

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

**Organisation:** Consumer, Trader and Tenancy Tribunal

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# Inquiry into opportunities to consolidate Tribunals in NSW

Law and Justice Committee

Submission from the  
Consumer, Trader and Tenancy Tribunal



25 November 2011

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## Submission from the Consumer, Trader and Tenancy Tribunal

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## Discussion

The Terms of Reference for the *Inquiry into Opportunities to Consolidate Tribunals in NSW* to be conducted by the Standing Committee on Law and Justice includes the following:

That the Committee inquire into and report on opportunities to consolidate Tribunals in NSW, and in particular:

....

- (c) The jurisdiction and operation of the Consumer, Trader and Tenancy Tribunal, with particular regard to:
  - (i) its effectiveness in providing a fast, informal, flexible process for resolving consumer disputes;
  - (ii) the appropriateness of matters within its jurisdiction, having regard to the quantum and type of claim and the CTTT's procedures;
  - (iii) the rights of appeal available from CTTT decisions.

The *Inquiry Issues Paper* makes some comments about complaints concerning the Consumer, Trader and Tenancy Tribunal's operations and whether there are options for making operational improvements and efficiencies through consolidation.

This submission is in two parts – the Introduction which addresses the matters included in the Terms of Reference as set out above and *Issues Paper* comments; and Background Information which provides details on key aspects of the Tribunal's operations and how it meets its objectives.

### **The Consumer Trader and Tenancy Tribunal (CTTT)**

The CTTT is the largest tribunal in NSW with some 60,000 applications a year, eight Registries, seven permanent hearing venues, a total of 39 purpose built hearing rooms and 74 conciliation rooms, 80 Tribunal Members and 124 staff positions. It is almost 10 years since the CTTT began operations. In that time the Tribunal has dealt with disputes involving in excess of 1.4 million people and businesses in NSW.

The charter of the Tribunal, as set out in the *Consumer, Trader and Tenancy Tribunal Act 2001* (the CTTT Act), is that it is to be:

- accessible
- efficient and effective
- informal, expeditious and inexpensive, and
- fair and consistent.

There has been a history of tribunals within the Fair Trading portfolio (or its equivalent) over many years. Over time these tribunals have been amalgamated to form what is now the CTTT.

Unlike most other tribunals within the ambit of the Committee's deliberations, rather than being an administrative tribunal, the CTTT is a court substitute tribunal dealing with civil disputes primarily between private citizens or businesses. It has no administrative or regulatory function. While the Government may be a party, for example a landlord such as NSW Housing in the Social Housing Division or the Teacher Housing Authority in the Tenancy Division, the CTTT does not review Government decisions. It does not impose state sanctioned remedies such as are made in the protective jurisdictions of guardianship and mental health. Nor does it deal with professional disciplinary matters involving professional bodies or government regulators.

In some areas the Tribunal has exclusive jurisdiction, for example in the termination of residential tenancy agreements, but in most it shares jurisdiction with the courts. There is provision for matters to be transferred from the courts to the Tribunal and vice versa.

In general, the CTTT provides a forum for the resolution of disputes where, in the past, parties had to either engage in litigation through the court system with its attendant complexity and cost or there was in fact no remedy available.

### **Fast, informal, flexible process**

There are fifteen pieces of legislation which give the Tribunal jurisdiction to determine certain types of disputes. In addition, the Tribunal manages the adjudication process in relation to strata and community schemes – these matters are determined by Adjudicators appointed by the Minister, not Tribunal Members acting as such. For convenience, Members and some staff have been appointed to act as Adjudicators so these matters may be managed by the CTTT Registrar.

A common misconception is that the CTTT deals with all disputes in a like manner. In fact, the Tribunal takes a differential case management approach to the variety of matters within its jurisdiction depending on their complexity and the amount of money in dispute.

The CTTT Act and the associated Regulation set out the procedures available to the Tribunal. The legislation makes available to the Tribunal a wide range of mechanisms to deal with the variety of disputes coming before it within its nine Divisions. The Tribunal therefore tailors its procedures to suit the nature of the dispute. Some examples follow.

