



**NCAT**  
NSW Civil &  
Administrative Tribunal

# NCAT Annual Report 2022–2023



# Acknowledgement of Country

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



**NCAT**  
NSW Civil &  
Administrative  
Tribunal

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

Dear Attorney,

I am pleased to submit the 2022-23 Annual Report for the NSW Civil and Administrative Tribunal.

The report summarises the Tribunal's performance and outcomes achieved during the period 1 July 2022 to 30 June 2023.

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

Following the tabling of the report in Parliament, it will be available for public access on the Tribunal's website at [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au).

Yours sincerely,

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

# Table of Contents

---

<b>President’s Report</b> .....	<b>5</b>
<b>2022-23 in Review</b> .....	<b>7</b>
<b>Independence</b> .....	<b>9</b>
Legislative framework .....	9
Member appointments and tenure.....	9
Administrative support .....	10
Budget and funding sources .....	10
<b>Leadership and effective management</b> .....	<b>12</b>
Leadership group .....	12
Governance.....	13
Disclosure of information.....	14
<b>Fair treatment</b> .....	<b>15</b>
Member Code of Conduct.....	15
Internal appeals.....	15
Service Charter and service enhancement projects.....	16
Procedures and processes.....	16
Representation before the Tribunal .....	17
Interpreter services.....	17
Multicultural issues.....	18
<b>Accessibility</b> .....	<b>19</b>
Accessing NCAT services.....	19
NCAT website and social media.....	19
Resources and assistance .....	20
Hearing locations and times.....	20
Alternative access to hearings.....	21
Fees and charges.....	21
Legal assistance.....	21
Additional assistance .....	22
Procedural directions, guidelines and policies .....	22

<b>Professionalism and integrity</b> .....	<b>24</b>
Competency framework and performance appraisal.....	24
Member qualifications .....	24
Code of Conduct.....	24
Professional development, appraisal and training .....	24
Appeals .....	25
<b>Accountability</b> .....	<b>26</b>
Hearings open to the public.....	26
Service charter.....	26
Complaint handling mechanisms.....	26
Stakeholder engagement.....	26
Publication of reasons for decisions .....	27
Other engagement with the community.....	27
<b>Efficiency</b> .....	<b>28</b>
Performance standards and monitoring.....	28
Promotion of resolution processes.....	28
Flexibility of membership and procedures.....	29
Use of digital technologies .....	29
<b>User needs and satisfaction</b> .....	<b>30</b>
Use of NCAT website and social media.....	30
Customer feedback and surveys .....	30
Stakeholder interaction.....	31
Internal appeals.....	31
Complaints data.....	31
<b>Divisional and Appeal Panel Reports</b> .....	<b>32</b>
Administrative and Equal Opportunity Division .....	33
Consumer and Commercial Division .....	37
Guardianship Division .....	41
Occupational Division .....	48
Appeal Panel.....	53
<b>Appendices</b> .....	<b>58</b>
Appendix 1 – Legislation.....	59
Appendix 2 – Major Legislative Change .....	63
Appendix 3 – Tribunal Members at 30 June 2023.....	64

Appendix 4 – NCAT Member Code of Conduct.....	90
Appendix 5 – NCAT Expenditure Report.....	95
Appendix 6 – Service Standards: Lodgement to Finalisation.....	96
Appendix 7 – Resolution Processes.....	98
Appendix 8 – Fees and charges as at 30 June 2023.....	102
Appendix 9 – NCAT Liaison Group and Divisional Consultative Forum Membership.....	104

## NCAT Annual Report Structure

NCAT has structured the information in this annual report, in addition to the President’s Report and 2022-23 in Review, in three parts. First, general information concerning the Tribunal as a whole is provided by reference to the eight areas of Tribunal excellence set out in the Australia and New Zealand Tribunal Excellence Framework (June 2017) published by the Council of Australasian Tribunals. The eight areas are:

- Independence
- Leadership and Effective Management
- Fair Treatment
- Accessibility
- Professionalism and Integrity
- Accountability
- Efficiency
- User Needs and Satisfaction

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

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

# President's Report

---

## NCAT increasing access to justice in NSW

The NSW Civil and Administrative Tribunal (NCAT) plays a fundamental role in providing access to justice in NSW. Since its establishment in 2014, NCAT has provided timely, efficient and flexible access for citizens seeking to resolve their disputes or issues. In its ninth year of operation, NCAT received the highest number of applications lodged since its inception, maintaining its position as one of the largest and busiest tribunals in Australia.

A key feature of NCAT is that it deals with a wide variety of matters across a diverse range of civil disputes (including tenancy and strata), administrative review of government decisions and certain other decisions, anti-discrimination, guardianship, and professional disciplinary matters. The flexibility of NCAT's structure, processes and procedures allows it to provide dispute resolution services that are cheaper, faster and less formal than court proceedings.

During 2022-23, there was an 8.5% increase in application lodgements across all NCAT Divisions and internal appeals, mostly experienced in the Guardianship Division (by 10.6%) and Consumer and Commercial Division (by 8.2%). Despite the significant growth in workload, NCAT maintained a clearance ratio of 100.0%.

In the coming years, further demand for NCAT services is expected. The demand for guardianship matters has been increasing each year since 2018 and is a trend that is consistent with the aging population of Australia. We also anticipate continued growth in applications to the Consumer and Commercial Division in line with the projected future annual population growth in NSW, which will inevitably increase the number of people seeking resolution for their everyday disputes about housing and property, or disputes

between consumers and businesses. Increased workload in both these Divisions will certainly present further challenges for NCAT as it seeks to provide the same level of access to justice within its existing resources.

## Return to in-person hearings

One of the notable highlights of 2022-23 was NCAT's return to in-person hearings and regional sittings following the lifting of the COVID-19 pandemic restrictions in NSW.

The return to in-person hearings and regional sittings has been balanced with an increased use of virtual hearing technologies where appropriate, allowing NCAT to conduct over 93,000 hearings during the reporting period.

NCAT will also continue to review and adjust our operating model to ensure we deliver flexible and accessible justice with the right balance of convenience and practicality.

## Continued investment in our digital future

During 2022-23, the Department of Communities and Justice continued to invest in the development of technologies that better meet the modern expectations of our users.

In the last 12 months, significant work has taken place to bring all NCAT Divisions and the Appeal Panel onto a single case management system. A new 'NCAT Online Services' registry portal is also being developed that will allow users to file online for all types of Consumer and Commercial Division matters, upload documents and evidence, and view their case file details. The single case management system and online registry portal is currently on track to be launched towards the end of 2023.

In the next reporting year, NCAT will also transition to electronic paperless files for group list matters in the Consumer and Commercial Division, bringing NCAT closer to achieving end-to-end digital case management.

## Culturally supportive access to justice

During the reporting year, NCAT proudly launched its first targeted fact sheet for Aboriginal and Torres Strait Islander parties, providing details of organisations that can provide culturally appropriate free or low-cost legal advice and information.

Work was also undertaken to establish an Aboriginal Tenancy List in the Consumer and Commercial Division. The Aboriginal Tenancy List will endeavour to link Aboriginal tenants and landlords with service providers they might not otherwise have had the opportunity to connect with. The intention is to encourage greater participation by Aboriginal parties by providing a supportive and culturally safe space in which they can receive help from key service providers including Aboriginal Tenants advocates, Legal Aid, Centrelink and Salvation Army financial counsellors.

## Member recruitment and professional development

Recruitment was undertaken throughout the reporting period to refresh our membership. In 2022-23, NCAT welcomed 9 new Members, and 59 experienced Members were reappointed for further terms.

In December 2022, NCAT also saw the departure of the Hon Jennifer Boland AM, who retired as a long-standing Deputy President of NCAT. I would like to thank Jennifer for her outstanding contribution to the work of NCAT over many years, particularly in the determination of disciplinary matters involving health practitioners and other professionals.

Members are appointed by the NSW Attorney General to NCAT's Divisions following a merit-based recruitment process. As at 30 June 2023, there were 263 Tribunal Members. Of these, 19 were appointed on a full-time basis. The remaining membership are part-time (sessional) Members. This structure provides NCAT with flexibility but also presents challenges in the face of the increasing demand for tribunal services.

In November 2022, NCAT held its biennial all-Member Conference. The conference was held in Sydney and was attended by 200 Members from across all NCAT Divisions. The Conference was an invaluable opportunity for the membership to come together and reconnect after the years of COVID-19 pandemic restrictions. The keynote address 'Making good decisions' was delivered by the Hon Justice Anthony Payne of the NSW Court of Appeal.

Divisional-specific training was also conducted for Members throughout the reporting period. In addition, a special masterclass was arranged for Members during the year on managing high-conflict personalities. The ongoing professional development and support of our Members plays an integral role in promoting the quality and consistency of Tribunal decisions.

**The Hon Justice Lea Armstrong**  
President



# 2022-23 in Review

---

## 76,437

Applications lodged

- 8.5% increase in applications lodged compared to 2021-22
- 712 internal appeals lodged

## 64.8%

Applications lodged online

- 85.4% of applications in the Consumer and Commercial Division lodged online

---

## 93,324

Hearings held

- Hearings and other listing events were held in 33 locations across NSW
- NCAT returned to in-person hearings, offering a mix of hearings via telephone, video conference and in-person

## 76,447

Matters finalised

- 7.4% increase in finalisations compared to 2021-21
- Achieved an overall clearance ratio of 100.0%

---

## 80

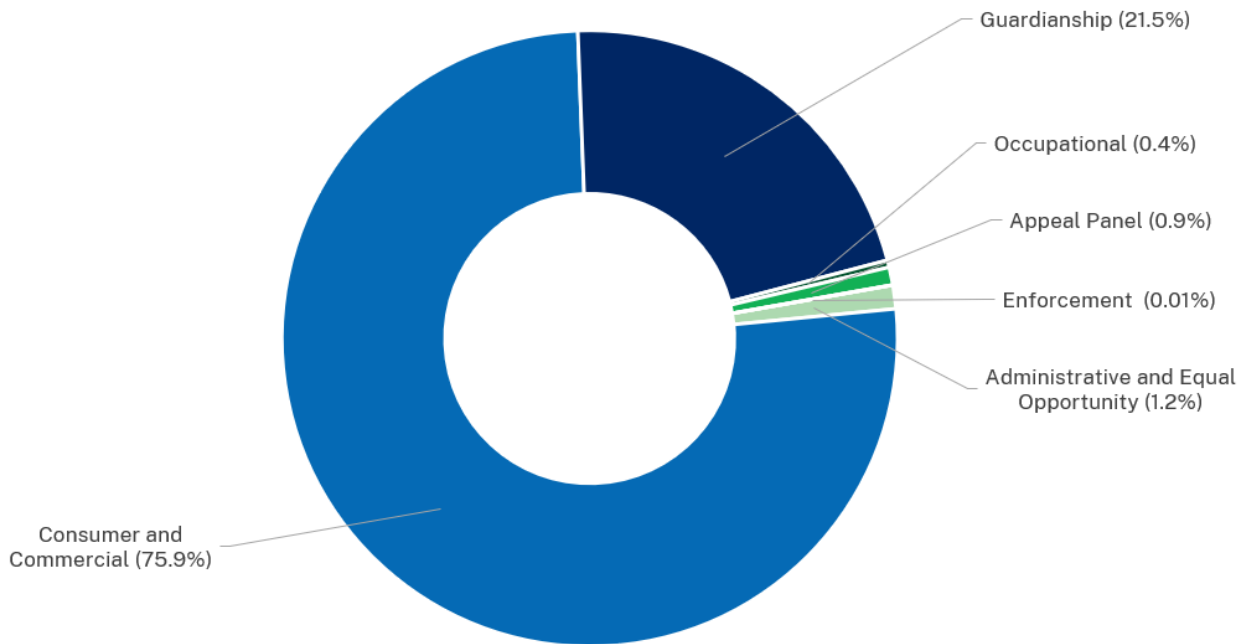
Community consultations,  
stakeholder group meetings,  
Tribunal Member and staff  
training sessions

## 1.3 million+

Website visits

- 1,332,033 visits to the NCAT Website
- 2,839,543 pages viewed online
- 1,661 followers on NCAT Twitter
- 3,961 e-newsletter subscribers

## 2022-23 Applications



DIVISION	NUMBER	% OF TOTAL
Administrative and Equal Opportunity	945	1.2
Consumer and Commercial	58,035	75.9
Guardianship	16,453	21.5
Occupational	286	0.4
Appeal Panel	712	0.9
Enforcement (Penalties and Contempt) *	6	0.01
<b>TOTAL</b>	<b>76,437</b>	<b>100.0%</b>

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

# Independence

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

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

## Legislative framework

NCAT is an independent tribunal established by the *Civil and Administrative Tribunal Act 2013 (NSW)* (NCAT Act). The NCAT Act contains provisions related to the establishment of the Tribunal, its jurisdiction, powers and procedures, and the appointment and removal of Members.

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

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

The independent decision-making role of the Tribunal is engaged by more than 170 separate Acts and subordinate legislation that confer broad and diverse powers on NCAT. These powers are exercised by the four Divisions and the Appeal Panel of NCAT.

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

## Top ten matters

by volume 2022-23

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

## 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 that role by the Governor of New South Wales. The Governor also appoints the Deputy Presidents of the Tribunal. Principal Members, Senior Members and General Members are appointed by the Attorney General. Aside from the President who must be full-time, Members may be appointed on a full-time or a part-time basis.

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

At 30 June 2023, the Tribunal had 263 Members, including the President, Deputy Presidents, Principal Members, Senior Members and General Members, who bring a range of qualifications, experience and expertise to Tribunal decision-making. They are located in the Sydney metropolitan and regional areas to provide flexibility and to ensure NCAT's services are available and accessible.

Apart from the appointment of current and former senior Judicial Officers as Members of the Tribunal, appointment of new Members by the Governor or the Attorney General follows a merit-based recruitment process approved by the Attorney General. The process 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 to the Attorney General.

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

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

## Administrative support

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

Staff operate out of dedicated NCAT Registry offices located in the Sydney CBD, and across metropolitan and regional areas. As at 30 June 2023, NCAT had 213.1 full-time equivalent (FTE) Registry staff.

## Budget and funding sources

NCAT's budget is made up of:

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

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

Appendix 5 contains NCAT's Expenditure Report for the 2022-23 financial year.

# Leadership and effective management

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

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

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

---

## Leadership group

### President

The President of NCAT is the Hon Justice Lea Armstrong, whose initial five-year term commenced on 31 October 2018 and at which time she was also sworn in as a Judge of the NSW Supreme Court. Her Honour has been appointed for a further five-year term commencing 31 October 2023.

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.

### Division Heads/Deputy Presidents

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

As at 30 June 2023, the Division Heads (full-time Deputy Presidents) were:

- Judge Susanne Cole, Head of the Administrative and Equal Opportunity Division and Occupational Division

- Mark Harrowell, Head of the Consumer and Commercial Division
- Anne Britton, Head of the Guardianship Division.

As at 30 June 2023, there were two part-time Deputy Presidents of the Tribunal: Acting District Court Judge Nancy Hennessy and Stuart Westgarth.

### Executive Director and Principal Registrar

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

The Executive Director and Principal Registrar of NCAT is Michelle Brazel, who was appointed to the role in October 2022.

### Director and Registrar Principal Registry

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

Amanda Curtin and Francis Monteiro currently job share the role of 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.

As at 30 June 2023:

- Pauline Green was the Director and Registrar of the Consumer and Commercial Division
- Jane Pritchard was the Director and Registrar of the Guardianship Division
- Louise Clegg and Michelle Bechini job share the role of Registrar of the Administrative and Equal Opportunity Division, Occupational Division, Appeals and Enforcement.

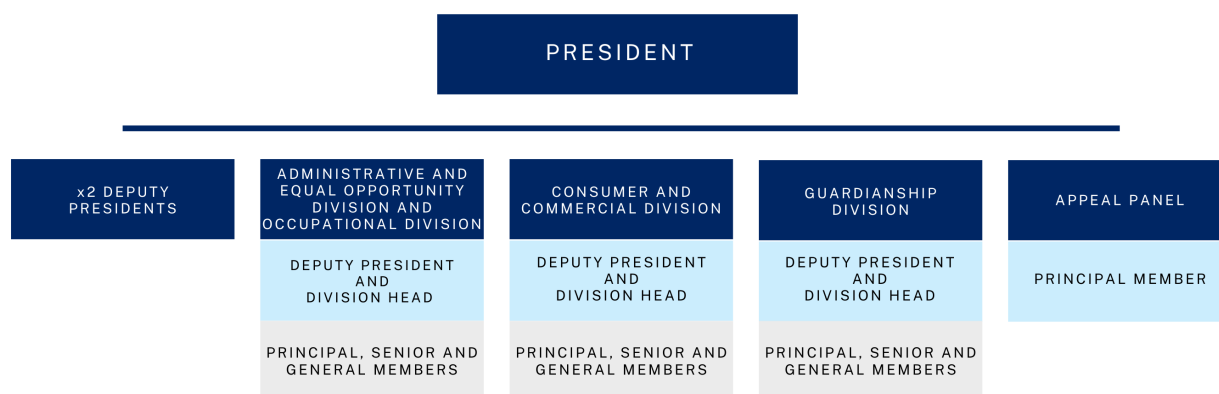
## Governance

### Rule Committee

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

The Civil and Administrative Tribunal Rules 2014 (NSW) (Rules) apply to proceedings in the Tribunal. The Rules require matters to be dealt with in a way that is accessible, fair and just. In addition, the Rules assist the Tribunal and parties to resolve disputes consistently, economically and promptly. Further, the Rules promote procedural flexibility and enable the Tribunal to cater to the needs of particular parties.

## NCAT Organisation Charts



## **NCAT Executive**

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

## **Advisory committees**

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

### **Professional Development Committee**

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

During the reporting period, the Committee was responsible for the organisation of the biennial NCAT Member Conference held in Sydney in November 2022. This was in addition to supporting Member induction training and jurisdiction-specific training across all Divisions.

### **Accessibility Committee**

The Accessibility Committee provides advice and makes recommendations to the NCAT Executive on improvements in the way that NCAT might deliver its services in a way that assists all users. The focus of the committee is to recognise the diversity of Tribunal users, including race, culture and language, sexual orientation, gender, disability, religion or beliefs, socio-economic circumstances or geographic location.

## **Disclosure of information**

In addition to its annual reports, NCAT regularly discloses selected information on the performance of the Tribunal 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*.



# Fair treatment

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

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

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

---

## Member Code of Conduct

NCAT’s Member Code of Conduct, issued by the President under section 20 of the NCAT Act, is set out in full at Appendix 4. The Code requires all Members, among other things:

- to provide a fair hearing to all parties
- to avoid circumstances that might give rise to a conflict of interest and to advise the parties of any potential conflicts that have arisen or may arise
- to conduct proceedings in a manner that is patient, courteous and respectful of all parties, representatives, witnesses, staff and others with whom the Members have to deal.

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

## Internal appeals

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

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

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

The Appeal Panel hears appeals, usually constituted by two Members. Appeal Panel Members are drawn from across NCAT’s membership. The presiding Member is usually a Presidential or Principal Member or Senior Legal Member. As at 30 June 2023, there were 61 Members from all NCAT Divisions sitting on the Appeal Panel. Registry staff provide administrative support to the Members who hear internal appeals.

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

During 2022-23, 712 appeals were lodged with the Tribunal and 732 appeals were finalised.

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

## Service Charter and service enhancement projects

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

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

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

A number of service enhancements were implemented during 2022-23 with a focus on clients from diverse communities, clients with disability, and Aboriginal and Torres Strait Islander clients, to ensure they receive equal access to the Tribunal's services.

In July 2022, NCAT launched a new dedicated fact sheet for Aboriginal and Torres Strait Islander people

listing services in NSW that provide culturally appropriate legal information and advice.

The automated translation tool 'Google Translate' was installed on the NCAT website in late 2022, allowing users from diverse communities to translate selected website information into 60+ languages.

A reasonable adjustment framework and guidance resources were also developed during the year to help Registry staff understand the different types of disability and to ensure NCAT provides inclusive services.

## Procedures and processes

Hearings in NCAT are usually oral hearings in which parties participate in person or through a representative. NCAT hearings may be held in person, by telephone or video, or a combination which is referred to as a "hybrid hearing". How parties and witnesses attend their hearing will depend on the nature of the matter, the type of hearing event, and the issues to be determined.

Under section 50 of the NCAT Act, NCAT can decide to determine a matter without a hearing, but only if it has given the parties an opportunity to make submissions on dispensing with a hearing, taken those submissions into account, and is satisfied that the issues for determination can be adequately determined in the absence of the parties on the basis of written materials. The making of decisions on this basis is commonly described as 'on the papers'.

During 2022-23, NCAT returned to in person face-to-face hearings in most categories of matters. Initial hearings such as directions and callovers are held by telephone or video. Group lists and final hearings are usually held in person. NCAT may allow a party or witness to attend a final hearing by telephone or video if they cannot attend in person.

NCAT also developed a new fact sheet, *Attending hearings by telephone or video*. The fact sheet explains the way in which parties and witnesses can attend an

NCAT hearing, and provides guidance on how to request to attend a hearing by telephone or video.

All NCAT hearings are sound recorded. A digital copy of the sound recording can be provided to parties or their representatives upon request with fee payment. Mediations, conciliations and other resolution processes are generally not sound recorded.

NCAT embraces a culture that supports and encourages the use of innovative and effective dispute resolution techniques. Where a matter is not appropriate for a negotiated outcome, NCAT assists parties to focus on identifying the 'real issues' in dispute, to support an efficient hearing process and more timely resolution of the matter.

NCAT uses a range of resolution processes depending upon the nature and complexity of proceedings, the requirements of the enabling legislation and the differing roles of each Division. Information about the resolution processes employed across NCAT's broad jurisdiction is at Appendix 7.

## Representation before the Tribunal

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

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

## Guardian ad Litem and Separate Representation

NCAT may appoint a Guardian ad Litem (GAL) or a Separate Representative to represent a person who is under the age of 18 or who is totally or partially incapable of representing himself or herself. Incapacity may result from an intellectual, psychological or physical disability, physical or mental illness or advanced age.

A party may apply to 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, or in Guardianship Division matters before the Appeal Panel.

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

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

## Interpreter services

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

During 2022-23, over 4,500 interpreters were requested in 78 different languages for hearings. The top languages requested were Mandarin, Arabic, Cantonese, Vietnamese, Spanish, Greek, Italian, Korean, Farsi/Persian and Croatian.

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

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

## **Multicultural issues**

NCAT takes part in activities to assist people from culturally and linguistically diverse communities to understand the role of the Tribunal and its services. During the reporting period, NCAT participated in the Department of Communities and Justice's Multicultural Plan working group which aims to ensure people from multicultural backgrounds have equitable access and experiences.

# Accessibility

‘Access to justice is a fundamental human right and a core principle of the rule of law. Tribunals as well as courts have an obligation to provide the community they serve with access to a fair hearing.’

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

‘The location and time that a tribunal hears disputes also directly affects access to justice. Those living in regional and remote locations should have the same level of access to the tribunal as those who live in metropolitan areas.’

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

---

## Accessing NCAT services

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

Applications can be lodged in person at NCAT Registries and Service NSW, by post, or online for certain application types.

### NCAT Registries

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

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

### Online services

NCAT offers online services to enable participants to file certain applications in the Consumer and Commercial Division. In 2022-23, 85.4% of all applications received in that Division were lodged online.

Significant progress was made during the reporting period in the development of an enhanced online

service for the Consumer and Commercial Division. The new service will expand the types of online forms available to all case types, allow the upload of supporting documents and evidence, and enable parties to view and manage their case. It is anticipated that the new online service will be launched towards the end of 2023.

## NCAT website and social media

NCAT’s 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.

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

An accessibility feature is available on the NCAT website allowing users with disabilities control over the way they experience the website. Visitors can adjust the appearance of fonts, text size and spacing and contrast to suit their individual needs. A text-to-speech function is also available on the NCAT website for users who prefer to listen to online content.

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

## Resources and assistance

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

- Launch of a dedicated fact sheet *Do you need legal help?* connecting Aboriginal and Torres Strait Islander people with services that provide culturally appropriate legal information, advice and referrals
- Two Easy Read fact sheets for people with cognitive disability that explain guardianship orders and financial management orders
- A request form and fact sheet for parties and witnesses wanting to attend their NCAT hearing by telephone or video.

NCAT's subscription services deliver regular alerts and published case digests to subscribers by email. The *NCAT News* e-newsletter offers monthly updates about new resources and initiatives, and changes to Tribunal operations. The *NCAT Legal Bulletin* provides a summary of case law of significance to the work of NCAT. The *Appeal Panel Decisions Digest* provides case summaries of significant appeal decisions and keyword summaries of all Appeal Panel decisions published on the NSW Caselaw website. The *Guardianship Division Case Digest* provides summaries of cases of significance to the work of the Guardianship Division.

