due to 100 concurrent applications being lodged relating to multiple residents in one residential park

Appendices

Appendix 1: Legislation

The Civil and Administrative 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:

Administrative and Equal Opportunity Division

- Administrative Decisions Review Act 1997
- Adoption Act 2000
- Agricultural Industry Services Act 1998
- Agricultural Livestock (Disease Control Funding) Act 1998
- Agricultural Tenancies Act 1990
- Air Transport Act 1964
- Animal Research Act 1985
- Anti-Discrimination Act 1977
- Apiaries Act 1985
- Apprenticeship and Traineeship Act 2001
- Associations Incorporation Act 2009
- Australian Oil Refining Agreements Act 1954
- Betting Tax Act 2001
- Births, Deaths and Marriages Registration Act 1995
- Boarding Houses Act 2012
- Building and Construction Industry Security of Payment Act 1999
- Charitable Fundraising Act 1991
- Child Protection (International Measures) Act 2006
- Child Protection (Offenders Registration) Act 2000
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children (Education and Care Services National Law Application) Act 2010
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Coal Industry Act 2001
- Coal Mine Health and Safety Act 2002
- Coal Mine Health and Safety Regulation 2006
- Combat Sports Act 2013
- Commons Management Act 1989
- Community Justice Centres Act 1983
- Community Services (Complaints, Reviews and Monitoring) Act 1993
- Community Services (Complaints, Reviews and Monitoring) Regulation 2004
- Co-operative Housing and Starr-Bowkett Societies Act 1998
- Crown Lands Act 1989
- Crown Lands (Continued Tenures) Act 1989
- Deer Act 2006
- Disability Services Act 1993
- Dormant Funds Act 1942
- Duties Act 1997
- Education Act 1990
- Electricity (Consumer Safety) Act 2004
- Electricity Supply Act 1995
- Exhibited Animals Protection Act 1986
- Explosives Act 2003
- Firearms Act 1996
- Firearms Regulation 2006
- First Home Owner Grant (New Homes) Act 2000
- Fisheries Management Act 1994
- Food Act 2003
- Food Regulation 2010

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

Consumer and Commercial Division

- Agricultural Tenancies Act 1990
- Australian Consumer Law (NSW)
- Boarding Houses Act 2012
- Community Land Development Act 1989
- Community Land Management Act 1989
- Consumer Claims Act 1998
- Contracts Review Act 1980
- Conveyancers Licensing Act 2003 (but only in relation to Division 3 of Part 4 of that Act)
- Credit (Commonwealth Powers) Act 2010
- Dividing Fences Act 1991
- Fair Trading Act 1987
- Holiday Parks (Long-term Casual Occupation) Act 2002
- Home Building Act 1989
- Motor Dealers Act 1974
- Motor Dealers and Repairers Act 2013
- Motor Vehicle Repairs Act 1980
- Pawnbrokers and Second-hand Dealers Act 1996
- Property, Stock and Business Agents Act 2002
- Residential Parks Act 1998
- Residential Tenancies Act 2010
- Retail Leases Act 1994

- Retirement Villages Act 1999
- Strata Schemes Management Act 1996
- Sydney Water Act 1994

Guardianship Division

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

Occupational Division

- Aboriginal Land Rights Act 1983
- Architects Act 2003
- Building Professionals Act 2005
- Commercial Agents and Private Inquiry Agents Act 2004
- Conveyancers Licensing Act 2003
- Fair Trading Act 1987
- Health Care Complaints Act 1993
- Health Practitioner Regulation National Law (NSW)
- Home Building Act 1989
- Legal Profession Act 2004
- Local Government Act 1993
- Motor Dealers Act 1974
- Motor Dealers and Repairers Act 2013
- Motor Vehicle Repairs Act 1980
- Occupational Licensing National Law (NSW)
- Passenger Transport Act 1990
- Pawnbrokers and Second-hand Dealers Act 1996
- Property, Stock and Business Agents Act 2002
- Public Notaries Act 1997
- Security Industry Act 1997
- Surveying and Spatial Information Act 2002
- Tow Truck Industry Act 1998
- Valuers Act 2003
- Veterinary Practice Act 2003
- Wool, Hide and Skin Dealers Act 2004
- Workplace Injury Management and Workers Compensation Act 1998

Appendix 2: Tribunal Members

As at 30 June 2014, the Tribunal's membership, in addition to the President and the five Deputy Presidents, comprised 260 Members including Principal Members, Senior Members, and General Members.