In residential tenancy matters and small consumer claims, that is, matters involving sums of \$30,000 or less, the Tribunal employs processes with the following features:

- a number of matters "group listed" together to maximise the use of the Tribunal's time;
- a heavy emphasis on conciliation as a means of reaching a consensual resolution;
- finalisation of matters on the first occasion wherever possible;
- an informal, inquisitorial approach to hearings;
- legal representation only in exceptional circumstances; and
- decisions and oral reasons given at the conclusion of the hearing.

In large disputes involving complex legal issues or significant amounts of money, particularly in the Home Building Division (up to \$500,000), procedures will generally include:

- one or more directions hearings, often by telephone, to crystallise the issues in dispute and to ensure that , adequately prepare their case;
- mediation to achieve settlement or narrow the dispute;
- conclaves of parties appointed experts facilitated by a Tribunal Member with technical expertise to settle technical issues;
- a more formal but still inquisitorial approach to a hearing;
- legal representation more likely at the request of the parties; and
- decisions often reserved and written reasons provided at a later date.

In matters within the Residential Parks and Retirement Villages Divisions the Tribunal can deal with some applications which could be described as “class actions” involving a number of residents. In these matters the Tribunal will:

- often hold a hearing/mediation/conciliation on site at the park or home;
- utilise specialist conciliators and mediators to achieve settlement;
- allow residents to appoint a spokesperson to represent them; and
- conduct informal hearings.

Sometimes the legislation which gives the Tribunal specific jurisdiction to deal with a class of disputes may impose particular procedural requirements on the Tribunal. A good example is the *Strata Schemes Management Act 1996* which modifies the provisions of the CTTT Act and Regulation. Legislation currently before Parliament to confer jurisdiction upon the Tribunal in relation to agricultural tenancy disputes will also impose particular requirements.

In general, however, the CTTT deals with matters as quickly and informally as possible within the constraints of the legislation and the resources available. The Tribunal has developed divisional standards against which it measures and monitors its performance in areas such as timeliness, efficiency and effectiveness. The standards provide for relatively short time frames for the disposition of cases whilst recognising that some classes of case will, because of the nature of the dispute, take longer. Refer to Table 1 on page 7 for the Tribunal's divisional standards for lodgement to first hearing and lodgement to finalisation.

In terms of overall performance in 2010-11:

- 58,808 applications were lodged
- 72,836 events were held to dispose of the caseload e.g. hearings, mediations
- 77% of applications were listed for a first hearing within the divisional listing standard
- 74% of matters were finalised at or before the first hearing
- 72% of matters were finalised within the divisional performance standards
- 74% of orders were issued to parties on the hearing day and 92% within 2 days of the hearing.

Further detail on the Tribunal's performance is set out in the Background Information at page 36. Some urgent applications are dealt with within 24 hours.

**Table 1 - Time taken from Lodgement to First Hearing and Lodgement to Finalisation**

Division	Classification	Lodgement to First Hearing	Lodgement to Finalisation
		80% Target	80% Target
Tenancy	termination	3 weeks	4 weeks
	non-termination	4 weeks	8 weeks
Social Housing	termination	3 weeks	4 weeks
	non-termination	4 weeks	8 weeks
General		6 weeks	12 weeks
Home Building	<= \$30K	6 weeks	16 weeks
	> \$30K	8 weeks	18 months
Residential Parks	termination	3 weeks	4 weeks
	non-termination	6 weeks	16 weeks
Strata & Community	adjudication		12 weeks
	hearings		16 weeks
Motor Vehicles		8 weeks	16 weeks
Commercial		6 weeks	16 weeks
Retirement Villages		6 weeks	16 weeks

NOTE: CTTT service standard for Lodgement to First Hearing and Lodgement to Finalisation is 80% within the timeframes indicated above.

In order to deal with its considerable workload effectively and efficiently within these short timeframes, the Tribunal has invested in technology and innovation. These initiatives also enhance the accessibility of the Tribunal. Examples of the technology already available or under development at the CTTT include:

- *CTTT Online* - a 24 hour online service that enables the electronic lodgement of applications in most Divisions; most matters are automatically listed and a notice of hearing dispatched by return email. Parties can also track progress of the application online at any time.
- *InCourt* - a system that enables CTTT Members to produce Tribunal orders by typing them directly into the case management system at the conclusion of the hearing so that orders can be made available to parties on the hearing day or shortly thereafter. CTTT Members in regional areas have laptops that can wirelessly access *InCourt* from most locations within NSW.
- *Digital sound recording* is now available in all hearing locations as the necessary software is built into Members' laptop computers.
- *eConnect* – allows case-related correspondence, notices of hearing and orders to be sent to parties via email rather than post

- *Electronic document lodgement* - a new service which will allow digital copies of documents to be lodged by parties and viewed in the hearing room.
- *Video conferencing* - during 2011 a video conferencing capability was established with the aim of increasing access for regional parties and to provide CTTT Members and staff with another means of communication.