During 2022-23, 17 issues of *NCAT News* were distributed to 1,694 subscribers, 5 issues of the *NCAT Legal Bulletin* to 1,543 subscribers, and 12 issues of the *Appeal Panel Decisions Digest* to 622 subscribers. One issue of the *Guardianship Division Case Digest* was distributed to 102 subscribers.

## Videos in community languages

NCAT provides educational videos which explain the way in which a range of matters are dealt with by NCAT. The videos feature scenarios about each of the Divisions and are presented in English and four community languages.

## 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 across metropolitan and regional areas.

NCAT's principal hearing venues have been designed, where possible, to accommodate the needs of persons with disabilities, and to provide purpose-built hearing rooms, a waiting room and conference facilities.

In 2022-23, there were 93,324 NCAT hearings held across NSW. NCAT returned to in-person hearings across 33 locations after the COVID-19 restrictions of the previous years. NCAT continues to offer hearings by telephone and video conference, or a hybrid of in-person and remote attendance where appropriate.

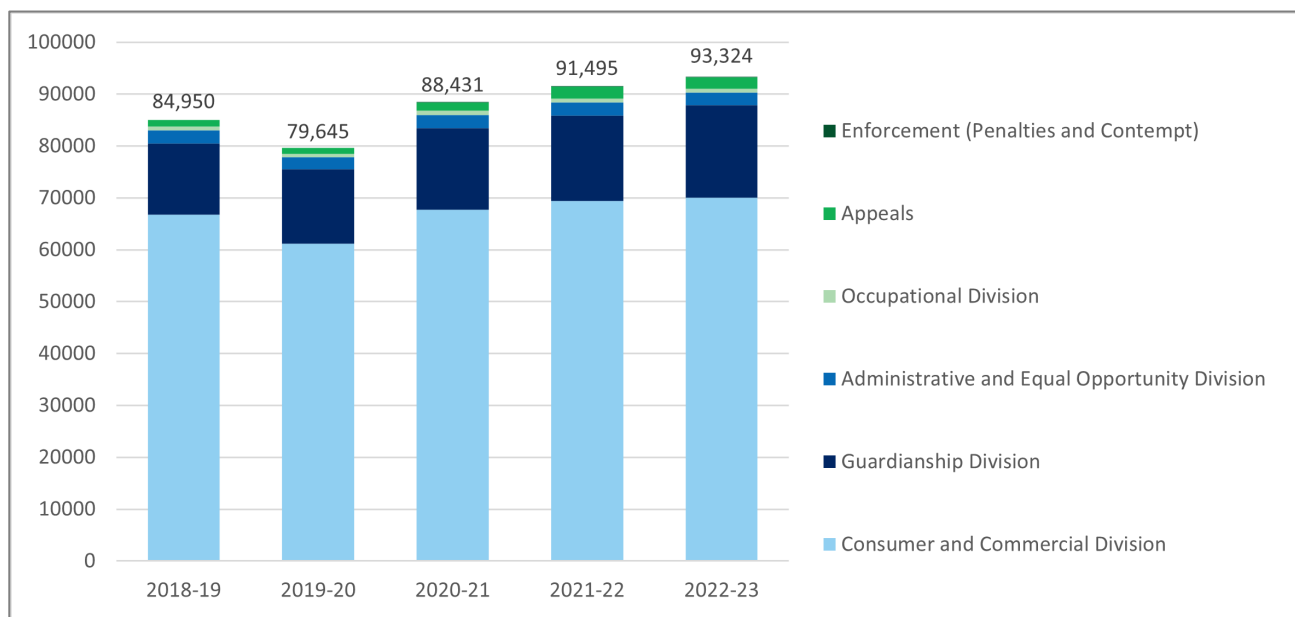
Sittings usually occur within normal business hours in all locations. Urgent hearings can be held outside those hours if required. In particular, the Guardianship Division operates an after-hours service for urgent applications that need to be heard outside normal business hours. These hearings are often conducted by telephone and can be held within hours of receiving the application.

## Alternative access to hearings

### Telephone and video hearings

NCAT offers alternative access to hearings by telephone and video, utilising the investment of fixed audio-visual link systems installed in most NCAT hearing rooms during the COVID-19 pandemic. Initial hearings such as directions, case conferences, and callovers are now held by telephone or video. In the Guardianship Division, all final hearings are available as a 'hybrid hearing', allowing parties to attend by telephone or video if they cannot attend in person. For all other hearing types, parties can request to appear by telephone or video if they are unable to attend in person.

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



## Hearings on the papers

NCAT can dispense with an oral hearing and make a decision ‘on the papers’ under section 50 of the NCAT Act. These hearings are only granted if NCAT is satisfied all parties have the opportunity to make written submissions and that the issues for determination can be adequately determined on those submissions and the material provided to the Tribunal. Decisions to set aside or vary a Tribunal decision and reinstatement applications are usually heard on the papers.

## Fees and charges

NCAT’s schedule of fees and charges for the filing of applications, appeals and other services as at 30 June 2023 is included at Appendix 8. The payment options available include cash, cheque, credit card and eftpos. A credit card payment authority form 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 or waived wholly or in part. Fee waiver requests are considered under clause 6 of the Civil and Administrative Tribunal Regulation 2022 (NSW). Information about fees, including how to apply for a fee waiver, is available on the NCAT website.

## Legal assistance

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

The NCAT website offers information about services and organisations that offer free or low-cost legal information, advice and assistance, including those that operate referral services to 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. This fact sheet is regularly reviewed and updated to ensure the most relevant services are included.

Legal Aid NSW provides a duty lawyer scheme for NCAT parties involved in anti-discrimination disputes

and Working with Children Check matters in the Administrative and Equal Opportunity Division. Legal Aid NSW also provides legal assistance to parties appearing in residential tenancy appeals.

NCAT may refer parties to anti-discrimination matters to the NSW Bar Association's Legal Assistance Referral Scheme (LARS). LARS endeavours to match a request for legal assistance with a barrister who may be able to give advice, appear for the party or help a party settle a case.

## Additional assistance

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

- making documents available in different formats to meet the needs of the parties
- providing flexible hearing rooms with varying degrees of formality appropriate to the jurisdiction
- providing assistive listening devices or hearing loops in NCAT hearing venues
- using the National Relay Service (NRS) for parties with hearing or speech impairments
- allowing additional time for people who use Augmentative and Alternative Communication (AAC)
- providing interpreters for people from non-English speaking backgrounds, and Auslan interpreters for deaf people.

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

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

## Procedural directions, guidelines and policies

Section 26 of the NCAT Act gives the President power to give binding procedural directions. In addition, the Tribunal issues guidelines and policies that provide 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.

In May 2023, *NCAT Procedural Direction 6 – Filing of Documents* was revoked as part of NCAT's removal of COVID-19 measures and "return to normal" operations. A number of NCAT Guidelines were also updated during the reporting period to ensure they effectively reflected the new Civil and Administrative Tribunal Regulation 2022 (NSW).

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

### NCAT Procedural Directions

NCAT Procedural Direction 1 – Service and Giving Notice

NCAT Procedural Direction 2 – Summonses

NCAT Procedural Direction 3 – Expert Evidence

NCAT Procedural Direction 4 – Registrars' Powers Directions

NCAT Procedural Direction 5 – Acceptance of Home Building Claims

### Guidelines

#### NCAT Guidelines

Adjournments

Internal Appeals

Representatives for people who cannot represent themselves

#### Administrative and Equal Opportunity Division Guidelines

Confidentiality, privacy and publication

Costs



Resolution processes

### **Consumer and Commercial Division Guidelines**

Conciliation and hearing by the same Member

Confidentiality, privacy and publication

Costs

Home building applications

Representation

Use of electronic evidence in Tribunal proceedings

### **Guardianship Division Guidelines**

Confidentiality, privacy and publication

Costs

Representation

### **Occupational Division Guidelines**

Confidentiality, privacy and publication

Costs

Health Professionals Registration Appeals

Professional Discipline Matters

Resolution processes

## **NCAT Policies**

NCAT Policy 1 – Complaints

NCAT Policy 2 – Publishing Reasons for Decisions

NCAT Policy 3 – Provision of Statistical Data

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

NCAT Policy 5 – Member Participation in External Engagements

NCAT Policy 6 - Communicating with the Tribunal and Members

## **Other documents**

NCAT Domestic Violence Protocol

NCAT Member Code of Conduct

NCAT Member Terms and Conditions Handbook

NCAT Service Charter

# Professionalism and integrity

'The core competencies [for Tribunal Members] include:

- knowledge and technical skills;
- communication (including cultural competency and working with interpreters);
- decision-making;
- professionalism and integrity;
- efficiency; and
- leadership and management.'

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

---

## Competency framework and performance appraisal

The *NCAT Member Competency Framework* is based on the Council of Australasian Tribunals (COAT) Tribunal Competency Framework. It identifies the critical competencies, abilities and qualities required to be an effective Tribunal Member.

NCAT uses its framework to provide the basis for Member appraisals conducted in all Divisions of the Tribunal to assist Members to understand and improve their performance. It also forms part of the assessment and basis of recommendation of candidates for appointment and reappointment.

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

## Member qualifications

Members bring legal expertise or other specialist knowledge to Tribunal decision-making. The required qualifications for Members in each category are specified in section 13 of the NCAT Act.

A list of Tribunal Members as at 30 June 2023, 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 NCAT. The Code provides guidance to Members in the performance of their statutory functions and assists Members in identifying and resolving ethical issues. Before they are appointed, Members are required to agree to abide by the Code of Conduct.

The *Member Code of Conduct* is kept under review to ensure currency. The latest version is published on the NCAT website and is included at Appendix 4 of this report.

## Professional development, appraisal and training

During 2022-23 there were 32 professional development sessions for Members and Registry staff on a range of topics relevant to the work of the Tribunal and Registry operations.

## Tribunal Members

The NCAT Member Conference was held in Sydney on 4 November 2022 and brought together Tribunal Members from all Divisions. The conference program provided an opportunity for Members to hear from distinguished guest speakers and participate in breakout sessions that addressed a broad range of relevant topics.

In addition to the 2022 NCAT Member Conference, a number of Divisional-specific Member professional development activities were held throughout the year. These included the Guardianship Division Member Training Conference, Consumer and Commercial Division Member Training Conference, and twilight sessions held for Administrative and Equal Opportunity Division and Occupational Division Members on specific issues relevant to those Divisions.

Where possible, Member professional development activities are conducted both virtually and in-person, allowing NCAT Members to attend sessions remotely if needed.

Other Member professional development activities included Member network groups, mentoring, briefing sessions, seminars and external conferences. Selected NCAT Members attended the Council of Australian Tribunals (COAT) annual national conference: Independence, integrity and impartiality in a changing world; the COAT (NSW) Conference: Providing Justice for All; and the Australian Guardianship and Administration Council (AGAC) Conference – Renewal: Putting Rights in Practice.

In June 2022, Megan Hunter of the High Conflict Institute presented a masterclass for NCAT Members on managing hearings with high-conflict personalities. The interactive session also gave Members an opportunity to practice advanced conflict management techniques learnt at the masterclass.

Members participate in regular performance appraisal processes under the supervision of the Division Head of the Member's primary Division, or the President. The process varies between Divisions, reflecting the different composition and work of each Division, but generally involves self-assessment, peer review, observation of a hearing conducted by the Member or review of a sound recording of a hearing, and review of the Member's reasons for decision.

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

## Registry staff

NCAT Registry staff regularly participate in professional development activities provided by the Department of Communities and Justice. These activities are designed to support staff in their service delivery role, to prepare staff and managers for the future and to build organisational capability. Topics include adapting to change, communication, negotiating, customer service, and cross-cultural awareness. The Hearing Observation Program also allows Registry staff to observe hearings across all NCAT Divisions to better understand how their work supports Members and Tribunal users.

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

NCAT Registry senior management participated in workshops as part of the NCAT Leadership Program. Selected Registry staff and managers participated in formal leadership programs offered by the Department of Communities and Justice and external providers.

## Appeals

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

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

# Accountability

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

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

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

---

## Hearings open to the public

NCAT is required to hear cases in public unless it otherwise orders. In proceedings where sensitive or other confidential matters may be disclosed, NCAT will conduct the hearing either wholly or partly in private. This happens most often in the Guardianship Division, Administrative and Equal Opportunity Division, and Occupational Division, due to the nature of functions exercised by those Divisions.

## Service charter

The *NCAT Service Charter* 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.

## Complaint handling mechanisms

NCAT's integrated complaint and feedback processes provide a consistent and co-ordinated approach to responding to complaints and gathering and using feedback to inform processes and service delivery. Online forms are available on the NCAT website to assist people in providing this feedback.

*NCAT Policy 1 - Complaints* explains the approach taken when responding to a user's complaint with the delivery of a service provided by NCAT or the conduct of Registry staff, a conciliator/mediator or a Member.

In 2022-23, NCAT received 355 complaints. This equates to a complaint in 0.46% of all matters lodged with NCAT. The most common categories of complaints received during the year were decision dissatisfaction, Member or Conciliator conduct, and policies and procedures. Responses to complaints include clarification about NCAT policies and procedures, providing information about avenues of appeal, and contact details for support services such as LawAccess NSW.

NCAT also used *Feedback Assist* during the reporting year, which provides users with a tool to provide feedback via the NCAT website. In 2022-23, NCAT received 13 identified requests through *Feedback Assist*, including compliments, complaints and suggestions.

## 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.

There are also Divisional Consultative Forums that focus on issues concerning practice and procedure. During 2022-23 the Consumer and Commercial Division held six meetings for members of their various Consultative Forums. The Guardianship Division's Consultative Forum met twice. The Administrative and Equal Opportunity Division and the Occupational Division each held one consultative forum. Separate

meetings are conducted with stakeholders whenever specific issues arise.

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

## **Publication of reasons for decisions**

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

## **Other engagement with the community**

During 2022-23, Members and Registry staff participated in 48 community education and information programs. These included meetings and/or events conducted by the NSW Law Society, the NSW Law Society's Elder Law Capacity and Succession Committee, the City of Sydney Law Society, National Disability Insurance Scheme (NDIS), Personal Injury Commission and the Judicial Council on Diversity and Inclusion. In addition, Members spoke at or attended various conferences, including the COAT (NSW) Conference, the AGAC Conference and the Blue Mountains Law Society Succession Conference.

# Efficiency

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

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

## Performance standards and monitoring

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

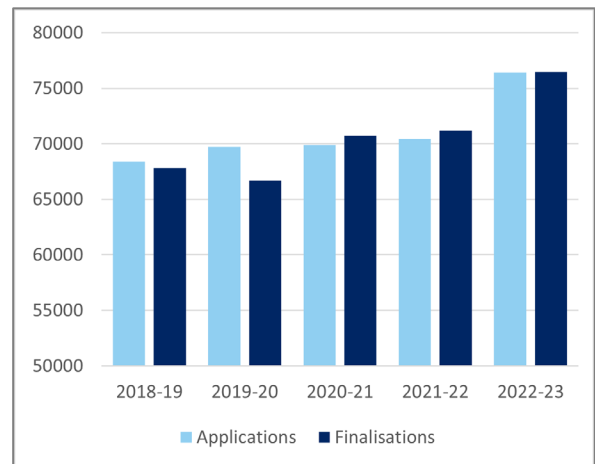
There was an 8.5% increase in the overall number of applications received by NCAT in 2022-23 compared to the previous year.

During the reporting period, increases were experienced across all NCAT Divisions: Occupational Division (33.6%), Guardianship Division (10.6%), Consumer and Commercial Division (8.2%), and Administrative and Equal Opportunity Division (6.7%). The Appeal Panel experienced a decrease of 12.4%.

The NCAT Executive actively monitors lodgement volumes and trends, finalisations, and the timeliness of hearings so that resources can be adjusted to maintain service delivery standards.

Standards in relation to the time to first listing and the time to finalisation are set and monitored for the various types of matters in each Division. All applications to the Guardianship Division are triaged on receipt to assess the degree of urgency and the severity of risk (if any) to the person who is the subject of the application.

**Graph 2 – Applications received and finalised 5-year comparison**



Applications are then allocated into risk categories based on that assessment. The risk category determines the time within which the application is to be heard and determined.

## Promotion of resolution processes

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

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

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

## Flexibility of membership and procedures

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

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

## Use of digital technologies

NCAT utilises the audio-visual link technology installed in most NCAT hearing venues to ensure maximum efficiency for initial hearings. During 2022-23, initial hearings such as directions, case conferences, and callovers were listed for telephone or video across all Divisions and the Appeal Panel. This practice has been found to be preferred by parties appearing before the Tribunal in these stages of proceedings.

NCAT also continues to embrace enhancements in digital technologies to further provide efficiencies in its operations. During 2022-23, work significantly progressed on building the new case management system and online services for the Consumer and Commercial Division. The launch of these new systems is planned for late 2023.

**Table 1 – Number of applications received and finalised by Division 2022-23**

DIVISION	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative and Equal Opportunity	945	918	97.1%
Consumer and Commercial	58,035	58,703	101.2%
Guardianship	16,453	15,829	96.2%
Occupational	286	256	89.5%
Appeal Panel	712	732	102.8%
Enforcement (Penalties and Contempt)	6	9	150.0%
<b>TOTAL</b>	<b>76,437</b>	<b>76,447</b>	<b>100.0%</b>

# User needs and satisfaction

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

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

---

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

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

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

## Use of NCAT website and social media

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

During 2022-23, NCAT saw a significant increase in web traffic and user engagement. The NCAT website received 1,332,033 visits and over 2.8 million page views during the reporting period, representing a 33.2% increase in engagement from the previous year.

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

throughout the year to improve NCAT’s website content.

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

## Customer feedback and surveys

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

NCAT regularly participates in client surveys to gather feedback and information from its users. In June 2023, NCAT participated in the NSW Courts, Tribunals and Service Delivery’s client satisfaction survey. Face-to-face surveys were undertaken by an external market research service who asked Tribunal users from across all NCAT Registries and hearing venues their opinion on a range of topics. The results of the survey indicated clients gave NCAT a 90% overall satisfaction rate.



Users are encouraged to subscribe to the *NCAT News* e-newsletter to receive monthly updates about the latest news and initiatives from NCAT. People can also subscribe to NCAT's various case digests for summaries of decisions relevant to the work of the Tribunal. By 30 June 2023, there were 3,961 subscribers to *NCAT News* e-newsletter and the NCAT's case digest publications.

## Stakeholder interaction

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

## Internal appeals

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

## Complaints data

NCAT considers and responds to complaints in accordance with the *NCAT Policy 1 – Complaints*. Complaints data also assists to develop and improve 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 anti-discrimination complaints.

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

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

## Work within the Division

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

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

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

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

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

Table 2 – 2022-23 Administrative and Equal Opportunity Division workload and performance

LIST	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative Review	636	636	100.0%
Community Services	83	78	94.0%
Equal Opportunity	124	104	83.9%
Revenue	102	100	98.0%
<b>TOTAL</b>	<b>945</b>	<b>918</b>	<b>97.1%</b>

## Workload

The Division received 945 applications this year and finalised 918 giving a clearance ratio across the whole Division of 97.1%.

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

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

## Post COVID-19 pandemic measures

As special measures to deal with COVID-19 in the community were reduced during 2022-2023, the Administrative and Equal Opportunity Division adopted new standard procedures using the new technology acquired during the pandemic to improve efficiency whilst preserving fairness. Directions hearings are now conducted by audio-visual link or by telephone. Hearings are generally conducted in person, but parties may apply to appear, or to have a witness appear, via audio-visual link.

## Members and mediators

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

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

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

## Legislation

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

- Children and Young Persons (Care and Protection) Regulation 2022
- *Children's Guardian Act 2019*.

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

## Consultation with stakeholders

A stakeholder meeting was held in the second half of the financial year. Some of the stakeholders attended by audio-visual link, and some attended in person.

## Significant decisions

### ***Chief Health Officer, NSW Health v FRC (application for confirmation of public health order) [2023] NSWCATAD 75***

The NSW Acting Chief Health Officer made a public health order requiring the respondent, a person suffering from Human Immunodeficiency Virus (HIV) infection, to take certain steps. The NSW Chief Health Officer applied to the Tribunal for confirmation of the public health order. Section 64(2) of the *Public Health Act 2010* (NSW) requires the Tribunal to inquire into the circumstances surrounding the making of the public health order as soon as practicable after such an application is made. The Tribunal stated that the

primary purpose of the inquiry under s 64(2) is “to ensure that all of the requirements and pre-requisites necessary for the making of the public health order, whether they be of a procedural or a substantive character, have been fulfilled, and that no irrelevant considerations have been taken into account.”

The Tribunal was satisfied that the public health order complied with the requirements set out in s 62 of the *Public Health Act* and that the evidence supported the grounds on which the NSW Acting Chief Health Officer made the public health order. The Tribunal found that the respondent had repeatedly refused to take antiretroviral medication and was having condomless sex without informing his sexual partners of his HIV status. The Tribunal also found that the respondent at times did not believe he had HIV or that HIV existed. The Tribunal was satisfied that there was no other effective way of ensuring the health of the public was not endangered or likely to be endangered. The Tribunal varied the public health order by removing one of the requirements and confirmed the public health order as varied pursuant to s 64 of the *Public Health Act*.

**Chief Health Officer, NSW Health v FRC (application for continuation of public health order) [2023] NSWCATAD 76**

The NSW Chief Health Officer applied for a variation of the public health order that was confirmed by the Tribunal in the decision summarised above. The NSW Chief Health Officer also sought continuation of the public health order for a period of six months under s 65 of the *Public Health Act 2010* (NSW) and a non-publication order under s 64 of the NCAT Act. The Tribunal was satisfied it was desirable to make a non-publication order in relation to the respondent’s name and details as it found the potential impact of publication, together with the public interest, outweighed the object set out in s 3(f) of the NCAT Act to ensure the Tribunal has processes which are open and transparent. The Tribunal varied the public health order by removing a requirement which had been met. The Tribunal decided to continue the public health order, as varied, for a period of six months. The

Tribunal had regard to the short period of time the public health order had been in place and considered that it would likely require some further time to establish a regime that would achieve a reduction in the respondent’s viral load. The Tribunal was also satisfied that the respondent would continue to be a risk to public health in the event he was to cease complying with the public health order.

**Atkinson v Department of Premier and Cabinet and the Premier of New South Wales [2023] NSWCATAD 45**

The applicant sought access to information relating to the Independent Commission Against Corruption Amendment (Validation) Bill 2015 (NSW) and *Independent Commission Against Corruption Amendment (Validation) Act 2015* (NSW). The applicant applied to the Tribunal for administrative review after the Department of Premier and Cabinet decided to refuse access to certain documents. The Department claimed that some of the documents constituted Cabinet information pursuant to cl 2 of Sch 1 to the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act) for which there is a conclusive presumption of overriding public interest against disclosure. The parties were in dispute as to the proper construction of cl 2(1) and 2(2)(a) of Sch 1 to the GIPA Act. The applicant, with whom the Information Commissioner agreed, submitted that cl 2(2)(a) operates by reference to “information” rather than the “document” itself so that where disclosure of a document has been approved, the information contained within the document is not Cabinet information within the meaning of cl 2(1)(a) to (e). The applicant also submitted that where a draft of a document which has been approved for public release contains the same information, that information is also not Cabinet information to which cl 2(1)(f) may apply. The respondents submitted that cl 2(2)(a) is concerned with the documents which have been approved for public disclosure, rather than the information contained in the documents.

The Tribunal, agreeing with the respondents’ submission, held that “once a document meets the

description of any of the paragraphs (a) to (f) of cl 2(1) all information in that document, that is the entire document, is subject to the conclusive presumption of an overriding public interest against disclosure.” The Tribunal also held that while the Cabinet information presumption could not be claimed with respect to a document which has been approved for public release, “it does not follow, in my view, that another document which contains some or all of the same information as was contained in that document thereby loses its status (entirely or to some extent) as Cabinet information if it otherwise satisfies the description of a document identified in cl 2(1)(a) – (f).”

### ***Ashton v Commissioner of Police, NSW Police Force* [2023] NSWCATAD 6**

The Tribunal set aside a decision by the Commissioner of Police to revoke the applicant’s firearms licence. The Commissioner had revoked the applicant’s licence on the basis that he was not a fit and proper person to hold a firearms licence and he did not have a genuine reason to possess or use a firearm. The Commissioner submitted that there was insufficient medical evidence regarding the applicant’s physical disabilities and mental health condition for the Tribunal to be satisfied there was “virtually no risk” to public safety if the applicant retained a firearms licence or that the applicant could maintain responsible and continuous control over firearms. This submission was rejected by the Tribunal, which found that there was no appreciable risk to public safety arising from the applicant’s physical disabilities in his handling or use of firearms.

