



NCAT
NSW Civil &
Administrative Tribunal

NCAT

Annual Report

2017-2018



NCAT
NSW Civil &
Administrative Tribunal

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

Dear Attorney

I am pleased to submit the 2017-2018 Annual Report for the NSW Civil and Administrative Tribunal.

The report summarises the Tribunal's performance and outcomes achieved during the period 1 July 2017 to 30 June 2018.

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

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

Yours sincerely

[signed]

The Hon Justice Robertson WRIGHT
President
NSW Civil and Administrative Tribunal

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NCAT Annual Report Structure

NCAT has structured the information in this annual report, in addition to the President’s Report and 2017-2018 in Review, in three parts. First, general information concerning the Tribunal as a whole is provided by reference to the eight areas of Tribunal excellence set out in the Australia and New Zealand Tribunal Excellence Framework (June 2017) published by the Council of Australasian Tribunals. The eight areas are:

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

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

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

President's Report

The Tribunal is now in its fifth year of operation. It continues to play a significant role in the administration of civil justice in this State. In the 2017-2018 financial year, the Tribunal received over 65,000 applications and appeals and finally disposed of over 66,000 matters, achieving a clearance ratio of 101.3%.

The types of matters dealt with in NCAT vary enormously. They include, in descending order by number of applications:

1. residential tenancy and social housing matters;
2. guardianship and financial management matters in relation to persons with impaired decision-making capacity;
3. consumer claims;
4. home building matters;
5. strata and community title, retirement village and similar matters;
6. motor vehicle matters;
7. other commercial matters (including retail lease, agricultural tenancy and agency disputes);
8. administrative reviews of government decisions;
9. professional disciplinary matters in respect of lawyers, medical practitioners and other professionals; and
10. anti-discrimination matters.

In addition, the Tribunal's Appeal Panel hears and determines appeals from the vast majority of the Tribunal's first instance decisions. More details as to the numbers and types of matter dealt with in each Division and the Appeal Panel are set out in the Divisional and Appeal Panel sections of this report.

In the 2017-2018 financial year, the Supreme Court, including the Court of Appeal, handed down decisions in 13 appeals from Appeal Panel decisions. In 85% of those appeals, the Court dismissed the appeal, upholding the Appeal Panel's decision. While the sample size is small, the result suggests that the standard of the Tribunal's decisions remains appropriately high.

Although NCAT has successfully disposed of over 300,000 matters since it came into being on 1 January 2014, a fundamental question remains to be determined: Is NCAT an administrative body which primarily exercises executive power or is NCAT a court which primarily exercises judicial power? For the Tribunal, the practical implications of the answer to that question may be significant.

The High Court's decision in *Burns v Corbett* [2018] HCA 15 lays down no legal rule as to whether NCAT is a court, or a court of a State for the purposes of Ch III of the Commonwealth Constitution, because the parties adopted an agreed position on that issue.¹

In *Johnson v Dibbin; Gatsby v Gatsby* [2018] NSWCATAP 45, published in February 2018, the Tribunal's Appeal Panel decided that NCAT was a court. From the perspective of the efficient functioning of the Tribunal, there have been no adverse consequences from that decision. Nonetheless, the decision was appealed to the Court of Appeal, which heard the appeal on 12 April 2018. The Court has reserved its decision.

The standard of Tribunal decisions depends principally upon the expertise, experience and dedication of the Members, supported by the Registry staff. As at 30 June 2018, there were 264 Members of the Tribunal, made up of six Presidential Members, 15 Principal Members, 132

¹ See *Coleman v Power* (2004) 220 CLR 1 at [79].

Senior Members, and 111 General Members. All the Presidential and Principal Members are Australian lawyers of at least seven years' standing. Apart from 29 Members with a professional qualification (such as a medical practitioner, psychologist or social worker), and experience in assessing or treating persons to whom the *Guardianship Act 1987* relates, and one architect, all the Senior Members of the Tribunal are Australian lawyers of at least seven years' standing. As to the General Members, there are 31 Members with a community-based qualification, in that they have experience with persons to whom the *Guardianship Act 1987* relates, four veterinarians, one engineer, one architect and two who are legally qualified but not admitted to practice. The remainder are Australian lawyers of at least seven years' standing. Brief biographical details for the Members are provided in Appendix 3 to this report.

NCAT has such a variety of Members because, in many instances, it is required or appropriate that the Tribunal be constituted with a panel including a presiding lawyer, together with a professional or expert Member, or a community Member, or both. The ability to constitute the Tribunal in such a way is highly beneficial.² It serves to ensure that:

- (a) decisions in misconduct and disciplinary matters are consonant with professional and community standards;
- (b) decisions relating to sensitive areas, such as anti-discrimination, guardianship, vilification or working with children checks, better reflect community values and expectations; and
- (c) proceedings that involve issues of expert opinion are more efficiently conducted because of the presence of expert members on the Tribunal hearing the matter.

² It can be noted that s 57 Of the *Civil and Administrative Tribunal Act 2013* (NSW) effectively ensures that legal issues are decided by Members who are Australian lawyers and factual issues are determined by the legal and non-legal Members. The situation is somewhat analogous to the respective roles of the judge and jury as the tribunal of law and the tribunal fact, in a court.

Indeed, experience suggests that there may be a lower rate of appeals from decisions where the Tribunal is constituted with professional and community Members, as well as a presiding lawyer.

Although it is possible in some, but not all, cases to constitute the Tribunal without a lawyer presiding, this is a very rare occurrence in NCAT. It generally only occurs where the nature of the matter and the Member's particular expertise render it appropriate. In all these cases, the decision is internally appealable to the Appeal Panel.

During the 2017-2018 year, one Principal Member, 12 Senior and 22 General Members were appointed and 23 Senior and General Members were reappointed. These appointments and reappointments were recommended on the basis that the candidates had been through a recent, open, merit-based selection process. These processes involve widespread advertising approved by the Attorney General, the constitution of an Appointment Committee, including a nominee of the Attorney General, interviews and reference checks. Such processes serve to ensure that the membership of the Tribunal is refreshed while retaining the accumulated experience and wisdom of Members who are reappointed.

The administration of civil justice for hundreds of thousands of people in NSW each year depends on the work performed by the Tribunal's Members. It is a privilege to work with them and they deserve great appreciation and thanks.

Carrying out the President's functions requires me to depend on the Deputy Presidents and the Principal, Senior and General Members for support and expertise. This has been given in full measure and for this I am particularly grateful. I especially thank the Division Heads, Deputy Presidents Stuart Westgarth, Malcolm Schyvens, Magistrate Nancy Hennessy and the Hon Acting Judge Jennifer Boland AM, for their unwavering loyalty and dedication.

On a more subdued note, I should record that in the first half of 2018, Deputy President Acting Judge Kevin O'Connor AM has had to take leave because of ill health. Sitting on the Appeal Panel as well as in the Occupational Division, his Honour has made a very significant contribution to the development of the jurisprudence of the Tribunal and to the maintenance of the highest standards of decision-making and legal writing. In this, his Honour has built upon his outstanding service as President of the Administrative Decisions Tribunal of New South Wales from 1998 until the creation of NCAT in 2014. My particular thanks is due to Acting Judge O'Connor for his legal acumen, wise counsel and encouragement.

The proper functioning of the Tribunal also depends on the Registry staff, who are located in NCAT Registries across the State. I continue to be impressed by the willingness of Registry officers at all levels to assist persons seeking to come to the Tribunal, as well as other staff and Members. I should single out for particular mention the Registrars and Directors of the Tribunal, Ms Amanda Curtin, Ms Louise Clegg, Ms Pauline Green, and Ms Jane Pritchard for their invaluable contributions to their Divisions and to the Tribunal as a whole. The Principal Registrar and Executive Director of the Tribunal, Ms Cathy Szczygielski, continues to manage her staff with exemplary competence, enthusiasm and good humour. Her experience, intellect and insight, as well as her extraordinary ability with spreadsheets, make her not only an invaluable asset for the Tribunal but also an inspirational leader and a trusted colleague.

The Tribunal continues to value the contributions made by the participants in the NCAT Liaison Group, which meets twice a year, and the Divisional Consultative Forums. Having a legitimate interest in the functioning of the Tribunal and its Divisions, these participants bring valuable insights and raise important issues so that the functioning of the Tribunal can be made more efficient and

appropriately responsive to the needs of those who come before it.

Administrative support and funding for a significant part of the Tribunal's work comes from the Department of Justice. This year, once again, Mr Andrew Cappie-Wood, Secretary of the Department, has provided support and assistance so that NCAT could function efficiently with the resources available. Similarly, Ms Catherine D'Elia, Deputy Secretary, Courts and Tribunal Services, has provided resources, support and encouragement to the Tribunal thus allowing it to fulfil its statutory functions and administer justice at over 70 locations across New South Wales. NCAT is thankful for the efforts of the Secretary and the Deputy Secretary.

The Tribunal has also had the benefit of the interest and commitment, at the highest level, of the Attorney General, the Hon Mark Speakman SC MP. As I noted in last year's annual report, the Tribunal depends particularly upon the Attorney to assist and exercise his judgment in making and supporting the appointment and reappointment of Members. The importance of this function cannot be overstated. NCAT has particularly appreciated the diligence and wisdom of the Attorney General in this regard over the past year.

In the coming financial year, the Tribunal will have a new President, with the expiration of my term of appointment on 24 October 2018. The incoming President will face challenges old and new. With the ongoing support of the Attorney General, the Department, Members and staff, I am sure that NCAT will continue to contribute to the administration of justice so that parties who come before it receive fair, just, timely and consistent decisions of high quality, as the people of New South Wales are entitled to expect.

The Hon Justice Robertson Wright
President

2017-2018 in Review

65,549 Applications lodged

- 61.6% of all applications lodged online
- 75.2% of applications in the Consumer and Commercial Division lodged online
- 545 internal appeals lodged

81,978 Hearings held

- Hearings were held in over 70 venues across NSW with 31% of hearings in regional areas

66,375 Applications finalised

- Achieved an overall clearance ratio of 101.3%

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

4.66+ million Website page views

- Top 10 terms searched on the NCAT website in 2017-2018: power of attorney, hearing notes, summons, appeal, fees, warrant, set aside, forms, costs, and adjournment
- NCAT closed its Facebook account in 2018
- 1,188 followers on NCAT Twitter
- 3,216 subscribers to NCAT online alerts and e-newsletters

2017-2018 Applications

DIVISION	NUMBER	% OF TOTAL
Administrative and Equal Opportunity	705	1.1%
Consumer and Commercial	53,722	82.0%
Guardianship	10,303	15.7%
Occupational	274	0.4%
Internal Appeals	545	0.8%
Total	65,549	100%

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

Independence

“A tribunal’s degree of independence will influence public perception about the extent of the impartiality of the decision-making within the tribunal. This is particularly important in tribunals which deal with disputes involving the citizen and the State. Impartiality is essential for the delivery of predictable, just decisions and the acceptance of those decisions by the public.”³

Legislative framework

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

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

The independent decision-making role of the Tribunal is engaged by more than 160 separate Acts and subordinate legislation that confer broad and diverse powers on the Tribunal. 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.

Member appointments and tenure

The Tribunal’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 the Tribunal 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. Apart from the President who must be full time, Members may be appointed on a full-time or a part-time basis.

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

³ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 11

At 30 June 2018, the Tribunal had 264 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 to the Tribunal by the Governor or the Attorney General generally follows a merit-based recruitment process approved by the Attorney General. The process involves widespread advertising seeking expressions of interest in appointment and the convening of an appointment committee (including a nominee or nominees of the Attorney General) which assesses applications, interviews candidates and carries out reference checks. The committee reports to the President whose duty under the NCAT Act is to provide advice concerning appointments and reappointments to the Attorney General. Member recruitment activity completed during the year refreshed the Tribunal's membership, and resulted in a number of reappointments as well as new Members being appointed and assigned to Divisions.

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

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

The *NCAT Member Code of Conduct*, at Appendix 4, applies to all Members of the Tribunal and provides

guidance in the performance of their statutory functions. It also assists Members in identifying and resolving ethical issues if they arise. The Code is kept under review to ensure currency, and is published on the NCAT website.

Administrative support

Administrative support for the Tribunal and its Members is provided by staff, under the direction of the Executive Director and Principal Registrar. Staff operate out of NCAT Registries located in the Sydney CBD, metropolitan and regional areas. At 30 June 2018, NCAT had 197.48 FTE staff.

A range of staff learning and development activities are conducted across all of NCAT. In 2018 the *NCAT Learning and Development Plan* was reviewed and published. The Plan included a refreshed 12 month training program, a comprehensive staff induction program and a review of the job swap program. All NCAT managers attended workshops as part of the NCAT leadership program.

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

Budget and funding sources

NCATs budget is made up of:

- Filing and other fees received by NCAT for its services allowed for under the Civil and Administrative Tribunal Regulation 2013 (NSW).
- Recurrent funding from the NSW Treasury.
- Funds from various agencies for cost recovery of work performed. Examples include:
 - NSW Public Purpose Fund which provides funding relating to professional discipline matters against legal practitioners in

accordance with the *Legal Profession Uniform Law Application Act 2014*.

- NSW Department of Finance, Services and Innovation derived from statutory sources including the Fair Trading Statutory Interest Fund, Rental Bond Board, Home Building Administration Fund and Motor Dealers and Repairers Compensation Fund.
- Health Professionals Councils Authority, and the Australian Health Practitioner Regulation Agency (AHPRA).

NCAT's Expenditure Report for the 2017-2018 financial year is attached at Appendix 5.

Leadership and effective management

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

... Excellent tribunals encourage and support the head, senior decision makers, non-member tribunal administrators and tribunal members (with leadership roles) to take part in courses to improve their management skills.”⁴

Leadership group

President

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

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

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

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

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

Division Heads/Deputy Presidents

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

The five Deputy Presidents are:

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

Executive Director and Principal Registrar

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

Ms Cathy Szczygielski is the Executive Director and Principal Registrar.

⁴ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 14

Director and Registrar Principal Registry

The Director and Registrar Principal Registry is responsible for managing a range of business and operational support functions for the Tribunal and assists the Principal Registrar.

Ms Amanda Curtin is the Director and Registrar Principal Registry.

Director and Registrars

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

In August 2017, Ms Vikki Hardwick retired from the position of Director and Registrar of the Consumer and Commercial Division after 37 years of public service. The Executive Director and Principal Registrar took this opportunity to rotate the remaining Directors and Registrars creating a vacancy in the Administrative and Equal Opportunity Division, Occupational Division and Appeal Panel. This vacancy was replaced with a Registrar role. Ms Louise Clegg, formerly of the Consumer and Commercial Division and Principal Registry, commenced in the new role in November 2017.

At 30 June 2018, the two Directors and Registrars, and Registrar, were:

- Ms Pauline Green, Director and Registrar for the Consumer and Commercial Division
- Ms Jane Pritchard, Director and Registrar for the Guardianship Division
- Ms Louise Clegg, Registrar for the Administrative and Equal Opportunity Division, Occupational Division and Appeal Panel.

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. The Principal Registrar is the Secretary of the Rule Committee. Its function is to make rules for the Tribunal and to ensure that the rules are as flexible and informal as possible.

The Civil and Administrative Tribunal Rules 2014 apply to proceedings in the Tribunal. The Rules ensure matters are dealt with in a way that is accessible, fair and just. They also help the Tribunal and parties to resolve disputes consistently, economically and promptly while allowing flexibility to cater for different needs of particular parties.

The Rules Committee meets as required and did not meet during the reporting period.

Management meetings

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

Meetings of the President with individual Division Heads

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

NCAT Executive Meetings

The Executive Group comprises the President, Division Heads, the Executive Director and Principal Registrar, Director and Registrar Principal Registry, the Directors and Registrars and Registrar of each Division. The Group meets formally each month to review the performance and management of the Tribunal and issues regarding the resourcing, service delivery and the functioning of the Registries. Projects for the improvement of the

Tribunal's performance are approved and monitored by the Executive Group at its monthly meetings.

Additional committees

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

Practice and Procedure Committee

The Practice and Procedure Committee provides advice and makes recommendations to the President, the Rule Committee and the NCAT Executive on the processes, legislation and practice and procedure relevant to the operation of NCAT.

Acting Judge Jennifer Boland, Head of the Occupational Division, chairs this Committee which also comprises a Principal Member from the Administrative and Equal Opportunity, Consumer and Commercial and Guardianship Divisions, the Principal Member Appeals and the Manager, Policy and Executive Services.

The Committee met three times during the reporting period. The principal project of the Committee was a review of all of the Tribunal's existing Procedural Directions with a view to achieving simplicity, comprehensibility and uniformity, where possible.

As a result of that review, the Committee recommended to the President and the Executive Group that all but four of the existing Procedural Directions should be revoked and replaced with Guidelines that were simpler and more easily understood.

The Guidelines were published in July 2017 and a substantial number of Divisional Procedural Directions revoked. The President issued one new Procedural Direction during the reporting period concerning the lodgement of home building claims in the Consumer and Commercial Division. *NCAT*

Procedural Direction 3 – Expert Witnesses was also updated.

Member Reference Manual Committee

The Member Reference Manual Committee ceased meeting in 2017 and the work of the committee was taken over by Mark Harrowell the Principal Member, Appeal Panel.

Accessibility Committee

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

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

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

Professional Development Committee

The Member Professional Development Committee provides advice and makes recommendations to the President and Division Heads about the professional development of Members. The Committee also co-ordinates the preparation, delivery and assessment of professional development activities for Members across the Tribunal.

The principal tasks of the Committee have been to facilitate Divisional and NCAT-wide Member training, maintain an induction program for new Members and develop a Tribunal specific Member feedback and appraisal framework. During the

reporting period the Committee was responsible for the biennial NCAT Member Conference and for other NCAT-wide training initiatives including a Member Wellbeing Program. An annual budget for professional development of members was approved.

Magistrate Nancy Hennessy, Deputy President and Head of the Administrative and Equal Opportunity Division, chairs this Committee. The Committee comprises the Heads of the Occupational and Guardianship Divisions and Principal Members from the Administrative and Equal Opportunity, Consumer and Commercial and Guardianship Divisions. The Manager, Professional Services, is also a member.

The Committee met nine times during the reporting period.

Dispute Resolution Integration Committee

The Dispute Resolution Integration Committee provides advice and makes recommendations to the President and Division Heads about integration of resolution processes in the practice and procedures of the Tribunal to facilitate the just, quick, and cheap resolution of the real issues in proceedings. Stuart Westgarth, Deputy President and Head of the Consumer and Commercial Division, chairs this Committee which also comprises the Deputy President and Head of the Administrative and Equal Opportunity Division and Principal Member from the Guardianship Division.

The Committee met twice during the reporting period. The principal project of the Committee is to review and assess dispute resolution processes, including those currently being used by the Tribunal, with a view to making recommendations about current and new processes, integrating those processes and ensuring dispute resolution processes do not become disproportionately onerous or time consuming.

NCAT Strategic Plan 2014-2018

The *NCAT Strategic Plan 2014-2018*, publicly available on the NCAT website, identified four priority areas that provided the framework for NCAT's development over the five year period.

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

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

Disclosure of information

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

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

Fair treatment

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

A fair hearing involves the opportunity for each party to put their case – the right to be heard – and have the case determined impartially and according to law. It involves identifying the difficulties experienced by any party, whether due to lack of representation, unfamiliarity with the law, language, culture, disability or any other matter, and finding ways to assist parties through the tribunal process.”⁵

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.

Internal appeals

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

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

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

The Appeal Panel usually comprises two or three Members. Appeal Panel Members are drawn from across NCAT’s membership but the presiding Member is usually a presidential or principal Member or another senior legal practitioner Member. As at 30 June 2018, there were 81 Members from all NCAT Divisions sitting on the Appeal Panel. Registry staff provide administrative support to the Members who hear internal appeals.

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

During 2017-2018, 545 appeals were lodged with the Tribunal and 545 appeals were finalised.

⁵ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 16

The *NCAT Appeal Panel Decisions Digest*, which is published regularly and also available on the NCAT website, provides keyword summaries of all internal appeal decisions and more detailed summaries of significant decisions.

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 of ensuring that the decisions and other resolution services provided by the Tribunal are timely, fair, consistent, and of a high quality. The *NCAT Service Charter* is publicly available on the NCAT website.

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

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

Procedures and processes

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

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

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

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

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

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

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

Representation before the Tribunal

Parties may wish to be represented in the Tribunal but, depending on the particular Division or legislation under which the proceedings are brought, leave of the Tribunal may be required. Leave to be represented is generally required in most matters in the Consumer and Commercial Division and the Guardianship Division. This is not the case in the Administrative and Equal Opportunity Division or the Occupational Division.

The Tribunal is sensitive to the need to provide an accessible and efficient means of resolving disputes in an environment which is not inappropriately adversarial or confrontational. As a consequence, a large proportion of the parties who appear before the Tribunal are self-represented. Many parties may only need to use NCAT's services once so it is essential that information on the nature and conduct of proceedings in the Tribunal is available to assist them to understand their role and how to prepare their evidence.

Guardian ad Litem and Separate Representation

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

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

Interpreter services

Interpreter services are provided for parties at NCAT hearings, upon request. Requests for interpreters can be made on the application form, in writing or by contacting the NCAT Registry as soon as practicable before the hearing date.

During 2017-2018, approximately 3,600 parties requested interpreter services for their hearings. The top interpreter languages requested were Mandarin, Arabic, Cantonese, Greek, Korean, Vietnamese, Italian, Spanish, Persian and Macedonian.

In October 2017 a master class in working effectively with interpreters was conducted during the NCAT Member Conference. The master class was attended by 185 Members from across all Divisions.

Cultural issues

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

During the reporting period, Registry staff participated in the CALD Sutherland Court Open Day, and Deputy President Malcolm Schyvens was a member of the Cultural Diversity Justice Network organised by the Judicial Council on Cultural Diversity (JCCD) and attended a National Meeting of the Network.

