

NCAT corruption

From: digital@dpc.nsw.gov.au

To:

Date: Wednesday, 16 January 2019, 6:44 pm AEDT

Type of Enquiry

invite

Message

Dear Mr Speakman,

It is with regret that I must bring to your attention a deep and toxic culture at NCAT.

NCAT claim that they provide services that are prompt, accessible, economical and effective. NCAT also claim they are committed to timely, fair, high-quality dispute resolution and decision making, and to the continuous improvement of our services

Nothing could be further from the truth.

I engaged the services of NCAT some time ago and the experience has been one of the worst in my entire life. The staff have been at best incompetent, and rude. I wont bore you with trivialities and my opinion, I will simply provide you with my complaint, and NCAT's response which sums up the toxic cancer that is, NCAT.

The Member at the Hearing was rude, dismissive and completely biased towards the respondent. She did not take into consideration any of my points or evidence provided. She breached NCAT's code of conduct in every way.

And when i complained to NCAT, they refused to acknowledge any wrong doing or even answer any of my questions for fear of incrimination.

Please take the time to read the attached documents, and I would like to know what action you

I would like a response

Yes

I would like to receive regular updates from the NSW Government

No



Office of Mark Speakman
Attorney General

IM
MAPS

Mr

Dear Mr

Dissatisfaction with NSW Civil and Administrative Tribunal decision and conduct of Member

Thank you for your email to the Attorney General, Mark Speakman, received 15 January 2019 about your dissatisfaction with the NSW Civil and Administrative Tribunal (NCAT) for dismissing your strata schemes application and with the conduct of an NCAT Member. The Attorney General has asked me to respond on his behalf.

While I note your concerns, the Attorney General is unable to intervene in private legal matters. NCAT is an independent statutory body with the primary function of determining applications in accordance with the law.

The Principal Registrar and Executive Director of NCAT informs me that your application seeking the appointment of a managing agent for your strata scheme was dismissed on 24 May 2018. I understand Member T. Simon wrote to you on 28 May 2018 with the reasons for NCAT's decision, and that you made a complaint about the decision and the conduct of the Member during the hearing on 24 May 2018. I am advised the Principal Registrar wrote to you about these matters on 5 November 2018, 14 December 2018 and 6 February 2019.

An NCAT decision can be subject to an appeal to the NCAT Internal Appeal Panel. I understand you lodged an appeal, but did not pay the fee at the time. This resulted in the Appeal Panel dismissing your application. If you wish to lodge another appeal, a time limit of 28 days applies which may be extended by the Appeal Panel. Information about appealing is available on NCAT's website at www.ncat.nsw.gov.au.

You may wish to seek advice before commencing an appeal. I enclose NCAT's "Getting Help" fact sheet, which lists a number of organisations that can provide information and, in some cases, advice to parties.

If you have any questions about appealing, please contact NCAT's Divisional Registrar Appeals, Ms Louise Clegg on 9307 8717 or at louise.clegg@ncat.nsw.gov.au.

Thank you for taking the time to write, and I hope this information is of assistance to you.

Yours sincerely

The Hon David Clarke MLC
Parliamentary Secretary for Justice



Getting help

NCAT staff can provide you with information about Tribunal procedures, but they cannot give you legal advice. There are a wide range of services in NSW that can help you with free or low cost legal information, advice or assistance.

Australian Securities and Investment Commission (ASIC)

www.asic.gov.au

ASIC is Australia's corporate regulator. They provide general information and advice for companies, businesses and consumers. Search the ASIC Registers for current information on companies and business names. **Tel:** 1300 300 630

Community Legal Centres NSW

www.clcnsw.org.au

Independent community organisations that provide information, advice and referrals on legal matters, and representation in targeted areas of law. Visit the website to search for your nearest community legal centre.