The Tribunal was also not satisfied that there was any reasonable cause to believe the applicant’s physical disabilities meant the storage and security of his firearms would not be safe or that he would not maintain continuous and responsible control over his firearms. While the applicant had chronic depression, the Tribunal said there was no evidence that the applicant’s chronic depression, of itself, had the potential to put public safety, including that of the applicant, at risk. The Tribunal found that the evidence did not give any basis to find that the applicant was of

“unsound mind” and that “merely having a diagnosis of chronic depression does not itself lead to such a finding”. The Tribunal concluded that the applicant was a fit and proper person to hold a firearms licence. As Mr Ashton’s licence had expired prior to the hearing of the administrative review application, the Tribunal noted that it did not have the power to restore his licence and that Mr Ashton would need to reapply for his firearms licence.

### ***Lonie v Live Better Services Limited (No 2)* [2023] NSWCATAD 98**

The Tribunal in *Lonie v LiveBetter Services Limited* [2023] NSWCATAD 60 found that the respondent had discriminated against the applicant on the grounds of her disability by not offering her employment as a Disability Services Worker on a casual basis and ordered the respondent to pay the applicant \$10,000 for general damages. In that decision, the Tribunal determined that the respondent would have offered the applicant at least one full shift per week for a period of three months, had the applicant been employed by the respondent as a Disability Services Worker. In this decision, the Tribunal considered the appropriate rate of pay and level of superannuation that the applicant would have been paid if she had been employed by the respondent.

The applicant submitted that her economic loss should be calculated based on what she was earning as a Disability Services Worker at another organisation. The respondent submitted that the applicant’s damages should be assessed by reference to the *Social, Community, Home Care and Disability Services Industry Award 2010* (Award) which applied to its Disability Services Workers. In rejecting the applicant’s submission, the Tribunal said that s 108(2) of the *Anti-Discrimination Act 1977* (NSW) requires the Tribunal to consider the loss resulting from the respondent’s discriminatory conduct and that it was not relevant to consider what the applicant earned at another workplace as it was not dealing with questions of mitigation of loss. The Tribunal ordered the respondent to pay the applicant one full shift per week for three months in accordance with the Award.

# Consumer and Commercial Division

## What the Division does

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

## Workload

During 2022-23 the Division received 58,035 applications and finalised 58,703 giving a clearance ratio across the whole Division of 101.2%. Total finalisations increased by 7.0% with lodgements increasing by 8.2% in the reporting period from the

previous year. Table 3 shows the overall workload and performance of the Division.

The management of the Division's caseload is conducted in the following Registries: Sydney, Penrith, Liverpool, Tamworth, Newcastle and Wollongong. Graphs 3 and 4 show workload by Registry and matters by list type in each Registry.

## Post COVID-19 pandemic measures

There was a return to face-to-face hearings as the impact of the COVID-19 pandemic dissipated during 2022-23. There was also a resumption of sittings in regional NSW locations as court venues became available. Conciliators are again available for group lists in Registry venues. Group lists are where most tenancy and small claims are initially listed for conciliation and directions.

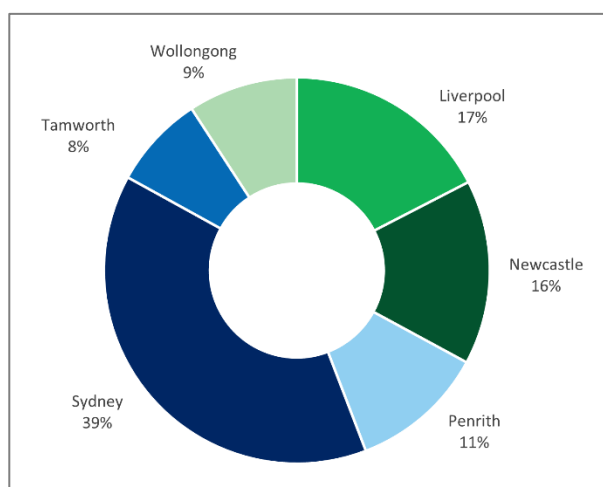
**Table 3 – 2022-23 Consumer and Commercial Division workload and performance**

LIST	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Tenancy	31,758	32,646	102.8%
Social Housing	13,001	13,525	104.0%
General	4,948	4,765	96.3%
Home Building	3,806	3,422	89.9%
Residential Communities	273	330	120.9%
Strata and Community Schemes*	0	1	-
Community Land**	45	40	88.9%
Strata Schemes	1,612	1,425	88.4%
Motor Vehicles	1,735	1,715	98.8%
Commercial	802	788	98.3%
Retirement Villages	55	46	83.6%
<b>TOTAL</b>	<b>58,035</b>	<b>58,703</b>	<b>101.2%</b>

\* The Strata and Community Schemes List ceased on 30 November 2021.

\*\* The Community Land List commenced on 1 December 2021.

**Graph 3 – Consumer and Commercial Division Workload received by Registry 2022-23**



Despite an increase in applications by more than 5,000 (or 8.2%), unresolved cases (work on hand) were further reduced to 7,404.

## Members

During the year, 9 new Members were appointed to the Division. The number of full-time and sessional Members hearing cases in the Division during the reporting period was 91. Approximately 13 Members of the Division sit on Appeal Panels.

During the year a recruitment process for sessional General Members commenced and was completed in December 2022. Member induction training was carried out in January and February 2023.

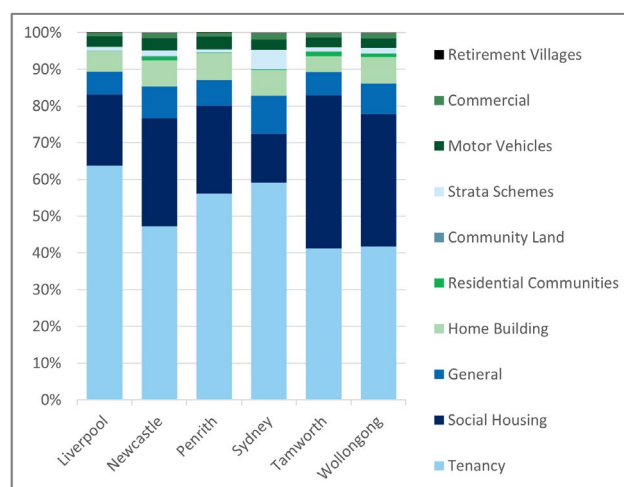
Division-wide training occurred for all Members in May 2023, with Members attending in person and via audio-visual link.

## Legislation

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

- Residential Tenancies Amendment (Rental Fairness) Bill 2023
- Fair Trading Amendment (Monetary Limit on Orders) Regulation 2022.

**Graph 4 – Consumer and Commercial Division List types received by Registry 2022-23**



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

## Consultation with stakeholders

The annual consultative forums took place in December 2022. The different forums were conducted online and combined into two events, tenancy and non-tenancy.

The mid-year consultative forums took place in August 2022, with stakeholder representatives attending online. There were four meetings of the following groups: Tenancy, Aboriginal and Social Housing forum, Home Building forum, Residential Communities, Retirement Villages and Strata and Community Schemes forum, and General, Commercial and Motor Vehicles forum.

Consultative forum meetings are valuable as they enable the Tribunal to convey to interested stakeholders changes in legislation and matters of practice and procedure which are being considered or have been made. They also enable stakeholders to raise issues or concerns that their constituent members have experienced in the Tribunal.

Tribunal Members have also delivered presentations to stakeholder groups and to various professional bodies.



## Significant decisions

### ***The Owners – Strata Plan No. 61285 v Taylor (No. 3) [2023] NSWCATCD 1***

These proceedings related to an application by an Owners Corporation for the imposition of a civil penalty under s 247A of the *Strata Schemes Management Act 2015* (NSW) (SSMA). The respondent had been ordered to do restorative work to common property but had failed to comply with orders of the Tribunal.

The Tribunal has power to impose a penalty under the SSMA in two circumstances: pursuant to s 147 (for non-compliance with a by-law following issue of a s 146 notice) and s 247A (for contravention of an order of the Tribunal under the SSMA).

The Tribunal considered whether it has authority to direct to whom a civil penalty is to be paid, and if so, what the applicable principles are in determining the recipient of the penalty. The Commissioner for Fair Trading intervened and filed submissions on the topic of the Tribunal's powers and to whom a penalty could be paid. In its decision, the Tribunal considered the purpose of a civil penalty and the nature of the proceedings.

The Tribunal held it had power to determine to whom the penalty should be paid and, in this case, ordered the penalty to be paid to the Commissioner rather than the applicant.

This case followed a series of earlier decisions in the same dispute dealing with contravention of orders, collateral challenge to the original orders of the Tribunal and principles applicable in assessing the amount of the penalty: *The Owners – Strata Plan No. 61285 v Taylor* [2022] NSWCATCD 48 and *The Owners – Strata Plan No. 61285 v Taylor (No. 2)* [2022] NSWCATCD 117.

### ***Nicholson v Webber [2023] NSWCATCD 65***

The applicants in these proceedings were tenants under a residential tenancy agreement to which the *Residential Tenancies Act 2010* (RTA) applied.

The tenants claimed that the residential premises required repairs and maintenance. In particular, there

was a water leak from a skylight which had not been installed correctly.

The tenants claimed compensation for breach of the residential tenancy agreement, in particular, the obligation of the landlords to carry out repairs (s 63 of the RTA) as well as a reduction of rent under s 44(1)(b) of the RTA because there was a reduction of goods, services or facilities in the residential premises in that part of the premises affected by the water leak. In addition, the tenants claimed damages for breach of the covenant of quiet enjoyment (s 50 of the RTA).

The Tribunal examined the time limits for bringing claims under the RTA, the overlap between the claim for damages and the claim for a rent reduction and the monetary limit applicable to orders for compensation.

The Tribunal determined there had been a reduction of goods and services and ordered the repayment of rent which was found to be excessive by reason of the withdrawal of goods, services or facilities. The Tribunal also awarded compensation for breach of the covenant of quiet enjoyment.

### ***Gokani-Robins Pty Ltd v The Owners – Strata Plan No 77109 [2022] NSWCATCD 164***

The applicants were lot owners who claimed that a by-law was harsh, unconscionable or oppressive within the meaning of s 139(1) of the *Strata Schemes Management Act 2015* (SSMA). They sought an order declaring the by-law invalid under s 150(1) of the SSMA.

The by-law in question, special by-law 17, permitted the recovery of costs of enforcing the by-laws and costs of carrying out works. It also provided for a right of entry to lot property to carry out works where a lot owner had failed to do so. Lastly, it deprived the affected lot owner of rights to vote while amounts claimed under the by-law remained unpaid.

In considering whether the by-law was harsh, unconscionable or oppressive, the Tribunal referred to the decision of the Court of Appeal in *Cooper v The Owners – Strata Plan No 58068* [2020] NSWCA 250.

Having considered the text of the by-law and its operations and compared its terms with rights and

obligations of the parties under the SSMA, the Tribunal determined that the by-law would inevitably operate arbitrarily in some cases and therefore was contrary to s 139(1) of the SSMA. Consequently, an order was made declaring that the by-law was invalid.

### ***Walsh v Archi Lab Pty Ltd [2023] NSWCATCD 67***

A dispute arose between homeowners and a builder in respect of a contract to carry out residential building work that did not comply with the requirements in s 7 of the *Home Building Act 1989* (NSW) (HBA) and did not contain many of the standard clauses. Despite deficiencies in the contract complying with the HBA, the absence of insurance and the non-compliance by the builder with other requirements of the Act, the Tribunal accepted there was a contract to carry out residential building works. Consequently, the statutory warranties in s 18B(1) of the HBA were implied into the contract.

There were also disputes concerning payments due to the builder and variations to the contract. In April 2022, the builder informed the homeowners that it would stop the project entirely if a deposit or payment was not made by the next Wednesday. The Tribunal found that the builder's subsequent conduct demonstrated it had ceased work on the site. The homeowners terminated the contract for breach and on the basis the builder had repudiated the contract. Having regard to the terms of the contract, the Tribunal found that, by stopping work, the builder had breached s 18B(1)(d) of the HBA. Further, the Tribunal found the builder had, by its actions, repudiated the contract – the builder had demonstrated it intended to fulfil the contract only in a manner substantially inconsistent with its obligations, requiring the homeowners to capitulate to its payment demands.

The Tribunal determined the homeowners had validly terminated the contract and awarded damages, including for the costs of rectifying existing defects and the additional costs of completing the works with an alternative builder. The damages awarded took into account the amount unpaid by the homeowners which would have been paid to the builder under the original contract.

### ***Huang v Finch [2022] NSWCATCD 182***

The applicant sought orders under the *Dividing Fences Act 1994* (NSW) (DFA). The proceedings were brought out of time.

The Tribunal considered its power to extend time under s 41 of the NCAT Act. The Tribunal referred to relevant considerations identified in *Jackson v NSW Land and Housing Corporation [2014] NSWCATAP 22* and determined that time should be extended because there was no prejudice and dismissal would simply cause a fresh fencing notice to be issued and further proceedings commenced.

Having determined there was an insufficient dividing fence and that a valid notice had been issued under the DFA the Tribunal made orders both as to the type of fence and its location. This included making orders concerning the removal of trees which the Tribunal found it was permitted to do under the DFA.

# Guardianship Division

## What the Division does

The Guardianship Division exercises a protective jurisdiction and promotes the rights of people living with decision-making disabilities. The Division facilitates substitute decision-making by determining applications for the appointment of guardians and financial managers.

In addition, the Division reviews guardianship and financial management orders, provides consent for medical and dental treatment, reviews enduring powers of attorney and enduring guardianship appointments, and approves clinical trials to enable people with decision-making disabilities to participate.

Many decisions made by the Division have a profound effect on an individual's autonomy and ability to make decisions about critical aspects of their life.

Section 4 of the *Guardianship Act 1987* (NSW) requires Members of the Division when exercising their powers

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

## Work within the Division

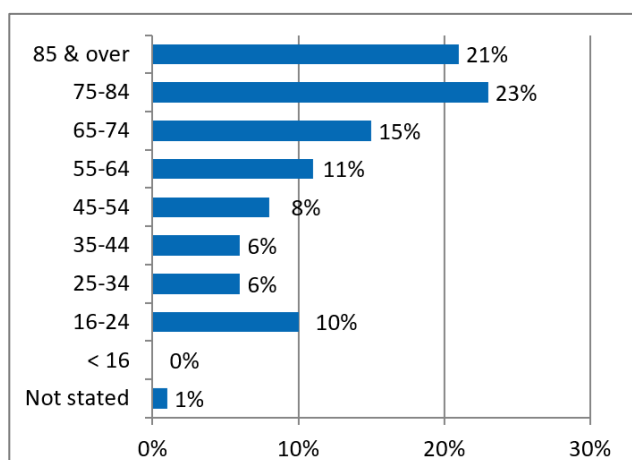
The Division uses a triage system to assess applications based on the apparent risk posed to the person the subject of the application (the subject person) or their estate. Listing priority is given to applications where the subject person is assessed at being at immediate risk (Risk Category 1).

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

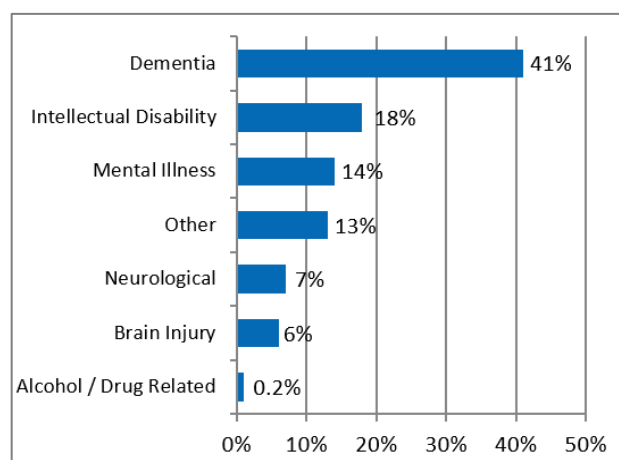
**Table 4 – 2022-23 Guardianship Division workload and performance**

APPLICATION TYPE	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Guardianship	5,093	4,787	94.0%
Requested Review of Guardianship	778	748	96.1%
Financial Management	3,908	3,690	94.4%
Requested Review of Financial Management	947	909	96.0%
Enduring Power of Attorney	241	233	96.7%
Enduring Guardianship	156	153	98.1%
Review/Revocation of an Enduring Power of Attorney	35	34	97.1%
Medical/Dental Consent	435	430	98.9%
Recognition of Interstate Appointment	69	64	92.8%
Clinical Trial	33	32	97.0%
Rehearing – Remittal	3	3	100.0%
Set Aside/Vary Decisions	0	1	-
Statutory Reviews (falling due in the period)	4,755	4,745	99.8%
<b>TOTAL</b>	<b>16,453</b>	<b>15,829</b>	<b>96.2%</b>

**Graph 5 – Age demographic of the people the subject of application 2022-23**



**Graph 6 – Disability identified in applications 2022-23**



## Accessibility

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

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

Throughout the COVID-19 pandemic, hearings were conducted remotely, by video conference or by telephone. In July 2022, the Division returned to conducting hearings in person, initially in Sydney’s CBD, Parramatta, Wollongong and Newcastle. Over the following eight months, the Division progressively returned to its pre-pandemic practice of conducting in-person hearings throughout greater metropolitan Sydney and regional NSW.

In addition, the Division has resumed the pre-pandemic practice of conducting “hybrid hearings”, that is, hearings where parties have the option to participate by telephone or video if they are unable to participate in person.

Reflecting the commitment to maximising the participation of the subject person, the Division

carefully monitors the participation of the subject person in hearings. Throughout the reporting period the subject person participated in 76% of substantive hearings: 7% in person, 39% by video conference and 30% by telephone.

## Workload

The Division continued to experience significant growth in its workload, increasing by 10.6% from the previous year. Despite an average annual increase in workload of 10% for the last five years and the impact of COVID-19, the Division managed to achieve a clearance ratio of 96.2%.

In the reporting period the number of applications made to the Guardianship Division grew to 11,698 for substantive orders. In addition, the Division was required to conduct 4,755 statutory (end-of-term) reviews of guardianship and financial management orders. The primary driver of growth continues to be Australia’s ageing population and the consequent increase in the number of people living with dementia and other age-related decision-making disabilities. Other factors contributing to this growth include increased public awareness of abuse and exploitation of people with disabilities and older people, reported difficulties dealing with the National Disability Insurance Agency, financial and other institutions on behalf of the subject person, and the introduction of

safeguards to reduce the use of restrictive practices in residential aged care facilities.

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

During 2022-2023, the Guardianship Division:

- received 5,093 applications for guardianship orders, 778 requested reviews and 4,257 statutory reviews
- finalised 4,787 applications for guardianship orders, 748 requested reviews and 4,238 statutory reviews
- of the guardians appointed, 49.2% were private guardians, 49% the Public Guardian and 1.8% a joint appointment of a private guardian and the Public Guardian
- received 3,908 applications for financial management orders, 947 requested reviews and 498 reviewable orders
- finalised 3,690 applications for financial management orders, 909 requested reviews and 507 reviewable orders
- of the managers appointed under financial management orders, 50.2% were private managers and 49.8% the NSW Trustee and Guardian
- granted 221 requests for legal representation and appointed 605 separate representatives – one or more parties were legally represented in 5% of all applications
- arranged for the attendance at hearings of 1,730 interpreters in 68 languages.

## Members and staff

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

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

This multi-disciplinary model has several 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 (section 38(6)(a) of the NCAT Act). 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.

The Division's professional development program for Members focused on topics relevant to the jurisdiction, including cultural considerations in cognitive assessments, disability and inclusion in First Nations communities, decision-making capacity in early-stage dementia and alcohol-related dementia, and financial drivers in decisions about aged care.

Registry staff provide a specialist enquiry service and give information to the subject person, their family and anyone with a genuine concern for the subject person's welfare about the Division's procedures and the type of information likely to be required to support or to challenge an application. In appropriate cases, staff assist people to identify informal solutions where problems arise with a person's decision-making capacity. This often results in an application not being made to the Tribunal and, instead, the person being supported by their family and friends to make decisions.

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

## Consultation with stakeholders

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

Members of the forum include representatives from advocacy groups, such as the Seniors Rights Service, Alzheimer's Australia NSW, the Intellectual Disability Rights Service, the NSW Council for Intellectual Disability and key government agencies including the NSW Public Guardian, the NSW Trustee and Guardian and the National Disability Insurance Agency. The forum provides the Division with an invaluable opportunity to engage with the disability sector and other stakeholders and to receive feedback about our practices and procedures.

## Significant decisions

### **OKM [2023] NSWCATGD 2**

OKM is a 54-year-old woman with an intellectual disability. OKM lives with her partner and carer, FBN. A Support Coordinator with OKM's disability service provider applied to NCAT for guardianship and financial management orders to be made in relation to OKM due to concerns about OKM's welfare.

Reports were made to the Ageing and Disability Commission of NSW raising concerns about the condition and squalor of OKM's home, together with concerns that OKM's services and supports were being 'controlled and cancelled' by FBN. It was reported that FBN controls most aspects of OKM's life, including

coaching her on what to say to support workers, and insisting on OKM telling him that she loves him. In addition, it was reported that FBN had been threatening, intimidating and verbally aggressive towards disability support workers. Support staff reported that OKM has frequently been observed 'handing over' her ATM card to FBN at his request and that as a result, she could not use the card to purchase food and supplies. Further, OKM's family reported a history of 'domestic violence' and 'sexual exploitation'.

The Tribunal found that OKM's relationship with FBN is marked by a pattern of controlling and manipulative behaviours by FBN aimed at making OKM dependent by regulating her everyday behaviour, isolating her from support, exploiting her and depriving her of independence. Having regard to the considerations in s 14(2) of the *Guardianship Act* and the principles in s 4 of that Act, the Tribunal was satisfied that the discretion to make a guardianship order should be exercised. As there was no private person suitable to be appointed, the Tribunal appointed the Public Guardian to make decisions about OKM's accommodation, access to others, health care, medical and dental consent, and services. The order was to be reviewed in six weeks.

### **MGC [2023] NSWCATGD 12**

MGC is a 52-year-old woman who is reported to have an intellectual disability due to childhood meningitis, epilepsy, and visual impairment. MGC has limited verbal communication, is wheelchair bound and requires physical assistance with all self-care tasks. MGC has lived in a residential aged care facility for the past 35 years (since the age of 17). MGC's family, including her mother and sister, have little involvement in her life. MGC is a participant in the National Disability Insurance Scheme (NDIS). The Tribunal received an application from a NDIS support coordinator for a guardianship order to be made in respect of MGC.

MGC's behaviour support practitioner reported that at the aged care facility, MGC is socially isolated and relies on community support workers for engagement and community access. It was reported that there are challenges with communication between MGC's family

and NDIS services, and that MGC's access to NDIS services had been put on hold because there was no one authorised to sign support agreements or to be involved in plan reviews. In addition, there were reports that MGC was being administered psychotropic medication, although the purpose for that medication was unclear.

The Tribunal concluded that there was insufficient evidence to make findings about each of the allegations of neglect. However, the Tribunal was satisfied that it would be in MGC's best interests for a guardian to be appointed to make decisions in relation to the personal services she should receive. MGC's sister proposed that she be appointed as guardian. However, the Tribunal was not satisfied that MGC's sister would be able to exercise the functions given under the guardianship order (accommodation, health care, services, medical and dental consent) in accordance with the principles in s 4 of the *Guardianship Act*, which require that MGC be protected from neglect, encouraged, as far as possible, to live a normal life in the community and that paramountcy be given to MGC's interests and welfare.

The Tribunal decided to appoint the Public Guardian as MGC's guardian for a period of six months. The Tribunal reasoned that a six-month period will allow time for the difficulties in communication between the family, care providers and NDIS support and services workers to be addressed. At the end of this period, the Tribunal will review the guardianship order and MGC's sister may then be able to demonstrate that she meets the statutory requirements for appointment as MGC's guardian.

### **NGC [2023] NSWCATGD 7**

NGC is a 37-year-old Aboriginal man with a cognitive impairment from a traumatic brain injury sustained in 2015. NGC is a participant in the iCare-Lifetime Care and Support Scheme and requires 24-hour nursing care. Prior to floods in 2022, NGC lived in a purpose-built demountable building in regional NSW, located on the same property as his mother and his three children. He was later relocated to another part of regional NSW, 400kms away from his family.