Throughout 2017-2018, NCAT promoted its educational videos which are available in English, Mandarin, Arabic, Greek and Vietnamese, and captioned in each of these languages. This translated information helps parties from CALD communities to access NCAT's services and participate effectively in Tribunal proceedings.

Registry staff attended a workshop to provide greater understanding of the Aboriginal culture and how they can better assist Aboriginal people at the

Tribunal. The workshop was specifically designed for Registry staff and conducted by Jennifer Newman, a Wiradjuri woman and General (Community) Member in both the Guardianship Division and Administrative and Equal Opportunity Division.

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.”⁶

“Tribunal fees, forms and processes have an important impact on access to justice, as does the extent of information and assistance provided to parties.”⁷

“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.”⁸

Accessing NCAT services including online

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

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

Applications can be lodged in person at NCAT Registries and Service NSW Centres, by post, or using *NCAT Online* in the case of applications to the Consumer and Commercial Division. During 2017-2018, 75.2% of all applications received in that Division were lodged online.

NCAT Registries

There are NCAT Registries in six locations across the State. The Principal Registry is located in the Sydney CBD and provides support services for all Divisions

of the Tribunal. Other NCAT Registries are located in the Sydney CBD, metropolitan and regional areas. These Registries are open during business hours. The Guardianship Division provides an after-hours service where urgent hearings are required.

During 2018, NCAT’s Wollongong Registry underwent renovations to improve the hearing room facilities. The renovations included the provision of a multi-purpose hearing room with audio-visual link (AVL) facilities to allow all NCAT Divisions to sit at this regional location. Registry services were available to NCAT clients throughout the renovations with some hearings being conducted in the Wollongong Court House.

Website and social media

The NCAT website is the primary information point for people interested in bringing a matter to the Tribunal, or finding out more about NCAT’s role and operations. The importance of the website is evidenced by the fact that it received more than 4.66 million views in 2017-2018.

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

⁶ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 17

⁷ *Ibid.* p 19

⁸ *Ibid.* p 20

Social media is also used by NCAT to extend its reach to online audiences. NCAT social media featured posts and comments about new and updated resources and forms, service news, and topical Divisional information. By 30 June 2018, the NCAT Twitter account had 1,188 followers; this is an increase in the number of followers of NCAT social media from the previous reporting year.

Resources and assistance

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

- Two new brochures providing information about services for people with a disability at NCAT. The brochures 'NCAT support for people with disability' and 'Can you hear in the hearing room?' provide information to clients about what services are available and how to access those services. The brochures are available on the NCAT website and hard copies are available in all NCAT Registries.
- Information about 'Rights and Obligations flowing from an NCAT order' was published on the NCAT website and promoted on NCAT's Twitter account. This included information about compliance with, and enforcement of, NCAT orders.
- The promotional tile 'Need language assistance?' was added to the NCAT website homepage. This tile further promotes the availability of translated information on how clients can request an interpreter and access translation services.

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

- A number of forms and publications were amended to clarify the service requirements for Internal Appeals.

- The commencement of further changes to the strata laws resulted in updated Consumer and Commercial Division application forms, fact sheets and website information.

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

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

During 2017-2018, seven *What's New* alerts were issued to 1,403 subscribers, seven issues of the *NCAT Legal Bulletin* were distributed to 1,385 subscribers, and the 428 subscribers received nine issues of the *NCAT Appeal Panel Decisions Digest*.

Videos in community languages

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

Hearing locations and times

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

NCAT's principal hearing venues have been designed, where possible, to accommodate the needs of persons with disabilities (including physical

Table 1 – NCAT Regional Hearings 2017-2018

REGIONS	VENUE SUBURBS	AEOD AND OD	CCD	GD*	AP	NCAT TOTAL	% REGIONAL HEARINGS	% ALL NCAT HEARINGS
Hunter / New England / Central Coast	Armidale, Central Coast, Glen Innes, Gosford, Inverell, Kurri Kurri, Maitland, Morisset, Muswellbrook, Newcastle, Singleton, Tamworth, Tenterfield	23	9,787	1,374	0	11,184	44.1%	13.6%
Illawarra / Shoalhaven	Bomaderry, Nowra, Wollongong, Ulladulla	6	3,227	398	0	3,631	14.3%	4.4%
Mid North Coast	Coffs Harbour, Grafton, Kempsey, Port Macquarie, Taree	10	2,359	381	0	2,750	10.8%	3.4%
Northern NSW	Ballina, Bourke, Brewarrina, Cobar, Coonabarabran, Coonamble, Gilgandra, Gunnedah, Lismore, Moree, Narrabri, Nyngan, Tweed Heads, Walgett, Warren	18	2,159	204	0	2,381	9.4%	2.9%
Western NSW	Bathurst, Broken Hill, Condobolin, Cowra, Dubbo, Forbes, Mudgee, Orange, Parkes, Wentworth, Young	6	2,055	266	1	2,328	9.2%	2.8%
Murray / Riverina	Albura, Deniliquin, Griffith, Jerilderie, Leeton, Tumut, Wagga Wagga	7	1,529	179	0	1,715	6.8%	2.1%
Southern NSW	Batemans Bay, Bega, Bowral, Cooma, Goulburn, Merimbula, Mittagong, Moss Vale, Queanbeyan, Yass	0	1,258	136	0	1,394	5.5%	1.7%
NCAT Total Regional Hearings		70	22,374	2,938	1	25,383	100%	31.0%
						All NCAT Hearings	81,978	31%

* From 1 July 2017, a new case management system was implemented in the Guardianship Division with new counting rules for hearings and other listing events.

disabilities, dementia, intellectual disability, brain injury or mental illness), and to provide purpose-built hearing rooms and adequate security, waiting and conference facilities.

The Accessibility Committee’s venue review was expanded during the reporting year and a Hearing Venue Guide was developed to assist NCAT

scheduling staff when selecting and booking non-NCAT venues. The Guide provides information about, physical accessibility, security and the suitability of the hearing rooms, waiting areas and conference facilities. Premises that fail to meet requirements would not generally be used for NCAT hearings.

In 2017-2018, there were 81,978 NCAT hearings held across NSW, and 31% of these hearings took place in regional locations. Details of the regional hearing venues used by the Tribunal during the year can be found at Table 1.

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

Alternative access to hearings

Video conferencing

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. This can include where a party to the proceedings is in hospital or unable to travel to the hearing location. This also allows greater flexibility for Members based in Sydney who have special expertise to hear matters where the parties are located elsewhere. Video conferencing is a free service that increases access and allows participation of people who may otherwise be unable to participate due to location, disability or illness.

A video conferencing pilot conducted last year and involving the Tamworth and Sydney hearing venues received positive feedback from participating parties, Tribunal members and staff.

This year NCAT expanded its audio-visual link (AVL) facilities to include hearing rooms at Newcastle, Wollongong and Penrith. This will increase NCAT's capacity to hear matters by AVL and enhance accessibility and efficiency for Tribunal users. NCAT successfully used AVL technology in over 1,700 hearings in the 2017-2018 financial year.

Telephone

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

Fees and charges

NCAT's schedule of fees and charges for the filing of applications, appeals and other services as at 30 June 2018 is included at Appendix 8. The payment options available include cash, cheque, credit card and eftpos. A credit card payment authority form available on the NCAT website extends the convenience of this payment option to parties who lodge applications by post.

Pensioners or students receiving an allowance or people receiving 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, waived wholly or in part. Fee waiver requests are considered under clause 6 of the Civil and Administrative Tribunal Regulation 2013. Information about fees, including how to apply for a fee waiver, is available on the NCAT website.

Legal assistance

A variety of support services across NSW can assist people in bringing their disputes to the Tribunal.

The NCAT website offers information about a number of services and organisations that offer free or low-cost legal information, advice and assistance, including those that operate referral services to lawyers who may provide pro bono legal services. Many of these organisations and services, including aged-care and disability services that provide information and help to parties involved in

guardianship matters, are listed on the *Getting Help* fact sheet available on the NCAT website.

Legal Aid NSW provides a duty lawyer scheme for NCAT parties involved in anti-discrimination disputes under the *Anti-Discrimination Act 1977* (NSW) in the Administrative and Equal Opportunity Division. The pilot program established last year, where Legal Aid NSW assisted people involved in general and motor vehicle consumer claims before the first hearing in the Consumer and Commercial Division, continued throughout the year. 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 tries to match a request for legal assistance with a barrister who may be able to give advice, appear for the party or help a party settle a case.

Additional assistance

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

- making documents available in different formats to meet the needs of the client
- providing flexible hearing rooms with varying degrees of formality appropriate to the jurisdiction
- accessing hearing loops in Tribunal hearing venues
- using the National Relay Service (NRS) for parties with hearing or speech impairments
- providing interpreters for people from non-English speaking backgrounds, and Auslan interpreters for deaf people.

Member and staff training in the provision of such assistance is included in their respective development and training programs, as appropriate.

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

Procedural directions, guidelines and policies

Section 26 of the Act makes provision for the President to give binding procedural directions and, in addition, the Tribunal issues guidelines and policies that provide further guidance to parties about how matters are to be dealt with at the Tribunal. Procedural directions, guidelines and policies may apply across NCAT or at the Divisional level and are prepared in consultation with the Practice and Procedure Committee.

Throughout the 2017-2018 reporting year the following NCAT Policies and Procedural Directions were updated:

- *NCAT Policy 3 – Access to, and Publication of, Information Derived from Proceedings in the Tribunal.*
- *NCAT Procedural Direction 3 – Expert Witnesses.*

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

NCAT Procedural Directions

NCAT Procedural Direction 1 – Service and Giving Notice

NCAT Procedural Direction 2 – Summonses

NCAT Procedural Direction 3 – Expert Witnesses

NCAT Procedural Direction 4 – Registrar's Powers Directions

NCAT Procedural Direction 5 – Acceptance of Home Building claims

Guidelines

NCAT Guidelines

NCAT Guideline 1 – Internal Appeals

Divisional Guidelines

Administrative and Equal Opportunity Division

Adjournments

Confidentiality, privacy and publication

Costs

Resolution processes

Representatives – Guardian ad litem (GAL).

Consumer and Commercial Division

Adjournments

Conciliation and hearing by the same Member

Confidentiality, privacy and publication

Costs

Home Building applications

Online applications

Representation

Representatives - Guardian ad litem (GAL)

Use of electronic evidence in Tribunal proceedings

Guardianship Division

Adjournments

Confidentiality, privacy and publication

Costs

Representation

Occupational Division

Adjournments

Confidentiality, privacy and publication

Costs

Health Professionals Registration Appeals

Professional Discipline Matters

Representatives – Guardian ad litem (GAL)

Resolution processes

NCAT Policies

NCAT Policy 1 – Complaints Policy

NCAT Policy 2 – Publishing Reasons for Decisions

NCAT Policy 3 – Provision of Statistical Data

NCAT Policy 4 – Access to and Publication of Information Derived from Proceedings

NCAT Policy 5 – Member Participation in External Engagements

NCAT Policy 6 - Communicating with the Tribunal and Members

Other documents

NCAT Member Code of Conduct

NCAT Service Charter

NCAT Strategic Plan 2014-2018

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."⁹

Competency framework and performance appraisal

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

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

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 *Civil and Administrative Tribunal Act 2013* (NSW).

A list of Tribunal Members as at 30 June 2018, along with brief biographical information with qualifications and relevant experience, is provided at Appendix 3.

Code of conduct

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

The *Member Code of Conduct* is kept under review to ensure currency. The latest version, which will be updated in August 2018, is published on the NCAT website and is included at Appendix 4 to this Report.

Professional development, appraisal and training

During 2017-2018, there were 40 professional development sessions for Members and staff on a range of topics relevant to the work of the Tribunal and Registry operations.

⁹ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 20

Tribunal Members

The NCAT Member Professional Development Committee co-ordinates professional development activities throughout the year. This year the primary focus of the committee was the biennial NCAT Member Conference. This was a full day event attended by 185 Members from all Divisions. The conference program included a variety of topics relevant to the work of the Tribunal such as working with interpreters, practical skills in conducting hearings and member wellbeing.

In addition to the NCAT Member Conference a number of professional development activities were held on a Divisional basis during the year including an all-day Consumer and Commercial Division Member Training event, Member network groups, mentoring, briefing sessions, seminars and external conferences. In addition, twilight seminars are organised for Members who sit on the Appeal Panel.

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

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

Registry staff

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

During 2017-2018, there was an increase in the number and range of development opportunities and resources for Registry staff. The NCAT Role Swap Program was again offered to staff to self-nominate for temporary, at grade role swaps within NCAT and at some Local Court locations. The Program aims to increase knowledge sharing and expertise across NCAT and to assist staff in building networks.

In 2018 an NCAT-specific staff induction program was developed and published to ensure that all staff new to NCAT are provided with appropriate training and support via a buddy program.

Other staff professional development activities were offered within the NCAT Staff Learning and Development Plan and the refreshed annual learning and development program. The *NCAT Learning and Development Program 2018* includes mandatory training for managers in managing change and reform, and several courses for all Registry staff about working with clients with disability and from diverse backgrounds. NCAT managers attended training events and seminars as part of a leadership program, topics included business planning, communication, managing change and people management and development. Staff also attended special training events and some seminars were open to both staff and Members.

Appeals

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

The decisions of the Appeal Panel are generally accepted as being binding on Members sitting at the Divisional level. It is the practice of the Tribunal to provide a copy of the Appeal Panel's decision on an appeal to the Member or Members who sat on the original matter, when the decision is published to the parties. In addition, all decisions of the Appeal Panel are made publicly available on the NSW Caselaw website, and a digest of recent

Appeal Panel decisions is sent to Members on a monthly basis and published on the NCAT website.

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

Accountability

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

Regular stakeholder and community engagement and reporting tribunal performance helps ensure that the tribunal is accountable to the public it serves.”¹⁰

Hearings open to the public

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

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

Service charter

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

Complaint handling mechanism

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

processes and service delivery. Online forms are available on the NCAT website to assist people in providing this feedback.

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

In 2017-2018, NCAT received 351 complaints. This equates to a complaint in 0.53% of all matters lodged with the Tribunal. The most common categories of complaints received during the year were policy and procedure, and decision dissatisfaction. Responses to complaints include clarification about NCAT policies and procedures, providing information about avenues of appeal, and contact details for support services such as LawAccess NSW.

In late March 2018 a new customer feedback tool, *Feedback Assist*, was implemented across all NSW government customer-facing websites. The tool provides clients with an additional accessible contact point. For the period 26 March to 30 June 2018, NCAT received 17 requests through the feedback tool, including two complaints. The remainder were compliments or suggestions.

NCAT’s Executive Group considers reported information concerning complaints at its monthly meetings. Information on complaints may also be

¹⁰ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 22

provided, where appropriate, to the NCAT Accessibility Committee, NCAT Liaison Group or Divisional Consultative Forums.

Stakeholder engagement

NCAT recognises that regular stakeholder engagement helps ensure 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.

NCAT Liaison Group and Divisional Consultative Forums

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

There are also Divisional Consultative Forums that focus on issues concerning practice and procedure. During 2017-2018, the Occupational Division's Professional Discipline Group Consultative Forum for stakeholders in the health and legal professions met twice, the Administrative and Equal Opportunity Division's Consultative Forum met on two occasions, and there were two meetings of the Guardianship Division's Consultative Forum. There were six meetings of the Consumer and Commercial Division's Consultative Forums.

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

External forums and committees

NCAT participates in a number of Department of Justice and external forums and committees. During 2017-2018, senior Registry staff attended meetings of the Justice NDIS Steering Committee and related groups, the Rental Bond Board, the Ombudsman Complaint Handling Practitioner Forum, the NSW Right to Information and Privacy Practitioners Forum and Law Society of NSW Litigation Law and Practice Committee.

Publication of Tribunal decisions

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

Other engagement with the community

During 2017-2018, Tribunal Members and staff participated in 44 community education and information programs, including NCAT's involvement as guest speakers at functions and events organised by the Tribunal's key stakeholders and various community groups.

Efficiency

“Tribunals should provide an efficient dispute resolution service in the sense that the tribunal is affordable and resolves disputes in an appropriate and timely way.”¹¹

Performance standards and monitoring

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

There was a 1.9% decrease in the overall number of applications received by the Tribunal in 2017-2018 compared to the previous year.

The Administrative and Equal Opportunity Division experienced one of the largest reductions in applications, with a reduction across all Lists from 833 in 2016-2017 to 705 in 2017-2018. NCAT’s smallest Division, the Occupational Division, had an increase of 10.5%.

NCAT’s largest Division, the Consumer and Commercial Division, had an overall decrease of 1.7% (from 54,669 to 53,722). Applications in the Division’s general consumer claims category were down 9.2% (from 5,103 to 4,632) which is consistent with the decrease reported in the previous year. This may be consistent with a general decrease in civil claims across NSW in the 2017-2018 reporting year.

NCAT’s Executive Group actively monitors lodgement volumes and trends, finalisations and

the timeliness of hearings so that resources can be adjusted to maintain service delivery standards.

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

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

Resolution processes

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

¹¹ *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 24

Table 2 - Number of applications received and finalised by Division 2017-2018

DIVISION	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative and Equal Opportunity	705	785	111.3%
Consumer and Commercial	53,722	54,293	101.1%
Guardianship	10,303	10,501	101.9%
Occupational	274	251	91.6%
Internal Appeals	545	545	100.0%
TOTAL	65,549	66,375	101.3%

have consented. Examples include group lists in the Consumer and Commercial Division, mediations in the Administrative and Equal Opportunity Division, and directions to narrow issues in both the Administrative and Equal Opportunity Division and the Occupational Division. During the reporting year the Administrative and Equal Opportunity and Occupational Division's Resolution Processes Guideline was broadened so that it also applied to matters in the Revenue List.

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

For information about NCAT resolution processes see Appendix 7.

Cross-assignment

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

Flexibility of processes

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

Client needs and satisfaction

“Public trust and confidence in the administration of justice are essential for the acceptance by users of an individual decision that affect them. Therefore for a tribunal to be effective its users have to be satisfied that the procedures and processes adopted by the tribunal are fair.”¹²

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

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

Use of NCAT website and social media

The NCAT website received more than 4.66 million views in 2017-2018. The website is mobile friendly and people can use assistive technologies to access online information. NCAT uses feedback from a website feedback form and popular search terms by website visitors for continuous improvement purposes.

Social media posts and comments about new and updated resources and forms, service news, and topical Divisional information feature on NCAT’s Twitter account. Responses to that material can provide useful information for NCAT.

Feedback, surveys and e-newsletters

Online feedback forms are available on the NCAT website to enable people who use the Tribunal’s services to provide comments and suggestions for improvement.

NCAT also conducts surveys to gather feedback and information. For example, during the reporting period a staff and Member survey was undertaken about the accessibility of hearing venues used by NCAT.

Subscription services for the *What’s New* email alert, *NCAT Legal Bulletin* and the *NCAT Appeal Panel Decisions Digest* are available to keep people updated on the latest news from NCAT, and decisions relevant to the work of the Tribunal. By 30 June 2018, there were 3,216 subscribers to these online alerts and e-newsletters.

The *NCAT Staff Monthly Update* is a regular e-newsletter that informs staff about issues relevant to their roles and day to day operations. The Update is emailed to all staff and is designed to be used by supervisors in staff meetings to promote discussion about the topics. *NCAT News* is another regular e-newsletter distributed to NCAT Members and staff to ensure they are kept up to date on all aspects of NCAT operations and projects.

Suggestions and feedback gathered from staff and Members at cross-divisional working groups is used to improve NCAT processes and systems.

Feedback was gathered from staff during the Internal Communications Review which included a

¹² *Australia and New Zealand Tribunal Excellence Framework – 2nd Edition 2017* p 26

staff survey and focus groups held at all NCAT Registry locations. This will inform improvements to both NCAT's internal and external communications.

Stakeholder interaction

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

Internal appeals

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

Complaints data

NCAT considers and responds to complaints in accordance with the *NCAT Policy 1 – Complaints* which was updated in November 2017. Complaints data also assists to develop and improve the Tribunal's processes and provision of information.

Divisional and Appeal Panel reports

Administrative and Equal Opportunity Division

Consumer and Commercial Division

Guardianship Division

Occupational Division

Appeal Panel

Administrative and Equal Opportunity Division

What the Division does

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

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

The term 'equal opportunity' is used to describe the other major function of this Division which is to resolve complaints made under the *Anti-Discrimination Act 1977* (NSW). That 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 – the Administrative Review List, the Community Services List, the Revenue List and the Equal Opportunity List.

The biggest list is the Administrative Review List. That List comprises decisions made by administrators about things like access to government information, breaches of privacy, and reviews of decisions by the NSW Trustee and Guardian. For a full list of the legislation which confers power on the Division see Appendix 1.

Administrative decisions about occupational and professional licences and registration come under the Occupational Division. Those decisions are about matters such as licences for builders, tattoo parlour operators and security guards.

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

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

Complaints referred by the President of the Anti-Discrimination Board under the *Anti-Discrimination Act 1977* (NSW) are in the Equal Opportunity List. Complaints can be about discrimination, harassment, vilification or victimisation on grounds such as race, sex, transgender status, age, disability, homosexuality and carer's responsibilities.

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

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

Table 3 – 2017-2018 Administrative and Equal Opportunity Division workload and performance

LIST	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative Review	394	396	100.5%
Community Services	137	183	133.6%
Equal Opportunity	89	118	132.6%
Revenue	85	88	103.5%
TOTAL*	705	785	111.3%

Workload

The Division received 705 applications this year and finalised 785 giving a clearance ratio across the whole Division of 111.3%. This was a very pleasing result and a marked improvement on the previous two years when the clearance ratio was less than 100%.

The Division is continuing to encourage 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.

At every stage of proceedings, the Division assists parties to resolve their disputes through negotiation 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.