President

Wright, The Hon Justice Robertson James

Deputy Presidents/Division Heads

Haylen QC, The Hon Wayne

Hennessy, Magistrate Nancy Louise

O'Connor AM, Judge Kevin Patrick

Schyvens, Malcolm David

Westgarth, Stuart

Tribunal Membership

Anderson, Jane

Anforth, Allan

Ansiewicz, Rhonda

Anthony, Kevin

Antonios, Zita

Armstrong, Charles

Awad, Magdoline

Bailey, Robyn Louise

Bardulis, Dr Uldis Ojars Rainis

Barker, David

Barker, William

Barnetson, Diane

Barton, Michael

Bassett, Graham

Beale, Dr Ivan Leslie

Beckett, Angela Therese

Bennett, Carl

Blacket SC, Paul E

Block, Julian

Bluth, Dennis

Boland AM, The Hon Jennifer Margaret

Bolt, Mary

Booby, Rhonda Helen

Bordon, John

Boxall, Andrew Ross

Boyce, Philip

Brennan, Mary

Briggs, Phillip

Brophy, Moira

Bryant, Kenneth Garry

Buckley, Richard Frederick

Bullen, Mark

Burke, Mary Ellen

Burns, Susan Jane

Butler, Rex

Butlin, Judy

Cadell, Murdo

Caldwell, David

Callaghan SC, Peter

Campbell, Cathy

Carpentieri, Anthony

Carter, Tanya

Charles, David Graham

Chesterman, Michael

Circuitt, Maria Johanna

Clark, Fiona

Clifford, Rocky

Conley, Jennifer

Connelly, Janice

Connor, Elaine McNair

Cootes, Janene

Corley, Susan

Correy, Norman Abraham

Creasey AM, Dr Helen

Crowley, Brett

Cummins, Allison

Curran, Roslyn Mary

Currie, John Sydney

D'Arcy, Jennifer

Dart, Andrew

De Jersey, Sancia

Dixon, Russell

Djoneski, Vanco

Drake, Peta

Druett OAM, Faye Ainsworth

Dwyer SC, Peter

Eftimiou, Maritsa

Epstein-Frisch AM, Belinda Ruth

Fairlie, David G

Field, Barbara

Fitzgerald, Catherine

Flanagan, Sharon

Foldi, Matthew

Foreman, Phil

Fougere, Christine Peta

Fragger, Ross

Fraser AM, Jane

Friedmann, Peter
Frost, Stephen
Gardner, Michelle
Garland, Roger
Garrard, Julie
Gerloff, Catherine
Gilson, Mark
Giurissevich, Anthony
Given, Fiona Nicole
Glynn, Wal
Goldstein, David
Goodchild, Louise
Goodman-Delahunty, Jane
Goudie, Peter
Gray, Fiona Elizabeth
Green, Jenny
Gurr, Robin
Hale, Sandra N
Hamilton, John
Hanstein, Sharon
Hardy, Rex
Harris, Ronald Graham
Harrison, Brian
Harrowell, Mark Alfred Killen
Harvey, Danae
Hayes, Elayne
Hayes, Simon
Hayward, Philip
Hennings, Simon Brockwell
Hensley, William
Hiffernan, Noel
Higgins, Sigrid
Hilson, Freda Elaine
Hoadley, David
Holles, Francis Dominic Logue
Hollis, Dr Jean Margaret
Holwell, Kim Joseph
Howe, Bruce
Hughes, Barbara Louise
Hughes, Julie Gay
Hunter, Penelope
Illet, Mik
Isenberg, Naida
Isenberg, Norman
Jackson, Douglas
Jamieson, Dr Gail
Johnston, Susan
Jose, Jane
Joseph SC, Michael
Kennedy, Claudia Muriel
Kinsey, Graham Anthony
Klause, Jennifer
Knight, Peter
Koussa, Janet
Kurrle, Dr Susan Elizabeth
Laurence, Kerrie
Le Breton, John
Leal, Suzanne
Lennard, Jann
Levingston, John
Lonie, Michael
Lowe, Anthea
Lynch, Joanne
Manga, Dr Robert Zoa
Manns, Leonie
Martin, Dr Meredith Anne
Martin, Katherine Elizabeth
Marzilli, Claudio
Matheson, Alice Marie
Matthews, Dr Richard
McAuliffe, Jane
McCarthy, Shaun Gerard
McCue, Margaret Mary
McLelland, Ronald
McMillan, Jennifer Margaret
McMillan, John
McMurrin, Alan Malcolm
McPhee, Dr Brenda
McSwiggan, Sally Ann
Meadows, Geoffrey
Merrell, Ralph
Moin, Gregory Robert
Moir, Jillian
Molony, Peter
Montgomery, Steve
Moss, Deborah
Mullane, The Hon Graeme R
Muller, Joanne
Mulock, Mark Joseph
Mulvey, Craig Anthony
Nasir, Mike
Newbrun, Ian
Newman, Jennifer Lee
Nolan, Dennis