As a result of improvements in processes and technology the cost to the public of the CTTT's services has remained low since the Tribunal was established. The Tribunal's funding source has remained static since inception and operations have been contained within budget.

The Tribunal's operating budget in 2010-11 was \$27.5m. The major items of expenditure were member and staff salaries and accommodation expenses. Unlike other tribunals within NSW and in other states, the CTTT operates on a regional basis from a number of venues throughout the State. While this may result in increased accommodation costs, it enables the Tribunal to provide a speedy and local service in metropolitan and regional locations. In 2010-11 the Tribunal in fact sat in about 70 different towns and cities around NSW.

The cost per case is, nevertheless, low - 95% of cases will incur a net cost to the State of \$350 per application; 4% of cases will incur a net cost of \$490 and 1% of cases will incur a net cost of \$1200. A small number of complex cases will incur further costs to the State. These costs are, of course, much less than would be incurred in the courts.

### **The CTTT's jurisdiction**

As noted above, the CTTT has a varied jurisdiction. All jurisdictions, however, involve disputes of a commercial nature about property, goods or services. The attached Background Information at page 25 and Annexure 3 set out brief details of the types of matters dealt with and jurisdictional limits.

In four Divisions – Residential Parks, Strata & Community Schemes, Retirement Villages and Commercial – the Tribunal's jurisdiction is unlimited. That is, no monetary amount is prescribed. In addition, the jurisdiction is unlimited in the Motor Vehicles Division when the Tribunal is dealing with new vehicles purchased for private purposes. The jurisdiction in the Home Building Division has a \$500,000 limit for residential building work. Other consumer claims involve a limit of \$30,000 and in residential tenancy disputes the limit is \$15,000 and \$30,000 in relation to a bond.

There are, of course, other limits to the Tribunal's jurisdiction. For example, while the Tribunal can deal with debt recovery claims by builders in the Home Building Division and landlords in the Tenancy and Social Housing Divisions, it cannot deal with debt recovery by traders in the General or Motor Vehicles Divisions. Similarly, owners' corporations cannot recover unpaid levies in the Strata and Community Schemes Division. Various pieces of legislation also contain time limits within which applications must be made. These are all matters which are not within the Tribunal purview or control, being matters which are set out in the enabling legislation.

Where matters are above the jurisdictional limit or are not matters over which the Tribunal has jurisdiction in any event, an affected person or business will need to seek a remedy in the Local, District or Supreme Court.

The Tribunal makes no comment on the suitability or otherwise of the jurisdictional limits that apply other than to note that its flexible procedures can be adapted to deal with a variety of circumstances.

Some comparisons with jurisdictional limits in tribunals in other states are set out in Table 2 (below).

**Table 2 - Jurisdictional limits comparison – VCAT, QCAT and CTTT**

Jurisdiction	Jurisdictional limits \$		
	VCAT	QCAT	CTTT
Tenancy	10,000	25,000	15,000 30,000 (bond only)
General	Unlimited	25,000	30,000
Home Building	Unlimited	25,000 (civil claim/debt recovery)	500,000
Motor Vehicles	Unlimited	25,000 (defects/maintenance)	30,000 Unlimited (new cars used for private purposes)

### Appeal rights

The CTTT Act provides for limited rights of rehearing and appeal. Rehearings may be granted by the Chairperson or her delegate. An applicant seeking a rehearing must be able to show that they may have suffered a substantial injustice on one or more of the following grounds:

- the decision was not fair and equitable;
- the decision was against the weight of evidence; or
- significant evidence is now available that was not reasonably available at the time of hearing.

Dissatisfaction with the decision is not a sufficient reason for a rehearing. In 2010-11, 960 matters were reheard representing 1.6% of all applications received. When a matter is reheard, the proceedings commence afresh and the matter is reheard in its entirety, unless the Chairperson limits the rehearing to specific matters.