Consultation with stakeholders

The Deputy President and Division Head met with external stakeholders on six occasions this year. This included two Division wide consultative forums and meetings with the Revenue List sub-group and the Community Services List sub-group on two occasions each. As Deputy President and Division Head, I appreciate the consideration all

stakeholders gave to the numerous issues raised in those meetings and their thoughtful responses.

One significant strategy which came about as a result of those consultations was to offer mediation to parties in the Revenue List. Previously these matters had been listed for hearing without giving parties the benefit of a Tribunal appointed mediator. Offering mediation has resulted in many more cases being resolved without a hearing.

Significant decisions

Children’s Guardian v CKF [2017] NSWSC 893

In this case, the Supreme Court acknowledged that NCAT may not be satisfied that an allegation of child abuse had been made out. But the Tribunal may nevertheless conclude that the circumstances surrounding a particular incident means that the existence of a risk has not been disproven. Where the allegation of abuse has not been established but the Tribunal itself is left with a ‘lingering doubt or suspicion’, that conclusion does not necessarily count against the applicant. As Davies J said in this case at [56]:

“It is simply a matter to be considered when all of the evidence is weighed up in assessing whether the defendant poses a risk to the safety of children.”

Members, mediators and staff

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 work part-time. Principal and Senior Members are lawyers. General Members

have specialist skills in areas such as child protection, Aboriginal culture, disability and finance.

New Members receive induction training and all Members participate in a program of professional development. This year that program included the NCAT Member Conference and eight twilight seminars for Members and mediators. The program is designed to improve the knowledge and skills of Members and mediators. Members' performance is regularly appraised and feedback is given.

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

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

The Registry staff for the Administrative and Equal Opportunity Division and the Occupational Division also provide case management and client services for internal appeals. Louise Clegg took over from Jane Pritchard as Registrar in November 2017. Both have performed that role in an exemplary fashion and I thank them. I would also like to thank each member of the Registry staff for the dedication, care and expertise when interacting with members of the public, parties, lawyers and Members.

My thanks also to Victoria Brady, Administrative Assistant to Deputy President Boland and myself, for her energy and good humour.

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

Magistrate Nancy Hennessy

Deputy President and Division Head
Administrative and Equal Opportunity Division

Consumer and Commercial Division

What the Division does

This Division resolves disputes in a broad range of contexts. These include disputes under the *Residential Tenancies Act 2010*, the *Fair Trading Act 1987*, the *Retail Leases Act 1994*, the *Agricultural Tenancies Act 1990*, the *Home Building Act 1989*, the *Strata Schemes Management Act 2015*, the *Retirement Villages Act 1999*, the *Residential (Land Lease) Communities Act 2013* and the *Holiday Parks (Long-term Casual Occupation) Act 2002*.

Workload

The number of new applications lodged in the Division in 2017-2018 was 53,722 (see table 4). The clearance ratio was 101.1%, which means that the

Division was able to keep up with the incoming number of applications and not build up a backlog. Less than 1% of the Division's decisions were appealed and at the end of the year, there were only 123 unresolved applications lodged more than twelve months ago. The great bulk of applications are resolved within weeks of lodgement.

The Division conducts hearings throughout NSW and in the 2017-2018 year heard proceedings in the locations set out in Table 5.

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

Table 4 – 2017-2018 Consumer and Commercial Division workload and performance

LIST	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Tenancy	29,432	29,819	101.3%
Social Housing	12,702	13,064	102.8%
General	4,632	4,683	101.1%
Home Building	2,870	2,864	99.8%
Residential Communities	397	336	84.6%
Strata and Community Schemes	87	96	110.3%
Strata Schemes*	1,192	1,044	87.6%
Motor Vehicle	1,504	1,463	97.3%
Commercial	850	867	102.0%
• <i>Dividing Fences</i>	427	412	96.5%
• <i>Retail Leases</i>	260	293	112.7%
• <i>Other</i>	163	162	99.4%
Retirement Village	56	57	101.8%
TOTAL	53,722	54,293	101.1%

* Strata Schemes List commenced 30 November 2016

Table 5 –Consumer and Commercial Division Hearing Venues 2017-2018

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

Table 6 –Consumer and Commercial Division workload by Registry 2017-2018

LIST	LIVERPOOL	NEWCASTLE	PENRITH	SYDNEY	TAMWORTH	WOLLONGONG	TOTAL
Commercial	73	109	117	386	85	80	850
General	559	606	823	1,944	255	445	4,632
Home Building	328	428	499	1,086	211	318	2,870
Motor Vehicles	309	195	317	441	123	119	1,504
Residential Communities	6	167	98	22	62	42	397
Retirement Villages	6	28	3	11	2	6	56
Social Housing	2,624	2,138	2,225	2,614	1,491	1,610	12,702
Strata and Community Schemes	11	17	5	43	7	4	87
Strata Schemes	71	95	76	849	49	52	1,192
Tenancy	5,668	4,943	5,633	8,349	2,267	2,572	29,432
GRAND TOTAL	9,655	8,726	9,796	15,745	4,552	5,248	53,722
%	18%	16%	18%	29%	8%	10%	100%

Members

During the year a number of new Members were appointed to the Consumer and Commercial Division or assigned to that Division from other Divisions of the Tribunal. There was also one retirement. The number of full-time and part-time Members hearing cases in the Division during the year was 86.

Approximately 21 Members of the Division sit on Appeal Panels.

Legislation

Changes to legislation affecting the work of the Division during the year included the introduction of the *Retail Leases Amendment (Review) Act 2017*.

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

Consultation with stakeholders

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

- End of Year Consultative Forum 21 November 2017
- Home Building Consultative Forum 15 May 2018
- Strata and Community Schemes Consultative Forum 22 May 2018
- Retirement Villages Consultative Forum 29 May 2018
- Tenancy, Social Housing and Aboriginal Consultative Forum 12 June 2018
- General, Commercial and Motor Vehicle Consultative Forum 19 June 2018.

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

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

- Compass Housing Services
- Council of Australian Tribunals Conference
- Legal Studies Association
- NSW Bar Association
- New South Wales Federation of Housing
- Owners Corporation Network
- University New South Wales
- Women Lawyers Association.

Significant decisions

Burns v Corbett & Johnson v Dibbin; Gatsby v Gatsby

In last year's annual report, reference was made to the Court of Appeal decision in *Burns v Corbett; Gaynor v Burns* [2017] NSWCA 3. That case held that a State Tribunal which is not "a court of a State" is unable to exercise judicial power to determine matters between residents of two States because the state law which purports to authorise the Tribunal to do so is inconsistent with the conditional investments by section 39(2) of the *Judiciary Act 1903 (Cth)* of all such jurisdiction in State courts, and is therefore rendered inoperative by section 109 of the Constitution. That case went on appeal to the High Court and the appeal was dismissed.

However, the issue is not finally resolved.

In *Johnson v Dibbin; Gatsby v Gatsby* [2018] NCATCATAP 45, the Appeal Panel (Wright J, Boland ADCJ and Dr J Renwick SC) held that NCAT is a court of a State. That case in turn is the subject of an appeal to the Court of Appeal and the decision of that court has been reserved.

The consequence is that since publication of the decision *Johnson v Dibbin; Gatsby v Gatsby* on 14 February 2018, the Tribunal has heard cases between individuals of two different States. If the Court of Appeal decides to uphold the appeal, then the Tribunal may no longer be able to hear such cases.

Other important decisions during the year were:

- *Abdel-Messih v Marshall* [2018] NSWSC 648 in which the Supreme Court held that the Appeal Panel was correct in finding that the Tribunal had a discretion under section 107 of the *Residential Tenancies Act 2010* to refuse, in appropriate circumstances, compensation for loss occasioned by a tenant departing from rented residential premises before the end of the fixed term agreement.

- *Coffs Harbour and District Local Aboriginal Land Council v Lynwood* [2017] NSWCA 317. This concerned a 90 day termination notice given by a landlord to a social housing tenant. The Court of Appeal held that the effect of section 85(3) of the *Residential Tenancies Act 2010* is that the Tribunal must, on application by a landlord, make a termination order if it is satisfied that a termination notice was given in accordance with the section (and the tenant has not vacated the premises), and further, that the Tribunal was not required, in such circumstances, to consider the matters in section 154E(1) of the *Residential Tenancies Act 2010*.

Conclusion

2017-2018 has been a very satisfactory year for the Consumer and Commercial Division. The facts and statistics referred to in this report suggest that the Division is resolving disputes justly, cheaply and quickly. I would like to thank all Members, particularly the Principal Members, for their diligence and professional commitment throughout the year. I also thank the Registry staff for their very important contributions to the work of the Division. They have been very ably led by Registrar Pauline Green whom I also thank.

Finally, I wish to acknowledge the significant leadership contribution of the inaugural President of NCAT, Justice Robertson Wright. By the time this report is published, he will have ceased to be President and it is therefore appropriate to acknowledge, and thank him for his leadership over the past five years in assisting in the establishment of NCAT and the preparation and publication of its Rules and Practice and Procedure Guidelines. In addition, the high standards he has set at the Appeal Panel level for decision writing has provided an excellent foundation for NCAT and has established its reputation.

Stuart Westgarth

Deputy President and Division Head
Consumer and Commercial Division

Guardianship Division

What the Division does

The Guardianship Division exercises the Tribunal's protective jurisdiction and promotes the rights of people living with decision-making disabilities. It facilitates substitute decision-making by considering and 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 an individual's autonomy and ability to make decisions about critical aspects of their life. Section 4 of the *Guardianship Act 1987*

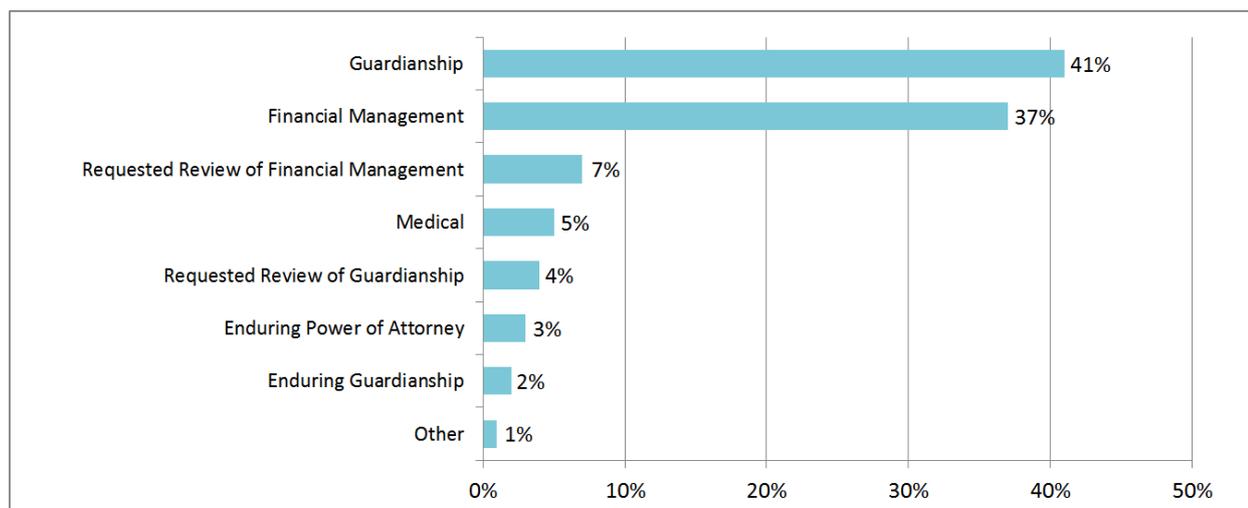
(NSW) ('the Guardianship Act') requires Members of the Division when exercising their powers under that Act to observe a number of principles, which include taking into account the views of people with a disability, restricting their freedom of decision-making and freedom of action as little as possible and protecting them from abuse, neglect and exploitation. At all times the welfare and interests of people with disabilities is the paramount consideration.

In 2017-2018, the Division continued to liaise with the NSW Law Reform Commission in its review of the Guardianship Act, considered the recommendations made by the Australian Law Reform Commission made in its report on Elder Abuse, and monitored the changes in the regulation of restrictive practices following the commencement of the NDIS Quality and Safeguards Commission.

Table 7 – 2017-2018 Guardianship Division workload and performance

APPLICATION TYPE	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Guardianship	3,229	3,312	102.6%
Requested Review of Guardianship	321	303	94.4%
Financial Management	2,897	3,003	103.7%
Requested Review of Financial Management	537	581	108.2%
Enduring Power of Attorney	235	239	101.7%
Enduring Guardianship	134	127	94.8%
Review/Revocation of an Enduring Power of Attorney	33	39	118.2%
Medical/Dental Consent	371	371	100.0%
Recognition of Interstate Appointment	61	77	126.2%
Clinical Trial	22	20	90.9%
Set Aside/Vary Decisions	1	1	100.0%
Statutory Reviews (falling due in the period)	2,462	2,428	98.6%
TOTAL	10,303	10,501	101.9%

Graph 1 –Guardianship Division applications received 2017-2018*



* Excludes Statutory Reviews falling due during the reporting period

On behalf of the Australian Guardianship and Administration Council, the Division has commenced a national project designed to develop best practice guidelines to assist tribunals and other bodies charged with making decisions about people with decision-making disabilities to encourage and support those people to meaningfully participate in hearings and the decision-making process.

Workload

After a decade of continuous growth, the number of applications made to the Guardianship Division has plateaued. This year the Division received just under 8,000 applications for substantive orders and conducted about 2,500 statutory reviews of guardianship and financial management orders.

Guardianship orders are time limited. The Guardianship Act requires that they be periodically reviewed by the Tribunal, generally every 12 months. While not time limited, financial management orders must be reviewed if determined by the Tribunal or on application.

As the above graph illustrates, applications for guardianship and financial management orders represent about 80% of the applications made to the Division.

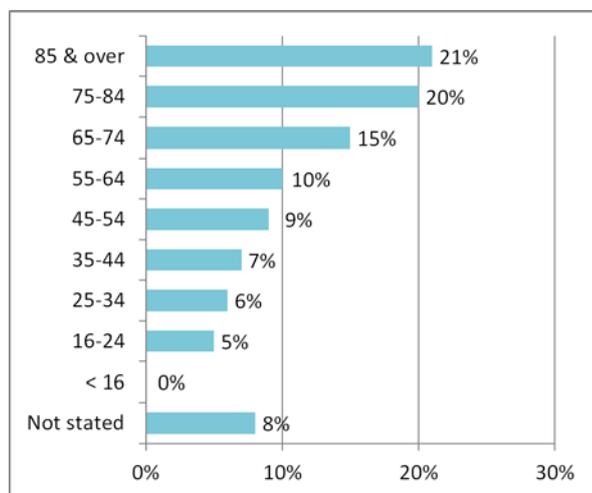
Reflecting the ageing of the Australian population, 66% of the applications finalised by the Division were in respect of people over the age of 55.

Consistent with a decade long trend, the majority of applications dealt with by the Tribunal were made in respect of people with a reported diagnosis of dementia.

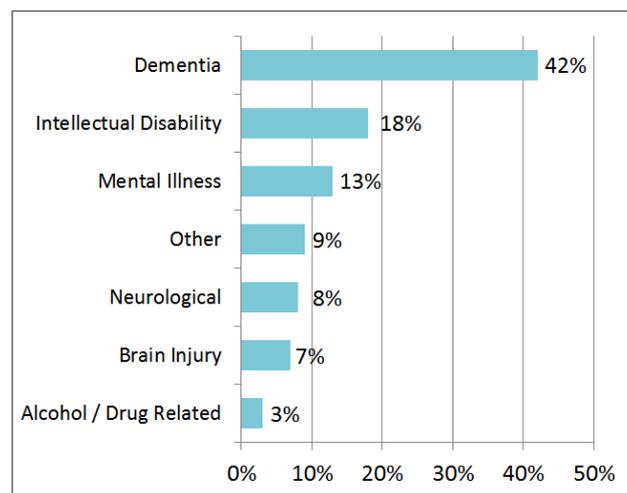
During 2017-2018 the Guardianship Division:

- received 3,229 applications for guardianship orders and finalised 3,312 applications. Of the appointments made 40.4% were private guardians, 57.7% the Public Guardian and 1.9% a joint appointment of a private and the Public Guardian
- received 2,897 applications for financial management orders and finalised 3,003 applications. Of the appointments made, 47.4% were private financial managers, 52.6% the NSW Trustee & Guardian
- granted 190 requests for legal representation and appointed 370 separate representatives meaning one or more parties were legally represented in 5.4% of applications
- arranged for the attendance at hearings of 1,166 interpreters in 60 languages.

Graph 2 –Age demographic of the people the subject of application 2017-2018



Graph 3 –Disability identified in applications 2017-2018



Case management

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

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

This year the Division assessed 201 applications as being Risk Category 1. Of these, 93% were determined within three days of receipt. Of the applications assessed as Risk Category 2 (moderate risk) 90% were determined within 20 days of being received. 79% of applications assessed as Risk Category 3 (no risk) were determined within 90 days.

In addition, applications are assessed on the basis of their legal and/or factual complexity. Most applications are determined at a single hearing. However, matters assessed to be complex are directed to a 'complex case' pathway in an effort to narrow the issues and to assist the Tribunal and the parties to identify the material likely to be relevant to determining those issues.

On 1 July 2017, a new software system, In Hearing Orders (IHO), was introduced in the Division, dramatically reducing the time taken for most parties to receive notice of decisions made by the Tribunal. Orders are now routinely emailed to parties at the conclusion of each hearing. This enables Tribunal appointed substitute makers to provide evidence of their appointment to third parties, such as health practitioners and care providers and to make and implement decisions on behalf of the subject person almost immediately after their appointment.

Accessibility

The Division is committed to maximising the participation of the subject person in proceedings. To facilitate this objective, hearings are conducted in accessible locations throughout regional NSW, metropolitan Sydney and the CBD. Of the hearings and other listing events conducted this year almost a quarter were conducted throughout regional NSW.

Extensive use is made of video-link technology and teleconferencing to maximise the participation of all parties. In addition, staff endeavour to contact the subject person to encourage them to attend the hearing and to provide their views about the application. Pleasingly, in 77% of all hearings, the

subject person participated, either in person or via video conference or telephone.

Members

In most cases, 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 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, social work and pharmacology. General (Community) Members have direct personal and/or professional experience with people with a decision-making disability.

The multi-member panel model has a number of advantages. First, it enables the Tribunal to draw on the collective knowledge, skill and experience of its Members. This assists the Tribunal to evaluate the available evidence and to discharge its statutory obligation to ensure that all relevant material is disclosed to the Tribunal (s 36(6)(a) of the *Civil and Administrative Tribunal Act 2013* (NSW)). Second, the Tribunal's ability to draw on its own expertise contributes significantly to the quality of its decisions. Third, in circumstances where the parties and or other participants are in conflict and the subject matter of the application is contentious, a three-member Tribunal enables the task of managing hearings to be shared.

In September 2017, following an open merit selection process, 19 Members were appointed or reappointed to the Tribunal and assigned to the Guardianship Division. In addition, four existing NCAT Members were assigned to the Division. I would like to acknowledge and thank members Jane Anderson and Alexandra Walker who resigned from the Division in 2017-2018. Congratulations to Jane Anderson who has taken up an appointment as Principal Member of the Veterans' Review Board.

Recognising the crucial role played by Members, the Division offers a first class professional development program. Together with legislative and case law updates, topics covered in this year's program include the use of alternative dispute resolution techniques in protective jurisdictions, the post-NDIA disability landscape, regulatory issues surrounding restrictive practices and the principles applying to the protective management of people and their property.

A range of excellent speakers contributed to the program, including the Hon Justice Geoff Lindsay, NSW Supreme Court, mediator Nina Harding, and leading disability and behaviour support practitioners.

Staff

In 2017-2018, the Division's skilled and committed staff answered over 48,000 telephone enquiries, in addition to responding to written enquiries. Staff provide a specialist enquiry service and give information to the subject person, their family and anyone with a genuine concern for their welfare, about the Division's procedures and the type of information likely to be required to support 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 to make their own decisions by their family and friends.

A focus of the Division's enquiry service is assisting the subject person to understand the Tribunal's role and its procedures. Staff encourage the participation of the subject person by exploring with them, their families and friends options to facilitate their participation 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 them to make decisions

and the type of decisions that are likely to be required to be made in the foreseeable future.

Staff participate in learning and development programs conducted by the Division, Department of Justice, and the NCAT Principal Registry. Staff are given extensive training to enable them to communicate effectively with people with decision-making disabilities. The training emphasises the primacy of the subject person in the work of the Division. Developments in the health and disability sectors and changes to practice and procedure are also covered. Disability-focused induction training is given to all new staff.

Staff regularly rotate to other roles to ensure that they have a comprehensive understanding of all aspects of the Division's processes and to develop their skills and expertise.

Stakeholder engagement

The NCAT Guardianship Division Consultative Forum meets at least twice a year. Members of the forum include representatives from disability rights groups, such as Alzheimer's Australia NSW, the NSW Council for Intellectual and People with Disabilities, service providers such as the Benevolent Society, National Disability Services 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.

In addition, the Division is represented on the Australian Guardianship and Administration Council, the NSW Law Society Elder Law and Succession Committee, the NSW Law Society Elder Abuse Working Group and NSW Health's End of Life Implementation Advisory Committee.

The Division is regularly invited to speak to disability groups and service providers.

Looking ahead

The NSW Law Reform Commission's review into the Guardianship Act will be released in the next reporting period. The review is likely to recommend significant changes to the jurisdiction administered by the Division.

I take this opportunity to thank the President of NCAT, the Hon Justice Robertson Wright, for his leadership of the Tribunal as well as his demonstrated support and commitment to the work of the Division throughout the period of his presidency. I express my gratitude to Principal Members, Christine Fougere and Anne Britton for their ongoing tireless support and good humour. I also thank Cathy Szczygielski, Executive Director and Principal Registrar NCAT, and Rebecca Clifton, Divisional Deputy Registrar.

