

Submission
No 87

INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE TRIBUNALS IN NSW

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Consolidation of Tribunals in New South Wales.

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A cardinal rule in all research is that one cannot and must not, compare apples with pears.

Similarly, it is unwise to compare single or sets of legislation when each may have been written to address a particular need that was not being suitably and effectively addressed by current legislation and regulation. If these particular needs have altered or been met, then the legislation and regulations cease to be necessary. If there is a tribunal that has been given the task of adjudicating in these now resolved needs, then its members should be retired.

If there is a range of responsibilities on existing tribunals and they are consolidated in some way, then each member must become absolutely equal to every other member; there cannot be levels of authority or tasks. Judges, commissioners, tribunal chairs and all members of all the bodies will be equal. This is not a practical plan.

I do not speak from any kind of personal interest or benefit. I am the Chair of the Mental Health Association NSW and have been a member of that organisation since 1977.

If there is evidence that one or more of the bodies under consideration are failing in their duties, then it should be carefully assessed, possibly by the Auditor General. If this is not the case, and there is evidence of incapacity, then these reasons for this one body's failures should be carefully analysed, and a solution, particular to that body, put in place. There is not only no need to join it with its fellow tribunals, to solve an identified problem.

Peter Trebilco, OAM, ED