O'Brien, Thomas
O'Carrigan, Patrick
O'Connell, Irene
O'Neill, Nicholas
Ovadia, Fortunee Tony
Oxenham, Melanie Ann
Patten, David
Paull, Christine
Perrignon, Richard
Perry, Phillip
Pheils, Johanna
Pickering, Edwina Anne
Pinter, Gary
Porter, Lyn
Rayner, Robyn
Redfern PSM, Jan Louise
Redfern, William
Rice, Alan
Richardson, George
Rickards, Kim Beresford
Ringrose, John
Riordan, Michelle A
Robberds QC, Lionel P
Roberts, Susan
Robinson, Diane
Ross, Katherine Ann
Rosser, Kim
Ruskin-Rowe, B
Sarginson, Gregory John
Scahill, Anne Maria
Schembri, Dr Mark
Schneeweiss, Joachim
Schwager, Jane
Seiden SC, Rashelle
Sheedy, Tracy
Sheehan, Desmond
Shipp, Bernard Martin
Shub, Oscar
Simon, Theresa
Simpson, James Christopher Heaton
Smith AM, Philippa
Smith OAM, Dr Margaret Ann
Smith, Jeffery
Smith, Peter
Smith, Ross
Smith, Stephen
Spencer, Dr Margaret
Sponza, Walter Gregory
Springett, David Brett
Stamatellis, Stamatia
Staples, Melissa Joy
Stewart, Leanne
Stone, Dr Suzanne
Taylor, Susan Edith
Tearle, William Joseph
Thode, Sabine
Thompson, Dr Susan Lynne
Thompson, John
Thompson, Robert
Thomson, Bruce
Thorley, David
Tingle, John
Titterton, Robert
Tom, Peter
Tong, Dr Lizabeth
Topolinsky, Vadim
Turley, David
Turner, Kim
Tyler, Terence
Verick, Amarjit
von Kolpakow, Michael
Vrabac, Nick
Wakefield, John S
Walker, Geoffrey
Watson, Margaret
Watts, Peter
West AM, Dr Carolyn Mary
Whaite, Elizabeth Anne
Williams, Dr Phoebe Catherine May
Williams, Louise
Wilson, Graham Hood
Wootten, Trevor
Wortley, Janice Margaret
Wright, Peter
Wroth, Dr Melanie Jane
Wunsch, Ann
Xuereb, Charles Richard
Yeoh AM, Dr Robert Theam Hock
Ziegler, Deborah

Appendix 3: Fees and charges as at 30 June 2014

This schedule lists the Tribunal's application fees and charges that applied from 1 January 2014 to 30 June 2014. Tribunal fees and charges are reviewed each year and published on the NCAT website

www.ncat.nsw.gov.au.

Lodgement of Applications and Appeals	Fee
General application in residential proceedings	\$38.00
General application in strata proceedings	\$78.00
General application in general consumer or commercial proceedings if amount claimed is \$10,000 or less or no amount is claimed	\$38.00
General application in general consumer or commercial proceedings if the amount claimed is more than \$10,000 but not more than \$30,000	\$78.00
General application in general consumer or commercial proceedings if the amount claimed is more than \$30,000	\$202.00
General application under the <i>Dividing Fences Act 1991</i>	\$61.00
General application under the <i>Retail Leases Act 1994</i>	\$77.00
External appeal that is required to be determined by an Appeal Panel (designated external appeal)	\$317.00
General application or external appeal that is to be determined in a Division by two or more members	\$161.00
General application or external appeal in any other case	\$77.00
Internal appeal	\$317.00
Application to set aside or vary a decision	\$78.00