Appeals from decisions made by the CTTT can be taken (under s65 or 67 of the CTTT Act) to either the District Court of New South Wales on a question of law or to the Supreme Court of New South Wales on the grounds of jurisdictional error or denial of procedural fairness. During 2010-11 there were 85 appeals from CTTT matters to the District or Supreme Courts.

Prior to amendments to the CTTT Act from 1 September 2008 by the *Courts and Crimes Legislation Amendment Act 2008*, all appeals from the CTTT were to the Supreme Court. A CTTT decision could be appealed with respect to a matter of law (s67 of the CTTT Act) or jurisdictional error or denial of procedural fairness (s65 of the CTTT Act). Any procedural difficulty that might have arisen from confusion about the two forms of relief was dealt with internally by the Supreme Court.

Since the changes in 2008, the statutory appeal under s67 of the CTTT Act is to the District Court. This situation has led to some difficulties for litigants in choosing which forum is best to prosecute their appeal. It has also led, in some cases, to multiple appeals about the same issue.

Following the changes in 2008 the question arose as to whether the District Court has power to grant relief under section 65 of the CTTT Act in addition to the statutory appeal under s 67. That question was going to be answered by the Court of Appeal in the *Obieta* cases (see *Obieta v Consumer, Trader and Tenancy Tribunal* (No 2) [2009] NSWCA 249). However, there was a lack of prosecution and the matter ultimately did not come before the Court of Appeal for determination. The prevailing view is that the District Court does not have the power to conduct judicial review of the Tribunal's decisions and these applications should continue to be dealt with by the Supreme Court.

A person, therefore, who wishes to have a decision of the Tribunal reviewed by higher authority now faces a choice: pursue a statutory appeal to the District Court or seek judicial review in the Supreme Court of NSW. In *Dayeian v Davidson* [2010] NSWCA 42 Justice Campbell stated:

"Now that appeals under section 67(1) lie only to the District Court, which has no jurisdiction to make orders in the nature of prerogative relief, it will be necessary for a person dissatisfied with a decision of the Tribunal to analyse carefully the reasons for dissatisfaction, as those reasons will affect the choice of the appropriate forum in which to challenge the decision."

However, nothing in the legislation prevents a person who has unsuccessfully appealed against a Tribunal decision to the District Court from then seeking judicial review of the same Tribunal decision in the Supreme Court. Such a situation arose in *Muldoon v Church of England Children's Homes Burwood* [2011] NSWSC 772. Justice Rothman commented about the difficulties as follows:

"The first difficulty in proceedings such as this is the complexity created by legislation which grants a right of appeal to the District Court, no appeal from the District Court (see *Muldoon v Church of England Children's Homes Burwood* [2011] NSWCA 46), a right to orders in the nature of certiorari against the CTTT issuing from a single judge of the Supreme Court and a right to orders in the nature of certiorari issuing from the Court of Appeal in relation to a judgment of the District Court. The mere fact that the District Court has dealt with an appeal from the decision of the CTTT does not preclude a party from seeking orders in the nature of certiorari quashing the same decision from which an appeal has already unsuccessfully been brought and does not necessarily mandate a particular result."

Prior to the amendment, appeals from a single Judge of the Supreme Court who determined an appeal from a Tribunal decision could be taken to the Court of Appeal. There is no appeal available to the Court of Appeal from a decision of the District Court in a statutory appeal from the Tribunal (see *Muldoon v Church of England Children's Homes Burwood* [2011] NSWCA 46). A party dissatisfied with the outcome of the District Court appeal therefore has limited options for appeal.

However, an unsuccessful party to an appeal in the District Court may also seek judicial review of the District Court's decision under s 69 of the *Supreme Court Act 1970*. This occurred recently in *Brennan v NSW Land and Housing Corporation* [2011] NSWCA 298. The Court again made the comment that the bifurcated jurisdiction in relation to appeals can give rise to difficulties for individuals who commence proceedings in the Tribunal, which is accessible and informal, and who when wishing to appeal then "find themselves enmeshed in jurisprudential technicality (and concomitant delay and expense)".

### **Quality of decision making**

The Issues Paper at page 7 makes a comment that considerable concerns have been raised at times about the quality of decision-making in the CTTT.

