

From: [Policy MailIn](#)
To: [REDACTED]
Subject: FW: Review of the Civil and Administrative Tribunal Act 2013
Date: Monday, 24 June 2019 1:37:08 PM

From: [REDACTED]
Sent: Monday, 24 June 2019 11:17 AM
To: Policy MailIn
Subject: Review of the Civil and Administrative Tribunal Act 2013

To Whom it may concern

As someone who has been involved as an applicant in a matter that been allowed to drag on for two years (and is still going) I wish to make the following comments about the failures of the NCAT process.

- Two years ago my fellow applicant and I commenced an action at NCAT relating to the failure of the owner of a Residential Land Lease Community to obey a section of the Residential (Land Lease) Communities' Bill 2015 that governs how much that they can charge Residents for electricity usage.
- Since July 2017 we have been required to attend countless hearings at NCAT in the City or Penrith. This is in spite of winning two appeals and the findings of a Supreme Court Judge.
- In preparation for the hearings and appeals, we have had to prepare detailed submissions, when we have pointed out to NCAT members that the required information should be contained in our file. We have been told that they do not have access to the files.
- At a hearing on the 28th of September 2018, the presiding Senior Member, stated "I have not read the file, you will need to explain the matter to me".
- We are aged pensioner's, we do not have the access to vast resources (as the Respondent does) to be able to print of reams of paper documents. Nor do we have the funds to engage the services of a Lawyer.
- The Respondent on the other hand has access to advise from the Land Lease Living Industry Association's two full time Lawyers.
- The purpose of Restructuring the previous Tribunal system in 2014, was to create a "simple, quick, and effective process".
- The reality is very different, the fact that our case can carry on for two years (Its not finished yet) is confirmation that the NCAT system is not working.
- Many of the Members that we have had are not familiar with the Residential (Land Lease) Communities' Act 2015 (RLL) nor are they aware of the previous decisions that have made by other members.
- Issues relating to the RLL are complicated and require not only a working knowledge of the act but also a good understanding of the history of a case.

- One way to improve the system would be to set up a small group of members who have the skills and knowledge to hear a case from beginning to end.
- As it stands even though a member may rule in favour of the Applicants they seem to be unable/unwilling to enforce their direction/ decision .
- In 2017 we requested copies of the Respondents electricity bills, they refused to provide them. We had no option other than to pay \$46.00 for a summons to be issued. When we informed a Member at a later directions hearing, we were told “so what you got them in the end”
- It is this type of comment that alienates the public, and in some cases prevents members of the public from “taking on” unscrupulous operators.
- The act needs an urgent review, which should include face to face meetings with members of the public who have been personally involved in attending hearings.
- While the original intentions of reviewing the previous act were well intended, the reality is that an unworkable system has replaced it. We should not lose site of the fact that it is the NSW Taxpayers that are funding this massive group of public servants.

Regards Brian Bavin

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