Other service fees – Type of request	Fee
Issue a summons - for production or to give evidence, or both	\$42.00
Request for production to Tribunal of documents held by a court	\$55.00
Retrieval of any document or file from archives	\$74.00
Supply of duplicate sound recording of proceedings, per cassette tape or disc (other than proceedings in Consumer and Commercial Division)	\$47.90
Supply of transcript - proceedings that are under 3 months old (other than proceedings in Consumer and Commercial Division)	\$9.95 per page OR \$81.00 if less than nine pages
Supply of transcript - proceedings that are at least 3 months old (other than proceedings in Consumer and Commercial Division)	\$11.30 per page OR \$99.50 if less than 9 pages
Provision of a copy or certified copy of decision or written reasons	\$74.00
Supply of recordings and transcripts in the Consumer and Commercial Division	full cost
Request by a non-party to inspect public access documents	\$39.00 ⁷
Photocopying of documents where the requesting party makes the copies	\$0.40 per sheet
Photocopying of documents where a Tribunal staff member makes the copies	\$2.00 per sheet
Fee for any other service provided	\$39.00
Issue a summons - for production or to give evidence, or both	\$42.00

⁷ Fee is for inspection only and is payable in addition to any charges for the photocopying of documents

Appendix 4: NCAT Liaison Group and Consultative Forums

NCAT Liaison Group

Brain Injury Association NSW
 Community Legal Centre
 Health Care Complaints Commission
 Health NSW
 Law Society of NSW
 Legal Aid NSW
 NSW Aboriginal Land Council – Eastern Region
 NSW Bar Association
 NSW Council of Social Services
 Real Estate Institute of NSW
 Redfern Legal Centre
 Tenants' Union of NSW

Divisional Stakeholder Groups

Administrative and Equal Opportunity Division and Occupational Division Consultative Forum

Ageing, Disability and Home Care
 Anti-Discrimination Board of NSW
 Department of Education and Training (Legal Services)
 Department of Justice (Victims Services)
 Department of Transport (Finance and Corporate Services)
 Information and Privacy Commission NSW
 Law Society of NSW
 Legal Aid NSW
 Local Government NSW
 Ministry for Police & Emergency Services
 NSW Bar Association
 NSW Crown Solicitor's Office
 NSW Fair Trading
 NSW Trustee and Guardian
 Office of State Revenue
 Office of the Children's Guardian
 Office of the Legal Services Commissioner
 Public Interest Advocacy Centre Ltd

Occupational Division Health List Consultative Forum

Australian Health Practitioner Regulatory Agency
 Health Care Complaints Commission
 Health Professional Councils Authority

Guardianship Division Consultative Forum

Aboriginal Disability Network Incorporated
 Aboriginal Legal Services (NSW/ACT)
 AMA (NSW)
 Brain Injury Association of NSW
 Community Legal Centres NSW Inc.
 Department of Family and Community Services
 Disability Council
 Intellectual Disability Rights Service
 Law Society of NSW
 Leading Age Services Australia NSW-ACT
 Legal Aid NSW
 Mental Health Review Tribunal
 Multicultural Disability Advocacy Association of NSW
 National Disability Insurance Agency
 National Disability Services NSW
 NSW Bar Association
 NSW Council for Intellectual Disability
 NSW Ministry of Health
 NSW Trustee & Guardian
 Office of the Public Guardian
 People With Disability – PWD Australia
 TARS - The Aged Care Rights Services Inc.

Consumer and Commercial Division Consultative Forums

Aboriginal Consultative Forum

Aboriginal Legal Services
 Anaiwan Local Aboriginal Land Council
 Bungree Aboriginal Association Inc
 Dtarawarra Aboriginal Resource Unit
 Greater Sydney Aboriginal Tenancy Service
 Murra Mia Tenant Advocacy Service
 NSW Aboriginal Land Council – Eastern Region
 NSW Aboriginal Land Council – Southern Zone
 NSW Aboriginal Land Council – Western Region
 NSW Aboriginal Land Council - Northern Zone
 NSW Department of Aboriginal Affairs
 NSW Fair Trading
 Tenants Union of NSW
 Western Aboriginal Tenants Advice Service