Since 2015, NGC has been under a financial management order made by the Tribunal, which committed the management of his estate to the NSW Trustee and Guardian (the Trustee). In February 2023, the Trustee refused a proposal made on behalf of NGC to purchase a property for NGC and his family in regional NSW, from monies retained in trust. In reasons for that decision, the Trustee said if the property was purchased NGC would have no remaining funds other than Centrelink income. On internal review, the Trustee confirmed that decision, despite iCare agreeing to pay certain costs associated with accommodation and transport, and NGC securing an Aboriginal home loan grant.

An iCare case manager, OBN, applied to NCAT for the review and revocation of the financial management order, and an application for a guardianship order. OBN alleged that the Trustee had failed to consult with NGC and his family and to have regard to NGC's welfare, practical care needs, emotional wellbeing, and safety and cultural needs, including the extreme distress experienced by NGC as a result of being separated from his family.

The Tribunal noted that the Trustee's decision was based in the main on "hypothetical financial factors" and most likely made without regard to the advice of NGC's treating team, iCare's capacity to cover certain types of costs, or relevant cultural factors. The Tribunal found that as NGC is not able to manage his affairs, there is a continued need for a financial management order. While critical of the decision made by the Trustee, in the absence of an alternate private manager, the Tribunal said it had little choice but to confirm the Trustee's appointment. The Tribunal noted that the Trustee's decision may be subjected to external administrative review in due course.

The Tribunal also made a guardianship order in respect of NGC for a period of two years as it was satisfied that NGC's traumatic brain injury and cognitive impairment restricts him from making important decisions about his personal affairs. The Tribunal was satisfied that NGC's mother was a suitable person to be appointed guardian to make decisions about NGC's accommodation,

advocacy, health care, consent to medical/dental treatment, services, and legal services.

### **NXN [2023] NSWCATGD 10**

In April 2023, a hospital social worker applied to NCAT for review of the guardianship order made a month earlier for 18-year-old NXN. When the initial guardianship order was made, NXN had been in hospital for several months due to chronic and life-threatening malnutrition on a background of autism spectrum disorder. NXN has been malnourished since the age of three and has been diagnosed with avoidant restrictive food intake disorder and somatic symptom disorder.

The social worker requested the Tribunal to add to the initial guardianship order several functions, including the use of restrictive practices to limit NXN's access to electronic devices. The social worker reported that NXN's use of electronic devices for extended periods including throughout the night had resulted in a complete reversal of normal sleep/wake patterns and was detrimental to NXN's general health and rehabilitation.

Under the National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 (Cth), where a person is not able to provide their consent to the use of a restrictive practice, consent must be given by a properly authorised guardian. Restricting a person's free access to their electronic devices is an 'environmental restraint', which is defined as 'any practice that restricts a person's free access to all parts of their environment, including items or activities'. The Tribunal decided to vary the guardianship order to give NXN's guardian authority to consent to, or to withhold consent to, the use of environmental restraints.

In addition, the Tribunal made a financial management order. The Tribunal found that NXN has limited experience in managing finances and is vulnerable to being influenced. The Tribunal found that there is a need for a financial management order because when, as planned, she moves to supported independent living accommodation after discharge from hospital, NXN will be required to pay for accommodation and living

expenses. NXN expressed her wish for her mother to manage her finances. However, the Tribunal decided that it would be in NXN's interests to appoint an independent financial manager. The Tribunal noted that NXN's relationship with her mother, while close, has not provided her with the usual opportunities to develop the independence associated with adulthood. The Tribunal committed the management of NXN's estate to the NSW Trustee. The order is to be reviewed within eleven months, at which time the Tribunal will reconsider whether NXN has developed the skills to manage her finances.

### **UZK [2023] NSWCATGD 13**

UZK is an 18-year-old woman with an intellectual disability, anxiety disorder, ADHD and PTSD. UZK was under the parental care of the Minister until she turned 18. She lived with foster parents since she was four and a half years of age. A DCJ caseworker applied to NCAT for guardianship and financial management orders to be made in respect of UZK, alleging that she had been exploited by her employer, Ms Y.

The Tribunal heard evidence that on multiple occasions over the last two years, UZK ran away from her foster parents to live with Ms Y. It was reported that Ms Y involved UZK in criminal and drug activities, encouraged UZK to leave school to work at Ms Y's bakery fulltime without pay, and planned to move overseas with Ms Y after being given a new identity. In addition, UZK was prevented access to mental health support, which resulted in a significant deterioration in her mental health leading to suicidal ideation. Over six months, UZK gave or lent Ms Y at least \$19,000, which represented her entire life savings.

The Tribunal found that UZK has been subjected to "extraordinary coercion and persuasion and that her vulnerabilities have been exploited". Having regard to the considerations in ss 4 and 14 of the *Guardianship Act*, the Tribunal was satisfied that it was in UZK's best interests for a guardianship order to be made. The Tribunal was also satisfied that a financial management order should be made to protect UZK from future



exploitation and to take action on her behalf to recover her funds.

The Tribunal appointed UZK's foster mother as her guardian with authority to make decisions about UZK's accommodation, health care, services, and to consent to medical and dental treatment. In addition, the Tribunal gave a legal services function, to enable the guardian to commence a victims of crime compensation claim and to recover money stolen from UZK. Further, the Tribunal gave the guardian authority to make decisions about UZK's passport and travel to protect UZK being taken out of Australia.

In addition, the Tribunal made a financial management order reasoning that such order was necessary to protect UZK from future exploitation and to act on her behalf to recover her funds. The Tribunal appointed UZK's foster mother as her financial manager, finding that she had managed UZK's financial affairs effectively until UZK went to live with Ms Y.

### **FNK [2023] NSWCATGD 11**

FNK is an 18-year-old man with borderline personality disorder, ADHD, anxiety, depression and drug addiction. FNK inherited \$247,000 from his late-father's estate, which is held in trust and managed by the NSW Trustee. When he turned 18, \$50,000 from the trust was released to FNK. FNK receives Centrelink payments and income from a part-time job.

Concerned about FNK's spending of the lump sum, FNK's mother applied to NCAT for a financial management order. FNK's mother said that FNK had "rapidly and unwisely" spent the lump sum and had "lent" money to his friends and had not been repaid. FNK told the Tribunal that he wanted the balance of the money from the trust to be released to him slowly and requested guidance on how to budget and to manage his money.

The Tribunal decided to make a financial management order. The Tribunal found that FNK is not reasonably able to protect his own welfare and interests without the intervention of a financial manager and is at continued risk of exploitation and wastage of funds.

Under s 25M of the *Guardianship Act*, if the Tribunal makes a financial management order, it may appoint a suitable person to manage the person's estate or may commit the management of the estate to the NSW Trustee. FNK's mother did not wish to be appointed as FNK's manager under the financial management order. As no other individual nominated to take on that role, the Tribunal committed the management of FNK's estate to the NSW Trustee.

The Tribunal decided to exercise the discretion to exclude FNK's Centrelink payment and employment income from the financial management order, reasoning that this would support FNK's aim to learn how to budget and to manage his money. The Tribunal decided to make the order reviewable in two years.

# Occupational Division

## What the Division does

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

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

## Work within the Division

The Division principally deals with professional disciplinary matters brought by statutory authorities and other professional associations against architects, health practitioners, lawyers and public notaries, veterinary practitioners, and registered certifiers.

It also hears and determines matters involving local government councillors for asserted breaches of the pecuniary interest provisions and codes of conduct applicable to local government councillors under the *Local Government Act* as well as challenges to election of councillors.

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

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

The Division exercises an appellate function in hearing appeals under the Health Practitioner Regulation National Law against decisions of the various health professional councils and national boards. The Division also exercises an administrative review jurisdiction in respect of a number of occupations including builders, taxi services and security agents.

The matters heard in this Division are frequently of significant complexity and generally require longer hearing times than in other Divisions. One of the primary functions of the Division is to protect the public by ensuring only those professionals, including doctors, other health professionals and lawyers, who are competent and appropriate to practise, do so.

## Workload

During 2022-23, the Occupational Division received 286 applications and finalised 256, giving a clearance ratio across the whole Division of 89.5%. The predominant type of applications in the Division are professional disciplinary proceedings.

In health professional disciplinary matters, the ability of the Tribunal to dispose of its caseload is enhanced by the appointment of Members from the relevant professions who sit as Occasional Members.

Table 5 – 2022-23 Occupational Division workload and performance

LIST	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative Review	132	111	84.1%
Health Practitioner	128	131	102.3%
Legal Practitioner and Other Professionals	26	14	53.8%
<b>TOTAL</b>	<b>286</b>	<b>256</b>	<b>89.5%</b>

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

## Post COVID-19 pandemic measures

As special measures to deal with COVID-19 in the community were reduced during 2022-2023, the Occupational Division adopted new standard procedures using the new technology acquired during the pandemic to improve efficiency whilst preserving fairness. Directions hearings are now conducted by audio-visual link (AVL). Hearings are generally conducted in person, but parties may apply to appear, or to have a witness appear, via AVL.

## Members

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

In legal services matters involving disciplinary applications brought under the Legal Profession Uniform Law (NSW), the Tribunal is constituted by a three Member panel comprising a senior judicial officer or a Legal Member (barrister or solicitor depending on the discipline of the practitioner), another Legal Member (barrister or solicitor) and a General Member. Constitution of the Tribunal to hear other types of matters involving legal practitioners differs depending on the type of proceeding.

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

Disciplinary proceedings against local government councillors and against Aboriginal Land councillors are

usually heard by a single Member, except in the case of a challenge to a councillor's election under the *Local Government Act*, when the panel comprises three Members.

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

A professional development twilight session was held early in 2023, which was well attended.

## Legislation

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

## Consultation with stakeholders

A stakeholder meeting was held in the second half of the financial year. Some of the stakeholders attended by AVL, and some attended in person.

## Significant decisions

### ***Council of the Law Society of New South Wales v Judah [2022] NSWCATOD 89***

The Council of the Law Society of New South Wales (Council) applied to NCAT under the Legal Profession Uniform Law (NSW) (Uniform Law), seeking a finding that Mr Judah was guilty of professional misconduct and that he be reprimanded for breaches of two conditions imposed on his practising certificate. One condition required Mr Judah to practise law under supervision and in the employ of a law practice; another condition required Mr Judah to provide the Council psychiatric reports at six monthly intervals stating that he was fit to continue in legal practice.

Mr Judah sought summary dismissal on the basis that one or more of his asserted defences, raised under the *Corporations Act 2001* (Cth), the *Disability Discrimination*

Act 1992 (Cth) and the United Nations Convention on the Rights of Persons with Disabilities, attracted federal jurisdiction under ss 75 and/or 76 of the Commonwealth Constitution. The Tribunal held that the hearing and determination of disciplinary proceedings under s 300 of the Uniform Law is more properly described as an exercise of administrative power, and as a result there was no dispute between the parties capable of characterisation as a federal matter – NCAT had jurisdiction.

The Tribunal found that Mr Judah had appeared on four occasions, unsupervised, in the District Court, and so breached the condition on his practising certificate. Further, Mr Judah did not provide the Council with a psychiatric report within the required time, and the report that was ultimately provided did not assess whether Mr Judah was fit to continue in legal practice, and so breached the other condition. Mr Judah also sought to challenge the validity of this condition. The Tribunal held that the enabling legislation did not permit NCAT to determine a collateral challenge to the validity of a practising certificate condition in the course of disciplinary proceedings initiated under s 300 of the Uniform Law. The Tribunal found Mr Judah guilty of professional misconduct, particularly in light of the fact that he had contravened two separate conditions imposed in order to protect the public. The Tribunal reprimanded Mr Judah and ordered that he pay the Council's costs.

### ***Council of the New South Wales Bar Association v de Robillard [2023] NSWCATOD 75***

The Tribunal in this case considered whether any protective orders should be made in relation to the respondent, a legal practitioner, having found in the first stage of the proceedings that he was guilty of unsatisfactory professional conduct and professional misconduct. The Bar Council sought an order from the Tribunal recommending that the name of the respondent be removed from the Roll kept by the Supreme Court of NSW and the Australian Legal Profession Register.

The respondent made applications for members of the Tribunal and the Tribunal as a whole to recuse themselves on the basis of apprehended bias. The respondent also argued that the Bar Council did not have an “independent legal personality” to bring the proceedings. The Tribunal refused the recusal applications as it found that none of the bases contended by the respondent had any substance. The Tribunal also determined that the Bar Council did have an “independent legal personality” and was able to be a party in the proceedings due to various provisions of the *Legal Professional Uniform Law Application Act 2014* (NSW) and an Instrument of Delegation of the Legal Services Commissioner delegating certain functions to the Bar Council.

The Tribunal made the order recommending the respondent's name be removed from the Roll as it concluded that, at the time of its determination, the respondent was not fit to practise as a barrister and that he was probably permanently unfit to practise. In making this finding, the Tribunal had regard to the “very serious conduct” by the respondent, which the Tribunal found was professional misconduct, and the fact that the respondent had not really demonstrated remorse for his conduct. The Tribunal found that the respondent continued to demonstrate a failure to recognise his professional obligations in relation to other practitioners and the Bar Council. The Tribunal also considered the respondent's extensive disciplinary history, that included four findings of unsatisfactory professional conduct which the respondent did not seek to address or explain the circumstances giving rise to these findings. The Tribunal was of the view that only the respondent's removal from the Roll would protect the public and serve as a sufficient deterrent to other lawyers. The Tribunal was also satisfied the removal was necessary to uphold the confidence and respect of the public in the legal profession as a whole.

### **Health Care Complaints Commission v FTE [2023] NSWCATOD 30**

The Health Care Complaints Commission commenced disciplinary proceedings in the Tribunal against the respondent, a medical practitioner. The Commission brought five complaints against the respondent which related to his recreational use of illicit drugs and alcohol. The Commission sought orders that the respondent's registration be cancelled, with a non-review period of one to two years. The respondent did not participate in the disciplinary proceedings after the Tribunal dismissed his application to adjourn the proceedings.

The Tribunal found that the respondent had breached two conditions on his registration, including a critical impairment condition that he abstain completely from the consumption of alcohol and any illicit substances. The Tribunal found that these breaches were particularly serious, as the respondent had been diagnosed with polydrug use disorder and was on the Impaired Registrants Program. In finding the respondent guilty of professional misconduct, the Tribunal took into account the respondent's history of non-compliance with his registration conditions and the opportunities he had been given to continue practising with conditions on his registration. The Tribunal also found that the respondent had continued using illicit drugs even after his registration was suspended.

The Tribunal was satisfied that the respondent had an impairment within the meaning of s 5 of the Health Practitioner Regulation National Law (NSW) and that the respondent currently lacked the mental capacity to practise as a medical practitioner. The Tribunal cancelled the respondent's registration and ordered that an application for review of the cancellation order not be made until after the expiration of two years from the date of the order. The Tribunal also determined it was appropriate to make a non-publication order with respect to the respondent's name, given the respondent's emotional fragility and previous suicidal ideations.

### **Fayazi v Commissioner for Fair Trading [2023] NSWCATOD 15**

The Commissioner for Fair Trading cancelled Mr Fayazi's building contractor licence after the Commissioner determined he was not a fit and proper person to hold a contractor's licence. This finding was made following an incident at a building site where an unbraced brick wall constructed by Mr Fayazi's company collapsed on two workers, resulting in the death of one of the workers. The Commissioner also disqualified Mr Fayazi from holding any authority under the *Home Building Act 1989* (NSW) and permanently disqualified him from being a member of a partnership, or an officer of a corporation that is a member of a partnership, that is a holder of an authority under the *Home Building Act*. Mr Fayazi applied to the Tribunal for administrative review of the Commissioner's decision.

The Tribunal concluded that Mr Fayazi was not a fit and proper person to hold a contractor licence and affirmed the cancellation and disqualifications. The Tribunal found that Mr Fayazi knew the wall his company constructed required bracing but that he considered it was not his or his company's responsibility to ensure the structure was not a safety hazard to others attending the site. The Tribunal also found that more than six months after the incident, Mr Fayazi had not attempted to educate himself as to the safety requirements for masonry contractors, which showed a callous attitude towards others attending the site. While the applicant had made subsequent attempts at training and instituting safer work processes, the Tribunal was not satisfied it outweighed the other considerations to conclude that he was now a fit and proper person to hold a contractor's licence.

### **Health Care Complaints Commission v Nguyen [2022] NSWCATOD 127**

The Health Care Complaints Commission commenced disciplinary proceedings in the Tribunal against five registered nurses including Ms Nguyen, and one enrolled nurse, who were employed by Justice Health and Forensic Mental Health Network (Justice Health) at Parklea Correctional Centre. The nurses were involved in the care of an inmate who was found deceased in his

cell. The Commission brought two complaints against Ms Nguyen alleging she was guilty of unsatisfactory professional conduct and professional misconduct.

The complaint as to unsatisfactory professional conduct was that she had engaged in conduct that demonstrates the knowledge, skills or judgment possessed, or care exercised, by her was significantly below the standard reasonably expected of a practitioner of an equivalent level of training or experience as defined in s 139B(1)(a) of the Health Practitioner Regulation National Law (NSW). The particulars of this complaint concerned Ms Nguyen's failure to accurately document the administration of medication and the time she administered medication to the patient in accordance with Justice Health Medication Guidelines. The particulars also alleged Ms Nguyen failed to ensure clinical information regarding the patient's clinical management details were recorded in the appropriate documentation in accordance with Justice Health policies.

The Tribunal found on the evidence that the particulars were established and that the conduct was unsatisfactory professional conduct. The Tribunal was satisfied that Ms Nguyen's failure to accurately record on the patient's medication chart both the medication administration and time of administration was in breach of the Justice Health Medication Guidelines. While the Tribunal noted that Ms Nguyen had, at the time of the incident, limited experience as a registered nurse and only three months experience working in custodial health, the Tribunal considered that medication administration including documentation is a basic skill and competency of a registered nurse. The Tribunal also found that Ms Nguyen's failure to document the patient's refusal to take prescribed medication in the patient's clinical notes was significantly below the standard expected of a registered nurse of equivalent training and experience. The Commission did not press the second complaint as to professional misconduct however the Tribunal determined that it would not have made such a finding in any event.

# Appeal Panel

## What the Appeal Panel does

The Appeal Panel is responsible for hearing internal appeals from decisions of each of the Divisions where there is a right of appeal to the Appeal Panel provided for in the NCAT Act or in the enabling legislation.

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

## Workload

There was a decrease in the number of appeals filed in the 2022-23 reporting period. The Appeal Panel received 712 appeals for the year ending 30 June 2023. In the previous year, a total of 813 appeals were received. The overall clearance ratio for the year was 102.8%.

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

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

For the 2022-23 year, 64.6% of internal appeals were finalised at or before the first hearing, and 95% of matters were finalised within nine months from the date of lodgement. The Appeal Panel has a performance target to finalise 80% of all appeals within nine months from the date they are lodged. To achieve this, the Appeal Panel seeks to list all new appeals for callover within two weeks from when they are filed, with urgent stay applications and other interlocutory applications being listed more quickly.

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

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

**Table 6 – 2022-23 Appeal Panel workload and performance**

DIVISION	APPLICATIONS	FINALISATIONS	CLEARANCE RATIO
Administrative and Equal Opportunity Division	73	74	101.4%
Occupational Division	9	7	77.8%
Consumer and Commercial Division	589	609	103.4%
Guardianship Division	41	41	100.0%
Designated External Appeals	0	1	0.0%
<b>TOTAL</b>	<b>712</b>	<b>732</b>	<b>102.8%</b>

**Table 7 – 2022-23 Appeals finalised by Division list/order type**

LIST / ORDER TYPE	2022-23
<b>Administrative and Equal Opportunity</b>	
• Administrative Review List	52
• Community Services List	1
• Discrimination List	11
• Revenue List	10
<b>Occupational</b>	
• Administrative Review List	7
<b>Consumer and Commercial</b>	
• Commercial List	30
• Community Land List	1
• General List	58
• Home Building List	121
• Motor Vehicles List	31
• Residential Communities List	13
• Residential Tenancies List	241
• Retirement Villages List	5
• Social Housing List	43
• Strata Schemes List	66
<b>Guardianship</b>	
• Initial Order	14
• Review of Order	27
<b>Designated External Appeals</b>	
	1
<b>TOTAL</b>	<b>732</b>

**Table 8 – 2022-23 Final orders made by the Appeal Panel**

FINAL ORDERS MADE	2022-23	%
Allowed	108	14.8%
Dismissed	437	59.7%
Withdrawn	163	22.3%
Other	24	3.3%
<b>TOTAL</b>	<b>732</b>	<b>100.0%</b>

**Table 9 – 2022-23 Appeal Panel decisions appealed to the Supreme Court or Court of Appeal\***

APPEAL RESULT	2022-23	%
Dismissed	36	81.8%
Allowed	8	18.2%
<b>TOTAL</b>	<b>44</b>	<b>100.0%</b>

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

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

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

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

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

Decisions of the Appeal Panel in its internal appeal jurisdiction may be appealed to the Supreme Court of NSW. Decisions may also be challenged by way of judicial review. These appeals and applications are



assigned to the Supreme Court, or the Court of Appeal if the Appeal Panel included a judicial officer. Table 9 sets out the number of appeals and applications finalised by the Supreme Court for the period 2022-23 and the result of those appeals.

## Members

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

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

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

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

## Significant decisions

### ***Registrar of Births, Deaths and Marriages v FJG & FJH; Attorney General of New South Wales as Intervenor* [2022] NSWCATAP 270**

FJG, who was assigned the male sex at birth, married FJH in 2009 at a time when her documents still identified her as male. In 2018, FJG registered her change of sex, which included changes to her identity

documents. FJG also sought to change her record of marriage.

An Appeal Panel referred questions of law to the Supreme Court, pursuant to s 54 of the NCAT Act, with the consent of the President, relating to the scope of the power conferred on the NSW Registrar of Births, Deaths and Marriages in s 45 of *Births, Deaths and Marriages Act 1995* (NSW) to correct an entry in the Register about a marriage solemnised in New South Wales where there is inconsistency between the particulars in the marriage and those prepared under the *Marriage Act 1961* (Cth).

On referral, the Court of Appeal in *Attorney General for New South Wales v FJG* [2023] NSWCA 34 found that it was not necessary to answer the questions of law referred to it, as the Attorney General had sought, and the Court had made, declarations to the same effect in concurrent proceedings. The Appeal Panel decision, and that of the Court of Appeal, gave significant guidance in respect of referred questions of law.

### ***Moree Plains Shire Council v Howlett* [2022] NSWCATAP 221**

An Appeal Panel allowed an appeal and affirmed the Council's decision where the Tribunal had erred in balancing the competing interests for and against disclosure pursuant to s 13 of the *Government Information (Public Access) Act 2009* (NSW). The applicant had sought review of a Council decision to disclose the content of a complaint but not the identity of the signatories. The more general considerations in favour of disclosure, such as stimulating public debate and fostering government accountability, were far outweighed by the potential breach of the Council's privacy obligations under s 18(1)(a) *Privacy and Personal Information Protection Act 1998* (NSW).

### ***Grass v Voyager Tennis Pty Ltd* [2023] NSWCATAP 168**

An Appeal Panel allowed an appeal where the Tribunal had erred in its construction of s 50(1)(c) of the *Anti-Discrimination Act 1977* (NSW) (ADA). Properly construed, a person claiming to be victimised is not required to prove on the balance of probabilities that

the alleged contravening act occurred, only to establish the fact that an allegation that amounts to contravention of the ADA was made (along with the other elements of the provision). The Appeal Panel remitted the matter for consideration of Mr Grass' victimisation claim in respect of three of the respondents, but dismissed the appeal against the first respondent as no prima facie case of detriment had been made out.

### **ZWQ v ZWS [2022] NSWCATAP 277**

The wife had previously appointed her two sons as joint attorneys under an enduring power of attorney, which she later purported to revoke. One of the sons applied to NCAT for a review of her revocation and the husband made an application to be joined to the proceeding. The Tribunal refused the husband's joinder application and the husband appealed.

An Appeal Panel found that the husband's genuine concern for his wife was not, in itself, enough to satisfy s 31 of the *Powers of Attorney Act 2003* (NSW). The decision made by the Tribunal was open to it. One of the many reasons put to the Tribunal by the husband was his concern for the wellbeing of his wife, but he had also reiterated that the principal reason he wished to be joined at first instance was to gain a right to appeal the Tribunal's substantive decision. The Appeal Panel held that the power under s 31 is discretionary and does not automatically entitle a person with genuine concern to be joined as a party.