Dissatisfaction with a tribunal can be measured by the rate of rehearing and appeal and by the number of complaints received from aggrieved parties. In 2010-11, of the 59,956 applications finalised, only 1940 applications for rehearing were received. Of these, 960 - representing 1.6% of all applications - were granted. The most common reason for granting a rehearing is because the party did not receive the notice of hearing or did not attend for reasons outside their control and orders were made in their absence. This is no reflection on the original decision itself which was made without the benefit of one party's evidence.

In 2010-11, 85 appeals about CTTT matters were made to the District or Supreme Courts. During the same period the Tribunal finalised 59,956 applications. This represents an appeal rate of 0.1%. In the appeals determined by the District and Supreme Courts during 2010-11, 72% resulted in no error being detected and no change being made to the Tribunal's decision. Very few decisions are therefore overturned, suggesting that there is no systemic issue of poor quality decisions.

The Tribunal recognises that there will invariably be parties who are dissatisfied with decisions made by CTTT Members or who wish to pursue matters of principle that may not be consistent with the law. The nature of the dispute resolution process means that sometimes there will be a "winner" and a "loser" or that no party particularly obtains the outcome they were seeking.

It is understandable and should be expected that parties will want to make a complaint or will have negative views about the Tribunal where a decision is made otherwise than in their

favour. Sometimes parties are unable to accept that the Tribunal is bound by the law which may not necessarily be in line with a party's expectations or wishes.

During 2010-11, 580 complainants wrote to the Minister for Fair Trading or the Chairperson of the Tribunal. This number must be seen in light of the fact that during that time the Tribunal held 72,836 hearings and made 88,339 orders. As set out in the Background Information at page 42, the most common complaint is dissatisfaction with the outcome of the Tribunal proceedings.

All complaints are investigated and where issues are identified, action is taken to improve processes or procedures. The Tribunal's complaint handling system is based on the guidelines issued by the NSW Ombudsman and on the Australian Standard: *Customer Satisfaction – Guidelines for complaint handling organisations* (AS ISO 10002:2006). The Tribunal's complaint handling process has been reviewed by the Professional Practice and Review Committee which found that the system had efficacy and was serving the public and the CTTT well.

Given the workload of the CTTT and the number of people it deals with each year, the rate of appeal and complaint is modest.

### **Options for consideration**

The Issues Paper puts forward a number of options for consideration, only one of which directly affects the CTTT.

The CTTT has no comment to make on the desirability or otherwise of creating a "super-tribunal" in NSW. Such an organisation would be the largest of its kind in Australia and, as the Issues Paper recognises, the start up costs could be considerable but savings could be achieved over time.

Should an NCAT be established, the CTTT would not want to see the flexibility and innovation that is embodied in all aspects of the CTTT's operations lost or diminished in an amalgamated structure. The CTTT deals with issues that are highly emotive involving for the most part a person's home or a significant purchase they have made. The CTTT's procedures have been tailored to meet the needs of the people who appear before it. As noted previously, the CTTT is a court substitute tribunal which offers people and businesses an alternative to going to court. It offers appropriate dispute resolution for the matters that come before it without, in general, the need for representation, at low cost, in an informal environment and in a timely way. It would not be appropriate that a more formal and legalistic approach to decision-making be adopted for matters within the CTTT's jurisdiction.

One of the features of the CTTT is that it is not Sydney-centric but conducts proceedings – whether that is conciliation, mediation, hearings or other forms of dispute resolution – at a venue closest to the place of dispute. Members are located throughout NSW providing a local and timely service. That should also not be diminished in any new structure.

The CTTT notes the comments in the Issues Paper that amalgamation could be achieved in a staged way or that the CTTT could be a stand alone tribunal, albeit with some refinements to its jurisdiction. If the CTTT were to remain a separate tribunal in the short or long term, there may still be opportunities for resource and infrastructure sharing.

The CTTT has always been willing and ready to work with other tribunals to achieve good outcomes for parties in the tribunal sector. Tribunals are a very important and integral part of the justice system in NSW. Without tribunals the courts would be overwhelmed and many people would, for reasons of expense and fear of the legal process, be reluctant to enforce their rights. It is in the interests of all that tribunals work effectively and efficiently.