Community Justice Centres

www.cjc.justice.nsw.gov.au

Community Justice Centres provide free mediation services to help people reach an agreement on a wide range of disputes. **Tel:** 1800 990 777

Home Building Advocacy Service

www.wsclc.org.au

Home building dispute service run by Western Sydney Community Legal Centre for home owners who have already attempted to resolve their matter through NSW Fair Trading. **Tel:** (02) 8833 0911

Housing Appeals Committee

www.hac.nsw.gov.au

An independent appeals agency that reviews certain decisions made by NSW social housing providers. **Tel:** 1800 629 794

LawAccess NSW

www.lawaccess.nsw.gov.au

LawAccess NSW provides legal information, referrals and in some cases, advice for people who have a legal problem in NSW. **Tel:** 1300 888 529

Legal Aid NSW

www.legalaid.nsw.gov.au

Legal Aid NSW provides legal services to disadvantaged clients across NSW in most areas of criminal, family and civil law. Call LawAccess NSW on 1300 888 529 for more information.

Find Legal Answers

www.legalanswers.sl.nsw.gov.au

Find Legal Answers is a free online legal information resource for people living in NSW. This service is co-ordinated by the NSW State Library's Legal Information Access Centre (LIAC).

NSW Aboriginal Tenants Advice Services

www.tenants.org.au/aboriginal-tenants

Specialist services that provide free advice and advocacy to Aboriginal tenants living in NSW.

- **Greater Sydney Aboriginal Tenants Service** (02) 9833 3314
- **Northern NSW Aboriginal Tenants Service** (02) 6643 4426 or 1800 248 913
- **Southern NSW Aboriginal Tenants Service – Murra Mia** (02) 4472 9363 or 1800 672 185
- **Western NSW Aboriginal Tenants Service** (02) 6884 0969

NSW Fair Trading

www.fairtrading.nsw.gov.au

Fair Trading provides information and assistance to consumers and people with disputes about home building, renting, strata living, retirement villages and residential communities. **Tel:** 13 32 20

Aged-care and disability useful links

Visit the NCAT website Guardianship Division section for useful links to aged-care and disability services that can provide information and help to parties involved in Guardianship Division matters.



NSW Health Care Complaints Commission

www.hccc.nsw.gov.au

The Health Care Complaints Commission (HCCC) acts to protect public health and safety by dealing with complaints about health service providers in NSW. **Tel:** 1800 043 159

NSW Ombudsman

www.ombo.nsw.gov.au

The NSW Ombudsman investigates complaints relating to the public sector and the provision of community services in NSW. **Tel:** (02) 9286 1000

NSW Small Business Commissioner

www.smallbusiness.nsw.gov.au

The NSW Small Business Commissioner provides advice for small business owners and dispute resolution services for retail tenancy matters. **Tel:** 1300 795 534 or (02) 8222 4800

NSW Trustee and Guardian

www.tag.nsw.gov.au

The NSW Trustee and Guardian provides professional and independent trustee services such as writing wills, acting as Executor in deceased estates, administering trusts and Power of Attorneys, and delivering financial management services. **Tel:** 1300 364 103

Public Guardian

www.publicguardian.justice.nsw.gov.au

NCAT may appoint the Public Guardian as the guardian of a person with a decision making disability. They also provide information and support to private guardians **Tel:** 1800 451 510

Seniors Rights Service

www.seniorsrightsservice.org.au

The Seniors Rights Service is a community legal centre that provides advocacy, advice and education to older people in NSW. **Tel:** 1800 424 079

Tenants Advice and Advocacy Services

www.tenants.org.au

Tenants Advice and Advocacy Services provide free information and advice to tenants, boarders and lodgers, and residential community residents. Visit the Tenants NSW website to find your local service.