Joining the Division this year is Director and Registrar Jane Pritchard who quickly demonstrated an ability to manage a high volume jurisdiction with an appreciation of the needs of people with decision-making disabilities and a capacity to work productively and collaboratively with members and staff.

Finally, I wish to acknowledge the dedication and expertise of the Members and staff and thank them for their ongoing commitment to the work of the Division. At a time when there are many calls on the limited resources of the Tribunal, administering a jurisdiction which at its core is designed to serve the most vulnerable within our community brings many challenges. It is the collective expertise and professionalism of the people that make up the Division which, irrespective of the challenges, allows us to look forward to the next period with confidence and enthusiasm.

Malcolm Schyvens

Deputy President and Division Head
Guardianship Division

Occupational Division

What the Division does

As in previous years, the Occupational Division continues to deal with a much smaller numerical caseload than the other three Divisions of the Tribunal. However, the year 2017-2018 saw a 10.5% increase in lodgements in the Division. The predominant applications in the Division are professional disciplinary proceedings with the majority of the hearings conducted in Sydney.

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

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

The Occupational Division of NCAT hears and determines two broad categories of matters: professional discipline of professionals and administrative review of decisions relating to specified occupations. It principally deals with professional disciplinary matters brought by

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

Members

The Division's membership includes Judges, Principal and Senior Members, Professional Members who are appointed as Occasional Members of the Tribunal for a particular matter because of their professional expertise, and General and Lay Members. The Members are highly qualified and experienced. The Professional Members' expertise is recognised by appellate courts as a significant feature of the Tribunal's decision-making capacity (*Qasim v Health Care Complaints Commission* [2015] NSWCA 282).

In legal services matters the Tribunal constituted by a three Member panel comprising a senior judicial officer, or a Legal Member (barrister or solicitor depending on the discipline of the practitioner), another Legal Member and a General Member. Composition of the panel to hear other professional disciplinary matters is fixed by the governing

Table 8 – 2017-2018 Occupational Division workload and performance

LIST	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Health Practitioner	115	97	84.3%
Legal Practitioner and Other Professionals	43	35	81.4%
Administrative Review	116	119	102.6%
TOTAL*	274	251	91.6%

legislation, but in all cases includes a professional from the appropriate discipline.

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

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

A number of Member's terms will expire in July 2018, principally Members appointed in 2016 after an open recruitment process. Those appointees were Members with suitable qualifications and experience to sit on matters principally in the Legal Services List. The calibre of applicants was extremely high, and 12 new appointments were made by the Attorney General. Recommendations have been made to the Attorney General for reappointment of suitable Members.

During 2017-2018 professional development programs were held to enhance Members' skills and to keep up to date with legislative changes including a half day seminar conducted jointly with the Administrative and Equal Opportunity Division. Division Members also attended the biennial NCAT Member Conference. At this conference, the Division was honoured to a dynamic presentation by the Hon Dr Annabelle Bennett AO SC on expert evidence. The Divisions were also fortunate to have an external presentation by his Honour Judge Paul Lakatos SC in March 2018 on Fact Finding.

In November 2017 in my capacity as Division Head, I was invited to address a function hosted by the Medical Council of NSW on quality decision-making under the Health Practitioner Regulation National Law.

In June 2018 I participated in the annual meeting of the Chairs of Health Profession Disciplinary Tribunals meeting. These annual meetings are designed to share knowledge and work to uniformity of decision making in health professional disciplinary matters across Australia.

An induction session for newly appointed Members of the various health profession councils was conducted in August 2017.

Staff

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

The Division was fortunate to have Ms Louise Clegg appointed as the Divisional Registrar when Ms Jane Pritchard took up her role as Divisional Registrar of the Guardianship Division of the Tribunal. I am indebted to Ms Clegg for the valuable support and assistance she has provided to me. I also take this opportunity to mention the valuable role played by Ms Christine Skinner. Prior to the appointment of the Registrar, Ms Skinner competently filled that role. I also acknowledge the work of all the able staff of the Registry without whom the Division

could not function. During this financial year Deputy President Hennessy and I have again been fortunate to have had the assistance of Victoria Brady as our Administrative Assistant. She has been invaluable in providing day to day support to each of us and the Members.

Venues for hearings and case conferences

The majority of matters lodged in the Division have been heard in the hearing rooms on Level 10 John Maddison Tower (JMT), 86-90 Goulburn Street or the larger hearing room on Level 9 JMT. The latter hearing room provides better facilities for larger panels of four persons sitting in health matters particularly where there is a significant amount of documentary material. However, the absence of conference room facilities for parties is less than ideal.

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

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

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

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

Appellate review

No appeal lies to the Appeal Panel of NCAT in respect of the professional disciplinary matters heard

in the Division. An appeal from a decision of the Division is, in the case of medical or legal practitioners, to the NSW Court of Appeal, and in other matters, generally to a single judge of the Supreme Court of NSW or the Land and Environment Court.

Five of the decisions of the Division were subject of appeals to the NSW Court of Appeal and the Supreme Court. The Court of Appeal dismissed appeals in *Chen v Health Care Complaints Commission* [2017] NSWCA 186, *Sullivan v Council of the Law Society of NSW* [2017] NSWCA 244 and *Konstantinidis v Council of the Law Society of NSW* [2018] NSWCA 59 and upheld an appeal in *Medical Council of NSW v Lee* [2017] NSWCA 282. The Supreme Court upheld appeals in *Health Care Complaints Commission v CSM* [2018] NSWSC 902 and *Liu v Health Care Complaints Commission* [2018] NSWSC 315.

Consultation with stakeholders

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

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

Projects and developments

The Division Head and the Registrar participate in stakeholder consultations and the Tribunal's consultative forums that are held bi-annually. Members of the Division participate in the Tribunal's Practice and Procedure Committee, the Professional Development Committee and the Accessibility Committee.

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

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

Acting Judge Jennifer Boland AM

Deputy President and Division Head
Occupational Division

Appeal Panel

What the Appeal Panel does

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

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

Workload

The Appeal Panel received 545 appeals for the year ending 30 June 2018. In the previous year the total appeals received were 518. Appeals were received from decisions in all Divisions, the largest number being received from the Commercial and Consumer Division.

Each of the Divisions manages the work by lists or order types. Table 10 on the following page is a breakdown of the appeals by list or order type.

The Appeal Panel has a performance target to finalise 80% of all appeals within nine months from the date they are lodged. To achieve this goal, the Appeal Panel seeks to list all new appeals for

callover within two weeks from when they are filed, 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 parties. A final hearing date is allocated at the callover. Parties can usually expect a hearing date two to three months after the callover, with urgent appeals being dealt with more quickly.

For the 2017-2018 year, 93% of matters were finalised within nine months from when they were lodged, with more than 82% being finalised within six months from the date of filing.

Consistent with section 37 of the Act where appropriate the Appeal Panel promotes the use of alternative resolution processes for the resolution of appeals. This includes conciliation at a callover or mediation prior to the hearing of the appeal. Where appropriate appeals can be referred to the Community Justice Centres for mediation and this has proved an effective means of resolving more difficult matters. More than 27% of all appeals are resolved at or prior to the first callover hearing.

Table 9 – 2017-2018 Appeal Panel workload and performance

DIVISION	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative and Equal Opportunity Division	41	37	90.2%
Occupational Division	1	0	0.0%
Consumer and Commercial Division	473	476	100.6%
Guardianship Division	30	32	106.7%
TOTAL*	545	545	100.0%

Table 10 – 2017-2018 Appeals finalised by Division list/order type

LIST / ORDER TYPE	2017-2018
Administrative and Equal Opportunity	
• Administrative review	31
• Community services	0
• Equal opportunity	3
• Revenue	3
Occupational	
• Administrative review	0
• Health practitioner	0
• Legal practitioner and other	0
Consumer and Commercial	
• Tenancy	150
• Social housing	47
• General	70
• Home building	112
• Residential parks	0
• Residential communities	7
• Strata and community schemes	8
• Strata schemes	14
• Motor vehicles	37
• Commercial	29
• Retirement villages	2
Guardianship	
• Initial order	23
• Review of order	9
TOTAL	545

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

Orders and reasons for decisions of the Appeal Panel may be given on the day of the appeal. Otherwise, decisions are reserved. 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 well before this time.

Table 11 – 2017-2018 Final orders made by the Appeal Panel

FINAL ORDERS MADE	2017-2018	%
Allowed	134	24.6%
Dismissal	290	53.2%
Withdrawal	107	19.6%
Other	14	2.6%
TOTAL	545	100.0%

Table 12 – 2017-2018 Appeals/applications to Supreme Court from Appeal Panel decisions

APPEAL RESULT	2017-2018	%
Allowed	2	15.4%
Dismissal	11	84.6%
TOTAL	13	100.0%

The clearance ratio for appeals, that is matters finalised expressed as a percentage of new appeals lodged, was 100% for the 2017-2018 year. Table 11 provides a summary of the 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 Court of Appeal or the Supreme Court depending on whether the Appeal Panel was constituted by a Judicial Officer or not. Table 12 sets out the number of appeals and applications finalised by the Supreme Court for the period 2017-2018 and the result of those appeals.

Members and staff

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

Members of the Appeal Panel comprise the President, Deputy President Appeals, the Deputy Presidents of the Divisions, the Principal Member Appeals and Principal Members and Senior Members assigned by the President to the Appeal Panel. These

appointments are based on experience of the Members in the particular areas of work the subject of the appeals and their experience in appellate jurisdictions.

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

The Registry for the Appeal Panel is part of the Registry located on Level 10 John Maddison Tower in Sydney. The staff of the Administrative and Equal Opportunity Division and Occupational Division also provide the administrative support for the Appeal Panel.

Training

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

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

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

Bulletins are published by the President updating Members on important decisions both within the Tribunal and decisions of various courts.

Training is also provided directly to Appeal Panel Members through evening seminars and more formal training days.

Looking ahead

A guiding principle of Tribunal is the 'just, quick and cheap resolution of the real issues in dispute'.

Efficient finalisation of appeals requires well organised systems and processes which are accessible and understandable to the parties who are often self-represented and confronted with dealing with complex legal issues. Ensuring the just resolution of disputes requires flexibility in these systems and processes to ensure all parties have a reasonable opportunity to be heard.

These goals are achieved through the dedication of Registry staff and Members who manage and hear appeals.

Challenges in meeting these goals include co-ordinating multi-member Appeal Panels, often constituted by part-time Members, so as to ensure availability of Members to hear appeals and publish orders and reasons for decision on a timely basis.

Mrs JoAnna McDermott, the Associate to the President, has been tireless in her role of communicating with Members and arranging Members to be available to hear appeals. I can only extend my deep appreciation for her help, good humour and efficiency in arranging availability.

On the issue of case management, the Tribunal is working on providing 'on-line' order making facilities available to Members. This will allow orders to be immediately published to parties following directions hearings and avoid the need for Registry to prepare orders subsequent to hearings. Focus remains on high quality decisions and ensuring the work of the Appeal Panel promotes improved decision-making and writing throughout the Tribunal.

As I said last year, thanks should be given to the Members of the Appeal Panel who have made themselves available to hear and determine appeals this year. Appeal Panel Members continue to produce high quality work, reflected in the low rate of appeals or challenges in the courts. In doing so, they show patience in their dealings with the parties and their representatives. This year particular attention has been given by them to publishing

reasons as soon as possible after the appeal has been heard and avoiding any delays.

Thanks should also be given to Registry staff who have continued to provide excellent support.

I also wish to thank Mr Justin Pen and Ms Madeleine Maslin each of whom has been Tipstaff to the President. Each has provided updates to Members by way of Bulletins and other information about decisions of the Tribunal and the courts. They have also provided assistance to me in dealing with appeals.

Finally, I should record my thanks to the President, the Hon Justice Robertson Wright, who has supported me and the initiatives of the Appeal Panel as we have continued to improve all aspects of our work in hearing appeals.

Mark Harrowell
Principal Member
Appeal Panel

Appendices

- 1 Legislation**
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- 4 NCAT Member Code of Conduct**
- 5 NCAT Expenditure Report**
- 6 NCAT Strategic Plan 2014-2018**
- 7 Resolution Processes**
- 8 Fees and charges as at 30 June 2018**
- 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 2018.

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
- Apprenticeship and Traineeship Act 2001
- 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 2009
- Cemeteries and Crematoria Act 2013
- 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 (Detention Centres) Act 1987
- Children (Education and Care Services) National Law (NSW)
- Children (Education and Care Services) Supplementary Provisions Act 2011
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- Coal Industry Act 2001
- Combat Sports Act 2013
- Commons Management Act 1989
- Community Housing Providers National Law (NSW)
- Community Services (Complaints, Reviews and Monitoring) Act 1993
- Cooperatives (Adoption of National Law) Act 2012
- Co-operative Housing and Starr-Bowkett Societies Act 1998
- Criminal Records Act 1991
- Crown Lands Management Act 2016
- Disability Inclusion Act 2014
- Dormant Funds Act 1942
- Drug and Alcohol Treatment Act 2007
- Education Act 1990
- Electricity (Consumer Safety) Act 2004
- Electricity Supply Act 1995

- Electoral Act 2017
- Exhibited Animals Protection Act 1986
- Explosives Act 2003
- Firearms Act 1996
- First Home Owner Grant (New Homes) 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 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
- Home Building Act 1989
- Hunter Water Act 1991
- Impounding Act 1993
- Licensing and Registration (Uniform Procedures) Act 2002
- Liquor Act 2007
- Local Land Services Act 2013
- Lotteries and Art Unions Act 1901
- Marine Pollution Act 2012
- Marine Safety Act 1998
- Motor Accidents Compensation Act 1999
- Motor Accident Injuries Act 2017
- Motor Vehicle Sports (Public Safety) Act 1985
- Mount Panorama Motor Racing Act 1989
- Native Title (New South Wales) Act 1994
- 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
- Personal Property Securities (Commonwealth Powers) Act 2009
- Pesticides Act 1999
- Photo Card Act 2005
- Point to Point Transport (Taxi and Hire Vehicles) Act 2016
- 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
- Rail Safety National Law (NSW)
- Regional Relocation Grants (Skills Incentive) Act 2011
- Registered Clubs Act 1976
- Relationships Register Act 2010
- Retail Trading Act 2008
- Rice Marketing Act 1983
- Small Business Grants (Employment Incentive) Act 2015
- Sydney Water Act 1994
- Tattoo Parlours Act 2012
- Taxation Administration Act 1996
- Teacher Accreditation Act 2004
- Thoroughbred Racing Act 1996
- Victims' Rights and Support Act 2013
- Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016
- Water Act 1912
- Water Industry Competition Amendment (Review) Act 2014
- Water NSW Act 2014
- Weapons Prohibition Act 1998
- Weapons Prohibition Act 1998
- Work Health and Safety Regulation 2017
- Workplace Injury Management and Workers Compensation Act 1998

Consumer and Commercial Division

- Agricultural Tenancies Act 1990
- Australian Consumer Law (NSW)

- Boarding Houses Act 2012
- Community Land Development Act 1989
- Community Land Management Act 1989
- Contracts Review Act 1980
- Conveyancers Licensing Act 2003 (but only in relation to Division 3 of Part 4 of that Act)
- Credit (Commonwealth Powers) Act 2010
- Dividing Fences Act 1991
- Fair Trading Act 1987
- Holiday Parks (Long-term Casual Occupation) Act 2002
- Home Building Act 1989
- Motor Dealers and Repairers Act 2013
- Pawnbrokers and Second-hand Dealers Act 1996
- Property, Stock and Business Agents Act 2002
- Residential (Land Lease) Communities Act 2013
- Residential Tenancies Act 2010
- Retail Leases Act 1994
- Retirement Villages Act 1999
- Strata Schemes Management Act 1996
- Strata Schemes Management Act 2015
- Strata Schemes Development Act 2015
- Sydney Water Act 1994 (Section 58)

Guardianship Division

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

Occupational Division

- Aboriginal Land Rights Act 1983
- Architects Act 2003
- Building Professionals Act 2005
- Commercial Agents and Private Inquiry Agents Act 2004
- Conveyancers Licensing Act 2003
- Fair Trading Act 1987
- Health Care Complaints Act 1993
- Health Practitioner Regulation National Law (NSW)
- Home Building Act 1989
- Legal Profession Uniform Law (NSW)
- Licensing and Regulation (Uniform Procedures) Act 2002
- Local Government Act 1993
- Motor Dealers and Repairers Act 2013
- Motor Vehicles 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
- Two Truck Industry Act 1998
- Veterinary Practice Act 2003
- Wool, Hide and Skin Dealers Act 2004

Appendix 2

Major Legislative Change 2017-2018

Apprenticeship and Traineeship Amendment Act 2017

Assented to on 20 September 2017 amends the *Apprenticeship and Traineeship Act 2001*. The amendments abolished the Vocational Training Review Panel and moved its powers to the Commissioner for Vocational Training. Appeals against the commissioner's decisions under the Act will continue to be made to the NCAT and will follow the administrative review requirements of the *Administrative Decisions Review Act 1997*.

Biosecurity Act 2015

Assented to on 22 September 2015, the *Biosecurity Act 2015* commenced on 1 July 2017. The Act repealed four statutes conferring administrative review jurisdiction on NCAT; *Apiaries Act 1985*, *Deer Act 2006*, *Noxious Weeds Act 1993* and the *Plant Diseases Act 1924*. Under the new legislation, a person aggrieved by a decision of the Secretary of the NSW Department of Industry may appeal to the NSW Land and Environment Court.

Building Products (Safety) Act 2017

The *Building Products (Safety) Act 2017* commenced on 18 December 2017. It introduces new laws to prevent the use of unsafe building products in building and construction, by identifying, restricting and rectifying building products which pose a safety risk in buildings. The Act confers administrative review jurisdiction on NCAT.

Child Protection (Working with Children) Amendment (Statutory Review) Act 2018

Assented to on 18 April 2018 and amends the *Child Protection (Working with Children) Act 2012* and make further provision for the powers of the Civil and Administrative Tribunal when carrying out reviews under the Act.

Crown Land Management Act 2016

Assented to on 14 November 2016 and to commence on 1 July 2018. The *Crown Land Management Act 2016* makes provisions for the ownership, use and management of the Crown Lands in NSW and repeals five 'lands legislation' conferring administrative review jurisdiction on NCAT and a further 7 statutes also repealed or no longer in force. The five statutes impacting NCAT are:

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

Crown Land Management Regulation 2018

Commenced 19 March 2018 and provide clarity for Crown land managers, tenure holders, and users of Crown land, and information about how parts of the Act are to be implemented.

Retail Leases Amendment (Review) Act 2017

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

Strata Schemes Management Act 2015

The majority of the new strata laws commenced on 30 November 2016, with 2 exceptions: Section 118 of the Act about window locks and Part 11 (building bonds).

From 13 March 2018, NCAT's Consumer and Commercial Division can make orders about window safety devices, including any functions under section 118 of the *Strata Schemes Management Act* such as installation and repairs.

The building defect bond scheme (Part 11 of the *Strata Schemes Management Act 2015*) began on 1 January 2018. It applies to building contracts executed from this date – or where there is no written contract – building work that commences from this date, to construct residential or partially-residential strata properties that are four or more storeys.

Buildings that are three storeys or under are covered under the Home Building Compensation Fund.

This scheme includes a building bond by the developer and mandatory defect inspections and reports on the development by an independent building inspector. It provides a structured, proactive process that resolves building issues quickly and cost effectively, early in the life of the building.

Developers must arrange for and lodge a building bond with NSW Fair Trading equal to 2% of the contract price for the building work. The building bond must be lodged before the occupation certificate is issued. The building bond secures funds (up to the amount of the bond) to be used to pay for any defective building work that's identified in a final inspection report.

Appendix 3

Tribunal Members at 30 June 2018

President

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

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

Deputy Presidents and Division Heads

The Hon Acting Judge Jennifer Boland AM

DipLaw LLM (Syd)

Deputy President and Division Head (Occupational Division)

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

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

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

Magistrate Nancy Hennessy

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

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

Prior to her appointment to NCAT, Magistrate Hennessy was the Deputy President of the former Administrative Decisions Tribunal and President of the former Community Services Appeals

Tribunal. Her areas of expertise include administrative law, human rights and protective jurisdictions involving children and people with disabilities.

Mr Malcolm Schyvens

Deputy President and Division Head (Guardianship Division)

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

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

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

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

Mr Stuart Westgarth BA LLB

Deputy President and Division Head (Consumer and Commercial Division)

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

Members

Alamali, Nada BAEd LLB MA (TESOL)

General Member. Since 2013, Children's Registrar, NSW Department of Justice; 2009-2012, Forum Facilitator (sessional), NSW Department of Justice. 2008-2013, Senior Family Dispute Resolution Practitioner, Bankstown Family Relationship Centre; 2007-2008, Family Dispute Resolution Practitioner, Fairfield Family Relationship Centre; 2001-2007 Principal Solicitor, Nada Alamali Solicitors; 1994-2001, solicitor at various firms; 1985-1986 English Teacher, Westfield High School.

Alder, Julia BA (Syd) DipLaw GradCertJourn (UTS)

General Member. 1996-2015, a litigation solicitor at various Sydney firms, including Corrs Chambers Westgarth. 2005-2012, writer for publications including the Law Society Journal, Workplace Review and SafetyCulture. Currently, Parish Administrator, St Michael's Anglican Church, Vaucluse.

Alexander, Peter

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

Anderson, Mark BA LLB

Senior Member. Admitted as a solicitor in 1986 and as a Barrister in 1990. Currently a Barrister at the private Bar based in Sydney and part-time Senior Member of NCAT since 2014.

Anthony, Lyn BAM Appl Psych MAPS

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 Member to NCAT's Guardianship Division in 2016.