As noted by the Issues Paper and above, the CTTT is the largest tribunal in NSW. It has the most advanced and comprehensive approach to technological innovation and these systems can be adapted for use by other tribunals. The CTTT's physical infrastructure around NSW could also be used by other tribunals. Indeed, the CTTT hearing rooms in some locations are already used by other tribunals, such as the Guardianship Tribunal, when not in use by the CTTT.

There are many other options for better co-operation and to make it easier for people to use and navigate their way around the system which could be achieved even if the CTTT were to remain outside of a larger structure for the time being.

## Background Information

# 1. Consumer, Trader and Tenancy Tribunal

The Consumer, Trader and Tenancy Tribunal (CTTT) was established on 25 February 2002 as a specialist dispute resolution forum for consumer, trader and tenancy matters. It took over the roles previously held by the Residential and Fair Trading Tribunals.

The CTTT is an independent decision making body that helps people to resolve everyday disputes. Its powers, functions and procedures are set out in the *Consumer, Trader and Tenancy Tribunal Act 2001* (the CTTT Act) and the *Consumer, Trader and Tenancy Regulation 2009*. Its objectives, as set out in the CTTT Act, are to ensure that:

- the Tribunal is accessible
- its proceedings are efficient and effective
- proceedings are determined in an informal, expeditious and inexpensive manner, and
- decisions are fair and consistent.

Fifteen pieces of legislation give the CTTT jurisdiction to resolve disputes about the supply of goods and services and issues relating to residential and other property. The CTTT resolves disputes brought to its nine Divisions – Tenancy, Social Housing, Home Building, General, Residential Parks, Strata and Community Schemes, Motor Vehicles, Commercial, and Retirement Villages.

A timeline illustrating the jurisdictional changes, implementation of new technologies and other key activities of the CTTT between 2002 and 2011 is attached at Annexure 1.