Victims Services

www.victimsservices.justice.nsw.gov.au

Victims Services is part of the NSW Department of Justice and provides support services including free counselling and financial assistance to victims of crime in NSW. **Tel:** 1800 633 063

Finding a lawyer to represent you

Law Society of NSW

www.lawsociety.com.au

The Law Society of NSW provides an online search to help you find a qualified lawyer suitable for your needs. You will need to pay fees for the lawyer. **Tel:** (02) 9926 0300

Law Society of NSW Pro Bono Scheme

www.lawsociety.com.au

The Law Society's Pro Bono Scheme refers eligible people to law firms willing to provide their legal services for free or at reduced costs. To be eligible you must have turned down by Legal Aid and cannot afford legal fees. The scheme covers only certain types of matters. **Tel:** (02) 9926 0364

Legal Assistance Referral Scheme (LARS)

www.nswbar.asn.au

The Legal Assistance Referral Scheme (LARS) is run by the NSW Bar Association. It refers eligible people on low incomes to barristers or mediators who may be able to give advice, appear for you or settle your matter. **Tel:** (02) 9232 4055

Legal Aid NSW Duty Service

www.legalaid.nsw.gov.au

The Legal Aid NSW Duty Service provides legal assistance to people with discrimination disputes listed for case conference or hearing before NCAT.

Contact NCAT

1300 006 228 | www.ncat.nsw.gov.au

For more information and assistance visit the NCAT website www.ncat.nsw.gov.au or contact NCAT on **1300 006 228**.

Re: Correspondence from the Attorney General's Office

From:

To: Office@speakman.minister.nsw.gov.au

Bcc: teressa.farhart@nswlabor.org.au

Date: Wednesday, 27 February 2019, 5:32 am AEDT

Thanks David for your response.

I do have a few questions regarding your response however, and considering there is a state election in almost 3 weeks I'd appreciate a quick response.

From my understanding Mark is the Attorney General, who is responsible to Parliament for activities of the Department of Justice and has **responsibility** for the all state's courts and tribunals (incl. NCAT) and the appointment of judges, magistrates and statutory officers in New South Wales.

As the Attorney General, he is the head of the Justice Cluster, the area of government responsible for:

- administration and enforcement of the law

responsible means

1. having an obligation to do something, or having **control** over or care for someone, as part of one's job or role.

1/ Considering all of the above, are you saying that Mark has no control or responsibility over the actions and corruption at NCAT?

2/ Does Mark condone the actions of NCAT as presented to him?

3/ And as a lawyer himself, does Mark believe that the member presiding over the hearing acted in accordance to the legal code of conduct as outlined in the Australian Solicitors Conduct Rules dated 24 August 2015?

Considering the corruption and coverups engulfing NCAT, I am surprised that you would even consider me lodging an appeal. I have been through HELL as a result of the incompetence, bullying, lies and deception from NCAT. They would simply come up with the same outcome.

I await your response.

On Tuesday, 26 February 2019, 4:39:50 pm AEDT, Speakman_Office_Email <Office@speakman.minister.nsw.gov.au> wrote:

Good afternoon,

Please find attached correspondence from the Parliamentary Secretary for Justice.

Kind regards,



**Office of Mark Speakman
Attorney General**

E: office@speakman.minister.nsw.gov.au

T: +61 2 8574 6390

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1.

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Office of Mark Speakman

Attorney General

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NCAT
NSW Civil &
Administrative Tribunal

Principal Registry
Level 9, 86 – 90 Goulburn Street
Sydney NSW 2000
Email: ncatenquiries@ncat.nsw.gov.au
Phone: 1300 006 228
Website: www.ncat.nsw.gov.au

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MAPS
IM

Dear Mr

I refer to your email of 27 February 2019 to the Office of the Attorney General in response to a letter from the Parliamentary Secretary for Justice, the Hon David Clarke MLC. Under conventions that apply during the caretaker period of Government prior to a State election, your correspondence was referred to NCAT for response. I respond to you in my capacity as the Principal Registrar and Executive Director of NCAT.

I appreciate you are not satisfied with the responses you have received from NCAT to your complaints about the outcome of your application and about Senior Member Simon. I have reviewed those responses and I am satisfied that NCAT has provided you with information addressing the issues raised and given you appropriate procedural information. There is no further information I can give you that would be of assistance and I consider this matter now closed. Any further correspondence from you about these matters will be noted but a reply will not be sent.

Yours sincerely

Cathy Szczygielski
Principal Registrar & Executive Director
NSW Civil & Administrative Tribunal

4/3/2019.