Ash, David BA LLM

General Member. Admitted as a Barrister in 1998. Currently Barrister and nationally accredited mediator. From 1991-1995, an Editor with HarperCollins Publishers and Law Book Co; 1996-1998, Research Officer with the Judicial Commission of NSW; 2006-2010, Council Member of the NSW Bar Association, NSW.

Bailey AM SC FRSN, Ian BArch DipLaw (BAB)

Senior Member. A practising architect from 1970 to 1980; admitted to the Bar 1983 and appointed Senior Counsel 2004. Practiced in all States and Territories as counsel in construction disputes. Arbitrator, Mediator, Construction Lawyer and University Lecturer. Co-Director of Studies of Construction Law Masters University of Melbourne 2000-2014, Professorial Fellow Melbourne Law School since 2004.

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

Senior Member. Admitted to the Bar 1988 and as solicitor in 1989. Nationally accredited mediator; Arbitrator; Director Exploresolutions Pty Ltd; Senior Member VRB. Senior Member of Guardianship and Consumer and Commercial Divisions; From 2014 to 2015, Facilitator, Defence Abuse Response Taskforce; 2017, Judge at the International Chamber of Commerce Mediation Competition (Paris).

Barnes, Susan BA(Hons1) PhD Anthropology

General Member. Research interest in violence and abuse. Now retired. From 2005 to 2010, Disability Advocate, and 2010 to 2016, NSW Manager Disability Advocacy at People with Disability Australia (PWDA); 2015-2018, Community Member of NCAT in the Guardianship Division.

Barnetson, Diane BA BLegStud MIR

General Member. Since 1982 has worked in the Consumer Claims Tribunal and its subsequent Tribunals. She has also worked as an Industrial Advocate, as a Member Mental Health Review Tribunal, Social Security Appeals Tribunal, Migration Review Tribunal, Refugee Review Tribunal and as a conciliator at Human Rights and Equal Opportunity Commission. Has taught legal studies at TAFE and Wollongong University.

Bartley, Glynis LLB BSW GradCertLegP

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.

Bassett, Graham BA DipEd MInfoTech LLB(Hons)

General Member. Admitted as a Barrister in 2002. Currently at Clarence Chambers. From 2007-2014, Member, Consumer Trader and Tenancy Tribunal. Reappointed to NCAT in October 2017.

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, board member, Aftercare; Since 2005, Member, Mental Health Review Tribunal; 2001-2014, Professional Member, Guardianship Tribunal.

Beckett, Angela BA(Hons) MCLinPsych Dip Child Psychiatry BLegS(Hons) DipLegPrac

Senior Member. Admitted as a solicitor in 2003. Clinical psychologist 1986. Member Administrative Appeals Tribunal.

From 1996-2000, solicitor Freehill Hollingdale & Page and Kingsford Community Legal Centre; 1983-1992, service manager Adult Developmental Disabilities Service, Illawarra. Former Member, Mental Health Review Tribunal, Social Security Appeals Tribunal, the Guardianship Tribunal and the Consumer Trader and Tenancy Tribunal NSW. Former Board member Illawarra Disability Trust, Greenacres Association, Illawarra Housing Trust.

Bell SC, Adam FCI Arb BA(Hons) LLB(Hons) BAppSc AssocDegAppSc
Senior Member. Barrister in private practice.

Berry, Dr Alexis BSc(Hons) MBBS FAFRM
Senior Member. Admitted as a Fellow of the Australasian Faculty of Rehabilitation Medicine a faculty of the Royal Australasian College of Physicians in 2012. Currently a Staff Specialist in Rehabilitation Medicine in the Disability Assessment and Rehabilitation Team. From 2017, a professional Member of NCAT's Guardianship Division.

Blaxland, Wendy BSW
Senior Member. Qualified as Social Worker in 1979. Currently Senior Social Worker, Western Sydney LHD ACAT, Domiciliary Care Service, Westmead Hospital. Inaugural Hon Secretary ADARDS (later called 'Alzheimer Association' then 'Dementia Australia'); 1994-2003, Court Visitor for Office of the Protective Commission (now Trustee and Guardian); Extensive experience in hospital and community settings, working with people living with dementia and other neurocognitive disorders, their families and carers.

Bliim, Steven DipLaw SAB
General Member. First admitted as a solicitor in 1984. Returning to NSW Bar from July 2018. Most recently three years as Principal Solicitor of a Community Legal Centre. 2012-2014, Solicitor General of the Republic of Nauru. Twenty years at the Bar and 13 years as a solicitor.

Bluth, Dennis LLB LLM BA (Syd)
Senior Member. Admitted as a solicitor in 1977. Partner HWL Ebsworth. Former Chair General Practice Section, Law Council of Australia.

Bolt, Mary Elizabeth 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. Since 2014, 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 Helen BA MPsyCh LLB(Hons) EMPA(Merit) DipEd DipLegPrac
Senior Member. Admitted as a solicitor in NSW in 1999. Currently, Legal Member, Mental Health Review Tribunal; Appointed to the State Parole Authority 2015. 2014-2015, part-time Law Reform Commissioner.

Boxall, Andrew BA LLB (Syd) DSU (Paris) MA (UNSW)
Senior Member. Solicitor (NSW 1977, England & Wales 1982, WA 1987, Victoria 1989, Hong Kong 1989). Consultant, Allens Linklaters. Member, Superannuation Complaints Tribunal. From 1986-2016, Partner, Allens Linklaters; Since 1995, Director, Waratah Receivables Group; 2004-2013, Director, UnitingCare Ageing, Western Region; 1996-2004, Director Transparency International; Since 2005, Trustee, AMF Australia Foundation.

Boyce, Philip DipLaw (SAB) LLM
Senior Member. Admitted as a Solicitor 1977. 1982-1997 Partner, Haille Paine, Solicitors, Bowral and Moss Vale; 1997-2016, Principal, Philip Boyce & Associates, Bowral Full time Senior Member appointed to Consumer and Commercial Division, Administrative and Equal Opportunity Division and Appeal Panel since 2014. 2006-2013, Senior Chairperson, Local Land Boards of NSW. 2003-2006, Judicial Member, Administrative Decisions Tribunal of NSW. 2006, Solicitor for Registrar General, Acting General Legal Counsel and Head of Legal Division, NSW Department of Lands.

Boyce, Stuart Anthony 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.

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. From 1980 to present; Member of each NSW Tribunal having jurisdiction for resolution of building disputes to current membership of NCAT.

Britton, Anne BA LLB
Principal Member. Admitted as a lawyer in 1989. Currently, Principal Member of NCAT, Chair of Council of Australasian Tribunals (National) and Member of the Judicial Council on Cultural Diversity. 2009-2014 Senior Member, Administrative Appeals Tribunal; Deputy President (2006 - 2009) and Judicial

Member of the NSW Administrative Decisions Tribunal (1999-2006); 2006, Board Member of the NSW Legal Aid Commission.

Brophy, Moira DipLaw GradDipLegPrac

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

Burke, Mary Ellen MA (Special Education) (Macq) MPsychol (UNSW)

Senior Member. Registered Clinical Psychologist. Currently, an independent consultant in Disability Services. From 1995, Professional Member of the NSW Guardianship Tribunal. Primary focus is the positive and effective management of complex challenging behaviour.

Burns, Susan BA LLB

Senior Member. Admitted as a solicitor in 1980, accredited mediator since December 2015. Presiding legal member in the Guardianship Division NCAT since 2012. Previously in private legal practice until 2012. Former part time lecturer at College of Law 1989-1993.

Burton SC, Gregory BA(Hons) LLB(Hons) (Syd) BCL (Oxon) FCIArb FRI

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

Butler, Rex

General Member. Qualified in law, commercial dispute resolution, mediation and criminology. Previously a Member of the Consumer, Trader and Tenancy Tribunal and other similar Tribunals for 27 years.

Callaghan SC, Peter Raymond LLM (Syd)

Principal Member. Took Silk in 1994. Practices principally in construction law and general commercial law. Sat as an Acting District Court Judge and regularly adjudicates as an arbitrator or Court referee, and mediates, particularly in construction industry cases. Formerly a Naval Judge Advocate, Deputy President of NSW Administrative Decisions Tribunal and Chairman of NSW Chapter of Institute of Arbitrators and Mediators Australia 2003-2011.

Campbell, Cathy 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) MANCVS (Animal Welfare)

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. Masters degree in International Animal Welfare Ethics and Law. President of the Animal Welfare Chapter of the ANZCVS, President of AVAWE, (the Welfare and Ethics Special Interest Group of the 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 NSW GWIC Animal Welfare Committee.

Charles, David BA LLM

Senior Member. Admitted as a solicitor in 1981. Admitted as a barrister in 1991.

Cho, Esther BA LLB MHL

Senior Member. Admitted as a solicitor in 1987. From 2002-2011 Legal Officer, NSW Guardianship Tribunal; 2011-2016 Deputy Registrar, Guardianship Tribunal and NCAT Guardianship Division.

Churchill, Dr Robert

General Member. Rural Veterinary Practitioner in NSW for over 40 years, and as Practice Principal for over 35 years. Experience in the health and welfare of animals of many species including dogs, cats, sheep, cattle, horses and alpaca. Continuing involvement in the training of undergraduate veterinary students from several universities.

Claridge, Julie BA LLM

Senior Member. Admitted as a solicitor in 1988. 1990-2004 Special Counsel, Minter Ellison. Extensive experience in the community sector with particular interest in people with mental illness, intellectual disability or who are homeless.

Clark, Katrina BSc LLB

General Member. Admitted as a solicitor in 1985. Currently a Member of the Guardianship Division and Consumer and Commercial Division of NCAT. General Counsel of Accenture (ANZ) 1994-2003. From 2008-2011, Board Member Carers NSW;

2002-2012 Board Member of the Association with Children with Disability NSW, serving as President 2007-2008.

Coleman SC, Andrew Philip

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

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 of NCAT, a Presiding Legal Member of the Mental Health Review Tribunal and a Mediator with the Workers Compensation 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.

Cootes, 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.

Cowdroy OAM QC, The Hon Acting Judge Dennis Antill LLB (Syd) LLM (KCL) Dip Air and Space Law (Lond)

Principal Member. Called to the Bar in 1971. Currently, Chair of the Australian Electoral Commission; Deputy President, Administrative Appeals Tribunal; Reporting Officer s 154

Australian Defence Force. From 1971-1997, practising barrister; 1998-2006, Judge of the Land and Environment Court; 2006-2014 Judge of the Federal Court of Australia; 2013-2017 Judge Advocate to the Australian Defence Force.

Craig QC, The Hon Acting Judge Malcolm LLB

Principal Member. Admitted to the Bar in 1977. Appointed Queen's Counsel in 1989. Completed the CIArb course in international arbitration and included in the list of BARADR Arbitrators in 2017. Currently serving as an Acting Judge of the District Court. From 2010-2016, served as a Judge of the NSW Land and Environment Court; 1992-1995, served as a Commissioner (part time) of the NSW Law Reform Commission.

Crawford, Dr Julia Rosemary

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

Creasey AM, Dr Helen

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

Crowley, Debbie

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

Currie, John Sydney BA LLB (Syd) LLM (Lond)

Senior Member. Admitted as a solicitor NSW in 1975; subsequently in other states, England and Wales. From 1990-1993 Member of Council, Law Society of NSW; 1988-2013 Partner, Head of Practice at two major Sydney law firms; 2001-2013 Adjunct Professor of Law, University of Sydney; Since 1995 Deputy Chairman, Lawyers Assistance Program; 1993-2013 Judicial Member, Administrative Decisions Tribunal NSW; 2010-2013 Legal Member, Guardianship Tribunal.

Curtin SC, Greg BA LLB

Senior Member. Admitted as a solicitor in 1987, as a barrister in 1989 and appointed senior counsel in 2010. Currently a barrister in private practice.

D'Arcy, Jennifer BComm LLB (UNSW)

Senior Member. Currently a Member of the Social Services and Child Support Division of the Administrative Appeals Tribunal, Senior Member of the Veterans' Review Board, legal Member of the Mental Health Review Tribunal and a Senior Member in the

Guardianship Division of NCAT from 2006. Experience working in private practice and in community legal centres.

Daly, Sonja BA LLB

General Member. Admitted to Supreme Court of NSW 1994. Admitted to the High Court of Australia 1994. Currently managing partner of a law firm practising in commercial and consumer litigation and dispute resolution. Arbitrator of Local Court.

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

General Member. Qualified in psychology and public health with experience in community mental health services, forensic and occupational psychology, tribunals, state and federal public agencies and NGOs.

Dawson, Rodney Raymond LLB (Syd)

Senior Member. Admitted as attorney, solicitor and proctor of Supreme Court of NSW in 1970. Currently solicitor consultant. From 1970-2018; over 48 years' experience, with particular emphasis in Administrative, Local Government and Planning Law. Former Councillor of Law Society of NSW and former Chair of various committees thereof; former Member, Board of Governors of College of Law and former Member, Legal Practitioners Admission Board.

De Jersey, Sancia Catherine

General Member. 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. Appointed a Member of the Consumer Trader and Tenancy Tribunal in 2012, and then appointed to NCAT.

Deutsch, Professor Robert Leslie LLB(Hons) (Syd) LLM(Hons) (Cantab)

Senior Member. Professor, School of Taxation and Business Law Faculty of Business UNSW. Extensive experience both as an academic and in practice in the fields of taxation, business law and accounting and has written widely in these and related areas. Member of the Tax Institute.

Dinnen, Deborah BA LLB LLM

Senior Member. Barrister practicing in administrative law, employment and industrial law, discrimination law, and work health and safety prosecutions.

Dive, Laura BA LLB

Senior Member. Admitted as a solicitor in 2001. Called to the bar in 2005 to 2016. From 2001-2002, solicitor with NSW Legal Aid. From 2002-2005, solicitor with the Crown Solicitor's Office NSW.

Douglas, Marshall BA LLB

General Member. Currently a director and solicitor at O'Reilly Douglas & Co Pty Ltd, a Nationally Accredited Mediator, part-time Member of the Administrative Appeals Tribunal and sessional arbitrator at the Workers Compensation Commission.

Drake, Peta Suzanne LLM

General Member. Graduated with a Masters in Law from the University of Sydney in 1984. Practiced with one of Sydney's pre-eminent law firms and as an in-house counsel in the oil and gas industry. Worked for the Australian Government in London in its foreign capital investment attraction program. Relocated to Singapore developing a range of home textiles. Built successful business as independent retailer in Sydney. Appointed as a non-judicial Member in the retail leasing division of the Administrative Decisions Tribunal. Appointed as a Member of NCAT in 2014.

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

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, Francis BSW(Hons) MSW

Senior Member. Lecturer in Social Work and Policy Studies, University of Sydney since 2012. Previously a senior social worker at St Vincent's Hospital for 10 years. Currently undertaking a PhD on an intergenerational perspective on ageing in Australia. Board director for Charingfield Residential Aged Care Facility, Waverley, for 9 years and a board director of Abbeyfield Australia, community housing.

Durack SC, Philip BJuris LLB BCL

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.

Epstein-Frisch AM, Belinda Ruth BSW MSW

General Member. Adviser to the Independent Advisory Council of the National Disability Insurance Scheme. Consultant, National Support Agency, Disability Support Organisation project. 2008-2013 Member, National People with Disability and Carer Council;

2006-2008, Deputy Chair, National Disability and Carer Ministerial Advisory Group; 1997-2007 Convenor, Disability Safeguards Coalition.

Esdale, Lynden BSocWk (UNSW) MSc Public Policy

General Member. Qualified as a Social Worker in 1976. Pursued a career primarily in social policy, social housing and homelessness in NSW Government agencies. Member and former Board Member of the Australasian Institute of Social Housing. Executive Chair of the NSW Housing Appeals Committee from 1996-2014.

Fairlie, David BA LLB LLM

Senior Member. 1975 as a Legal Practitioner. General Counsel-Competitive Foods Australia Pty Limited. 1994, President Law Society of NSW; Since 2016, Chair, Disciplinary Tribunal of Chartered Accountants Australia and NZ. 2010-2013, Judicial Member, Administrative Decisions Tribunal; Director, Australian Centre for International Commercial Arbitration since 2006.

Fela, Richard Marcell BA (Behavioural Science)

General Member. From 2000-2003 Residential Support Worker for ADHC; 2003-2007 Child Protection Caseworker, Community Services; 2007-2016 Principal Guardian, NSW Public Guardian; 2016-2018 Community Visitor; 2016-2018 Community Member NCAT's Guardianship Division.

Fenwick, Susan DipLaw DipBusAd

General Member. Currently, Presiding Chair, Housing Appeals Committee. From 1997-2010, Head of Operations at Audit Commission, UK, inspecting and reporting on service quality; 1985-1997, held a variety of operational and management roles in both social housing and local government in the UK.

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.

Field, Dr Barbara MB BS MD FAFRM MPH BA MPhil

General Member. Currently teaching ethics in Schools. Worked with physically and intellectually disabled children and adults and did genetic research at Sydney University.

Flanagan, Sharon BA(Hons) MPsych(Clinical)

Senior Member. Qualified as a Clinical Psychologist in 1989 and subsequently registered as a Clinical Neuropsychologist. Currently in private practice assessing and treating individuals with neurological disorders. From 1989-2018 in private practice and in

Sydney hospitals: Lidcombe Hospital (1989-1983), Royal Ryde Rehabilitation Hospital (locum 1994-1995, consultant 1998-2001), Prince of Wales Children Hospital (locum 1995), Calvary Hospital (2014-2017). Clinical supervisor of Clinical Psychology Masters students at UNSW (1995-2014) and University of Sydney (1996-1999). From 2002-2018 a professional Member of the Guardianship Tribunal (now Guardianship Division of NCAT).

Fogg, Sarah Jane

General Member. Community Member in the Guardianship Division with over 30 years' experience working for older people's advocacy organisations, services that support older people to live as independently as possible, and government.

Foldi, Matthew Keith BEc MBA (Macq) MGSM

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

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

General Member. Registered as psychologist in 1990. Currently, Emeritus Professor, University of Newcastle. Dean of Education at the University of Newcastle, 2001-2007. Life Member Royal Institute for Deaf and Blind Children and Australian College of Educators. Chair, NSW Institute of Teachers, 2007-2013. Member, Administrative Decisions Tribunal; 2007-2013, Member, NCAT since 2014. Publications include Education of Students with an Intellectual Disability: Research and Practice (2009) and Inclusion in Action (5th edition, 2017). Member, Order of Australia, 2013 for services to tertiary education and to people with a disability.

Fougere, Christine LLB

Principal Member. Admitted as a solicitor in 1994. Currently a Principal Member of NCAT's Guardianship Division. Previously, Deputy President of the former Guardianship Tribunal and Legal Member since 2006. From 2012-2016, Legal Member of the Mental Health Review Tribunal. Extensive experience in administrative, discrimination and human rights law.

French, Philip BA(Hons) LLB(Hons) GradDipLegPrac

General Member. Admitted as a solicitor 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. From 1995 to 2008, a partner in the business advisory firm KPMG; 2006 to 2017, Member of the Commonwealth Administrative Appeals Tribunal;

2010 to 2013, Judicial Member of the former NSW Administrative Decisions Tribunal.

Gardner, Michelle LLB GradDipLegalPrac

Senior Member. Admitted as a solicitor in 2000. Currently, also a Legal Member of the Mental Health Review Tribunal. Previously a Senior Member of the Social Security Appeals Tribunal.

Gilson, Mark BCom BLegS

General Member. Former regional manager for Department of Consumer Affairs. Served on successive consumer, tenancy and commercial Tribunals since 1988. Licensed building contractor in New South Wales for over 30 years.

Giurissevich, Anthony BA LLB (Syd)

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. Currently, a casual facilitator with Hireup.

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) Consumer Trader and Tenancy Tribunal and NCAT since 2012.

Goodman-Delahunty, Professor Jane BA TTHD JD PhD

General Member. Admitted to the Bar 1983, qualified as an Experimental Psychologist in 1986 (USA) as a registered Psychologist in 2005 (Australia), and accredited as a Mediator in 1994 (USA) and 2002 (Australia). Currently, Research Professor, Charles Sturt University, Manly. 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.

Grant, Christopher Lewis 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.

Grassi, Dr Tanya MBBS(Hons) BSc Vet(Hons)

General Member. Currently a Lecturer at University of NSW. Long-term lived experience as a carer and advocate for people living

with a disability. Deputy Editor of the Medical Journal of Australia over various periods between 1999-2013. Lecturer in Medicine at UNSW since 2011.

Green, Dr Jenny BEd MA PhD GradCert Higher Education MAICD

General Member. Chair of Macquarie Community College. Board Member of the Australian Centre for Disability Law. Consultant and Academic. An academic and practitioner with 30 years experience in not-for-profit organisations and disability.

Halbert, Jennifer BA LLB

Senior Member. 1991 admitted as a solicitor of the Supreme Court of NSW and in the High Court of Australia. Nationally Accredited Mediator. Currently, Family Law Registrar. From 1991 practised as a solicitor in private practice, as a Reviewer for the Office of the Legal Services Commissioner (OLSC), a solicitor and senior solicitor for the Women's Legal Resources Centre (WLRC). Since 2003, Registrar of the Family Court of Australia (FCOA) and the Federal Circuit Court (FCC). 2006-2016, Regional Appeal Registrar Eastern Region. Since 2016, Registrar of the Federal Circuit Court (FCC) following the amalgamation of the Federal, Family and Federal Circuit Courts. Appointed to the Guardianship Division of NCAT in 2017.

Halstead, Adam MLLP AssocDegLaw

General Member. Admitted as a Solicitor during 2004 and a Notary Public in 2009. Currently, a part-time member of the Administrative Appeals Tribunal and solicitor with a practice in commercial law at Goldbergs Lawyers, Sydney. From 2006-2012 the principal at Bradfield Mills Solicitors and an advocate and solicitor at Legal Aid NSW from 2001-2005.