General and Commercial

Australian Consumers Association
 Community Relations Commission

Consumer Credit Legal Centre
 Disability Council of NSW
 Fair Trading Advisory Council
 Financial Counsellors Association of NSW
 Homelessness NSW
 LawAccess NSW
 Legal Aid NSW
 NSW Fair Trading
 Office of Migration Agents Registration Authority
 Property Owners Association of NSW
 Redfern Legal Centre
 Tenants' Union of NSW

Home Building

Australian Institute of Building
 Building and Construction Council of NSW
 Civil Contractors Federation
 Home Building Service (NSW Fair Trading)
 Housing Industry Association
 Institute of Building Consultants NSW
 Institute of Engineers Australia
 Law Society of NSW
 Master Builders Association
 Master Painters Association
 Master Plumbers Association of NSW
 Moray & Agnew
 National Electrical and Communications
 Association of NSW
 National Wood Flooring Association
 NSW Bar Association
 NSW Fair Trading
 Paint Solutions & Association
 Royal Australian Institute of Architects NSW
 Charter
 Russo and Partners
 Shaw Reynolds Bowen & Garathy Lawyers
 Strata and Community Australia (NSW)
 Swimming Pool and Spa Association
 Suncorp

Motor Vehicles

Australian Manufacturing Workers Union
 Institute of Automotive Mechanical Engineers
 Motor Traders Association
 NSW Fair Trading

Residential Parks

Affiliated Residential Park Residents Association

Caravan & Camping Industry Association NSW
 ARPRA Central Coast Park Residents Association of
 NSW
 Combined Pensioners and Superannuants
 Association of NSW Inc.
 Northern Alliance of Park Residents Association of
 NSW
 NSW Fair Trading
 Tenants Union of NSW

Retirement Villages

Aged Care Association Australia (NSW)
 Aged Care Rights Service
 Aged and Community Services Association of NSW
 & ACT
 Australian Unity
 Bougainvillea Retirement
 Combined Pensioners and Superannuants
 Association of NSW Inc
 Council on the Ageing (NSW) Inc
 NSW Fair Trading
 Property Council of Australia
 Retirement Village Association of NSW and ACT
 Retirement Villages Residents Association
 Wesley Mission

Strata and Community Schemes

Combined Pensioners and Superannuants
 Association of NSW Inc
 Management Rights Association (NSW) Inc
 NSW Fair Trading
 Owners Corporation Network
 Property Owners Association of NSW
 Strata Community Australia (NSW)
 UDIA (NSW)
 Tenancy and Social Housing
 Argyle Community Housing Ltd
 Common Equity New South Wales
 Dtarawarra Pty Ltd
 Estate Agents Cooperative
 Financial Counsellors Association of NSW and ACT
 Gandangara Local Aboriginal Lands Council
 Housing Appeals Committee
 Housing NSW
 Legal Aid NSW
 NSW Aboriginal Housing Office
 NSW Federation of Housing Associations
 NSW Fair Trading

Office of Community Housing
Property Owners Association of NSW
Public Tenants Council (Central Sydney)
Real Estate Institute of NSW
Redfern Legal Centre
Southern Sydney Tenants Advice and Advocacy
Service
Teacher Housing Authority of NSW
Tenants Union of NSW

Appendix 5: NCAT Expenditure Report

The following NCAT Expenditure Report applies to the period of 1 January to 30 June 2014:

Salary and Related Payments	\$'000
Salaries	8,582
Statutory appointees	4,792
Annual leave	836
Overtime	3
Long service leave	431
Superannuation	1,345
Workers compensation	115
Payroll tax	1,011
Fringe benefit tax	19
Voluntary redundancy	91
Subtotal	17,225

Operational Expenses	\$'000
Contractors	352
Office accommodation	2,809
Postage and couriers	236
Telephones	121
Minor computer purchases and consumables	0
Fees	1,803
Security services	404
Training and development fees	0
Motor vehicle expenses	11
Travel expenses	355
Printing and stores	333
Minor miscellaneous	139
Subtotal	6,563
Depreciation	226
Ex-Gratia payments	0
Total operational expenses	6,789

Total	\$'000
Capital expenditure	0
Total expenditure	24,014

Appendix 6: NCAT Strategic Plan 2014-2018

The NCAT Strategic Plan 2014-2018 was launched by the President at staff and Member Forums during June and July 2014.

The four strategic directions identified in the Plan provide the framework for NCAT’s development over the next five years:

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

Image 1 – NCAT Strategic Plan 2014-2018