### **Combat Sports Authority of New South Wales v Fisher [2022] NSWCATAP 387**

An Appeal Panel set aside the decision of the Tribunal to allow Mr Fisher, an amateur boxer, to be registered as a combatant under the *Combat Sports Act 2013* (NSW) (CS Act), following criminal convictions and imprisonment for serious violent offences against a former domestic partner. The Tribunal had taken into account irrelevant considerations (such as the positive impact on Mr Fisher's mental health and his engagement with rehabilitation) and failed to take into account relevant considerations (the importance of maintaining public confidence in the combat sports

industry and of promoting an appropriate culture that opposes and takes seriously acts of severe violence against women). In doing so, the Tribunal misconstrued the meaning of the "fit and proper" test in s 13(1)(b) of the CS Act.

The fit and proper person test is fundamentally directed to the character and reputation of an applicant. The way in which the public expects a regulated industry to take seriously the question of domestic and family violence in Australia and the need for action to prevent such violence should be considered. In redetermining the matter, the Appeal Panel found Mr Fisher did not meet the requirements in s 13(1)(b) – the acts of violence were considered too extreme, and his release from prison was "too soon", for the Appeal Panel to be satisfied Mr Fisher met the "fit and proper" requirements.

### **McIntosh v Lennon [2023] NSWCATAP 83**

An Appeal Panel held that the legal meaning of the definition of "owner-builder" in Schedule 1 to the *Home Building Act 1989* (NSW) (HBA) includes owner-builders who (in breach of the HBA) do not obtain owner-builder permits. The context and general purpose of the owner-builder provisions of the HBA promote this legal meaning over the grammatical or literal meaning. Any literal discomfort is to be preferred to allowing a mischief that Parliament intended to deal with. In the alternative, the definition of "owner-builder" should be read as if the words "or is required to do" were inserted, to mean "a person who does, or is required to do, owner-builder work under an owner-builder permit issued to the person for that work", which corrects a simple, grammatical drafting error that would otherwise defeat the object of the provision. The Appeal Panel commented in obiter that the legal meaning of ss 32AA, 95(2) and 127A of the HBA would also differ from their grammatical meaning to achieve the same objective.

### **Cumbamani v Commissioner of Victims Rights [2023] NSWCATAP 118**

Mr Cumbamani sought to argue that the victim, who made a claim under the *Victim Rights and Support Act*

2013 (NSW) (VRSA) for acts of violence perpetrated by him (various acts of which he was convicted and imprisoned), was not eligible to make further claims because additional claims made under an initial application are limited to expenses nominated or foreshadowed in the original “duly made” application. The Appeal Panel rejected this restrictive interpretation of the VRSA, which is beneficial legislation intended to support victims of crime. The VRSA contemplates and permits multiple claims to be made under an existing application until the first of a period of five years after the application is made or the maximum amount of financial support has been received. Indeed, the ability to make further claims under an existing application is an important part of the beneficial role of the VRSA.

**North Sydney Council v EIG [2022]  
NSWCATAP 331**

The Appeal Panel set aside a decision that the Council breached the disclosure and use restrictions in the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIPA) when it published information concerning the storage, use and disclosure of personal information of an elected councillor’s privacy complaint against the Council in NCAT. Section 25 of the PPIPA explicitly exempts an agency (the Council) from compliance with s 18 if disclosure is permitted or reasonably contemplated under another Act or law. Non-compliance with the privacy principles in allowing public inspection of material concerning the Council’s legal proceedings was necessarily implied or reasonably contemplated by s 11 of the *Local Government Act 1993* (NSW), and accordingly the Council was exempt from compliance under s 25 of the PPIPA.

# Appendices

---

- 1**      **Legislation**
- 2**      **Major Legislative Change 2022-23**
- 3**      **Tribunal Members as at 30 June 2023**
- 4**      **NCAT Member Code of Conduct**
- 5**      **NCAT Expenditure Report**
- 6**      **Service Standards: Lodgement to Finalisation**
- 7**      **Resolution Processes**
- 8**      **Fees and charges as at 30 June 2023**
- 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 2023.

### NCAT Legislation

Civil and Administrative Tribunal Act 2013

Civil and Administrative Tribunal Regulation 2022

Civil and Administrative Tribunal Rules 2014

Court Security Act 2005

### Enabling Legislation

#### Administrative and Equal Opportunity Division

Administrative Decisions Review Act 1997

Adoption Act 2000

Agricultural Industry Services Act 1998

Agricultural Livestock (Disease Control Funding) Act 1998

Agricultural Tenancies Act 1990

Air Transport Act 1964

Animal Research Act 1985

Anti-Discrimination Act 1977

Apprenticeship and Traineeship Act 2001

Apprenticeship and Traineeship Regulation 2017

Associations Incorporation Act 2009

Australian Oil Refining Agreements Act 1954

Betting and Racing Act 1998

Betting Tax Act 2001

Births, Deaths and Marriages Registration Act 1995

Boarding Houses Act 2012

Boarding Houses Regulation 2013

Building and Construction Industry Security of Payment Act 1999

Building and Development Certifiers Act 2018

Building Products (Safety) Act 2017

Business Names (Commonwealth Powers) Act 2011

Casino Control Regulation 2019

Cemeteries and Crematoria Act 2013

Cemeteries and Crematoria Regulation 2022

Charitable Fundraising Act 1991

Child Protection (International Measures) Act 2006

Child Protection (Offenders Registration) Act 2000

Child Protection (Working with Children) Act 2012

Children (Detention Centres) Act 1987

Children (Detention Centres) Regulation 2015

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

Children (Education and Care Services) Supplementary Provisions Act 2011

Children and Young Persons (Care and Protection) Act 1998

Children and Young Persons (Care and Protection) Regulation 2022

Children's Guardian Act 2019

Coal Industry Act 2001

Combat Sports Act 2013

Commons Management Act 1989

Community Gaming Act 2018

Community Housing Providers (Adoption of National Law) Act 2012

Community Services (Complaints, Reviews and Monitoring) Act 1993

Co-operatives (Adoption of National Law) Act 2012

Co-operative Housing and Starr-Bowkett Societies Act 1998

Criminal Records Act 1991

Crown Land Management Act 2016

Design and Building Practitioners Act 2020

Dormant Funds Act 1942

Drug and Alcohol Treatment Act 2007

Education Act 1990

Education (School Administrative and Support Staff) Act 1987

Electricity Supply Act 1995

Electoral Act 2017

Exhibited Animals Protection Act 1986

Explosives Act 2003

Fines Act 1996

Firearms Act 1996

First Home Owner Grant (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- external sitelaunch

Government Information (Public Access) Act 2009

Guardianship Act 1987

Health Insurance Levies Act 1982

Health Records and Information Privacy Act 2002

Hemp Industry Act 2008

Higher Education Act 2001

Home Building Act 1998

Hunter Water Act 1991

Licensing and Registration (Uniform Procedures) Act 2002

Liquor Act 2007

Local Land Services Act 2013

Marine Pollution Act 2012

Marine Safety Act 1998

Motor Accident Injuries Act 2017

Motor Accidents Compensation Act 1999

Motor Vehicle Sports (Public Safety) Act 1985

National Disability Insurance Scheme (Worker Checks) Act 2018

Native Title (New South Wales) Act 1994

NSW Trustee and Guardian Act 2009

Ombudsman Act 1974

Paintball Act 2018

Parking Space Levy Act 2009

Payroll Tax Act 2007

Personal Property Securities (Commonwealth Powers) Act 2009

Pesticides Act 1999

Photo Card Act 2005

Point to Point Transport (Taxis 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

Public Spaces (Unattended Property) Act 2021

Rail Safety National Law (NSW)

Registered Clubs Act 1976

Relationships Register Act 2010

Retail Trading Act 2008

Retirement Villages Act 1999

Rice Marketing Act 1983

State Debt Recovery Act 2018  
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 Act 2001  
Water Act 1912  
Water Industry Competition Act 2006  
Water NSW Act 2014  
Weapons Prohibition Act 1998  
Work Health and Safety Act 2011  
Work Health and Safety Regulation 2017

### **Consumer and Commercial Division**

Agricultural Tenancies Act 1990  
Australian Consumer Law  
Boarding Houses Act 2012  
Community Land Development Act 2021  
Community Land Management Act 2021  
Contracts Review Act 1980  
Conveyancers Licensing Act 2003 (only in relation to Division 3 of Part 4)  
Credit (Commonwealth Powers) Act 2010  
Dividing Fences Act 1991  
Fair Trading Act 1987  
Holiday Parks (Long-term Casual Occupation) Act 2002  
Home Building Act 1989  
Motor Dealers and Repairers Act 2013  
Pawnbrokers and Second-hand Dealers Act 1996  
Property and Stock Agents Act 2002  
Residential (Land Lease) Communities Act 2013  
Residential Tenancies Act 2010  
Retail Leases Act 1994  
Retirement Villages Act 1999  
Strata Schemes Management Act 2015

Sydney Water Act 1994 (Section 58)  
Uncollected Goods Act 1995

### **Guardianship Division**

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

### **Occupational Division**

Aboriginal Land Rights Act 1983  
Architects Act 2003  
Building and Development Certifiers Act 2018  
Conveyancers Licensing Act 2003  
Design and Building Practitioners Act 2020  
Fair Trading Act 1987  
Health Care Complaints Act 1993  
Health Practitioner Regulation (Adoption of National Law) Act 2009  
Health Practitioner Regulation National Law (NSW)  
Home Building Act 1989  
Legal Profession Uniform Law (NSW)  
Legal Profession Uniform Law Application Act 2014  
Licensing and Registration (Uniform Procedures) Act 2002  
Local Government Act 1993  
Motor Dealers and Repairers Act 2013  
Passenger Transport Act 2014  
Pawnbrokers and Second-hand Dealers Act 1996  
Point to Point Transport (Taxis and Hire Vehicles) Act 2016  
Property and Stock Agents Act 2002  
Public Notaries Act 1997  
Security Industry Act 1997  
State Insurance and Care Governance Act 2015  
Surveying and Spatial Information Act 2002  
Tattoo Parlours Act 2012

Tow Truck Industry Act 1998

Veterinary Practice Act 2003

Wool, Hide and Skin Dealers Act 2004

Workplace Injury Management and Workers  
Compensation Act 1998



# Appendix 2

## Major Legislative Change 2022-23

---

### **Civil and Administrative Tribunal Regulation 2022**

The Civil Administrative Tribunal Regulation 2013 was repealed on the commencement of the new Regulation on 1 September 2023.

### **Children and Young Persons (Care and Protection) Regulation 2022**

The amendment provides for a new review right to NCAT for the decision to automatically cancel a carer's authorisation where they have not provided out of home care for three months or more. Commenced on 1 September 2022.

### **Children's Guardian Act 2019**

New review right to NCAT when the Children's Guardian make certain decisions in respect to the accreditation as a designated agency or an accredited adoption service provider. Commenced on 1 July 2022.

### **Commercial Agents and Private Inquiry Agents Act 2004**

Repealed on commencement of the *Fair Trading Amendment (Commercial Agents) Act 2016* on 1 July 2022.

### **Fair Trading Regulation 2019**

NCAT's jurisdictional limit for consumer and motor vehicle claims increased from \$40,000 to \$100,000 to align with the Australian Consumer Law. The amendment commenced on 18 July 2022.

### **Justice Legislation Amendment (Fees) Regulation 2022**

The Regulation will ensure fees under the Civil and Administrative Tribunal Regulation 2022 increase in line with CPI. Commenced on 1 July 2022.

### **Public Spaces (Unattended Property) Act 2021**

The *Impounding Act 1993* was repealed on commencement of the new Act on 12 January 2023.

### **Public Interest Disclosures Act 2022**

The *Public Interest Disclosure Act 1994* was repealed on commencement of the new Act on 19 August 2022.

# Appendix 3

## Tribunal Members as at 30 June 2023

---

### President

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

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

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

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

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

### Deputy Presidents

#### **Judge Susanne Cole** LLM LLB (Hons) GDLP

Judge Cole was sworn in as a Judge of the District Court of NSW and appointed as Deputy President of the NSW Civil and Administrative Tribunal and Division Head of the Administrative and Equal Opportunity Division and Occupational Division in February 2019.

Prior to her appointments in NSW, Judge Cole was a Judge of the District Court of South Australia for 16 years. She was the Senior Judge of the Environment Resources and Development Court of South Australia from 2010-2019, the Deputy President of the South Australian Civil and Administrative Tribunal from 2015-2017 and a Deputy President of the Equal Opportunity Tribunal of South Australia from 2002-2016.

Prior to her appointment to the bench, Judge Cole practised for 20 years as a solicitor and as counsel.

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

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

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

Her experience includes Senior Member (2009-2014), Administrative Appeals Tribunal, Judicial Member (1996-2006) and Deputy President (2006-2009), NSW Administrative Decisions Tribunal and Board Member (2000-2006), NSW Legal Aid Commission. Anne taught in the Masters Program at UNSW Law School and has significant experience in governance roles, including as a former director of the NSW Legal Aid Commission, the Communications Law Centre and Belvoir Street Theatre.

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

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

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

In 2012 he was appointed as a part-time Senior Member of the former Consumer Trader and Tenancy Tribunal of NSW, becoming the Deputy Chairperson (Determinations) in 2013.

Following the establishment of the Tribunal in 2014 and until his appointment as Deputy President he held the position of Principal Member, initially as List Manager in the Consumer and Commercial Division, then as Principal Member Appeals.

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

Judge Hennessy was appointed as an Acting Judge of the District Court on 4 February 2019 and is currently a Deputy President of the NSW Civil and Administrative Tribunal. Before her appointment as an Acting Judge, Judge Hennessy was a NSW Magistrate and Head of the Administrative and Equal Opportunity Division of the Tribunal. Her areas of expertise include administrative law, human rights and protective jurisdictions involving children and people with disabilities.

### **Stuart Westgarth BA LLB**

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

## **Members**

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

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

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

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

its inception in 1991. A faculty member of the Advanced International Advocacy Course, Keble College Oxford.

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

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

### **Alderton, Zoe LLB**

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

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

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

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

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

### **Anderson, Mark BA LLB**

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

**Anthony, Lyn BA MAppPsych**

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

**Archibald, Ian BA LLB**

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

**Ash, David BA LLM**

General Member. Admitted as a barrister in 1998. Currently arbitrator, barrister and nationally accredited mediator. 2008 to date, contributing author to the annual NSW Civil Procedure Handbook; 2018 to date, consulting Editor to the Federal Court Reports; book author, *Three Sydney Judges*.

**Bailey AM SC, Ian BArch DipLaw (BAB)**

Senior Member. Practising architect from 1970-1980. Admitted to the Bar in 1983 and appointed Senior Counsel in 2004. Practised in all states and territories as counsel in construction disputes. Arbitrator, mediator, construction lawyer and university lecturer. 2000-2014, Co-Director of Studies of Construction Law Masters University of Melbourne. 2004 to date Professorial Fellow Melbourne Law School.

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

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

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

Senior Member. Qualified as a Clinical Psychologist in 1995 and as a Clinical Neuropsychologist in 2002. Previously qualified as a registered nurse. Experience as a clinical neuropsychologist and clinical psychologist primarily in acute hospital settings in neurology, HIV, and consultation liaison psychiatry services. Member of the Australian Commission on Safety and Quality in Health Care Cognitive Impairment Advisory Group 2016 - 2019. Fellow of the Australian Psychological Society College of Clinical Neuropsychologists

(CCN) and College of Clinical Psychologists (CCLP). Past Chair of CCN NSW and past CCN National Executive Committee Member.

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

Senior Member. Clinical neuropsychologist with over 20 years' experience in clinical and research positions in Australia and overseas in London and Paris. Currently based in Newcastle with a private practice and sees adults for diagnostic and medicolegal neuropsychological assessments. Published over 40 scientific articles, book chapters and 2 books. Currently undertaking a Juris Doctor/ Diploma of Legal Practice at the University of Newcastle. Appointed to the Mental Health Review Tribunal in 2021.

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

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

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

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

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

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

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

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

**Barnetson, Diane BA BLegStud MIR**

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

**Bartley, Glynis LLB BSW GDLP**

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

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

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

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

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

**Beale, Dr Ivan MSc PhD**

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

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

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

**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.

**Bishop SC, Elizabeth LLB MTax**

Senior Member. Admitted to the Bar in 2009. Appointed to the AEOD and the Appeal Panel in July 2021. Member of Ground Floor Wentworth Chambers. Member, Business Law Section, Law Council of Australia. Member, Society of Trust and Estate Practitioners. Fellow, Tax Institute of Australia. Member, Women's Lawyer Association of NSW. Recognised in Doyle's Guide (leading tax barrister) and the International Tax Review (Women in Tax). Expertise spans a broad range of areas, including administrative law, revenue law, trusts and proceeds of crime.

**Black, Mirriam BSW MSW**

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

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

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

**Blaxland, Wendy BSW**

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

**Bliim, Steven DipLaw SAB**

General Member. Admitted as a solicitor in 1984. Most recently, three years as Principal Solicitor of a Community

Legal Centre. 2012-2014, Solicitor General of the Republic of Nauru. 20 years at the Bar and 14 years as a solicitor.

### **Bluth, Dennis** LLB LLM BA (Syd)

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

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

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

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

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

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

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

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

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

### **Boyce, Stuart** MFireSafeEng MAIBS

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

### **Boyd-Boland, Stephen** LLM (Syd)

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

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

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

### **Bullock, Suellen Mitchell** BSocStud (Syd)

General Member. Career is a mixture of social work, corporate management and administrative law review: Social Worker at Royal South Sydney Hospital and Rehabilitation Centre; Social Worker, NSW Legal Services Commission; Senior Social Worker QLD Legal Aid Office; Investigation Officer NSW Ombudsman's; Executive Officer, NSW Ombudsman's Office; Part-time Senior Member Veteran's Review Board; Deputy Principal Member Social Security Appeals Tribunal; Deputy Division Head Administrative Appeals Tribunal, Social Security and Child Support Division; Internal Ombudsman with the Internal Ombudsman Shared Service with Cumberland City, Inner West and City of Parramatta Councils.

### **Burke, Mary** 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.

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

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

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

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

**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.

**Camden, Jodie** LLB (UNSW)

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

**Campbell, Cathy** DipLaw (LPAB)

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

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

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

**Charles, David** BA LLM

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

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

Senior Member. Raised in Mackay, educated at Wesley College Melbourne. Early experience as a General Practitioner in Mackay, then Psychiatry training in the UK. Returned as Deputy Director Psychiatry at Royal Brisbane Hospital then worked in the child abuse unit at the Mater Hospital Brisbane. 17 years in Adolescent Mental Health and the Early Psychosis Unit in Newcastle with an inexorable drift to Intellectual Disability Mental Health from 1991. Years of consulting to group homes, large residentials, and regional and rural centres followed. 10 years with the Developmental Assessment Unit at St George Hospital and involvement with NSW Health and UNSW Dept of 3DN. Teaching and training of junior colleagues in Developmental Psychiatry has been a privilege and a joy.

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

Senior Member in the Administrative and Equal Opportunity Division. Admitted as a solicitor in 1989 in New South Wales and the Commonwealth. A partner of the Digital Law and Privacy and Cyber Teams at Clyde & Co practising in the areas of information technology (including in relation to Big Data analytics, AI, VR/AR and IoT), digital transformation, e-commerce (including online marketing), Blockchain, smart contracts and distributed ledgers, Cloud computing, sourcing

and open-source software. However, Alec specialises in (and is most recognised by peers and a number of legal directories for) data privacy and cyber security across both the public and private sectors and a range of industries.

### **Clark, Katrina BSc LLB**

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

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

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

### **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 Personal Injury Commission.

### **Connor, Elaine BA (Hons) MPsyCh (Clin) LLB (Hons)**

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

### **Cootes AM, Janene BSocStudies**

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

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

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

### **Cowdroy AO KC, The Hon Acting Judge**

### **Dennis LLB (Syd) LLM (KCL) Dip Air and Space Law (Lond)**

Principal Member. Called to the Bar in 1971. Currently, Deputy President, Administrative Appeals Tribunal; formerly Chair of the Australian Electoral Commission; Inaugural Integrity Commissioner for the ACT; Reporting Officer Section 154 Australian Defence Force. From 1971 – 1997 practising barrister; appointed Queens Counsel 1989; Justice of the Land and Environment Court 1998 – 2006; Justice of the Federal Court of Australia 2006 – 2014; Presidential Member Administrative Appeals Tribunal 2010 – 2014; Additional Justice of the Supreme Court of the Australian Capital Territory 2007 – 2014; Acting Justice of the Supreme Court of the Territory 2014 – 2017; Judge Advocate to the Australian Defence Force and member of the Defence Force Discipline Appeal Tribunal; Acting District Court Judge 2017 – 2021. Appointed as a member of the Independent Parliamentarians Expenses Authority (Commonwealth) 2022.

### **Crawford, Dr Julia**

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

### **Crowley, Debbie**

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



**Cullenward, Tim BA LLB NMAS**

General Member. Admitted to practice in ACT and NSW (2007). Accredited mediator. Solicitor/Director in a general practice in regional NSW. Over 17 years working and practicing in criminal law, children's court, civil and commercial litigation, consumer law, family law, dispute resolution, wills and estates, and personal injury claims. Extensive litigation experience acting for individuals and companies in a variety of disputed and advisory capacities. Significant experience working with clients with mental health, family violence, drug and alcohol challenges, as well as farming communities, small businesses and local councils. Significant experience in dispute resolution both as advocate and mediator.

**Currie, John 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 and Committee Chairman Law Society of NSW; 1988-1993, Partner Corrs Chambers Westgarth; 1993-2013, Partner and Head of Practice Henry Davis York; 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, The Hon Acting Justice Greg BA LLB**

Senior Member. Appointed Acting Justice of the Supreme Court of the ACT in May 2023. Appointed as a Senior Member of NCAT in 2016, was appointed senior counsel in 2010. Admitted as a solicitor in 1987 and admitted as a barrister in 1989. In private practice Acting Justice Curtin was an experienced trial and appellate barrister whose practice included a wide range of commercial and common law cases, was a member of the NSW Bar Association, a Member of the NSW Bar Association Council, the ACT Bar Association, the Australian Bar Association, the Chartered Institute of Arbitrators (London, UK), the International Chamber of Commerce, the London Court of International Arbitration, Chairman of Level 22 Chambers, a registered foreign lawyer to the Singapore International Commercial Court and a registered practitioner with the Dubai International Financial Centre Courts.

**D'Arcy, Jennifer BComm LLB (UNSW)**

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

**Davidson, 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 non-governmental organisations (NGOs).

**de Jersey, Sancia BA LLB MBA**

General Member. Admitted to practice as a solicitor in 1988. Holds a mediation qualification from the Institute of Australian Mediators and Arbitrators. Her principal area in private practice of about 20 years was commercial litigation lastly as a partner at HWL Ebsworth before being appointed a Member of the Consumer Trader and Tenancy Tribunal in 2012, and then appointed to NCAT, Consumer and Commercial Division.

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

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

**Dinnen, Deborah BA LLB LLM**

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

**Dixon SC, Harry BA LLB LLM**

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

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

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

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

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

**Dubler SC, Dr Robert** LLB (Hons1) (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, Dr Francis** PhD MSW BSW (Hons) Grad Cert Social Development

Senior Member. Previous Lecturer in Social Work and Policy Studies, University of Sydney. Sessional social work academic at Charles Sturt University - current. Research areas include ageing, disability and social work practice. Previously a senior social worker and team leader at St Vincent's Hospital for 10 years. Board director with Charingfield Residential Aged Care Facility, Waverley for 9 years and previous board director of Abbeyfield Australia Community Housing. Counsellor at Relationships Australia since 2020 – Royal Commission into Institutional Responses to Child Sexual Abuse – Redress; Men's Behavioural Change; Mental Health and older people (Covid program).

**Dunn, Sarah** LLB (Hons)

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

**Durack SC, Philip** BJuris LLB BCL

Senior Member. Senior Counsel at the Sydney Bar with over 34 years' experience as a solicitor and counsel in commercial and general litigation.

**Eftimiou, Maritsa** BA LLB

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

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

Senior Member. Works as a general practitioner in private practice with special interest in aged care and disability sectors. Admitted as a solicitor of the Supreme Court of NSW

in 1999. Former local government and environmental lawyer and Associate to Justice RN Talbot.

**Ellensohn, Maria** MSM (Germany)

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

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

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

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

General Member. Adviser to the Independent Advisory Council of the National Disability Insurance Scheme (2014 to current); Consultant, National Support Agency, Disability Support Organisation Program (2014-2017); Member, National People with Disability and Carer Council (2008-2013); Deputy Chair, National Disability and Carer Ministerial Council (2006-2008); Convenor, Disability Safeguards Coalition (1997-2007); Senior Systemic Advocate, Institute for Family Advocacy and Leadership Development (1994-2014).