Halstead, Nathan Dale

General Member. Managing Director of AED Group, a leading Sydney Building Regulations company in NSW. Building Surveyor, Accredited Certifier and Fire Engineer with more than 18 years' experience in both Public and Private Sector work. Member of Australian Institute of Building Surveyors.

Hamilton SC, Roger BA LLB LLM MTax

Senior Member. Currently a Barrister. From 1973-1977 Commonwealth Attorney-General's Department; 1977-1982 Australian National University; 1982-1987 Freehill, Hollingdale and Page; 1987-1988 Morgan Grenfell; 1988-1993 Minter Ellison; 1993-2006 Barrister, NSW Bar; 2006 to present Senior Counsel NSW Bar.

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.

Hargreaves, Paul SAB

General Member. Litigation lawyer since 1981. Self-employed solicitor. General Member NCAT in 2017.

Harris, Philip Peter MComLaw

General Member. Principal of a private legal practice in Tamworth. Colonel in the Army Reserve.

Harris, Ronald LLB (Syd)

General Member. First admitted as a solicitor in 1975. Self-employed as Ron Harris Solicitor and Mediator, with extensive experience having practised in Sydney before moving to the north coast where he has practised for over 30 years. Law degree from Sydney University and Mediation qualifications from Bond University. Nationally accredited mediator for many years.

Harrowell, Mark BComm LLB

Principal Member. Solicitor, 1982. From 1982-2012, solicitor in private practice, including a Partner from 1990-2012 and Managing Partner from 1991-2003. Formerly part-time Senior Member, Acting Chairperson and Deputy Chairperson (Determinations) of the Consumer Trader and Tenancy Tribunal from 2012-2013. Principal Member and List Manager, Consumer and Commercial Division of NCAT 2014-2016.

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.

Hausfeld, Dr Steven BA(Hons) PhD LLB

General Member. Admitted as solicitor in 2001, called to the bar in 2003. Currently, barrister on Mid-North Coast. 1975-1984 tutor/lecturer in psychology, Macquarie University; 1984-1998 Commonwealth public servant.

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; 1999-2000 Social Security Appeals Tribunal Canberra; 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.

Hennings, Simon BA LLB (Syd)

General Member. Admitted as a Solicitor 1989. Currently, full time Member of NCAT. 2002-2005 Part time Member of 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; Family involved in jewellery retail businesses since 1891; Family involved in beef cattle farming since 1976.

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. Currently, practising as a barrister. 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.

Hilson, Freda MSW MMgt (Community)

General Member. 1979-2006 Social Worker and Manager in a range of roles and services for people with physical disabilities, intellectual disabilities and Acquired Brain Injury. 2006-2012, Official Community Visitor with NSW Ombudsman. Since 2006, Community Member of the Guardianship Tribunal and NCAT's Guardianship Division.

Hitter, Monique BSW DipLaw

Senior Member. Solicitor with over 15 years' experience in civil law. Prior to that, she worked as a social worker in community health settings. Held legal positions in government, community and private sectors, with a particular focus on social justice.

Holles RFD, Francis DipLaw SAB BLaw KI

General Member. Solicitor NSW 1983; Barrister NSW 1983; Barrister Ireland 1996. NSW Private Bar. NSW Legal Aid Commission 1976-1989; NSW DPP 1989; NSW Crown Prosecutor 1990-2011; Colonel Consultant Defence Legal Service 2009-2018.

Hollis, Dr Jean MBBS(Hons) MPhil FRANZCP FPOA

Senior Member. Commenced work as a doctor in 1989. Admitted as a Fellow of the Royal Australian and New Zealand College of Psychiatrists 1999. Consultant Psychiatrist and Senior Lecturer, Concord Medical School, University of Sydney. Published research concerned antipsychotic dispensing and risk of death in those

over 65 years of age. From 2002-2005, worked as a medical advisor for NSW Department of Veterans' Affairs.

Houlahan, Lynn Mary BA Psych PGDipPsych
MSpecEd DipWelfare JP

Senior Member. Registered Psychologist, member of AHPRA since 2007. Currently, NSW Mental Health Review Tribunal (from 1996). 2013-2017 Psychologist /Commission Officer with Royal Commission into Institutional Responses to Child Sexual Abuse, Deputy Chairperson, NSW Housing Appeals Tribunal (1995-2013) and Professional member Administrative Decisions Tribunal (1996-2008). Formerly, Regional Co-ordinator and was previously and Area Manager DOCS Disability and Child Protection Services.

Hughes, 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).

Hunter, Penelope BA LLB

General Member. Admitted to the Supreme Court of NSW 1996. Holder of an unrestricted NSW practising certificate. Registered Migration Agent 1994-1998, 2005-2007. Member of the Administrative Appeals Tribunal since June 2016. Former Member of the Consumer Trader and Tenancy Tribunal (2009-2013) and Social Security Appeals Tribunal (2009-2015); 2015 to 2016, Youth Justice Conference Convenor Department of Juvenile Justice; 2010-2012, Independent Protection Assessment Officer Independent Assessment Office; 1996-2010 Senior Associate/Solicitor Various firms in Newcastle and Sydney including UTR Law, Tranter Lawyers, Turnbull Hill Lawyers, Uther Webster & Evans; 1995-1996 Tenants Advocacy Worker South West Sydney Legal Centre.

Isenberg RFD, Norman BA LLB DipEd

Senior Member. Admitted as Solicitor in 1976. Consultant Lawyer, Public Notary. 1993-2016, Accredited Business Law Specialist. Over 30 years officer Australian Army Reserve including Panel Leader, Army Reserve Lawyers Panel NSW, Retired as Colonel 2013. Chartered Tax Advisor, Fellow Australian Institute of Company Directors. Member Society of Trust and Estate Practitioners, Member Legal Consultative Committee to NSW Minister for Co-operatives.

Isenberg, Naida

Senior Member. Member of the Defence Honours and Awards Appeals Tribunal. Formerly served on the Administrative Appeals Tribunal, Veterans' Review Board and the Migration and Refugee Review Tribunals. 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.

Jamieson, Dr Gail MBBS FRACP

Senior Member. Currently in private practice in Geriatric Medicine.

Jay, David BSc(Hons) LLB(Hons)

Senior Member. Admitted to New South Wales Bar in 2004. Currently, practising barrister.

Johnston, Susan BSocStud MPH

General Member. Member of Australian Association of Social Workers from 1982. An 'Other Suitably Qualified' Member of NSW Mental Health Review Tribunal (forensic and civil panels) since 1994. 2008-2016, a Board Director of Evergreen Life Care (aged care facility).

Jones, Amanda BSW

General Member. Accredited Social Worker with the Australian Association of Social Work. Currently in private practice with a focus on Fostering, Adoption and Clinical Supervision. Also employed as a social worker with NSW Health. Over 20 years' experience as a social worker. General Member since 2014.

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 practiced as a barrister at the private bar in NSW since then. Nationally Accredited Mediator. Since 2009 a contributions assessor and mediator with Dust Diseases Tribunal of NSW; in 2016, appointed Senior Legal Member of NCAT sitting in the Guardianship and Appeal Panel Divisions; Appointed Chair of the MAIF Tribunal in 2017.

Kennedy, Claudia BA DipEd DipRC MA

Senior Member. Qualified as a Rehabilitation Counsellor in 1983, MASRC. Currently, a Presiding Chair of the Housing Appeals Committee. Worked in disability practice, policy and education since 1980 at CRS, WorkCover, ADHC and University of Sydney.

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. 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. From 2014, part-time General Member of NCAT's Consumer and Commercial Division.

Koussa, Janet MCounsPsych

General Member. Over 30 years' experience in intellectual disability, mental health and advocacy organisations. Past facilitator of eating disorders groups and panel member Mental Health Review Tribunal. Currently with neuroCare Clinic Sydney.

Laurence, Kerrie BA Educational Psychology

General Member. Currently Director, Reportable Conduct Unit, Department Family and Community Services. Ten years, teacher for adults and children with intellectual disabilities. Sixteen years, child protection casework and management with Dept Family and Community services and Barnardos. 2006-2007, Age Care Quality Assessor, Age Care Standards and Accreditation. 1990-2006, Member Social Security Appeals Tribunal; 2001-2010, Member, Veteran's Review Board; 2002 to current, Community Member of the Guardianship Tribunal and Guardianship Division of NCAT.

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.

Leal, Suzanne BA(Hons) LLB (Syd)

Senior Member. Admitted as a solicitor in 1992. Currently, Senior Judge for the NSW Premier's Literary Awards. Former Member of the Migration Review Tribunal (2001-2015), Refugee Review Tribunal (2004-2015); and Judicial Member of the Administrative Decisions Tribunal (2004-2015).

Lennard, Jann BA LLB(Hons) (ANU)

General Member. Barrister at Law NSW 1989. Solicitor and Barrister ACT 1989. Nationally Accredited Mediator 2011. Currently, Senior Member ACT Civil and Administrative Tribunal. From 1988-2006, Lecturer in Law University of Canberra; 1998-2009, Member of the Residential Tenancies Tribunal ACT and Community Member Guardianship and Management of Property Tribunal ACT.

Levingston, John BA LLB (ANU)

General Member. Admitted to the High Court and Supreme Court of the ACT, NSW and Victoria. Has been in private practice in Sydney for over 35 years as a solicitor and a Barrister at the NSW Bar practising principally in commercial law. Many years' experience as an Arbitrator on the NSW Court Panels and privately appointed in commercial disputes. Previously appointed to the Commonwealth Working Group on the Carriage of Goods by Sea, an Accredited Mediator and appointed as a Costs Assessor and Review Panellist in NSW. Previously held honorary appointments as an Adjunct Professor of Law at the University of Canberra and Conjoint Professor of Law at the University of Newcastle. Speaker at many domestic and international

conferences on international law and arbitration. Author of "The law of affidavits" and "The law of tribunals".

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

General Member. Fellow of Resolution Institute and accredited since 2003. Accredited as a Family Dispute Resolution Practitioner in 2009. Currently, in private practice as a Strategic Facilitator and Dispute Resolution Consultant with experience in discrimination, workplace, commercial and family law matters. 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.

Longley, Wendy BSc(Hons) MSc MA (Clinical Neuropsychology)

Senior Member. Qualified as a clinical neuropsychologist in 1987. Senior Member (Professional) of the Guardianship Division since 2014. A clinical neuropsychologist at the War Memorial Hospital, Waverley; completing a PhD part-time in neuropsychological rehabilitation at Sydney University, Department of Medicine. 1987-1993 Clinical Neuropsychologist, Concord Hospital; 1993-2013 Senior Clinical Neuropsychologist, Multiple Sclerosis Australia (NSW). Guest lecturer and/or clinical supervisor at Sydney University, Macquarie University, University of Technology, and the Australian National University. Full member of the Australian Psychological Society's College of Clinical Neuropsychologists.

Love, Elizabeth BSW BA (Psychology and Sociology) MMHlth (Older Person)

Senior Member. Commenced employment as a Social Worker in 2002 and eligible for membership with the Australian Association of Social Workers (AASW). Since 2010, Senior Social Worker at St Vincent's Hospital Sydney, in the Older Adult Mental Health Service. Currently acting in the position of Social Work Professional Educator at St Vincent's Hospital. Casual academic at the University of Sydney, Faculty of Education and Social Work since 2013. Aged Care and Disability, Guy's and St Thomas' Hospital, NHS, London (2006-2009); Social Worker. Immunology and Infection Diseases, HIV, St Vincent's Hospital, Sydney (2002 - 2006); Board member of Charingfield Limited, residential aged care facility (2015-May 2018).

Lowe, Anthea BA(Hons)

General Member. 1989-2001, Manager at Anti-Discrimination Board of NSW; 2001-2016 ran management consultancy specialising in discrimination, harassment and bullying prevention; 2002-2016 Member of Australian Human Resources Institute; 2003-2013 Non-Judicial Member of Administrative Decisions Tribunal of NSW; 2006 author 'Equality Before the Law Bench Book', published by Judicial Commission of NSW; 2012-2015

Board member, Refugee Advice and Casework Service; 2014 to present, General Member, Administrative and Equal Opportunity Division, NCAT.

Lucy, Dr Juliet BA(Hons) LLB(Hons) PhD GradDip LegPrac

Senior Member. Admitted as a legal practitioner in 2005; called to the bar 2012. Barrister, Tenth Floor Chambers. From 2008-2012, Senior Solicitor, NSW Crown Solicitor's Office. 2000-2003, Lecturer, University of Western Sydney.

Ludlow, Christa BA(Hons) LLB MA MSc (CoachPsych)

Senior Member. Admitted as a solicitor in 1994. Nationally Accredited Mediator. Certificate IV in Workplace Investigations. Principal Consultant, WEIR Consulting. Workplace investigator, coach and mediator. From 2006-2013, Assistant Crown Solicitor, Employment Law, NSW Crown Solicitor's Office.

Lynch, Joanne BA LLB

General Member. Admitted as solicitor in 1988. Currently, Registrar Children's Court of NSW. From 2002-2013 Member Consumer Trader and Tenancy Tribunal; rural solicitor 1989 to 2002; Trainer at Riverina Institute of TAFE 2002 to current; Lecturer Charles Sturt Riverina 2013-2015; and since 2017, Chairperson Friends of Sunflower House One Door Mental Health.

Lyne, Elizabeth Anne 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.

Macleay, Dr Jennifer BSc PhD LLB

General Member. Admitted as a Solicitor in 2002. Currently, a Reviewer, with the Immigration Assessment Authority. From 2003-2006, Legal Officer, Legal Aid NSW; 2007 to current, held a number of senior legal roles in Federal and State government departments.

Manns, Leonie

General Member. Long serving Community Member, Guardianship Division (formerly Guardianship Tribunal). Long term Member, Mental Health Review Tribunal. Areas of expertise are mental health and disability. Leonie also supports and mentors people with mental illness in the workforce.

Marks, The Hon Francis LLM

Principal Member. Admitted as a solicitor in 1963. Has extensive experience in insurance law, labour law, aviation law, and as a mediator. Author of several legal texts covering insurance law, employment law and work health and safety legislation. Previously

Judicial Member, Industrial Relations Commission NSW and Justice of the Industrial Court of NSW.

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.

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

General Member. FCPA to 2004 and FCA to 2009. Appointed as Member of NCAT's Consumer and Commercial Division since its establishment. Former Member of the Social Security Appeals Tribunal (1986-2002), Mental Health Review Tribunal (1995-1998), Residential Tribunal (1999-2002), Fair Trading Tribunal (2000-2002) and Consumer Trader and Tenancy Tribunal (2002-2013). Legal practitioner; accountant (audit inspector); and, senior lecturer in accounting and law.

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, Marie AEd BAPsych MAPsych(Hons)

Senior Member. Fellow of the APS College of Clinical Neuropsychology. From 2010, a Professional Member of the Guardianship Tribunal and NCAT's Guardianship Division. Since 2015 a Senior Member of the ACT Civil and Administrative Tribunal (ACAT).

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, Nicholas is a Partner and an Insurance Practice Group Leader of the national law firm HWL Ebsworth. Notary Public.

Matthews AM, Dr Richard John

Senior Member. Director, Neuroscience Research Institute, Alzheimer's Australia (NSW), Calvary Healthcare and Advisory

Board, Centre for Healthy Brain Ageing. He was formerly Deputy Director General, NSW Health, 2003-2011.

McAlpine PSM, Ethel DipT (Sec) BEd (ECE)

GradDip (ECE) MEdStudies

General Member. Consultant in Disability. 2004-2012 Deputy Director General Ageing Disability and Home Care.

McAteer, John BA (Macq) MA (Macq) BLegS (Macq) GradDipLP (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. Currently, suburban solicitor in sole practice. Qualified LEADR 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.

McCalman, Maz BA LLB

General Member. Lawyer (volunteer) Hunter Community Legal Centre (Newcastle). Member of the Mental Health Review Tribunal since 2016. Board Member Psychologist Board – Australian Health Professional Regulation Authority (AHPRA) since 2017. CEO non-government community organisations. Senior Executive in QLD and NSW – Housing and Disability.

McCarthy, Shaun BA LLB

Senior Member. Admitted as a lawyer in the Supreme Court of NSW in 1988. Currently Director, University of Newcastle Legal Centre and Program Convenor of Practical Legal Training Program at the University of Newcastle. From 2005 a Legal Member of the NSW Guardianship Tribunal and NCAT's Guardianship Division.

McCue, Margaret Mary LLM (UNSW)

General Member. Admitted as a solicitor in 1988. Currently, a commercial lawyer practising in Macquarie Street Sydney. Nationally accredited mediator and a local court arbitrator. Executive board member of the Australian Dispute Resolution Association [ADRA]. Current non-executive board member of a local chamber of commerce, and a governor of a perpetual care entity. In May 2017, completed the Institute of Company Director's course conducted by the Broken Bay Institute. Former

director of a co-educational school. Former chair of the board of strata scheme, the Oxley, Elizabeth Bay.

McDonald, Scott BA LLB FAICD

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

McIllhatton, Susan BA LLB

Senior Member. Admitted as a Solicitor in 1983. From 2012-2013 Deputy President of the Guardianship Tribunal; 2007-2012 Member of the Consumer, Trader and Tenancy Tribunal; 2004-2006 Deputy District Registrar Federal Court of Australia.

McMahon, Karen BA LLB LLM

Senior Member. Admitted as a Solicitor in 1992. Currently, a legal member of the Mental Health Review Tribunal. Specialist in litigation, dispute resolution and health law. Past member of NSW Law Society Medico-Legal Liaison Committee, Centre for Health Record Linkage Advisory Committee and NSW Coroner's Medical Inquest User Group.

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

Senior Member. Admitted as a solicitor in 1989. Currently, Legal Practice Consultant with Lawcover. From 2012-2016, Practice Leader (Wills and Estates) at The College of Law.

McMurrin, Alan BA LLB (UNSW) GAICD

General Member. Solicitor admitted 1977 Supreme Court of NSW. 2017 Part-time Member Administrative Appeals Tribunal; 2016 FLSS Mediator; Principal Sydney Law Firm. From 1979-2018, private practice, solicitor and principal in law firm; Nationally accredited mediator since 1994; Arbitrator, District Court of NSW 1996-2004; Councillor, Law Society of NSW 2009-2012; Mediator NSW Law Society FLSS (Family Law Settlement Service).

McPhee, Dr Brenda MBBS (Syd)

Senior Member. Currently, General Practitioner at Macquarie Fields Women's Clinic and Leichhardt Women's and Community Health Centre. From 1994-2005 Professional Member, Social Security Appeals Tribunal; General Practitioner, Bankstown Women's Health Centre from 1992-2014 and at WILMA, Campbelltown Women's Health Centre from 2003-2018.

McSwiggan, Dr Sally BPsych(Hons) MCLinNeuro
DPsych FCCN MAPS

Senior Member. Qualified as a Clinical Neuropsychologist in 2001. Currently, in Private Practice and a member of Mental Health Review Tribunal (Forensic and Civil Divisions). From 2014 to 2016, awarded Research Fellowship in Medicine and Law, University Basel, Switzerland. Since 2006, a Professional Member of the Guardianship Tribunal; Since 2012, a Member of the Mental Health Review Tribunal.

Meadows, Geoffrey BA BSocStud MTandCP LLB

Senior Member. Teacher, social worker, drug counsellor, parole officer and then solicitor with 27 years' experience in personal injury, insurance, employment and administrative law. Former Senior Member of the Consumer Trader and Tenancy Tribunal.

Millbank, Prof Jenni PhD (Kent) LLM (UBC) LLB
(Hons) BA (Syd)

Senior Member. Admitted as a solicitor 2001. Distinguished Professor of Law, UTS. An established socio-legal researcher with a wide range of expertise in health law, in particular in the area of assisted reproduction and health regulation.

Moin, Gregory BA DipEd LLM

Senior Member. Admitted as a solicitor in 1992. Currently, principal of a regionally based law firm. Board member of a number of not for profit organisations and former director of the Ascent Group, a disability service provider.

Moir, Jillian BA(Hons) LLB GradDipLegPrac
BSc (Psychology)

Senior Member. Admitted as a solicitor in 1993. Currently, Senior Member, Veteran's Review Board. From 2006-2017, 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)
GradDipLegPrac

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 John LLB

Senior Member. Admitted as a Solicitor in 1983. Currently, a Partner in law firm Colin Biggers & Paisley with over 34 years' extensive experience in insurance, reinsurance and commercial litigation. Lawcover panel solicitor for 27 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.

Moss, Deborah BLegStud

General Member. Admitted as a solicitor in 1987, and as a barrister in 1995. From 2002-2014, Member, Consumer Trader and Tenancy Tribunal. Since 2014, General Member of NCAT's Consumer and Commercial Division.

Mullane, The Hon Acting Judge Graham BA
LLM MJS

Principal Member. Acting District Court Judge since 2014, Principal Member of NCAT since 2014, Family Court Judge 1986-2008, Conjoint Professor, Faculty of Business and Law University of Newcastle since 2009, Judicial Member Administrative Decisions Tribunal 2009-2013; Costs Assessor 2009-2014, Dep Chair Health Professionals Tribunals 2012-2013; Civil Claims Arbitrator in District Court and Local Courts 1984-1986, solicitor 1971-1986.

Mulvey, Craig Anthony BCom DipLaw LLM

Senior Member. Admitted as a solicitor in 2001. Called to the bar in 2005. Currently, a practising barrister in New South Wales. 2010-2014, Board Member and Co-Chair of the Inner City Legal Centre; 2009 to 2014, lecturer in Law at the University of New England.

Murray, Craig William BComm LLB (UNSW)

Senior Member. Admitted as a Solicitor 1982. 1982-2008, practised as a Solicitor in the firm known for most of that period as Blake Dawson Waldron, including from 1990-2008 as a commercial litigation partner in that firm. Also, accredited as a mediator during that period.

