

**INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE  
TRIBUNALS IN NSW**

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To the Standing Committee on Law and Justice.

Should NSW have a 'Super Tribunal'.

Issues Paper

Option 3.

*Tribunal identifies its objectives*

- *The Tribunal is accessible*
- *Its proceedings are efficient and effective*
- *Proceedings are determined in an informal, expeditious and inexpensive manner*
- *Decisions are fair and consistent*

Most of these objectives have been obtained except for the last mentioned one.

*Committee's role is to review and provide advice on matters etc.*

- *The education, training or professional development of members*
- *Performance management of members*
- *Complaints against members and remedial or disciplinary actions to be taken, and*
- *Performance and complaints trends.*

There is also some attempt to try and educate all parties that go to the Tribunal, but there is still along way to go as far as residents in Retirement Villages are concerned.

#### 4. Consumer, Trader and Tenancy Tribunal.

##### Preamble

My interest in the above enquiry stems from a consumer point of view as well as a resident in a Retirement Village (RV). Our division (RV) is the smallest of all the segments of the CTTT and therefore will be the least used in the larger conglomeration and probably will get less chance of getting satisfaction than we currently do.

The problem in our industry is that the residents in Retirement Villages are mostly vulnerable elderly with limited education and very few are prepared to oppose authority, whether it be intimidating, 'spin' or down right lies unfortunately they will still believe what they (residents) are told even though it is to their own detriment. Many are mushrooms, 'noddies' or stick their heads in the sand. Yes they have reached a stage of their lives where they want 'peace and quiet' to which they are entitled to at any cost, but with the advent of the larger Corporate companies entering this field there is less and less chance of the residents receiving a fair go.

**Big is not best** nor is the mixing of apples, pears and oranges desirable. You only have to look at the amalgamations that have taken place over the past 5 - 6 decades to see how badly 'Consumers' have fared viz. **Centralisation and Amalgamations** - The Banks and their disastrous policy of following these courses: Local Hospital Boards done away with in favour of the larger Regional Boards; similarly Councils and Shires, Post Offices, Police Area Commands etc. This alone should make one extremely wary of travelling down this path, whilst there is economic 'benefit' as mentioned above **the consumer is the loser.**

### Issue - Option 3.

Being the smallest division (RVs) I specifically want to raise the issue that deals with the CTTT. It may not be the best of Tribunals, but it is affordable to most residents as well as it is something that the thinking elderly in RVs can turn to and know that allows them (residents) a chance to have their grievances or derelictions that they consider that Operators have not adhered to the governing laws arising from the Act or Regulations or ignore the **Rights** of the residents. Even though the Department of Fair Trading (OFT) continually refers to that Operators should be accountable, open and transparent, regrettably in many instances these actions do not prevail.

Many CTTT decisions that appear on the AUSTLII website, that is those that actually go to a hearing, as opposed as those that are settled by mediation or intimidation these last two do not see the 'light of day'. Generally many of the reasons for the decisions appear strange or even incomprehensible. In most instances these reasons on closer analysis occur -

(a) Because the resident(s) case does not confirm the necessary full details to permit the Member to find in their favour (this is borne out by the comment made in the last two lines of the previous paragraph) in that the residents do not have access to all the information that should be available to them. Whilst this is a drawback wherein residents know they are right or being scammed, but cannot obtain the relevant information to prove their case.

(b) However the main fear of RV residents wanting to go to the Tribunal is that they may lose everything they have. Should they win the operator, then states he will go to a higher Court? OFT does not police its **LAWS** or does it provide the necessary education to all parties. The previous statement is the fault of the system in that the education that is provided does not fully get through to all parties. OFT continually talks about the problem as mentioned, but they are not forthcoming in taking it up in the LAW or enforcing Village Management to comply.

Should the CTTT be incorporated with other bodies this will mean that our Division will become further less served than it is now, by reason that with all downsizing, downgrading or reduced services the customer or consumer is always the loser. Despite glowing reports that the amalgamation will be better for us generally in the long run such changes do not live up to those glowing early reports as indicated in my preamble.

Finally you will find that many of the elderly reject change, will not speak up, suffer in silence many of the atrocities inflicted upon them and many other injustices. It is on their behalf that I do not support the amalgamation of the CTTT with the other Tribunals mentioned at the bottom of page 2 of the Issues paper.

I have no objection to this paper being printed in full.  
Yours faithfully

Rob Harvie