**Fairlie, David** BA LLB LLM

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

**Ferreira, Ingrid**

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

**Foda, Sandrah** LLB BSc GAICD

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

Science majoring in Pure and Applied Mathematics. Director of the King's School Foundation Council.

### **Fogg, Sarah**

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.

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

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

### **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) GDLP**

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

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

Senior Member. Admitted as a lawyer in 1989. 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 GDLP**

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

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

General Member. Admitted as a solicitor in the Supreme Court of NSW in 2011. Experience having worked as a solicitor in

private practice and in-house. Prior to appointment to NCAT, a long-term volunteer and board member in the community legal sector.

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

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

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

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

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

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

### **Giurissevich, Anthony BA LLB (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. Fiona Given has lived experience of disability and is a keen advocate for people who have little or no speech. Fiona works as a Research Assistant at the University of Technology Sydney and serves on the board of Advocacy and Assistive Technology Australia.

### **Glover, Ross LLM**

General Member. Commenced practice at the NSW Bar in 2010 where he has a broad commercial practice, with particular expertise in the conduct of large scale and complex litigation before the Supreme Court of NSW and the Federal Court of Australia. Extensive experience in the conduct of inquiries, including as Commissioner of the Public Inquiry into

Wingecarribee Shire Council. Member of the CDP external counsel panel and a Reserve Legal Officer in the Royal Australian Navy.

**Goldstein, David** BJuris LLB

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

**Goodman SC, Scott** BSc LLB (Hons) LLM

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

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

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

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

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

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

General Member. Appointed to the Consumer and Commercial Division in 2022. Admitted as a legal practitioner in 1998. Over

20 years' experience in commercial litigation, now work almost exclusively in ADR. Principal mediator at Adaptive Mediation. Nationally accredited mediator since 2018. Member of NSW Law Society, Resolution Institute and Australian Mediation Association.

**Grant, Christopher** BEc LLM GradDipEd

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

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

General Member. Board member of the Australian Centre for Disability Law. Consultant, academic, researcher and practitioner with 30 years' experience in not-for-profit organisations and disability.

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

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

**Griffin, Michael** LLB LLM

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

**Halbert, Jennifer** BA LLB

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

**Halstead, Adam** MLLP AssocDegLaw

General Member. Part-time member of the Consumer and Commercial Division. Solicitor, Notary Public and part-time member of the Administrative Appeals Tribunal. Formerly

member of the Social Security Appeals Tribunal, partner at Goldbergs Lawyers with a practice in commercial law, general legal practice as principal of Bradfield Mills Solicitors and solicitor-advocate at Legal Aid NSW.

**Halstead, Nathan** MBuildSurv (UWS) GradDip FireEng (VU) MTech Env Eng (UTS) JP

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

**Hamilton, Renae** BA LLB (Syd)

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

**Hanstein, Sharon** BA LLB LLM

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

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

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

**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. Practised at Bar in ACT and NSW until June 2019. 1975-1984, tutor and 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; 1993-1997, Director of Human Resources, Centrelink; 1999-2000, Social Security Appeals Tribunal Canberra; 2001-2006, Director of Human Resources and Communications, Department of Health and Ageing; 2006-2010 and 2013-2018, General Member, Veterans' Review Board; from 1998, a General Member of the Occupational Division of NCAT; since 2002 a General Member of the Equal Opportunity Division of NCAT; and since 2016, a General Member of the Childrens Guardian area.

**Healy, Aine**

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

**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.

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

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

**Higgins, Sigrid** BA LLM

Senior Member. Admitted as a solicitor in 1983 and called to the NSW Bar in 1999. Graduate Certificate in Dispute Resolution 2000. Practised as a barrister until 2020 and now practising as a solicitor. Part-time Judicial Member and Deputy President of the former NSW Administrative Decisions

Tribunal until 2013; 2008-2013, Member, Defence Honours and Awards Appeals Tribunal; 2005-2012, Patent and Trade Marks Disciplinary Tribunal; 2002-2005, Legal Member of the NSW Chiropractors' Registration Board; 1995-1997, Executive Secretary of the International Commission of Jurists (Geneva, Switzerland); 1991-1993, Manager and Senior Lawyer, Commerce Commission (Wellington, New Zealand), and Principal Legal Officer and Senior Assistant Director in the Office of the Commonwealth Director of Public Prosecutions; 1983-1987, Principal Legal Officer (Criminal Law Policy) Commonwealth Attorney General's Department.

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

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

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

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

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

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

### **Isenberg, Naida**

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

on the board of two charities, one of which is the War Widows Guild.

### **Isenberg RFD, Ret. COL Norman** BA LLB DipEd

Senior Member. Admitted as a solicitor in 1976. Consultant lawyer. Public Notary since 1993. Accredited Business Law Specialist for over 20 years. Officer Australian Army Reserve for over 30 years including Panel Leader, Army Reserve Lawyers Panel NSW. Retired as Colonel, 2013. Formerly 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. Member, Law Society NSW, Legal Education Committee.

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

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

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

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

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

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

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

Senior Member. Pursued a career as a scientist before being admitted as a solicitor in 1985. Admitted as a barrister in 1986 and has practised as a barrister at the private bar in NSW since then. Nationally Accredited Mediator and since 2009 a contributions assessor and mediator with Dust Diseases

Tribunal of NSW; Chair of the MAIF Tribunal in 2017-2019; in 2016 appointed Senior Legal Member of NCAT sitting in the Guardianship and Appeal Panel Divisions.

### **Kennedy, Claudia** BA DipEd DipRC MA

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

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

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

### **Kinsey, Graham** LLB

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

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

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

### **Landau, Dr Peter** MB BS (Hons) (Syd) FRACP

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

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

General Member. Community Member with NCAT since 2002. Currently, member of NORPG (National Older Person's Reference Group) within the Older Person's Advocacy Network (OPAN), the peak advocacy body for

aged care services. Experience in education services for adults and children with an intellectual disability (TAFE and Department of Education); aged care service assessment and accreditation (Quality Assessor, Age Care Standards and Accreditation.); and extensive experience in child protection with Department of Communities and Justice, most recently managing a team investigating abuse in out-of-home care. Previous Member of Social Security Appeals Tribunal and the Veteran's Review Board.

### **Law, Dr Jane Sarah** MBBS MMsci (Epidemiology)

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

### **Le Breton, John Vincent**

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

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

Principal Member. Appointed as a Judge to the Family Court of Australia in October 2001. Prior to appointment, His Honour spent 20 years practising at the NSW Bar, predominately in family law, appellate advocacy, children's matters and de facto relationships. His Honour is currently a mediator and arbitrator for family law matters, and a member of the Australian Institute of Family Law Arbitrators and Mediators. His Honour is a member of the Family Law Section of the Law Council of Australia.

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

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

**Lethbridge SC, Robert LLB**

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

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

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

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

General Member. Member of NCAT and CTTT since 2010. Commonwealth Public Service 1977-1981 including OIC NSW Consumer Protection, Trade Practices Commission 1980-1981. Admitted to the High Court and Supreme Courts of the ACT, NSW and Victoria. Private practice since 1981 as a Solicitor (15 years) and a Barrister (27 years); Accredited Mediator (NMAS); Arbitrator; Costs Assessor and Review Panellist NSW Supreme Court. Previously honorary positions as Adjunct Professor of Law at the University of Canberra; Conjoint Professor of Law at the University of Newcastle. Author of legal texts published by The Federation Press Sydney: *The Law of Affidavits* (2013), and *The Law of Tribunals* (2016).

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

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

Mediator and General Member of the NCAT Administrative and Equal Opportunity Division.

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

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

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

Senior Member. Legal practitioner since 1987. Called to the NSW Bar in 1996 and appointed Senior Counsel in 2011. A commercial silk, arbitrator and mediator in private practice with chambers in Sydney, Melbourne, Darwin, London and Dubai. Regularly appointed as an arbitrator and mediator internationally and domestically. A member of leading world arbitral institutions including ACICA, ADGM, AIAC, CAS, DIAC, HKIAC, JCAA, KCAB, LCIA, QICCA, SAC, SIAC & THAC. A Grade 1 Arbitrator, Advanced Mediator and Expert Determiner (Resolution Institute). Registered in PNG as an international and domestic arbitrator and accredited as a mediator instructor and coach. Accredited as an international mediator by the International Mediation Institute and as a mediator by the Singapore International Mediation Institute. Specialist sports lawyer with experience in selection, anti-doping, disciplinary and governance disputes. Member of the Court of Arbitration for Sport, National Sports Tribunal (Cth), Racing Appeals Tribunal (NSW), Football Australia Judicial Bodies and Chair of the Football NSW Appeals Tribunal.

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

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



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

Senior Member. Currently the Social Worker at Wolper Jewish Hospital. 20 years social work experience at St Vincent's Hospital (Sydney) and Guy's and St Thomas Hospital (London) in the areas of immunology and infectious diseases, aged care, disability and older people's mental health. Casual academic at the University of Sydney, Faculty of Social Work (2013 -2018) and board member of Charingfield, residential aged care facility (2015- 2018).

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

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

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

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

**Lynch, Joanne** BA LLB

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

**Lyne, Elizabeth** BBus CPA GAICD

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

**Macleay, Dr Jennifer** BSc PhD LLB

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

**Maier, Maryanne** BA LLB MBA Dip Lab Rels GAICD

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

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

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

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

General Member. 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. FCPA to 2004 and FCA to 2009.

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

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

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

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

and Senior Member of the ACT Civil and Administrative Tribunal.

**Matkovich, Nicholas** BA LLB MBA

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

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

Senior Member. Legal practitioner (Australian Lawyer) admitted 2001 solicitor NSW and Commonwealth. Currently, solicitor in sole practice, board member, NFP social housing provider, Liveable Australia Foundation. From 2009-2011, NSW Privacy Commissioner; 2006-2009, Registrar Victims Compensation Tribunal; 2002-2006, solicitor advocate, NSW Attorney General's; 1996-2002, senior investigator, NSW Ombudsman. Qualified mediator.

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

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

**McCalman, Maz** BA LLB

General Member. Lawyer (volunteer) previously with the 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. Past roles - CEO non-government community organisations. Senior Executive in Queensland and NSW – Housing and Disability.

**McCarthy, Shaun** BA LLB PhD

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

**McCue, Margaret** LLM (UNSW)

General Member. Appointed to the former Consumer Trader and Tenancy Tribunal in 2011. Admitted as a solicitor in 1988.

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

**McDonald, Scott** BA LLB FAICD

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

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

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

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

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

**McIlhatton, Susan BA LLB**

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

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

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

**McMahon, Karen BA LLB LLM**

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

**McPhee, Dr Brenda MBBS (Syd)**

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

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

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

**Mobbs, Karen BA LLB**

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

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

Senior Member. Admitted as a solicitor in 1993. Former Senior Member, Veterans' Review Board and Member of the Social

Security Appeals Tribunal/Administrative Appeals Tribunal. Many years' experience in mediation and conciliation.

**Molony, Peter**

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

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

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

**Moran, Peter LLB**

Senior Member. Admitted as a solicitor in 1983. Currently, a Partner in law firm Colin Biggers & Paisley with over 39 years' extensive experience in insurance, reinsurance and commercial litigation. Lawcover panel solicitor for 32 years. Regularly presents papers and seminars on risk management to the legal profession and conducts training sessions for regional legal practitioners throughout NSW. From 2016 to date, Senior Member NCAT.

**Moujalli, Daniel BEc LLB (Hons) (Syd)**

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

**Mulvey, Craig BCom LLM**

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

**Murray, Dr Maree**

General Member. Teaches Law at the University of Technology, Sydney. Expertise in Diversity and Inclusion. Previously was Director of the Wingara Mura Leadership Program, and Deputy Director of Diversity and Inclusion, at the

University of Sydney. Experience as an Industrial Relations academic, in research and evaluation, and in conducting workplace arbitration and mediation.

**Newman, Jennifer** BA GradCert Indigenous Research

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

**Nightingale, Anna** BN LLB (Hons)

General Member. Admitted as a solicitor in NSW 2002. Since 2014, a panel member with the Australian Financial Complaints Authority in general insurance, life insurance, banking, investments and superannuation and Specialist Reserve Legal Officer with the Royal Australian Air Force. Since 2017, General Member of NCAT's Consumer and Commercial Division.

**O'Carrigan, Patrick** FRAIA AIAMA

Senior Member. Registered architect and urban designer with over 25 years' experience in private and public sectors. Qualified as an arbitrator. Former Member, Administrative Decisions Tribunal with an interest in ethics and governance.

**O'Dowd, Norman James** BA LLB MPA

Senior Member. Admitted as a legal practitioner in 1993. Gained specialist accreditation in family law in 1999. Worked for Legal Aid NSW, providing representation to children and young people in the family law courts. Extensive mediation experience. Recently worked at UTS and The College of Law, teaching in the areas of family law, ethics law and justice, foundations of law and legal and professional skills. Also employed as a research associate on projects related to cross border surrogacy arrangements, and family violence and self-representation in the family law system.

**Organ, Lynne** LLB

Senior Member. Admitted as a solicitor in 1985. Senior Member of NCAT's Guardianship Division. Legal Member, Mental Health Review Tribunal (2016 to date). Community Legal Centre, Legal Aid and private practice (1986-2001). Extensive litigation and dispute resolution experience in health and administrative law including disciplinary work, medical negligence and inquests at Health Care Complaints Commission in the prosecution section and in private practice (2001-2015).

**Oxenham, Melanie** BSW

General Member. Member of Australian Association of Social Workers (AASW). Former Official Community Visitor; Employed by the Public Guardian 1997-2012. Project Officer, Planning Ahead Tools website 2011-2012. Policy

Officer/Mentor- NSW Supported Decision-Making Pilot 2012-2017. Facilitator/trainer NDIS awareness 2015-2017.

**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.

**Perrignon, Richard** 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 nationally accredited mediator and mediates cases before the Appeal Panel and in other Divisions of the Tribunal. As a barrister, he appears as Crown Prosecutor for the Commonwealth of Australia in jury trials for offences under Commonwealth law.

**Pickering, Edwina** BSW MIR

General Member. Previous employment with National Disability Services and NSW Ombudsman, and as a consultant in the health and community sectors. Member of Guardianship Tribunal since 2014.

**Pinto, Susan Marie** BA (Hons) LLB MA (Criminology)

Senior Member. Admitted as a legal practitioner in 1999. Previous experience in criminal intelligence and as a legal officer in refugee law. First appointed as a Tribunal member on the Administrative Appeals Tribunal in 2003 and reappointed until 2017, specialising in migration and refugee law. Appointed to the Hong Kong Torture Claims Appeal Board in mid 2017 and reappointed until September 2022 assessing applications for asylum in Hong Kong. Appointed to the Nauru Refugee Status Review Tribunal in 2018 and reappointed until December 2021, undertaking applications for persons seeking asylum. Appointed as a senior legal member of Guardianship Division of NCAT in March 2021.

**Pirina, Christina** BSc (Macq) LLB (Hons II) (Syd) LLM (UNSW)

General Member. Admitted to legal practice in 2005, with experience in a range of government, not-for-profit and private sector roles. Principal Solicitor at Macarthur Legal Centre, since 2014. Trained in mediation and Family Dispute Resolution (FDRP), with teaching experience as a casual academic (Western Sydney University (2015-2017)) and mediation/FDR coach (NSW College of Law (2015-2021)). Author of *Dealing with Debt: a legal guide to personal debt in*

NSW, a legal resource guide, published by the NSW State Library (2022).

**Porter, Lyn** GradDipSocSc (Community Services)

General Member. Currently appointed as an Official Community Visitor. Many years of experience working in the areas of domestic violence, child protection investigation and monitoring the conduct of service provision in the Disability and Out of Home Care Sectors.

**Priestley, William** BA LLB

General Member. Barrister and mediator with over 25 years' litigation experience, with expertise in building disputes, wills and estate matters, personal injury disputes, consumer disputes and employment disputes. Registered with Commonwealth Attorney-General's Department as an accredited Family Dispute Resolution Practitioner, and on the NSW Supreme Court's list of approved mediators. Member of Australian Mediators Association.

**Raif, Kira** BA LLB LLM

Senior Member. Appointed as a member to the Migration and Refugee Review Tribunals in 2006 and a Senior Member in 2011. Presently a Senior Member of the AAT. Prior to Tribunal appointments, worked in private practice specialising in immigration law.

**Ransome, Kay** BA (Hons) LLB (Hons)

Senior Member. Admitted as a solicitor in NSW in 2008. Legal Member, Disciplinary Appeal Board, Institute of Actuaries of Australia. Member, Torture Claims Appeals Board and Adjudicator, Non-refoulement Claims Petition Office, Hong Kong. Lawyer whose primary expertise is administrative law. Many years' experience in tribunals, including as Chairperson of the former Consumer Trader and Tenancy Tribunal and as Principal Member, former Refugee Review Tribunal and Migration Review Tribunal.

**Ringrose, John** DipLaw (Syd)

General Member. Barrister at Law admitted May 1970. Currently, practising 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.

**Roberts, Susan** BA LLB (Hons)

Senior Member. Admitted as a solicitor in 1989. Currently, a consultant in the management and governance of institutions and organisations in the human rights and social justice field. From 1994-2010, various roles at the Australian Human Rights Commission including Director, Legal Services and Executive Director.

**Robertson, David** LLB BEc BCL

Senior Member. Admitted as a solicitor in 1986 and as a barrister in 1991. Practised in all areas of commercial law with a focus on banking, insolvency and building and construction. Appeared in courts and tribunals at all levels, in both NSW and interstate, including numerous mediations and arbitrations. Rhodes Scholar. Awarded the Rupert Cross Prize at Oxford University.

**Rogers, Linda** BSW LLB

Senior Member. Admitted as a solicitor in 1996 and currently a sole practitioner. Legal Officer, NSW Guardianship Tribunal (1998-2002). Principal Solicitor, Intellectual Disability Rights Service (2002-2003). Member of Social Security Appeals Tribunal (2008-2014). Member of the Law Society of NSW Elder Law, Capacity and Succession Committee (2017-2019). Part-time sessional academic at Western Sydney University (2017-2020). Senior Lawyer at the Disability Royal Commission (2020-2023).

**Rose, Jeffrey** BCom LLB (UNSW) GDLP (UTS)

General Member. Admitted as a solicitor in 1994. Appointed as a Notary Public in 2002. Called to the Bar in 2011. Currently, a barrister in private practice since 2011 and a Legal Officer with the Royal Australian Navy since 2012.

**Ross, Katherine** BA BLegS

Senior Member. Admitted as a solicitor of the Supreme Court of NSW in 1987. 1991-2009, partner, Dunn Ross Lawyers; 2010-2011, Special Counsel, Harris Wheeler Lawyers. Past President, Disability Advocacy (NSW). Past part-time lecturer and tutor, University of Newcastle.

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

Principal Member. Admitted as a solicitor of the Supreme Court of NSW in 1988. Currently a Principal Member of the Tribunal, sitting in the Consumer and Commercial Division and on the Appeal Panel. 2006-2013, Member Consumer Trader and Tenancy Tribunal. Previously a Senior Member of the Refugee Review Tribunal and a Member of the Social Security Appeals Tribunal.

**Roushan, Shahyar** BA LLB GDLP

Senior Member. Admitted as a solicitor and barrister in 1997. Since 2015, Senior Member of the Commonwealth

Administrative Appeals Tribunal. Previously, Member and then Senior Member of the Refugee Review Tribunal and the Migration Review Tribunal.

**Royer, Rosemary** BSocStud (Syd)  
GradCertEdStud (Disability) (Newc)

General Member. Qualified social worker. Has extensive experience at a senior level over many years in government and non-government organisations working with vulnerable families, children and young people. Developed statewide policy and implemented services across health and disability services. Appointed in 2014 to NCAT's Administrative and Equal Opportunity Division as a General Member, and to the Guardianship Division in 2016.

**Ruschen, Katherine** BA LLB (Hons)

General Member. Over 20 years' experience as a solicitor, including 10 years as a partner of both boutique and mid-tier law firms. Specialist commercial and insurance litigation and dispute resolution lawyer, with a focus on professional malpractice and professional misconduct. Has represented healthcare and legal professionals in several high-profile Coronial Inquests and Royal Commissions and before professional disciplinary bodies. Appointed as an External Merit Reviewer for the State Insurance Regulatory Authority (SIRA). Holds a mediation qualification from the Australian Disputes Centre.

**Ryan, Moira Cynthia** BEc DipEd LLB LLM  
(Applied Fam)

Senior Member. Admitted as a Solicitor of Supreme Court of NSW and High Court in 1992 and Nationally Accredited Mediator (2012-current). In private practice for 21 years and a Registrar in the Family Court of Australia and Federal Circuit Court of Australia for 8 years. Appointed to NCAT's Guardianship Division in 2021.

**Sarginson, Gregory** BA LLB LLM (Syd)

Senior Member. Admitted as a solicitor in 1994. Admitted to the NSW Bar 2003. Barrister; Lecturer, University of Sydney Law Extension Committee. From 2005-2015, reporter, NSW Council of Law Reporting; From 2005 to date, lecturer, University of Sydney Law Extension Committee; From 2014 to date, contributor, NSW Civil Procedure Handbook (Thomson Reuters).

**Sarofim, Professor Elizabeth** LLB (Hons1) BSc  
(Molecular Biology) GAICD

Senior Member. Held roles in the Judicial Commission of NSW and was a federal government regulator at the ACCC prior to moving to commercial legal practice as a Senior Associate and ultimately becoming a Partner. Practised at Ashurst, Baker McKenzie, HWL Ebsworth and was Head of the

Australian Competition practice at Dentons. Sits on various Boards, is head of Competition and Regulation editorial at Thomson Reuters and is an adjunct Associate Professor of Law and Business at Notre Dame University.

**Scarlett OAM RFD, Stephen** BA LLM  
GradDipCrim DipSocSc

Senior Member. Admitted as a solicitor in 1971. Admitted to the NSW Bar in 2017. Accredited Mediator NMAS. Magistrate. 1998-1995, Local Court of NSW; 1995-2000, Senior Children's Magistrate Children's Court of NSW; 2000-2013, Judge of the Federal Magistrates Court of Australia; 2013-2016, Judge of the Federal Circuit Court of Australia; 2017 to date, Senior Member of NCAT in the Occupational and Administrative and Equal Opportunity Divisions; 2015, awarded the Medal of the Order of Australia; 1964-2006, served in the Army Reserve and retired with the rank of Colonel.

**Searson, Jean-Anne** BA (Hons) LLB (Hons)  
(Syd) GDLP (College of Law)

General Member. Admitted as a solicitor of the Supreme Court of NSW in 1999. Also a Legal Member of the NSW Mental Health Review Tribunal. Practised as a solicitor in private practice in rural NSW and at Legal Aid NSW.

**Sheahan AO, Terence William** BA LLB FRSN

Principal Member. Served in the NSW Parliament 1973-1988, including as a Cabinet Minister 1980-1988, in a range of portfolios including Attorney General 1984-1987. Later served as a Judge of the NSW Land and Environment Court 1997-2019, and President of the NSW Workers Compensation Commission 2001-2007. Appointed as an Officer in the General Division of the Order of Australia in 2002. The citation referred to his service to the law, especially in the area of ADR, to the Parliament of NSW, and to organisations involved in health and aged care, education, human rights, and the environment.

**Shipp, Bernie** BA LLM

Senior Member. Admitted as a solicitor of Supreme Court of NSW in 1983, nationally accredited mediator in 2011. Member of Council of Australian Tribunals and the Law Society of NSW. From 1998-2006, Member, Social Security Appeals Tribunal; 2000-2013, Member, Guardianship Tribunal; 2001-2011, Member, Consumer Trader and Tenancy Tribunal. Senior (Legal) Member of NCAT in the Guardianship Division and Commercial and Consumer Division since 2014.

**Shub, Oscar** BCom LLB

Senior Member. Solicitor with 45 years of experience as a litigator and partner in major law firms around the world. Recognised mediator having trained through LEADR and a former chair of LEADR. Former Chair, Health Practitioners Competence Assurance and now Principal Member, NCAT in

the Occupational and Administrative and Equal Opportunity Divisions.

**Simon, Theresa BA DipEd LLB**

Principal Member. Admitted as a solicitor in 2002. Currently a Principal Member of the New South Wales Civil and Administrative Tribunal (NCAT). Was previously appointed as a Principal Member to the Consumer and Commercial Division and currently appointed as Principal Member to the Administrative and Equal Opportunity Division. Also cross appointed to Appeals and Guardianship Division. Practised as a solicitor in private practice in Western Sydney and established the Home Building Advocacy service at Macquarie Legal Centre. From 2008-2011, lectured in Law at Western Sydney University; 2011-2013, appointed as a Family Dispute Resolution Practitioner with Legal Aid; Previously a secondary school teacher in Western Sydney.