Murray, Dr Maree

General Member. Experience as an Industrial Relations academic, in conducting workplace mediation and arbitration, and in program and services evaluation. Director of the Wingara Mura Leadership Program, and Deputy Director of Diversity and Inclusion, University of Sydney.

Newman, Jennifer BA GradCert Indigenous
Research

General Member. PhD candidate, Institute for Social Justice ACU; teaching Aboriginal Studies in a range of settings.

Nightingale, Anna BN LLB (Hons)

General Member. Admitted as a solicitor in NSW 2002. Currently, panel member with the Financial Ombudsman Service in general insurance, life, investments and superannuation and Specialist Reserve Legal Officer with the Royal Australian Air Force. Since 2017, General Member of the Consumer and Commercial Division.

O’Carrigan, Patrick John 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’Connor AM, The Hon Acting Judge Kevin Patrick

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

O’Meally AM RFD, John Lawrence LLB

Principal Member. Admitted to the NSW and Australia Bars in 1964. From 1974-1984 Judge, Workers Compensation Commission of NSW; 1984-2003 Judge, Compensation Court of NSW; 1985 to 2003 Member, Standing Committee on Judicial Education, the Judicial Commission of NSW; 1995-1998 Senior Member, Dust Diseases Tribunal of NSW; 1998-2011 President, Dust Diseases Tribunal of NSW; 2001 Judge, Supreme Court of the Eastern Caribbean in the High Court of Antigua and Barbuda; 2002 Acting Judge, Supreme Court of NSW; 2004 Judge, District Court of NSW.

Organ, Lynne LLB

Senior Member. Admitted as a Solicitor in 1985. Currently, Member, Mental Health Review Tribunal. From 1986-2001 worked in a Community Legal Centre, Legal Aid and private practice; 2001-2015 specialised in the area of health law at the Health Care Complaints Commission and in private practice including disciplinary work, medical negligence and inquests. From 2017 committee member Lawyers Assistance Program.

Oxenham, Melanie BSW

General Member. Member of Australian Association of Social Workers (AASW). TAFE teacher (Community Services); 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.

Paull, Christine BA LLB LLM

Senior Member. Admitted as a Solicitor in 1979. Currently a part-time Senior Member in the Consumer and Commercial Division of NCAT. From 2003-2013, Senior Member, Consumer Trader and Tenancy Tribunal.

Pearson, Linda BA LLM MPP

Principal Member. Admitted as a Solicitor in 1981. From 2009-2016, a Commissioner of the Land and Environment Court of NSW; 2005-2009, Senior Lecturer Faculty of Law, University of NSW. Former Judicial Member of the Administrative Decisions Tribunal and Presiding Member of the Guardianship Tribunal. Currently, Adjunct Professor, Faculty of Law University of NSW.

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

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 mediator, and mediates cases before the Appeal Panel and in other Divisions of the Tribunal.

Pheils, Johanna BA LLB

Senior Member. Admitted as a solicitor in 1986. Was first appointed to the Tribunal in 1997. Currently Deputy Solicitor, Office of the Director of Public Prosecutions. Has practised criminal law for over 30 years.

Pickering, Edwina BSW MIR

General Member. Currently, working with National Disability Services to support organisations transition to the NDIS. Previous employment with the NSW Ombudsman, and then as a consultant in the health and community sectors. Member of Guardianship Tribunal since 2014.

Porter, Lyn GradDipSocSc (Community Services)

General Member. Currently appointed as an Official Community Visitor in the Disability and Out of Home Care Sectors.

Pratten, Catherine Mary MBBS (UNSW) Dip Foreign Languages

Senior Member. Registered as a medical practitioner in 1985. Professional Member of NCAT GD since 2015. Currently working in part time general practice and as a medical officer at Family planning NSW; 1987-2010, a volunteer worker with Youth With a Mission in Australia, the South Pacific and Kazakhstan.

Priestley, William BA LLB

General Member. Barrister and mediator with over 25 years’ litigation experience.

Pulman, Dr Susan BA (Hons1) MCLinNeuroPsych
PhD GradDipCrim

Senior Member. Qualified as a Psychologist in 1992 and a Fellow of the Australian Psychological Society's Colleges of Clinical Neuropsychologists and Forensic Psychologists. Currently in private practice and as an expert witness for the NSW Office of the Director of Public Prosecutions, the NSW Police, as an Authorised Clinician for the NSW Children's Court and Family Court report writer. From 2016 a Professional Member of the Guardianship Division of NCAT, the Mental Health Review Tribunal (Civil and Forensic Panels) and the Impaired Registrants' and Performance Review Panels of the Psychology Council of NSW.

Ransome, Kay BA(Hons) LLB(Hons)

Senior Member. Admitted as a solicitor in NSW in 2008. 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 for 10 years and as Principal Member, former Refugee Review Tribunal and Migration Review Tribunal.

Renwick SC, James LLB SJD

Senior Member. Admitted as a Solicitor, 1985, Admitted as a Barrister 1996. Senior Counsel since 2011. Currently, Independent National Security Legislation Monitor, Adjunct Professor, Australian National University. Captain, RANR.

Rickards, Kim Beresford BCom LLB

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

Ringrose, John DipLaw (Syd)

General Member. Barrister at Law admitted May 1970. Currently, practicing as a barrister in Sydney, Nationally Accredited Mediator since 2007. District Court Arbitrator 1998-2007. Supreme Court Arbitrator 2001-2004.

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.

Robberds AM QC, Lionel LLB (Syd)

Senior Member. Solicitor 1963, barrister 1966. Barrister, July 1966 to the present, including the period 1988-1989 as a member of the National Crime Authority. Appointed QC 1982. Awarded Member of the Order of Australia 2016. Member New South Wales Bar Association. Currently, Senior Member NCAT since 2014. Member Legal Profession Standards Board 1994-1995. Member Legal Services Tribunal 1995-1998. Part time non presidential judicial member of the Administrative Decisions Tribunal of NSW (Legal Services Division) 1998-2013.

Roberts, Susan Mary 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 BEd BCL

Senior Member. Solicitor 1986, Barrister 1991. Currently, Barrister.

Rogers, Mary Bernadette LLB

General Member. Admitted as a Solicitor in 1981. Worked in suburban Brisbane law firms and at Legal Aid Queensland as a family law solicitor. Specialised in Alternative Dispute Resolution and wrote, lectured, trained and practised as a mediator. From 1999-2001, a member of the National Alternative Dispute Resolution Advisory Committee; 2011-2017 Member, Queensland Civil and Administrative Tribunal.

Rose, Jeffrey BCom LLB (UNSW) GradDipLegPrac (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 Naval Officer, Royal Australian Naval Reserve (since 2012). Also a State Councillor with Scouts Australia NSW (since 2007).

Ross, Katherine BA BLegS

Senior Member. Admitted as Solicitor of Supreme Court of NSW 1987. Partner DunnRoss Lawyers from 1991 to 2009, Special Counsel Harris Wheeler Lawyers 2010-2011. Past President, Disability Advocacy (NSW). Past part timer lecturer and tutor Newcastle University.

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

Principal Member. Admitted as Solicitor of Supreme Court of NSW 1988. Currently a Principal Member of the Tribunal, sitting in the Consumer and Commercial Division and 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 GradDip Legal Practice
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 (Syd)
GradCertEdStud (Disability) (Newc)
General Member. Qualified social worker. Current Board Member of an overseas aid organisation. Has extensive experience at a senior level over many years in government (ADHC) and non-government organisations working with vulnerable families, children and young people. Developed state wide policy and implemented services across health and disability services. Appointed in 2014 to the Administrative and Equal Opportunity Division as a General Member and to the Guardianship Division of NCAT in 2016.

Safro, Dr Elina MB BS BSc Med (Hon)
Senior Member. Medical Education Co-ordinator and Clinic Doctor at Family Planning NSW. From 2015, Visiting Medical Officer at the Royal Prince Alfred Hospital Sexual Assault Service. Board Director, Women's Plans Foundation.

Sarginson, Gregory BA LLB LLM (Syd)
Senior Member. Admitted as a Solicitor 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).

Scahill, Anne Maria BA (Hons1) LLB
Senior Member. Solicitor with 33 years' experience in private, community and government practice. Previously senior administrator in University and non-government organisations. Member of the Mental Health Review Tribunal. Graduate of the Australian Institute of Company Directors and holds Management qualifications from Flinders University.

Schwager AO, Jane Louise
General Member. Nationally accredited Mediator and Member of the former Administrative Decisions Tribunal. Extensive experience in leading Government Departments and non-profits.

Seiden SC, Rashelle Leah
Principal Member. Called to the Bar in 1996. Appointed Senior Counsel for the State of New South Wales in 2013. Has maintained a diverse practice primarily focused upon tax litigation. An investment banker prior to being a barrister.

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
Principal 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
Senior Member. Admitted as a Solicitor in 2002. Currently a Senior Member of the New South Wales Civil and Administrative Tribunal (NCAT). Primarily appointed to the Consumer and Commercial Division and cross appointed to the Appeals, Guardianship and Administrative and Equal Opportunity Divisions. 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.

Simpson, James BA LLB LLM GCDR
Senior Member. Admitted as a solicitor in 1977. Currently, Senior Advocate, Council for Intellectual Disability. From 1986-1991, principle solicitor, Intellectual Disability Rights Service; 1994-1997, Deputy President, Community Services Appeals Tribunal; 2002-2016, presiding member, Mental Health Review Tribunal. Justice medal 2002 – Law and Justice Foundation of NSW.

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. Has degrees in social work, law and frontline management and is a recipient of a Churchill Fellowship. Extensive experience in the area of child protection law and has specialised in this area of law in the non-government sector for almost a decade. Worked for a number of years in both a legal and social work capacity, with clients from disadvantaged backgrounds struggling with mental health, family violence and drug and alcohol issues. Extensive experience acting for children and adults with disabilities.

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, Jeffery LLB (UNSW) BPharm (Syd)

Senior Member. Admitted as Barrister in Supreme Court of NSW 1976. Registered as a Pharmacist by Pharmacy Board of NSW 1966. 1982-1997, Member Pharmacy Board of NSW. 1989-1999, Member Consumer Claims Tribunal. 1995-1999, Member Building Disputes Tribunal. 1997-2002, Member Residential Tenancies Tribunal. 1999-2002, Member Fair Trading Tribunal. 2002-2009, Member Consumer Trader and Tenancy Tribunal (CTTT). 2012 July-December, Acting Chairperson, CTTT. 2009-2014- Senior Member, CTTT. 2014-current, Senior Member NCAT.

Smith, Peter DipLaw (BAB)

General Member. Admitted as Barrister 1988. From 1999 Member of Residential Tribunal, 2002 Member of Consumer, Trader and Tenancy Tribunal, 2014 Member of NCAT.

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

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

Spencer, Dr Margaret RN BTheol BSW PhD

General Member. Qualified as a social worker in 1996. Awarded doctorate in 2007. Lecturer & Director of Field Education, Social Work Program, Faculty of Arts and Social Sciences, University of Sydney.

Stamatellis, Stamatia BA LLM

Senior Member. Admitted as Solicitor in 1999. Solicitor at the Intellectual Disability Rights Service and Legal Aid NSW 2000-2008. Former Presiding Chairperson and Member, Housing

Appeals Committee 1999-2013 and former Member, Consumer Trader and Tenancy Tribunal.

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.

Stewart, John DipLaw SAB

General Member. Legal practitioner NSW 1967, NT 1985. Barrister, John Toohey Chambers, Darwin NT. Member NT Civil and Administrative Tribunal 2015-2018, Legal Member NT Building Practitioners Board 2007-2017, Chair Thoroughbred Racing NT and member of Board of Racing Australia 2007-2017, Member and at times Chair NT Legal Practitioners Disciplinary Tribunal 2007-2013.

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.

Stone, Dr Suzanne

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

Sutherland, Stuart LLB GradDip LP 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

Senior Member. Accredited Specialist (Family Law) – Accredited Mediator NMAS - FDRP. Admitted to legal practice 1995. Currently, 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 to present, Senior Legal Member NCAT.

Sword, Donald Robert

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 Edith BSocStud

Senior Member. Qualified as a Social Worker in 1973. Worked on Marrickville and Canterbury Acute Care Mental Health Teams 1992-2015. Manager of service providing support for people with multiple sclerosis 1988-1992. Member of the Social Security Appeals Tribunal (1996-2011) and Mental Health Review Tribunal (2002-2006). Professional Member of the Guardianship Tribunal since 1992.

Thew, Penelope BA LLB (UNSW) GradDipLegPrac MLLR (Syd) 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.

Thode, Sabine BEc (Syd) DipLaw BSAB

Senior Member. Called to the Bar in 1999. A full time Senior Member of the Consumer and Commercial Division, Member of the Appeal Panel, cross-appointed to the Administrative and Equal Opportunity and Guardianship Divisions.

Thompson, Dr Susan Lynne 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.

Thompson, John BComm (Ec) LLB

General Member. Barrister. From 1975-1980, investigator with Trade Practices Commission; 1980-1988, lawyer with NSW government agencies; 1984, Private Secretary to Attorney General of NSW.

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. 2014-date, Senior Legal Member, NCAT Guardianship Division; 2015-date, cross appointed to Administrative and Equal Opportunity and Commercial and Consumer Divisions. Barrister, practising in equity, commercial and administrative law, 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; 2008-date Visitor, Australian College of Theology; 2012-date Executive Member, NSW Ecumenical Council.

Titterton, Robert BComm LLB MArtsMgt

Principal Member. First admitted as a solicitor in 1998, and as a barrister in 1992. Currently a Principal Member of the Tribunal assigned to the Occupational Division, the Administrative and Equal Opportunity Division and the Appeal Panel. Former Member of the Consumer Trader and Tenancy Tribunal (NSW), various NSW health tribunals and the Administrative Appeals Tribunal (Cth). Former barrister and Senior Specialist with the Australian Securities and Investments Commission.

Tong, Dr Lizabeth BA(Hons) MA DipPsychol PhD (Med)

Senior Member. A/Fellow British Psychological Society, Fellow Clinical and Forensic Colleges of the Australian Psychological Society, Member Psychology Council of NSW. Principal Clinical Psychologist Sydney Local Health District since 2007; Family Consultant Federal Circuit Court and Family Court; Authorised Clinician NSW Children's Court. Child Protection Consultant to Office of NSW Crown Solicitor, NSW Psychology Council, List of Experts at the International Criminal Court.

Toohy, Daniel BSc LLB (Hons1)

General Member. Admitted as a solicitor in 1999. Currently, a solicitor and clinical teacher within the University of Newcastle Legal Centre, University of Newcastle.

Topolinsky, Vadim BE (Structural) (UTS) MIEAust (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).

Towney, Gina BA LLB

General Member. Admitted as a solicitor in 2001. Currently a Member of the Hong Kong Torture Claims Appeal Board, hearing matters in relation to refugee claims. Previously a Member of Administrative Appeals Board (2012-2017), the Independent Protection Assessment Office (2010-2012) and the Social Security Appeals Tribunal (2008-2011). Ms Towney has also lectured in Administrative Law, (UNSW 2017). From 2001 to 2008, worked as a solicitor, including at the Women's Legal Centre, Legal Aid and Law Access NSW.

Ulman, Gary Stephen LLB LLM MA

Senior Member. Admitted as a solicitor in 1975. Currently a solicitor and nationally accredited mediator. 2016 President, Law Society of NSW; since December 2017, the Chair of Resolution Institute.

von Kolpakow, Michael

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

Vrabac, Nick

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

Wakefield FCIArB FACICA, Alexander John LLM (UNSW) MPhil (Cantab)

Senior Member. Admitted as a solicitor in 1990. Currently in private practice as a solicitor and chair of the Australian Disputes Centre. Accredited specialist in commercial litigation and mediator, and former Court appointed arbitrator. Former President of the Chartered Institute of Arbitrators Australia. Former member of the Law Society Professional Conduct Committee. Former Judicial Member of the Administrative Appeals Tribunal.

Walker, Dr Alexandra

Senior Member. Experienced Clinical Psychologist and Clinical Neuropsychologist with post-graduate qualifications in Clinical Neuropsychology (Doctorate of Psychology) and Clinical Psychology (Masters of Clinical Psychology). Expertise in traumatic brain injury and dementia with published research papers in these areas.

Walker, Professor Emeritus Geoffrey LLB (Hons2) (Syd) 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-date, Senior Member, NCAT. This year presented to the State Library of New South Wales his translations of five major French historical works dealing with Australia published between 1798 and 1855. They are currently being accessioned and will be available as e-books for public use.

Wannan, Alison BSW (Hons) MSW PhD

General Member. Currently a casual academic in social work at UNSW. From 1991-2008 managed disability and community service programs; 2008-2014, completed participatory research with people with mental health issues and frail older people living in social housing. Since 2014 a community member of the Guardianship Division.

Watson, Margaret Edith BA (Welfare Studies) Cert Somatic Psychotherapy

General Member. Counsellor, Post Adoption Resource – the Benevolent Society. From 1975-1972 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.

West AM, Dr Carolyn MBBS(Hons) DCH

Senior Member. Qualified as Medical Practitioner in 1969. VMO Spina Bifida Service RPAH 1982 to 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 2018. Member of Order of Australia for services to disability especially Spina Bifida 2007.

Williams, Dr Sidney MB BS FRANZCP

Senior Member. Qualified as Medical Practitioner in 1966 and psychiatrist in 1972. Member Faculty of Psychiatry of Old Age (RANZCP) 1999. Associate Professor, Psychiatry, University of Sydney 1981-1991. Ian Simpson Award (RANZCP) 2014 for "outstanding service to the community, his patients and his colleagues". A pioneer in developing services and education supporting people with dementia, their families and other carers particularly in South Western Sydney, regional and rural NSW. Also a member of the Mental Health Review Tribunal.

Williams, Louise LLM (Syd) DipLaw (SAB)

General Member. Admitted as a solicitor in NSW 1989. Currently a nationally accredited mediator. From 1999 has been a Member of Tribunals, including the former Fair Trading Tribunal and Consumer Trader and Tenancy Tribunal. From 2011-2013, solicitor in private practice.

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

Wortley, Janice BA(Ed) BA(Psych) MA Post Grad SpEd Dip Teaching

Senior Member. Qualified Psychologist (1986), MHFA Accredited Trainer (2001), and Certified Workplace Trainer and Assessor (2014). 2008 onwards working as a Consultant/Lecturer in Disability, Community Services, Certified Workplace Assessor, training, psychologist for TAFE NSW. 2008 onwards MHFA Trainer. From 1995-2001, Manager DET TAFE NSW State Manager Disability Services; 2002-2008, NSW Open Training Network (OTEN) State Consultant Psychiatric Disabilities. 2001, Winner of the Premiers Award for Excellence Boarding Housing Reform.

Wroth, Dr Melanie MBBS (Syd) FRACP

Senior Member. Senior Staff Specialist Geriatrician at RPA Hospital managing acute inpatient medical care and geriatrics consultations service. Member, Medical Council of NSW since 2000 for hearings resulting from complaints about Medical Practitioners.

Xuereb, Charles DipLaw (SAB)

General Member. Admitted as a solicitor in 1978. Sole practitioner in a city based general practice law firm. From 1991-1998, and 2004-2007, Councillor, Law Society of NSW; 1994-2000, Director of Lawcover; 2006, Treasurer Law Society of NSW; 2008-2018, Co-ordinator, Lawyers Assistance Program. Currently Treasurer, Solicitors' Benevolent Fund.

Yuvarajan, Dr Rasiah MBBS FRANZP FPOA
MRCPsych MBA

Senior Member. Senior Specialist Psychiatrist, Sydney West LHD. Senior Psychiatrist, Raymond Tint Way & Associates. Specialist Psychogeriatrician. Specialist Transcultural Psychiatrist.

Ziegler, Deborah BA LLB

General Member. Admitted as a solicitor in 1996. Currently a Nationally accredited mediator. From 1996-1997, Associate to the late Hon Justice Burchett, Federal Court of Australia; 1997-2011, Solicitor and Senior Associate at Freehills (now Herbert Smith

Freehills); 2011-2012, Forum Facilitator, Forum Sentencing NSW; 2011-2012 Member, Consumer Trader and Tenancy Tribunal.

Zoa Manga, Robert Magloire MBBS MPH
MHLthServMgmt

General Member. Background in medicine and medical research as well as teaching. Published in the field of medical research, public health, international health and health promotion. Member of the World Health Organisation International Classification Functioning Reference Group. Co-owner and Director of 'My Voice' and co-author of "New Directions in Rehabilitation Counselling". President of Spinal Talk, a support group for people with spinal cord injuries in Australia; Chair-Elect, Australian Catholic Disability Council. Dr Manga has a lived experience of a person with disability, having sustained a permanent spinal cord injury following a motor accident.

Also NCAT members as at 30 June 2018

Corsaro SC, Francesco

Harris SC, John

Khadem, Atousa Hadi

Langley, Andrew William

Lovelock, Mary Eileen

Scarlett OAM RFD, Stephen Hugh

Tamberlin QC, The Hon Brian John Michael

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.

Diligence and Efficiency

18. 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.
19. 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.
20. 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

21. Members, in carrying out their duties as Members, are to act honestly and truthfully.
22. 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

23. 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.
24. 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

25. 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

26. 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.
27. 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

28. 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

29. 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

30. Complaints in relation to Members will be dealt with as outlined in NCAT Policy 1 - Complaints.

Compliance with the Code

31. 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.
32. The Code of Conduct does not stand alone but forms part of the accountability framework within which both the Tribunal and the Members operate. It is complementary to the Tribunal's procedures and policies, including the Member professional development framework and the Tribunal's complaints process.

The Hon Justice Robertson Wright

President

Appendix 5

NCAT Expenditure Report

The following NCAT Expenditure Report applies to the period of 1 July 2017 to 30 June 2018.