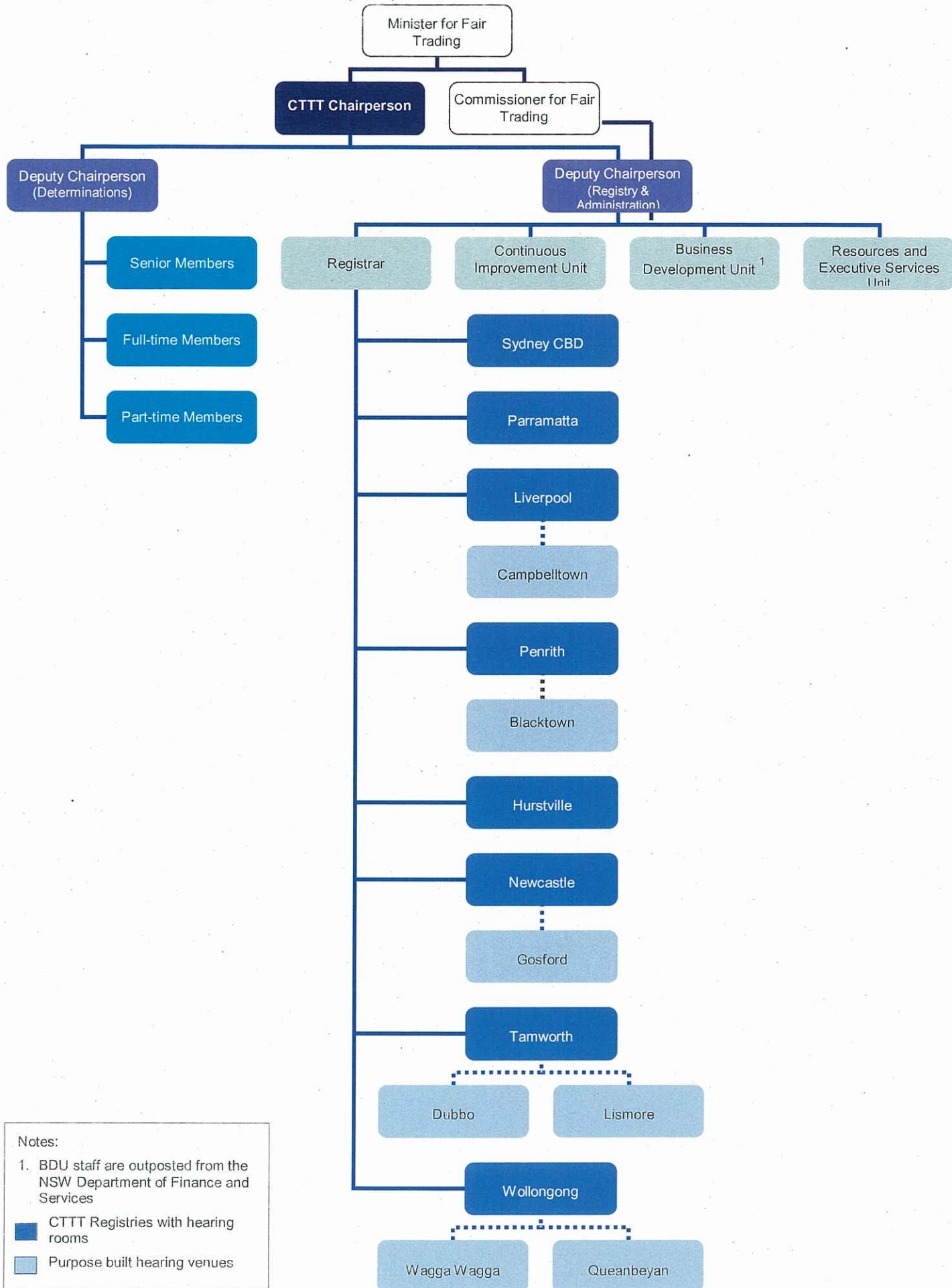
## Structure and relationships

The CTTT Chairperson, Ms Kay Ransome, is responsible to the Minister for Fair Trading for the efficient and effective operation of the CTTT and management of the CTTT's work, including Tribunal Member management and performance. There are two Deputy Chairpersons:

- Ms Margaret Balding, Deputy Chairperson (Determinations), reports to the Chairperson and is responsible for the CTTT's adjudication function and assisting in managing the membership;
- Mr Garry Wilson, Deputy Chairperson (Registry and Administration) is a non sitting member with responsibility for the CTTT's financial, administrative and registry functions. Mr Wilson reports to the Chairperson for operational matters and to the Commissioner for Fair Trading for corporate activities. This dual reporting arrangement is the result of the CTTT's Registry and administrative functions sitting within the NSW Department of Finance and Services.

CTTT Members are independent statutory officers who are appointed by the Governor, on the recommendation of the Minister for Fair Trading, on either a full-time or part-time basis. Registry and administrative unit staff are employed under the *Public Service Employment and Management Act 2002*, and their functions sit within the NSW Department of Finance and Services. CTTT Members and staff work together on a collegiate basis day to day, and when developing and implementing service delivery improvements.

Figure 1 – CTTT Organisation Chart (2011)



## Tribunal Members

CTTT Members are independent statutory officers who hear and determine applications brought before the CTTT in accordance with the law and based on the evidence presented.

All CTTT Members, except for the Deputy Chairperson (Registry and Administration), are appointed by the Governor under [section 7](#) of the CTTT Act. The qualifications of Members are set out at [section 8](#) of the CTTT Act. Members are appointed following a merit selection process.

At 30 June 2011, the Tribunal Membership comprised the Chairperson, and two Deputy Chairpersons, eight Senior Members, nine Full-time Members and fifty-nine Part-time Members. Members are located in Sydney CBD, metropolitan, regional and country areas.

### Senior Members

Senior Members hear legally complex cases or matters which involve a considerable amount of money or which raise significant issues for determination. Senior Members also determine smaller disputes as required. Senior Members assist the Chairperson and the Deputy Chairperson (Determinations) to provide guidance, leadership and mentoring to other CTTT Members.

### Members

Members hear and determine lists of cases. Hearing responsibilities vary from determining lengthy, contested formal proceedings to determining up to 25 smaller matters in a day. Members generally work across the Tribunal's nine Divisions. Members with specialist expertise may work in only one or two Divisions.

### Professional Development

CTTT Members participate in and access a range of professional development activities that provide them with the technical knowledge and skills required to hear cases and make decisions. For example:

- New CTTT Members participate in an induction program and are partnered with existing Members who provide support and mentoring. On-the-job training in technology, including InCourt, is also provided to new Members.
- CTTT Member network meetings (telephone conferences conducted by Senior Members and involving groups of Full-time and Part-time Members) are held on a bimonthly basis to discuss legislation and case law developments, and to workshop topical issues.
- Regular face-to-face meetings of Senior Members.
- An annual Members' conference attended by all CTTT Members, comprising plenary and workshop sessions on a range of issues.