**Sindler, Michelle BA (Hons1) LLM**

Senior Member. Admitted as a solicitor in New South Wales (1985) and in all other Australian states and territories (1990) and in England and Wales (2007). Currently, an independent arbitrator working in Australia, the Asia-Pacific and in Europe. From 1990-2001, partner at Minter Ellison in Sydney; 2001-2007 partner of a major law firm in Switzerland; 2008-2010, partner of a major law firm in the UK; 2010-2013, Chief Executive Officer of the Australian International Disputes Centre (now the ADC) and Secretary-General of ACICA, the Australian Centre for International Commercial Arbitration.

**Slack-Smith, Gemma BSW LLB**

Senior Member. Degrees in law, social work and frontline management and a Churchill Fellowship recipient. Admitted as a solicitor in 2006. Extensive experience in child protection law. Significant experience working with, and for, disadvantaged clients with mental health, family violence and drug and alcohol challenges. Extensive litigation experience representing children and adults with physical, mental and intellectual disabilities. Member of the NSW Children's Legal Issues Committee. Legal Member with the Guardianship Division of NCAT since 2016.

**Smith, Holly LLM**

General Member. Admitted as a solicitor in 2005 with experience in community and government practice, working in various areas of law. Recent years have been working as Registrar of the Local Court.

**Smith OAM, Dr Margaret BA (Hons) MPsychol PhD FAPsS**

General Member. Qualified as a community psychologist in 1977, registered psychologist AHPRA Psychology Board of Australia and Fellow of the Australian Psychological Society.

Currently, community psychologist working with non-government mental health advocacy groups and a part-time member of the Mental Health Review Tribunal. From 2000-2008 Associate Professor in criminology and social work at the University of Western Sydney. Advocacy and consultancy work in disability, mental health reform and women's health programs since 1980.

**Smith, Peter DipLaw (BAB)**

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

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

General Member. First career was in hospital management and took up law as a mature age student. After some years as solicitor in private practice went into academic work and took early retirement as a tenured senior lecturer at a city law school. Major interests were law and the health professions, administrative law and consumer law. Was for some years head of the university student law service. Was a part-time Member of the Fair Trading Tribunal and Consumer Trader and Tenancy Tribunal before appointment to NCAT.

**Spencer CF, Dr Margaret Certificate Nursing (State Registering Nursing) BTh BSW PhD**

General Member. Appointed to the Guardianship Division (2009). Senior Social Worker. Director of Field Education, University of Sydney (2014 -currently). Over 40 years of clinical experience working with individuals with cognitive impairment living in vulnerable and complex contexts. Recognised nationally and internationally as an expert on the support needs of families where a parent has intellectual disability.

**Stahel, Wendy BA (Psychology)**

General Member. Community Member in Guardianship Division since November 2021. Worked for public broadcasters for over 30 years (BBC, SBS & ABC). Volunteer currently working with agencies in Sydney LGA to assist clients being re-housed. Carer and advocate for dementia sufferers since 2014.

**Staples, Melissa BA (Hons) MPsychol**

Senior Member. Registered psychologist with specialist endorsement in the areas of neuropsychology and clinical psychology. Qualified as a psychologist in 1990. Currently, a private consultant. Has been a Professional Member of the Guardianship Tribunal since 2006.

**Stares, Glenda BA LLB GDLP**

Senior Member. Admitted as a solicitor in the NSW Supreme Court in 2006. Over 16 years' experience as a lawyer working

with Legal Aid NSW and Shoalcoast Community Legal Centre as well as running own private practice. Many years of relevant experience acting as a separate representative and legal representative before the Guardianship Division and Mental Health Review Tribunal.

**Starke, Alana** LLB (Hons) Executive MBA  
GAICD

Senior Member. Admitted as a Solicitor in 1996. Worked in both the public and private sectors at an executive level and across a wide range of legal areas including litigation, child protection, GIPA, privacy, corporate governance and commercial law. Formerly General Counsel FACS, Sydney Water Corporation and Sydney Ferries (within Transport for NSW). Extensive previous experience at King & Wood Mallesons.

**Steer, Charlotte** BA LLB (Syd) GCULT (UNSW)

Senior Member, Guardianship Division and Consumer and Commercial Division. Admitted as a lawyer in 1988. Associate to the Hon Michael McHugh AC KC on the High Court of Australia in 1989. Experience as a lawyer at Legal Aid in NSW and ACT, NSW Anti-Discrimination Board and Seniors Rights Service, and Conference Registrar at AAT. Nationally accredited mediator. Teaching Fellow, UNSW Law and Justice, since 1996. Tribunal Member since 1997 on Residential Tenancies Tribunal, Residential Tribunal, Fair Trading Tribunal, Consumer, Trader and Tenancy Tribunal.

**Stevenson, The Hon Acting Judge Jan** BA/LLB  
(UNSW)

Principal Member. NSW Barrister specialising in Family Law and Child Protection 1981-2001. Justice of the Family Court of Australia 2001-2021.

**Stewart, Leanne** BSW (UNSW)

General Member. Currently, consultant in aged and community care. From 1982-1991, Department of Social Security, social worker Moree, Dee Why, then Deputy Area Manager Sydney; 1991-1993. Home Care Service of NSW, Regional Manager, Sydney Metropolitan; 1993-1996, Anglican Retirement Villages Operations Manager. Community Member of the Guardianship Division NCAT since 2001, and Appeals Panel since 2016.

**Stubbs, Kerry** BA (Hons2.1) MA (Hons1) Grad  
Cert Writing MAICD

General Member. Currently non-Executive Director on a number of Boards, including Northcott Innovation Ltd, Healthy North Coast Ltd and member of the Board of Trustees and Deputy Chancellor of Western Sydney University. Previous CEO of Northcott, a large disability services provider. Previous Executive Director of St Vincent's Hospital. Many years

experience in equal employment opportunity research and work, and in multicultural issues. Previous Chair of the National Accreditation Authority for Translators and Interpreters (NAATI). Member of NSW Government Domestic Violence and Sexual Assault Council and the Federal COVID-19 Disability Advisory Committee.

**Sutherland, Stuart** LLB GDLP LLM

General Member. Admitted as a solicitor in 2003. Currently a Principal in a law firm based in Newtown. Worked extensively in private practice in commercial, consumer, conveyancing, mental health, family and criminal law. From 2005, Panel Member for Legal Aid NSW and co-author of 'Children Under the Family Law Act, Lawyers Practice Manual New South Wales', Redfern Legal Centre. 2013-2014, volunteer solicitor with the Intellectual Disability Rights Service. Previously a casual lecturer in criminal law at the University of Western Sydney.

**Suthers, Aaron** LLB

Principal Member. Accredited specialist (Family Law). Accredited mediator, NMAS - FDRP. 1995, admitted to legal practice. Formerly a Director of Cheney Suthers Lawyers, Orange. From 2006-2009, Member, Guardianship and Administration Tribunal (Qld); 2009-2014, Member, Queensland Civil and Administrative Tribunal; 2014-2018, Senior Legal Member, NCAT.

**Sword, Donald**

General Member. Extensive experience in the delivery of services to people experiencing homelessness, and expertise in mental health and drug and alcohol services. Served as an Official Community Visitor appointed by the Minister for Disability Services, and as an Official Visitor to the hospital at Long Bay Correctional Centre. Member of the NSW Legal Aid Review Committee, the Justice Disability Advisory Council, and the State Parole Authority.

**Taylor, Susan** BSocStud

Senior Member. Qualified as a social worker in 1973. 1992-2015, worked on Marrickville and Canterbury Acute Care Mental Health Teams; 1988-1992, manager of service providing support for people with multiple sclerosis; 1996-2011, Member of the Social Security Appeals Tribunal; 2002-2006, Member of the Mental Health Review Tribunal; 1992 to date, Professional Member of the Guardianship Tribunal.

**Thew, Penelope** BA LLB (UNSW) GDLP 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

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

**Thompson, Dr Susan** MBBS FRANZCP RANZCP AIRS

Senior Member. Child, adolescent, adult and family psychiatrist working for many years in inpatient and outpatient public mental health settings, private practice and for Relationships Australia. Currently, Professional Member of NCAT's Guardianship Division and a Psychiatrist Member, Mental Health Review Tribunal.

**Thompson, John** BComm (Ec) LLB

General Member. Solicitor and Public Notary. 1975-1980, investigator with Trade Practices Commission; 1980-1988, lawyer with NSW government agencies; 1984, Private Secretary to Attorney General of NSW; 1988-2018, barrister; 2018-present, solicitor and public notary.

**Thomson, Bruce** BA Dip FP FIAA

General Member. A self-employed independent consulting actuary with experience in risk management, investment, insurance and complaint mediation. Board and Committee member of charitable and local sporting associations. Former chair of a retirement village.

**Tibbey, Amanda** BJuris LLB LLM (UNSW) Grad Cert in Management (UWS)

Senior Member. Admitted as Solicitor in 1987, called to the Bar in 2004 practising in equity, commercial and administrative law. 2014 to date, Senior Legal Member, NCAT Guardianship Division; 2015 to date, cross appointed to Administrative and Equal Opportunity Division and Commercial and Consumer Divisions of NCAT. Nationally accredited mediator, appointed to Supreme and District Court panels of Mediators; Contributing author, Thomsons Civil Practice and Procedure, 2012 to date. 2013-2014, Chair, Women Barrister's Forum; 2014-2016, Member, NSW Bar Association Professional Conduct Committee; 2007- 2008, Member, NSW Bar Association Human Rights Committee; 2020 to date Member of Advisory Committee, Francis Forbes Society for Australian Legal History; 2008 to date, Visitor, Australian College of Theology; 2012 to date, Executive Member, NSW Ecumenical Council; 2021 to date, Chancellor, Riverina Diocese, Anglican Church of Australia.

**Titterton OAM, Robert** BComm LLB MArtsMgt

Senior Member. Former Principal Member. Admitted as a solicitor in 1988 and barrister in 1992. Sits in the Occupational Division and Consumer and Commercial Division as well as the Appeal Panel. Former member of the Refugee Review Tribunal – Migration Review Tribunals, Administrative Appeals Tribunal (Cth) and NSW Consumer Trader and Tenancy Tribunal.

**Toohy, Jill** BJuris LLB

Senior Member. Admitted as a solicitor and barrister in WA, 1981. Former member and Registrar of the Refugee Review Tribunal; Senior Member, Human Rights, State Administrative Tribunal (WA); Senior Member, General Division, Administrative Appeals Tribunal with responsibility for NDIS Division. Currently sessional member Personal Injury Commission; Deputy Principal Member, Nauru Refugee Status Review Tribunal.

**Topolinsky, Vadim** BE (Structural) (UTS) FIEAust (NPER) FNIFI

General Member. Structural engineer and consultant with over 25 years' experience in structural, civil, forensic and remedial engineering. Engineering practitioner of many years with experience in residential, commercial and industrial projects. He was a past accredited mediator with the Department of Fair Trading and LEADR, an Accredited Certifier (Structural and Civil) Environmental Planning and Assessment Act 1979 and a Member of the Accreditation Committee, Building Professionals Board (2009).

**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. 2012-2017, Member of Administrative Appeals Tribunal; 2010-2012, Member of the Independent Protection Assessment Office; 2008-2011, Member of the Social Security Appeals Tribunal; 2017, lecturer in Administrative Law, University of NSW; 2001-2008, worked as a solicitor, including at the Women's Legal Centre, Legal Aid and Law Access NSW.

**Tyson, Matthew** BCL (Oxon) (Hons1)

Senior Member. Barrister, 8 Selborne Chambers. Lieutenant-Commander, Royal Australian Navy.

**Ulman, Gary** LLB (Melb) LLM (Syd) MA (UNSW)

Senior Member. Admitted as a solicitor in 1975. Currently a solicitor in private practice, nationally accredited mediator, and Chair of The Law Society of NSW's Alternative Dispute Resolution Committee. Previously dispute resolution partner, MinterEllison 1982-2016. Former President, The Law Society of NSW, and Chair of the Society's Professional Conduct and

Litigation, Law and Practice Committees. Also, former Chair, Resolution Institute.

### **Vrabac, Nick BA LLB**

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

### **Walker, 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 to date, Senior Member, NCAT. Translations of five major French historical works on Australia have been catalogued by the State Library of New South Wales and are available online for public use.

### **Watson, Margaret BA (Welfare Studies) Cert Somatic Psychotherapy**

General Member. Counsellor, Post Adoption Resource – the Benevolent Society. From 1972-1975 Welfare Manager, The Smith Family; 1982-1994 Member, Social Security Appeals Tribunal; 1990-2018 NSW Guardianship Tribunal full and part-time staff member; 2002-2010 Part-time Member, Guardianship and Administration Tribunal (Qld)/Queensland Civil and Administrative Tribunal 2002-2010. 2008-date, Member of Guardianship Tribunal/NCAT.

### **Watts AM, The Hon Acting Judge Garry BA LLB**

Principal Member. 1976 to 2005 senior partner in the largest private family law firm in Australia. Involved in many committees and working groups, for example as a member of the Family Law Council and as Chairman of the Family Law Section of the Law Council of Australia. Has regularly provided continuing legal education to the profession. In 2005 was appointed as a Justice of the Family Court of Australia and in 2018 as a permanent member of the Appellate Division of the Family Court. Retired from the court in 2022.

### **West AM, Dr Carolyn MBBS (Hons) DCH**

Senior Member. Qualified as a medical practitioner in 1969. VMO Spina Bifida Service, RPAH, 1982-2018. Staff Specialist, The Children's Hospital at Westmead, Director, Spina Bifida Service, 1979 to 2011. Medical Advisory Committee, Allowah Children's Hospital, 1990 to 2016. Guardianship Tribunal, 1989 to the present. Member of Order of Australia for services to disability especially Spina Bifida, 2007.

### **Willcox, Chris BSc (Psych) (Hons) MPsyCh (Clinical) GCPSM**

Senior Member. Guardianship Division. Clinical Professor in the School of Psychology at the University of Newcastle where he teaches in the under and postgraduate psychology programs. Previously taught into and been a psychotherapy educator for the HNET psychiatry training program. Deputy President of the Psychology Council of NSW. Chair of the Psychology Board of Australia's Registration and Compliance Committee. Principal clinical psychologist who worked in mental health for over 30 years having been the Head of Psychology for the Hunter New England Mental Health Service and co-chair of the NSW Ministry of Health's Psychology Advisory Network.

### **Wilson, Lucinda BCom (Hons) LLB (Hons)**

Senior Member. Barrister for 10 years before being appointed full-time Consumer and Commercial Division Senior Member. Had a civil and criminal practice at the Bar and conducted jury trials as both Crown Prosecutor and defence counsel. Previously on the Equal Opportunity Committee of the Bar Association and on the board of various non-profit organisations and Community Legal Centres.

### **Woods, Harry BA (Syd) Dip Law (SAB)**

Senior Member. Admitted to practise as a Solicitor of the Supreme Court of New South Wales in 1994. Practised as Barrister in New South Wales since 2000, regularly representing clients across a broad spectrum of commercial law matters, including general commercial disputes, building and construction, administrative law, employment and industrial law, consumer law and trade practices disputes, as well as insolvency and bankruptcy matters.

### **Woolf, Dr Claudia BPsych (Hons) MPsyCh (ClinNeuro) PhD**

Senior Member. Project Coordinator for the Cognitive Intervention Implementation Working Group of the Australian Dementia Network Memory Clinic Initiative, The University of Sydney. Clinical Neuropsychologist at Prince of Wales Hospital. Clinical Neuropsychologist at St Vincent's Hospital Sydney. May 2013 – April 2015 Research Assistance with the Dementia Collaborative Research Centre, University of New South Wales. Australian Health Practitioner Regulation Agency professional membership.

### **Wroth, Dr Melanie MBBS (Syd) FRACP**

Senior Member. Senior Staff Specialist Geriatrician at RPA Hospital managing acute inpatient medical care and providing a geriatrics consultation service throughout the hospital. Chief Clinical Advisor to Aged Care Quality and Safety Commission since May 2019. Member of the Medical Council of NSW for hearings resulting from complaints about medical practitioners 2000-2019.

**Zammit, Peta LLB BSocSc**

Admitted as a solicitor of the Supreme Court of NSW in 2005.  
Accredited as a mediator by the College of Law in 2020.  
Principal areas in private practice were insurance and commercial litigation.

**Ziegler, Deborah BA LLB**

Senior Member. Admitted as a solicitor in 1996. Sits in the Administrative and Equal Opportunity Division, the Consumer and Commercial Division and on the Appeal Panel. Currently a nationally accredited mediator. Previously worked in private practice at Freehills (now Herbert Smith Freehills) specialising in corporate and commercial law, as a forum facilitator with Forum Sentencing NSW, and as a member of the Consumer Trader and Tenancy Tribunal.

**Zraika, Malek LLB GDLP Acc Spec (Comm Lit)**

General Member. Admitted as a solicitor in NSW in 2007, Principal of Cogent Lawyers 2013-present. Accredited Specialist in Commercial Litigation 2019-present, with a special focus on competition and consumer protection, equity, torts, building and construction. Former committee member of the Law Society of NSW Public Law and Litigation Practice Committees 2019 – 2021. Also holds automotive trade qualifications and expertise in automotive fault diagnosis and repair since 1993 to present.

# Appendix 4

## NCAT Member Code of Conduct

---

1. This Code of Conduct is issued by the President of the NSW Civil and Administrative Tribunal pursuant to section 20 of the *Civil and Administrative Tribunal Act 2013* (the NCAT Act). It applies to all Members of the Tribunal, including occasional Members. The Code may be reviewed from time to time to ensure its relevance.

### Purpose

2. This Code seeks to provide guidance to Members in the performance of their statutory functions as Members of the Tribunal and to assist Members in identifying and resolving ethical issues as they may arise.
3. A further purpose of this Code is to provide Tribunal users with information by reference to which to assess Members' conduct.

### Upholding the Objects of the NCAT Act

4. The objects of the NCAT Act include:
  - ensuring that the Tribunal is accessible and responsive to the needs of all of its users;
  - enabling the Tribunal to resolve the real issues in proceedings justly, quickly, cheaply and with as little formality as possible;
  - ensuring that the decisions of the Tribunal are timely, fair, consistent and of a high quality;
  - ensuring that the Tribunal is accountable and its processes are transparent and open;
  - promoting public confidence in Tribunal decision-making and the conduct of Tribunal Members.
5. Members are to perform their duties and conduct themselves consistently with these objects.

### General Responsibilities

6. Tribunal Members have the following general responsibilities both in their activities as a Member and in their personal activities:
  - to uphold the law, including being aware of and complying with legislation dealing with privacy, discrimination and corruption;
  - to uphold the highest standards of integrity, truthfulness, and honesty.

### Tribunal Values

7. In performing their duties, Members should at all times strive to give effect to the following values (derived from 'A Guide to Standards of Conduct for Tribunal Members' issued by the Administrative Review Council).

### Respect for the Law

8. Members should, while acting as a Tribunal Member and while performing functions associated with membership, demonstrate respect for all aspects of the law.
9. In particular, Members should:

- at all times while performing Tribunal duties comply with the law in relation to the conduct of hearings, the determination of matters and interactions with other Members, Tribunal staff and Tribunal users;
- ensure that all decisions and determinations are legally well founded.

## **Fairness**

10. Fairness requires a Tribunal Member to make unbiased, impartial decisions and to give all parties the opportunity to put forward their positions.
11. More specifically, Members are to:
  - apply the law equally, and act in an impartial manner in the performance of their decision making functions, so that their actions do not give rise to a legitimate apprehension of bias or amount to actual bias;
  - advise the parties of any matter or circumstance which might give rise to bias or conflict of interest or a perception of bias or conflict of interest and determine whether in the circumstances it is appropriate to continue to conduct or determine the proceedings;
  - refrain, other than during a hearing or in exceptional circumstances, from any communication (either oral or in writing) or association during the course of proceedings with a party, legal representative or witness in the absence of the other party or parties or their representatives;
  - abide by the principles of procedural fairness, in particular, by ensuring that parties have a reasonable opportunity to present their case and to answer the case against them;
  - be aware of and address appropriately barriers such as language, cultural background, lack of literacy or disability which are likely to impede parties in presenting their case.
12. In addition, Members should:
  - if engaged in another profession, occupation or business, take care to ensure that those activities do not conflict with or undermine the discharge of their responsibilities as Members;
  - refrain from partisan political activity which is directly related to the work of the Tribunal or which may impinge upon the perception of impartiality of the Member or the Tribunal (including, for example, being a member of a registered political party).

## **Independence**

13. Tribunal Members are to perform their duties independently, free from external influence and free from the fear of adverse consequences.
14. Members should not allow themselves to be put in a position where their independence may be compromised or be perceived to be compromised.
15. Where part-time Members have a professional practice in addition to being Members of the Tribunal, they:
  - cannot appear before the Tribunal as a representative of a party or other person;
  - cannot advise individuals or bodies concerning Tribunal proceedings or potential proceedings involving those individuals or bodies; and
  - cannot act for or against or provide services to individuals or bodies who are litigants before them in the Tribunal.

## **Respect for Persons**

16. Members are to conduct proceedings in a manner that is patient, courteous and respectful of all parties, witnesses, representatives, staff and others with whom Members have to deal.

17. In particular, Members are to:

- demonstrate patience, courtesy and respect in their own conduct and demeanour;
- communicate in a clear, plain manner so as to be understood by the parties;
- control the proceedings in such a way as to create an environment in which participants can and are encouraged to treat other participants courteously and respectfully;
- be aware of and responsive to cultural and other sensitivities in relation to forms of address, conduct and dress.

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

## **Diligence and Efficiency**

19. Members are to be diligent and timely in the performance of their duties. They should take reasonable steps to maintain and enhance the knowledge, skills and personal qualities necessary to the performance of their duties.

20. In particular, Members should:

- conduct proceedings and make decisions with due rigour, diligence and intellectual honesty;
- perform their duties in the Tribunal so as to resolve matters in a timely and appropriate manner with a view to ensuring that the Tribunal's proceedings are efficient, effective and inexpensive;
- provide oral reasons for decision where appropriate and deliver reserved decisions within the NCAT Divisional standards, except where the complexity or difficulty of the matter requires otherwise;
- undertake and participate in professional development and training programs to enhance relevant knowledge and skills;
- keep informed of developments in substantive and procedural matters within the jurisdiction of the Tribunal relevant to their duties;
- support and encourage, where possible, the professional development of colleagues;
- become proficient in the use of technology including the Tribunal's computerised case management system, digital provision of documents, the Tribunal's intranet, digital sound recording facilities, and other technological developments implemented by the Tribunal.

21. In order to promote the efficient conduct of proceedings, Members should:

- clearly identify the issues and orders in dispute;
- facilitate the resolution or narrowing of issues in dispute, where appropriate;
- adjourn proceedings only when necessary in the interests of justice and fairness;
- ensure that any interlocutory orders and applications do not unnecessarily delay the final determination of proceedings;
- ensure that evidence is confined by reference to the issues in dispute, and that it is given as concisely as is reasonably possible.

## **Integrity**

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

23. In particular, Members must:

- not knowingly take advantage of or benefit from information, not publicly available, obtained in the course of performing their Tribunal functions;
- not use their position as a Member improperly to gain or seek to gain any advantage or benefit for themselves or any other person;
- be scrupulous in the use of Tribunal resources;
- not disclose any confidential information otherwise than as permitted by law;
- refrain from conduct which would bring the Tribunal into disrepute.

## **Accountability and Transparency**

24. Members are accountable for their decisions and actions taken as Members and have a responsibility to be open and frank about their decisions, actions and inaction in relation to their duties.
25. In particular, Members are to:
- participate in performance evaluations conducted by the Tribunal;
  - co-operate fully in complaint investigations carried out by the Tribunal.

## **Responsibility of the Tribunal Head and Heads of Divisions**

26. It is the responsibility of the President together with the Heads of each of the Divisions to assist Members to comply with the Code of Conduct and to perform their responsibilities as Tribunal Members through the provision of appropriate training, leadership and support.

## **Particular Issues**

### **Gifts, Benefits and Hospitality**

27. Where gifts or benefits are offered, or social invitations extended, by parties or representatives in Tribunal proceedings, to Members in their capacity as such, these should, as a general rule, be declined.
28. If a gift is proffered to a Member, in his or her capacity as a Member, in circumstances where it cannot be or it is inappropriate for it to be declined, it should be handed to the Principal Registrar for inclusion in the Tribunal's gift register and appropriate disposition. Donating the gift to a charity, using the gift for the benefit of Members or staff generally or publicly displaying the gift in the Tribunal's premises may be appropriate, depending on the circumstances.