SALARY AND RELATED PAYMENTS	\$'000
Salaries (staff and full time members)	13,976
Statutory appointees (part time members)	14,531
Contractors (agency temporary staff)	748
Annual leave and sick leave	2,805
Overtime	7
Long service leave	1,135
Superannuation	2,788
Workers compensation	147
Payroll tax	1,944
Fringe benefit tax	35
Other	63
Subtotal	38,179

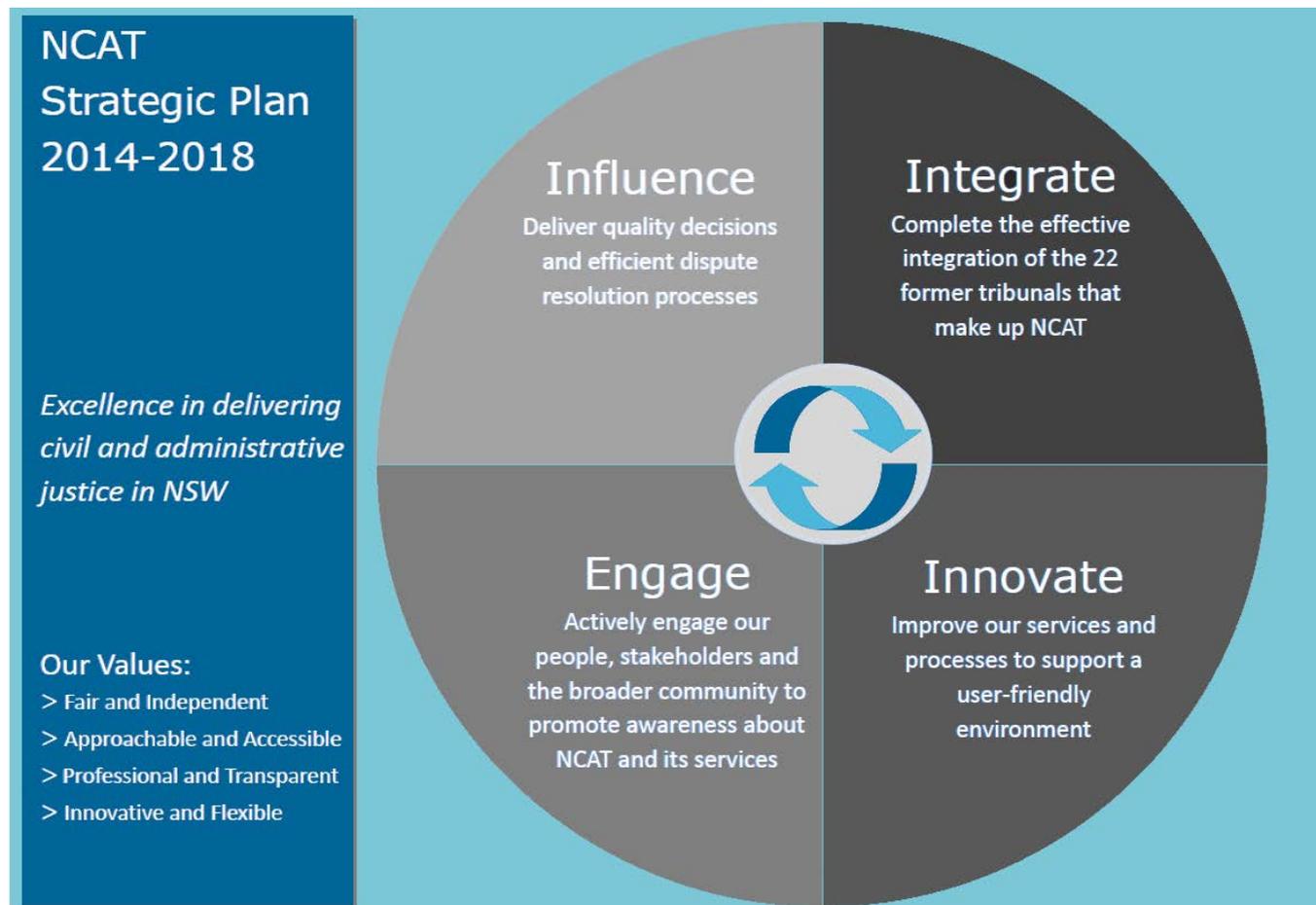
OPERATIONAL EXPENSES	\$'000
Office accommodation	5,746
Postage and couriers	742
Telephones	435
Electricity gas	147
Minor computer purchases and consumables	106
Fees	370
Security services*	5
Training and development fees	50
Travel expenses	523
Printing	206
Interpreters	551
Publication	102
Insurance	211
Maintenance	375
Minor miscellaneous	21
Subtotal	9,590
Depreciation	2,545
Ex-Gratia payments	1
Total operational expenses	50,315

* Note that security costs were transferred to NSW Sheriffs during this reporting year.

Note: This appendix is based on information supplied by Finance, Department of Justice. The Audit Office had not completed the audit of the Department's financial statements when this information was supplied.

Appendix 6

NCAT Strategic Plan 2014-2018



Key initiatives 2017-2018

INNOVATE/ENGAGE: Communication Project

In 2017, NCAT published two new brochures, *NCAT support for people with disability* and *Can you hear in the hearing room*. The brochures provide information about the services available for people with a disability at NCAT. These services include:

- hearing amplification equipment available during a NCAT hearing
- Auslan interpreters
- wheelchair accessibility

- alternative document formats such as electronic or large print.

The brochures have been made available in electronic format and hard copy and are available at all NCAT Registries.

In 2018, NCAT conducted a review of its internal communications, surveying staff and conducting interviews with managers and staff. The internal communications review will inform a communications project in the next reporting year with a focus on ensuring staff have access to appropriate information and resources to support the delivery of our services.

INTEGRATE / INNOVATE / INFLUENCE: Transformation Project

The NCAT Transformation Project continued into the beginning of the 2017-2018 reporting year. A key milestone of the project was reached in July 2017, when the Guardianship Division commenced using the Tribunal's new digital case management system 'JusticeLink', and 'InHearing Orders' was introduced for Guardianship Division Members.

InHearing Orders (IHO) is a web-based tool that enables Members to make directions and orders online, replacing the manual and paper-based processes. A key feature is the ability for parties to receive their correspondence and orders by email. Orders are made in a more efficient and timely manner which means that parties will receive outcomes instantaneously, meaning they can act on them straight away.

The Guardianship Division is the third of NCAT's four Divisions to start using JusticeLink and IHO. The implementation of these systems is part of the transformation program designed to modernise and streamline NCAT operations.

ENGAGE/INNOVATE: Accessibility Project

In 2017-2018, NCAT continued its strong focus and commitment to being accessible and responsive to the needs of all Tribunal users. The NCAT Accessibility Committee continued to drive the organisations focus in this area.

During the reporting year, the Accessibility Committee worked collaboratively with the Australian Guardianship and Administration Council (AGAC) in relation to recommendations made to AGAC by the Australian Law Reform Commission (ALRC) following the ALRC's report into Elder Abuse. The Tribunal subsequently commenced a project during the period, on behalf of AGAC, to develop best practice guidelines on the participation of proposed represented persons in hearings before all Tribunals and Boards exercising guardianship jurisdiction in Australia, being one of the recommendations of the ALRC.

In addition, the Committee also:

- continued to monitor complaints received by the Tribunal which raised any accessibility issues
- liaised with the Professional Development Committee of the Tribunal to encourage inclusion on training agendas, for both members and staff, of education and training on awareness of matters particular to CALD and Aboriginal and Torres Strait Islander communities, and
- examined resources available to the Tribunal through involvement with the Judicial Council on Cultural Diversity, such as videos and factsheets, with a view to appropriately promoting such resources both within the Tribunal and to consumers of Tribunal services.

Appendix 7

Resolution Processes

The Tribunal has a wide and flexible power to resolve disputes other than by adjudication. These processes are referred to in the legislation as 'resolution processes'. A resolution process is any process in which the parties to proceedings are assisted to resolve or narrow the issues between them. 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 issue.

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 of the Civil and Administrative Tribunal Regulation 2013 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 the Tribunal. 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 usually used in the Home Building List of the Consumer and Commercial Division. During a conclave, the experts discuss the issues on which they have prepared reports with a view to clarifying matters in dispute, reaching agreement where possible and 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, 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 conducted before a single Tribunal Member while the majority of applications in the Guardianship Division are before a panel of three Members. Some Tribunal Members are Community Members having expertise in certain areas.

NCAT's hearings are open to the public unless a specific order is made closing the hearing. Public hearings ensure that the Tribunal's processes are transparent. Hearing lists are published on the NCAT website except for the Guardianship Division. In the Guardianship Division this is balanced with right to privacy of the person who is the subject of the proceedings.

Internal appeals

This process permits decisions at first instance to be scrutinised and, where necessary, corrected without the expense or delay involved in bringing proceedings in the District Court or the Supreme Court. This scrutiny also improves the standard of decision-making and writing throughout the Tribunal.

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

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

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

The Appeal Panel which hears any internal appeal will in most cases be made up of two or three Members from across the divisions. At least one of the Members will be a lawyer.

Not all 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 made by an Adjudicator under the *Strata Schemes Management Act 1996*

- Decisions of an Appeal Panel
- Decisions of the Tribunal under the *Child Protection (Working with Children) Act 2012*.

Exclusions to appeal are set out in the Divisional Schedules to the NCAT Act and in some of the specific laws giving jurisdiction to NCAT.

Some Divisional decisions that are not subject to an internal appeal may be appealed to the Land and Environment Court, the Supreme Court or the Court of Appeal. A decision of the Guardianship Division may be appealed either to the Appeal Panel or the Supreme Court but not to both.

Information about lodging an appeal is provided in *NCAT Guideline 1 – Internal Appeals*. This Guideline and the application forms are available on the NCAT website. NCAT appeal decisions are published to the NSW Caselaw website and a selection are published in NCAT's *Legal Bulletin*.

The *NCAT Appeal Panel Decisions Digest* can be subscribed to for monthly keyword summaries of decisions of the Internal Appeal Panel.

Set aside or vary Tribunal Decision

In some instances, a party to proceedings may apply to NCAT to set aside or vary a Tribunal decision after the matter is finalised. The grounds for an application to set aside or vary Tribunal decisions are contained in Part 3 of the *Civil and Administrative Tribunal Regulation 2013*. Dissatisfaction with the decision is not a sufficient reason to request that the Tribunal decision be set aside or varied.

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

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

Appendix 8

Fees and charges as at 30 June 2018

Administrative and Equal Opportunity Division and Occupational Division

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
Administrative review application	\$100	na	\$25
<ul style="list-style-type: none"> to be determined by 2 or more Members* 	\$210	na	\$53
<ul style="list-style-type: none"> More than \$10,000 and not more than \$30,000 	No fee	No fee	No fee
General application or external appeal	\$100	\$200	\$25
<ul style="list-style-type: none"> to be determined by 2 or more Members* 	\$210	\$420	\$53
<ul style="list-style-type: none"> to be determined by Appeal Panel 	\$414	\$828	\$104
<ul style="list-style-type: none"> under the <i>Aboriginal Land Rights Act 1983, Anti-Discrimination Act 1977, Local Government Act 1993, Legal Profession Uniform Application Act 2014, Public Notaries Act 1997, Dormant Funds Act 1942 or Apprenticeship and Traineeship Act 2001</i> 	No fee	No fee	No fee
Health Practitioner List matters	No fee	No fee	No fee
Internal Appeal	\$414	\$828	\$104
Set aside application	\$101	\$202	\$25

* Refer to section 27 and relevant Divisional Schedules of the *Civil and Administrative Tribunal Act 2013*.

Consumer and Commercial Division

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
Residential proceedings	\$49	\$98	\$12
General consumer or commercial proceedings			
<ul style="list-style-type: none"> Claims not more than \$10,000 (or no amount) 	\$49	\$98	\$12
<ul style="list-style-type: none"> Claims over \$10,000 to \$30,000 	\$101	\$202	\$25
<ul style="list-style-type: none"> More than \$30,000 	\$263	\$526	\$66
Strata schemes			
<ul style="list-style-type: none"> Strata application 	\$101	\$202	\$25
<ul style="list-style-type: none"> Application for interim orders 	\$101	\$202	\$25
<ul style="list-style-type: none"> External appeal against order of Adjudicator under the <i>Strata Schemes Management Act 1996</i> 	\$100	\$200	\$25
Community schemes			
<ul style="list-style-type: none"> Application for Adjudicator's orders 	\$85	\$170	\$21
<ul style="list-style-type: none"> Application for Adjudicator orders and interim orders when lodged at same time 	\$171	\$342	\$43

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
<ul style="list-style-type: none"> • Application for Tribunal orders <ul style="list-style-type: none"> ○ General application for orders under Division 4 of the <i>Community Land Management Act 1989</i> ○ External appeal against order of Adjudicator ○ Application to impose a civil penalty 	\$85	\$170	\$21
Retail leases	\$100	\$200	\$25
Internal appeal	\$414	\$828	\$104
Set aside application	\$101	\$202	\$25

Guardianship Division

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
Guardianship proceedings	No fee	No fee	No fee
Internal appeal	\$414	\$828	\$104
Set aside application	\$101	\$202	\$25

Explanatory notes

Corporation fee – The 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 – The 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 include matters about tenancy, social housing, residential communities, retirement villages and boarding houses.

General consumer or commercial proceedings include matters about agent commissions and fees, agricultural tenancy, consumer claims, conveyancing costs, dividing fences, holiday parks, home building, motor vehicles, pawnbrokers and second-hand dealers and Travel Compensation Fund appeals.

Other services

SERVICE	FEE
Copy of sound recording (for each hearing event)	\$41
Application for issue of a summons (for production of or o give evidence, or both)	\$45
Request for the production to Tribunal of documents held by court	\$52
Retrieval of any document or file from archives	\$80
Copy or certified copy of decision or written reasons	\$80
Request by a non-party to inspect public access documents	\$42 [#]
Photocopying of documents where requesting party makes the copies	\$0.50 per sheet
Photocopying of documents where a Tribunal staff member makes the copies	\$2 per sheet
Fees for any other service provided	\$42

[#] Payment of fee is applicable per finalised matter. Fee is for inspection only and is payable in addition to any charges for the photocopying of documents.

Appendix 9

NCAT Liaison Group and Divisional Consultative Forum Membership

NCAT Liaison Group

Bar Association of NSW
Brain Injury Association NSW
Community Legal Centres Group (NSW) Inc
Health Care Complaints Commission
Health Professionals Councils Authority
Law Society of NSW
Legal Aid Commission of NSW
Real Estate Institute of NSW
Redfern Legal Centre
Tenants' Union of NSW

Consumer and Commercial Division

Tenancy Consultative Forum / Aboriginal Consultative Forum

Aboriginal Affairs NSW
Aboriginal Housing Office
Aboriginal Legal Service (NSW/ACT)
Anaiwan Local Aboriginal Land Council
Argyle Community Housing
Australian Consumers Association (CHOICE)
Bungree Aboriginal Association
Civil Law Service for Aboriginal Communities – Legal Aid NSW
Common Equity NSW
Department of Finance, Services and Innovation
Dtarawarra Aboriginal Resource Unit
Estate Agents Co-operative
Financial Counsellors Association of NSW
Gandangara Local Aboriginal Land Council
Greater Sydney Aboriginal Tenants Service
Homelessness NSW
Housing Appeals Committee
Housing NSW
Human Rights Committee – Law Society of NSW
Inner Sydney Tenants' Advice and Advocacy Service
Jemmeson and Fisher

Law Society of NSW
LawAccess NSW
Legal Aid NSW
Mission Australia
Murra Mia Tenant Advocacy Service
NSW Aboriginal Land Council
NSW Federation of Housing Associations
Property Owners Association of NSW
Public Tenants Council (Central Sydney)
Real Estate Institute of NSW
Redfern Legal Centre
Seniors Rights Service
Southern Sydney Tenants Advice and Advocacy Service
Teacher Housing Authority NSW
Tenants Advice and Advocacy Services NSW
Tenants' Union of NSW
Urban Development Institute of Australia (UDIA) NSW
Western Aboriginal Tenants Advice and Advocacy Service
Western Sydney Community Legal Centre
Western Sydney Tenants Service

Commercial / General / Motor Vehicles Consultative Forum

Australian Consumers Association (CHOICE)
Australian Manufacturing Workers Union
Department of Finance, Services and Innovation
Disability Council NSW
Fair Trading Advisory Council
Financial Counsellors Association of NSW
Financial Rights Legal Centre
Institute of Automotive Mechanical Engineers
Jemmeson and Fisher
Kemp Strang Lawyers
LawAccess NSW
Law Society of NSW
Legal Aid NSW
Migration Agents Registration Authority (NSW Office)

Motor Traders Association of NSW
Multicultural NSW
NSW Fair Trading
Property Owners Association of NSW
Redfern Legal Centre
Tenants Union of NSW

Home Building Consultative Forum

Australian Institute of Architects (NSW Charter)
Australian Institute of Building
Bannermans Lawyers
Building and Construction Council of NSW
Civil Contractors Federation NSW
Department of Finance, Services and Innovation
Engineers Australia
Housing Industry Association
Institute of Building Consultants NSW
LawAccess NSW
Law Society of NSW
Master Builders Association of NSW
Master Painters Association of NSW
Master Plumbers Association of NSW
National Electrical and Communications Association of NSW
National Wood Flooring Association
NSW Fair Trading
Owners Corporation Network
Paint Solutions and Associates
Russo and Partners Lawyers
Shaw Reynolds Lawyers
Strata Community Australia (NSW)
Suncorp
Swaab Attorneys
Swimming Pool and Spa Association of NSW and ACT
Western Sydney Community Legal Centre

Residential Communities Consultative Forum

Affiliated Residential Park Residents Association (ARPRA)
ARPRA Central Coast Residents Association
Caravan and Camping Industry Association NSW
Combined Pensioners and Superannuants Association of NSW Inc
Department of Finance, Services and Innovation
Independent Park Residents Action Group of NSW
Land Lease Living Industry Association NSW
LawAccess NSW

Law Society of NSW
Park and Village Service
Port Stephens Park Residents Association
Senior Rights Service
Tenants Union of NSW
Tweed Residential Parks Homeowners Association
Western Sydney Community Legal Centre
Western Sydney Tenants Service

Retirement Villages Consultative Forum

Aged and Community Services NSW and ACT
Aged Care Association Australia (NSW)
Bougainvillea Retirement
Council on the Ageing NSW
Department of Finance, Services and Innovation
LawAccess NSW
Law Society of NSW
Leading Age Services Australia NSW-ACT
NSW Fair Trading
Older Persons Tenancy Service – Combined Pensioners and Superannuants Association of NSW
Public Interest Advocacy Centre
Retirement Villages Residents Association
Seniors Rights Service
The Aged-care Rights Service
Wesley Mission

Strata Consultative Forum

Australian College of Community Association Lawyers
Australian Resident Accommodation Managers Association (ARAMA)
Bannermans Lawyers
Department of Finance, Services and Innovation
Fair Trading NSW
Housing Industry Australia
LawAccess NSW
Law Society of NSW
Older Persons Tenants Services – Combined Pensioners and Superannuants Association
Owners Corporation Network
Property Council of Australia
Property Owners Association of NSW
Strata Community Australia (NSW)

Guardianship Division

Guardianship Consultative Forum

Aboriginal Legal Services (NSW/ACT)
Ageing, Disability and Home Care (ADHC)
Alzheimer's Australia NSW
Brain Injury Association of NSW
Community Legal Centres NSW Inc
Disability Council NSW
First Peoples Disability Network Australia
Intellectual Disability Rights Service
Law Society of NSW
Leading Age Services Australia NSW-ACT
Legal Aid NSW
Mental Health Coordinating Council
Mental Health Review Tribunal
Multicultural Disability Advocacy Association of NSW
National Disability Insurance Agency
National Disability Services NSW
NSW Council for Intellectual Disability
NSW Department of Family and Community Services
NSW Ministry of Health
NSW Network of Women with Disability
NSW Trustee and Guardian – Disability Advocacy Service
Office of the Public Guardian
People with Disability Australia
Senior Rights Service

Administrative and Equal Opportunity Division

Administrative and Equal Opportunity Division Consultative Forum

Aboriginal Legal Service (NSW/ACT)
Anti-Discrimination Board of NSW
Association of Children's Welfare Agencies (ACWA)
Australian Taxi Drivers Association
Connecting Carers NSW
Family and Community Services (FACS)
Firearms Registry
Independent Liquor and Gaming Authority
Information and Privacy Commission NSW
Kingsford Legal Centre, UNSW Law - Community Legal Centres NSW
Law Society of NSW
Legal Aid NSW

Liquor and Gaming NSW
Local Government NSW
NSW Bar Association
NSW Crown Solicitor's Office
NSW Department of Education
NSW Department of Justice (Justice Legal)
NSW Fair Trading
NSW Trustee and Guardian
Office of State Revenue
Office of the Children's Guardian
Public Interest Advocacy Centre Ltd
Transport for NSW
Victims Services

Occupational Division

Professional Disciplines Consultative Forum

Australian Health Practitioner Regulation Agency
Australian Medical Association (NSW) Ltd
Avant Mutual Group Limited
Building Professionals Board
Dibbs Barker
Eakin McCaffery Cox
Health Professional Councils Authority
Hicksons Lawyers
HWL Ebsworth
Law Society of NSW
MDA National
Medical Indemnity Protection Society
Medical Insurance Group Australia
Meridian Lawyers
NSW Architects Registration Board
NSW Bar Association
NSW Health Care Complaints Commission
NSW Nurses and Midwives Association
Office of Local Government
Office of the Legal Services Commissioner
T A Williams
TressCox
Veterinary Practitioners Board of NSW
Watts McCray Lawyers
Barristers from 15 Wardell, 6 St James Hall, Culwulla, Denman, Level 22 Chambers and Wentworth Chambers