### **Corrupt Conduct**

29. If a Member becomes aware of an instance of behaviour that could be corrupt conduct, maladministration, or criminal conduct, relating to the Tribunal, the Member should report it promptly to the Principal Registrar or the President, and also, if appropriate, to the Independent Commission Against Corruption.

### **Post Service Conduct**

30. After ceasing to be a Member of the Tribunal it is expected that a former Member:
- would continue to behave in a way that upholds the integrity and good reputation of the Tribunal;
  - would not appear before the Tribunal as a representative where to do so would contravene the Barristers' Rules, the Solicitors' Rules or any other similar applicable professional rules;
  - would not use or take advantage of confidential information obtained in the course of his or her duties as a Member.

## Complaints

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

## Compliance with the Code

32. If a Member does not comply with the Code, the President may direct the Member to take specified action to rectify his or her conduct or determine that further work not be allocated to the Member until the breach is rectified. In cases of serious breach the President may refer a matter to the Attorney General or recommend that the Member not be reappointed at the expiration of their term. Whether such action will be taken will depend on factors such as the seriousness of the conduct in question, whether there is a pattern of such conduct, the intent of the Member concerned and the effect of the conduct upon the Tribunal or others.
33. The Code of Conduct does not stand alone but forms part of the accountability framework within which both the Tribunal and the Members operate. It is complementary to the Tribunal's procedures and policies, including the Member professional development framework and the Tribunal's complaints process.



# Appendix 5

## NCAT Expenditure Report

The following NCAT Expenditure Report applies to the period of 1 July 2022 to 30 June 2023.

<b>SALARY AND RELATED PAYMENTS</b>	<b>\$'000</b>
Salaries (staff and full-time members (comprising judicial officers and statutory appointees))	16,499
Statutory appointees (part-time members)	19,510
Contractors (agency temporary staff)	774
Annual leave and sick leave	2,970
Overtime	1
Long service leave	1,559
Superannuation	3,777
Workers compensation	427
Payroll tax	2,387
Fringe benefit tax	23
Other	1
<b>Subtotal</b>	<b>47,928</b>
<b>OPERATIONAL EXPENSES</b>	<b>\$'000</b>
Office accommodation	7,493
Postage and couriers	428
Telephones	453
Electricity gas	223
Minor computer purchases and consumables	110
Fees	272
Computer service costs	225
Training and development fees	64
Travel expenses	152
Printing	239
Interpreters	655
Publication	110
Insurance	132
Maintenance	440
Minor miscellaneous	45
<b>Subtotal</b>	<b>11,041</b>
Depreciation	5,256
Ex-Gratia payments	0
Impairment on receivables - JusticeLink	7
<b>Total operational expenses</b>	<b>64,232</b>

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

# Appendix 6

## Service Standards: Lodgement to Finalisation

The following tables show the service standards for the resolution of matters by each NCAT Division, as indicated from lodgement to finalisation, during the period of 1 July 2022 to 30 June 2023.

### Administrative and Equal Opportunity Division

LIST	SERVICE STANDARD	TARGET	MET TARGET %	TOTAL VOLUME	VARIATION TO TARGET
Administrative Review List	9 mths	80%	<b>86%</b>	<b>636</b>	6%
Community Services List	9 mths	80%	<b>78%</b>	<b>78</b>	-2%
Equal Opportunity List	9 mths	80%	<b>83%</b>	<b>104</b>	3%
Revenue List	9 mths	80%	<b>85%</b>	<b>100</b>	5%

### Consumer and Commercial Division

LIST	SERVICE STANDARD	TARGET	MET TARGET %	TOTAL VOLUME	VARIATION TO TARGET
Tenancy List					
<i>Termination</i>	4 wks	80%	<b>68%</b>	<b>17,021</b>	-13%
<i>Non-termination</i>	8 wks	80%	<b>73%</b>	<b>15,625</b>	-8%
Social Housing List					
<i>Termination</i>	4 wks	80%	<b>61%</b>	<b>9,340</b>	-19%
<i>Non-termination</i>	8 wks	80%	<b>83%</b>	<b>4,185</b>	3%
General List	12 wks	80%	<b>80%</b>	<b>4,765</b>	0%
Home Building List					
<=\$30,000	16 wks	80%	<b>80%</b>	<b>2,145</b>	0%
>\$30,000	18 mths	80%	<b>90%</b>	<b>1,031</b>	10%
<i>Other</i>	16 wks	80%	<b>82%</b>	<b>246</b>	2%
Residential Communities List					
<i>Termination</i>	6 wks	80%	<b>29%</b>	<b>98</b>	-51%
<i>Non-termination</i>	20 wks	80%	<b>88%</b>	<b>232</b>	8%
Strata and Community Schemes List					
<i>Adjudication</i>	16 wks	80%	-	<b>0</b>	-
<i>Hearing</i>	16 wks	80%	<b>0%</b>	<b>1</b>	-80
Community Land	24 wks	80%	<b>80%</b>	<b>40</b>	0%
Strata Schemes List					
<i>Group</i>	16 wks	80%	<b>77%</b>	<b>253</b>	-3%
<i>Special</i>	24 wks	80%	<b>82%</b>	<b>1,172</b>	2%
Motor Vehicles List	16 wks	80%	<b>85%</b>	<b>1,715</b>	5%
Commercial List	16 wks	80%	<b>73%</b>	<b>788</b>	-7%
Retirement Villages List	16 wks	80%	<b>57%</b>	<b>46</b>	-24%

## Guardianship Division

LIST	SERVICE STANDARD	TARGET	MET TARGET %	TOTAL VOLUME	VARIATION TO TARGET
Risk Category 1	3 days	80%	<b>98%</b>	<b>290</b>	18%
Risk Category 2	20 days	80%	<b>96%</b>	<b>297</b>	16%
Risk Category 3	60 days	80%	<b>93%</b>	<b>10,530</b>	13%
Risk Category 4	100 days	80%	<b>78%</b>	<b>4,712</b>	-2%

## Occupational Division

LIST	SERVICE STANDARD	TARGET	MET TARGET %	TOTAL VOLUME	VARIATION TO TARGET
Administrative Review List	9 mths	80%	<b>85%</b>	<b>111</b>	5%
Health Practitioner List	12 mths	80%	<b>69%</b>	<b>131</b>	-11%
Legal Practitioner and Other Professionals List	12 mths	80%	<b>57%</b>	<b>14</b>	-23%

## Appeals

LIST	SERVICE STANDARD	TARGET	MET TARGET %	TOTAL VOLUME	VARIATION TO TARGET
Appeals	9 mths	80%	<b>95%</b>	<b>732</b>	15%

## Enforcement (Penalties and Contempt)

LIST	SERVICE STANDARD	TARGET	MET TARGET %	TOTAL VOLUME	VARIATION TO TARGET
Enforcement (Penalties and Contempt)	9 mths	80%	<b>56%</b>	<b>9</b>	-24%

# Appendix 7

## Resolution Processes

---

NCAT has a wide and flexible power to resolve disputes other than by adjudication. These processes are referred to in the legislation as 'resolution processes'. A resolution process is any process in which the parties to proceedings are assisted to resolve or narrow the issues between them. This is achieved through the application of appropriate dispute resolution strategies, which reflect the differing nature of disputes and the varying skills and knowledge of the parties.

In the Occupational Division, where the focus is on professional discipline, there is little scope for the use of resolution processes other than narrowing the issues in dispute. While resolution processes other than adjudication have been trialled in the Guardianship Division, the protective nature of proceedings in that Division means that special care must be taken. There is more scope for resolution processes to be used in the Administrative and Equal Opportunity Division where mediation is routinely used to assist parties resolve their issues.

Resolution processes such as expert conclaves, negotiation and conciliation are used extensively in the Consumer and Commercial Division.

### Conciliation

Conciliation is routinely used to resolve disputes in the Consumer and Commercial Division. It is a confidential process which brings parties together to discuss the issues in an informal manner and explore options to settle the dispute.

Conciliation is closely linked to the hearing process. Agreements reached by parties during conciliation can be turned into enforceable consent agreements by the Tribunal.

### Mediation

Schedule 1 to the Civil and Administrative Tribunal Regulation 2022 (NSW) defines mediation as a structured negotiation process in which the mediator, as a neutral and independent party, assists the parties to a dispute to achieve their own resolution of the dispute.

Mediation is offered for suitable anti-discrimination matters, and applications to review government decisions in relation to access to information, privacy, and state revenue matters. It is a confidential, informal problem-solving process managed by an independent mediator. The mediator manages the process but does not take sides or give an opinion about the case.

The Community Justice Centre (CJC) can provide mediation for parties to proceedings before NCAT. Parties can refer themselves directly to the CJC and in some instances Members and/or Tribunal staff can suggest that parties consider accessing mediation services offered by the CJC.

### Conclave

In the Consumer and Commercial Division, 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. During a conclave, the experts discuss the issues on which they have prepared reports, with a view to clarifying matters in dispute, reaching agreement where possible and narrowing the issues to be determined. The conclave is usually held on-site and is facilitated by a Tribunal Member.

## Case conference

In the Administrative and Equal Opportunity Division, some matters are listed for a preliminary session, where the Tribunal Member explores ways to resolve the proceedings or narrow the issues in dispute. These preliminary sessions are called 'case conferences' and are used in reviews of government decisions about access to information, privacy, and in anti-discrimination matters.

## Directions hearings

Matters may be listed for directions hearings to prepare for the substantive hearing. They are usually short in duration and may be used if there is a need to establish jurisdiction, identify issues in dispute, set a timeframe for the hearing or make directions for the exchange of evidence. All parties are required to attend directions hearings and to comply with procedural directions.

## Types of hearings

Matters are listed for hearing according to the type of application and nature of the dispute. Notices of Hearing are issued to parties in advance of their hearing. They provide information such as the type of hearing event they will be attending and what they need to do to prepare for their hearing.

### Group lists

A group list is where a number of Consumer and Commercial Division cases are listed together before a Tribunal Member.

When both parties appear at the hearing, they are encouraged to resolve their dispute through conciliation. If only one party appears, ex-parte orders (i.e., orders made where the other party is not in attendance) may be made or the application may be dismissed by the Tribunal Member. If conciliation is unsuccessful, the case proceeds to hearing.

Sometimes, if the parties need to obtain further evidence, or the hearing will take further time, the matter can be adjourned to a hearing on a later date.

## Hearings

Hearings are listed for a specific length of time where the issues in dispute will be finally determined and a decision made. These hearings can run for an hour or several days, depending on the complexity of the matter, the nature of the jurisdiction and the issues in dispute.

Matters are listed for hearing according to the type of application and nature of the dispute. Notices of Hearing are issued to parties in advance of their hearing. They provide information such as the type of hearing event they will be attending and what they need to do to prepare for their hearing.

The number of Tribunal Members hearing a matter depends on the Division in which the application was lodged. Hearings in the Consumer and Commercial Division are usually conducted before a single Tribunal Member, while the majority of applications in the Guardianship Division are before a panel of three Members. Some Tribunal Members are Community Members who represent community perspectives and provide knowledge and expertise relating to their area of work.

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

## Internal appeals

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

Under section 32 of the NCAT Act, parties have a right to lodge an internal appeal from:

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

In most cases, internal appeals can be lodged as of right on any question of law. An appeal on other grounds can be lodged if the Appeal Panel grants leave, subject to the limitations on internal appeals against decisions of the Consumer and Commercial Division in clause 12 of Schedule 4 to the NCAT Act.

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

Not all Tribunal decisions are internally appealable. Some matters NCAT's internal appeal jurisdiction does not extend to include:

- Decisions made in the Occupational Division relating to the following professions: medical practitioners, health professionals (nurses, psychologists, physiotherapists and similar professions), legal practitioners, veterinary practitioners, architects, registered surveyors, accredited certifiers
- Decisions made in the Occupational Division in relation to applications for dismissal of councillors from civic office
- Decisions in proceedings for the exercise of the Tribunal's enforcement jurisdiction
- Decisions of the Tribunal in proceedings for the imposition of a civil penalty in exercise of its general jurisdiction
- Decisions of an Appeal Panel
- Decisions of the Tribunal under the *Child Protection (Working with Children) Act 2012*.

Exclusions to internal appeals are set out in the Divisional Schedules to the NCAT Act and in some of

the specific Acts or regulations giving jurisdiction to NCAT.

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

Information about lodging an appeal is provided in *NCAT Guideline 1 – Internal Appeals*. This Guideline and the application forms are available on the NCAT website. NCAT appeal decisions are generally published to the NSW Caselaw website and a selection are published in the *Appeal Panel Decisions Digest*.

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

## Set aside or vary Tribunal decision

In some instances, a party to proceedings may apply to NCAT to set aside or vary a Tribunal decision after the matter is finalised. The grounds for an application to set aside or vary Tribunal decisions are contained in Part 3 of the Civil and Administrative Tribunal Regulation 2022 (NSW). Dissatisfaction with the decision is not a sufficient reason to request that the Tribunal decision be set aside or varied.

Applications to set aside or vary a Tribunal decision may be decided on the papers, that is in the absence of the parties and based on the information provided on the application form and any written submissions provided by the parties.

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

## Reinstatements

If an applicant or appellant failed to appear in the proceedings and the matter was dismissed, the Tribunal may reinstate proceedings if it considers that there is a reasonable explanation for that failure.

An application for reinstatement must be made within 7 days of the orders made dismissing the proceedings. NCAT may extend this time if there are special circumstances.

Reinstatement applications may be listed for hearing or decided on the papers based on the written material provided. Before making a decision, NCAT will send a copy of the application to the other parties seeking their view on having the application reinstated.

# Appendix 8

## Fees and charges as at 30 June 2023

### Administrative and Equal Opportunity Division and Occupational Division

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
<b>Administrative review application</b>	\$110	\$220	\$28
<ul style="list-style-type: none"> <li>required to be determined by 2 or more Members*</li> </ul>	\$230	\$460	\$57
<ul style="list-style-type: none"> <li>under the <i>Apprenticeship and Traineeship Act 2001</i></li> </ul>	No fee	No fee	No fee
<ul style="list-style-type: none"> <li>under the <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i></li> </ul>	No fee	No fee	No fee
<b>General application or external appeal</b>	\$110	\$220	\$28
<ul style="list-style-type: none"> <li>to be determined by 2 or more Members*</li> </ul>	\$230	\$460	\$57
<ul style="list-style-type: none"> <li>to be determined by Appeal Panel</li> </ul>	\$451	\$902	\$113
<ul style="list-style-type: none"> <li>under the <i>Aboriginal Land Rights Act 1983, Anti-Discrimination Act 1977, Local Government Act 1993, Legal Profession Uniform Application Act 2014, Public Notaries Act 1997 or Dormant Funds Act 1942</i></li> </ul>	No fee	No fee	No fee
<b>Health Practitioner List matters</b>	No fee	No fee	No fee

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

### Consumer and Commercial Division

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
<b>Residential proceedings</b>	\$54	\$108	\$13
<b>General consumer or commercial proceedings</b>			
<ul style="list-style-type: none"> <li>Claims not more than \$10,000 (or no amount)</li> </ul>	\$54	\$108	\$13
<ul style="list-style-type: none"> <li>Claims over \$10,000 to \$30,000</li> </ul>	\$111	\$222	\$28
<ul style="list-style-type: none"> <li>More than \$30,000</li> </ul>	\$288	\$576	\$72
<b>Strata and community schemes</b>			
<ul style="list-style-type: none"> <li>General application</li> </ul>	\$111	\$222	\$28
<ul style="list-style-type: none"> <li>General application and interim orders when lodged at the same time</li> </ul>	\$223	\$446	\$56
<b>Retail leases</b>	\$110	\$220	\$28
<b>Renewal of proceedings</b>	Same as original application	Same as original application	Same as original application

### Guardianship Division

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
<b>Guardianship proceedings</b>	No fee	No fee	No fee



## Other application fees (all Divisions)

MATTER TYPE	STANDARD FEE	CORPORATION FEE	REDUCED OR CONCESSION FEE
Internal appeal	\$451	\$902	\$113
Set aside application	\$111	\$222	\$28
Reinstatement application	Same as original application	Same as original application	Same as original application

### Explanatory notes

**Corporation fee** – applies to all organisations defined as a corporation by section 57A of the *Corporations Act 2001*. Corporations that lodge an application with the incorrect fee will be contacted and will be required to pay the correct fee.

**Reduced or concession fee** – applies to eligible pensioners or individuals in receipt of a grant of legal aid or assistance from a community legal centre. The concession rate is set at 25% of the full fee (round up or down to the nearest whole dollar amount).

**Residential proceedings** – matters about tenancy, social housing, residential communities, retirement villages and boarding houses.

**General consumer or commercial proceedings** – matters about agent commissions and fees, agricultural tenancy, consumer claims, conveyancing costs, dividing fences, holiday parks, home building, motor vehicles, pawnbrokers and second-hand dealers, and uncollected goods.

### Other services

SERVICE	FEE
Copy of sound recording (for each hearing event)	\$45
Application for issue of a summons (for production of or to give evidence, or both)	\$49
Request for the production to Tribunal of documents held by court	\$57
Retrieval of any document or file from archives	\$88
Copy or certified copy of decision or written reasons	\$88
Request by a non-party to inspect public access documents	\$45 <sup>#</sup>
Photocopying of documents where a Tribunal staff member makes the copies	\$2 per sheet

<sup>#</sup> 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

Community Legal Centres Group NSW  
Health Care Complaints Commission  
Health Professional Councils Authority  
Law Society of NSW  
Legal Aid NSW  
NSW Bar Association  
Real Estate Institute of NSW  
Redfern Legal Centre  
Synapse  
Tenants' Union of NSW

### Administrative and Equal Opportunity Division

Aboriginal Legal Service (NSW/ACT) Limited  
Anti-Discrimination Board of NSW  
Association of Children's Welfare Agencies (ACWA)  
Crown Solicitor's Office (NSW)  
Information and Privacy Commission NSW  
Kingsford Legal Centre, UNSW Law - Community Legal Centres NSW  
Law Society of NSW  
Legal Aid NSW  
Liquor and Gaming NSW  
Local Government NSW  
NSW Bar Association  
NSW Department of Communities and Justice  
NSW Department of Education  
NSW Fair Trading  
NSW Office of the Children's Guardian  
NSW Police Force  
NSW Trustee and Guardian  
Point to Point Transport Commission  
Public Interest Advocacy Centre Ltd  
Revenue NSW  
Transport for NSW  
Barristers from Selborne and Wentworth Chambers

### Consumer and Commercial Division

#### Tenancy Consultative Forum / Aboriginal Consultative Forum

Aboriginal Affairs NSW  
Aboriginal Housing Office  
Aboriginal Legal Services  
Anaiwan Local Aboriginal Land Council  
Argyle Community Housing  
Bungree Aboriginal Association  
Civil Law Service for Aboriginal Communities  
Common Equity NSW  
Community Housing  
Community Housing Industry Association NSW  
Dtarawarra Aboriginal Resource Unit  
Estate Agents Co-operative  
Financial Counsellors Association of NSW Inc  
Gandangara Local Lands  
Homelessness NSW  
Housing Appeals Committee  
Housing NSW  
Inner Sydney Tenants' Advice & Advocacy Service, Redfern Legal Centre  
Inner Sydney Voice Regional Social Development Council  
Jemmeson Fisher  
Law Society of NSW  
LawAccess NSW  
Legal Aid NSW  
Mission Australia  
Murra Mia Tenant Advocacy Service  
National Property Data  
National Property Group  
NSW Aboriginal Land Council  
NSW Bar Association  
NSW Department of Communities and Justice  
NSW Department of Customer Service

NSW Fair Trading  
NSW Federation of Housing Associations Inc.  
Paramonte Legal  
Property Council Australia  
Property Owners Association of NSW  
Public Interest Advocacy Centre  
Public Tenants Council (Central Sydney)  
Real Estate Institute of NSW  
Redfern Legal Centre  
Southern Sydney Tenants Advice and Advocacy Service  
Tenants Union of NSW  
The Shed  
Wesley Mission  
Western Sydney Community Legal Centre  
Western Sydney Tenants Service

### **Commercial / General / Motor Vehicles Consultative Forum**

Australian Consumers Association  
Australian Manufacturing Workers Union  
CHOICE  
Community Relations Commission  
Consumer Credit Legal Centre  
Disability Council of NSW  
Financial Counsellors Association of NSW  
Homelessness NSW  
Institute of Automotive Mechanical Engineers  
Jemmeson Fisher  
Law Society of NSW  
LawAccess NSW  
Legal Aid NSW  
Motor Traders Association  
Multicultural NSW  
NSW Bar Association  
NSW Department of Finance, Services and Innovation  
NSW Fair Trading  
Redfern Legal Centre  
Thomson Geer Lawyers

### **Home Building Consultative Forum**

Aubrey Bown Lawyers  
Australian Institute of Architects (NSW)  
Australian Institute of Building  
Bannermans  
Civil Contractors Federation  
Engineers Australia (Sydney)

Home Building Advocacy Service  
Housing Industry Association  
Institute of Building Consultants NSW  
Institution of Engineers Australia  
Law Society of NSW  
LawAccess NSW  
Macquarie Legal Centre  
Master Builders Association  
Master Painters Association  
Master Plumbers Association of NSW  
National Electrical and Communications Association of NSW  
NSW Bar Association  
NSW Department of Communities and Justice  
NSW Department of Customer Service  
NSW Fair Trading  
Owners Corporation Network  
Property Owners Association of NSW  
Royal Australian Institute of Architects  
Strata Community Australia (NSW)  
Suncorp  
Swaab Attorneys  
Swimming Pool and Spa Association of NSW

### **Residential Communities Consultative Forum**

Affiliated Residential Park Residents Association (ARPPRA)  
Caravan and Camping Industry Association NSW  
Combined Pensioners and Superannuants Association of NSW Inc.  
Home Building Advocacy Service  
Independent Park Residents Action Group of NSW  
LawAccess NSW  
NSW Department of Customer Service  
Tenants Union of NSW  
Tweed Residential Parks Homeowners Association

### **Retirement Villages Consultative Forum**

Aged & Community Care Providers Association NSW-  
ACT  
Aged and Community Services NSW-ACT  
Aged Care Association Australia (NSW)  
Bougainvillea Retirement  
Council on the Ageing NSW  
LawAccess NSW

Law Society of NSW  
NSW Department of Customer Service  
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  
Housing Industry Australia  
LawAccess NSW  
Law Society of NSW  
Marrickville Legal Centre  
NSW Department of Customer Service  
NSW Fair Trading  
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**

Aged & Community Care Providers Association  
Aboriginal Legal Services (NSW/ACT)  
Dementia Australia  
Disability Advocacy Service, NSW Trustee and Guardian  
Disability Council NSW  
DCJ Legal - Child Protection Law  
First Peoples Disability Network (Australia)  
Intellectual Disability Rights Service  
Law Society of NSW  
Aged & Community Care Providers Association  
Legal Aid NSW  
Mental Health Coordinating Council  
Mental Health Review Tribunal  
Multicultural Disability Advocacy Association of NSW (MDAA)/NSW Network of Women With Disability  
National Disability Insurance Agency  
National Disability Services

NSW Ageing and Disability Commission  
NSW Bar Association  
NSW Carers Advisory Council  
NSW Council for Intellectual Disability  
NSW Department of Communities and Justice  
NSW Ministry of Health  
Office of the Public Guardian  
People With Disability - PWD Australia  
Seniors Rights Service  
Synapse  
The Benevolent Society  
The Disability Trust

### **Occupational Division**

Australian Medical Association (NSW) Limited  
Australian Health Practitioner Regulation Agency (AHPRA)  
Avant Mutual Group Limited  
Building Professionals Board  
Bartier Perry Lawyers  
Health Professional Councils Authority (HPCA)  
Hicksons Lawyers  
HWL Ebsworth Lawyers  
Law Society of NSW  
MDA National  
Medical Indemnity Protection Society (MIPS)  
Medical Insurance Group (MIGA)  
Meridian Lawyers  
NSW Architects Registration Board  
NSW Bar Association  
Health Care Complaints Commission  
NSW Nurses and Midwives Association  
Office of Local Government  
Office of the Legal Services Commissioner  
Veterinary Practitioners Board of NSW  
Barristers from Culwulla, Denman, Level 22, Maurice Byers, New, St James Hall, Wardell and Wentworth Selborne Chambers



**NCAT**  
NSW Civil &  
Administrative Tribunal

T: 1300 006 228

W: [ncat.nsw.gov.au](http://ncat.nsw.gov.au)