- Regular enewsletters issued by the Chairperson and the Deputy Chairperson (Determinations) keep Members updated on current issues – including legislative change and its impact on CTTT processes.
- A dedicated intranet provides another information source for Members - a review and upgrade of MemberNet is planned.
- Access to the CTTT library, and Department of Finance and Services and NSW Fair Trading library services, for basic research support and other assistance.
- Online access to relevant legislation and case law.
- The *CTTT Members' Practice Manual: The Hearing Process* includes detailed information about the conciliation process and the hearing process.
- Members attend external courses and conferences.

In 2011, the CTTT developed its *Member Competency Framework*<sup>1</sup> to identify the knowledge, skills, behaviours and attitudes that CTTT Members are expected to demonstrate in performing their role. This Framework will assist in developing further professional development activities for CTTT Members.

### **Performance Management**

The standards of behaviour expected of CTTT Members are set out in the *Code of Conduct for Tribunal Members*. It also provides guidance to Members in the performance of their duties.

All Members are required to participate in a performance assessment process. Members are required to complete a self assessment which seeks comments on their competency in five key areas. Follow-up interviews are held with the Chairperson who provides feedback to Members about their performance.

The CTTT complaint process may, from time to time, reveal issues about an individual Member's performance or technical knowledge. On these occasions the relevant issues may be raised with the Member by the Chairperson or Deputy Chairperson (Determinations). The Deputy Chairperson (Determinations), in undertaking her role in providing support and guidance to Members, will often, on an informal basis, raise issues with individual Members where it becomes apparent (eg from a file review) that they need assistance.

### **Role of Professional Practice and Review Committee**

The Professional Practice and Review Committee was established in October 2008 by the *Consumer, Trader and Tenancy Tribunal Amendment Act 2008*, replacing the former Peer Review Panel. The Committee has a broader role than the former Panel and brings an

<sup>1</sup> The Framework is based on a draft *Tribunal Competency Framework* issued by the Council of Australasian Tribunals in March 2011.

external and independent perspective to professional development and performance building for CTTT Members.

The Committee is made up of two independent persons appointed by the Minister for Fair Trading, Ms Jan McClelland and Ms Larissa Behrendt who were appointed on 15 March 2010, and were selected for their expertise in consumer protection, ethics, dispute resolution, education or public administration. Ms McClelland is also the Chair of the Committee.

The other Committee members are the CTTT Chairperson, Kay Ransome; Commissioner for Fair Trading, Mr Rod Stowe (delegate of the Director General, Department of Finance and Services from 4 July 2011); Deputy Chairperson (Determinations), Ms Margaret Balding; and Deputy Chairperson (Registry and Administration), Mr Garry Wilson. Secretariat support is provided by the CTTT's Resources and Executive Services Unit.

The Professional Practice and Review Committee is required by legislation to meet at least three times each year. In the 2010-2011 reporting period the Committee met seven times.

The legislation provides for the Committee to review and provide advice on matters referred to it by the Minister, the Commissioner for Fair Trading and the Tribunal Chairperson. Matters referred may relate to one or more of the following:

- (a) the education, training or professional development of members;
- (b) the performance or management of members;
- (c) complaints against members and remedial or disciplinary action to be taken in relation to any such complaints;
- (d) trends in complaints or performance; and
- (e) any other matter prescribed by the regulations.

The Committee has established procedures for the handling of matters referred for its consideration. In 2008-09, four matters were referred to the Committee, two matters in 2009-10, and five in 2010-11.

## **CTTT Staff**

At 30 June 2011, there were 124 staff positions attached to the CTTT Registry and administrative units.

The CTTT Registry provides case management and operational support for the CTTT dispute resolution and hearing activities, including assisting applicants and respondents (the dispute 'parties') to access and use CTTT services. Administrative Units are responsible for maintaining and implementing computer systems and other technology, change management, performance reporting, quality assurance and continuous improvement activities, communications initiatives and the CTTT website, resource management and executive support. An overview of the key functions of CTTT Registry and administrative units is provided in table 3 below.

CTTT Registry staff operate as multi-skilled teams and are organised on a geographical basis. Each Registry manages specific geographic catchment areas around the State. Staff resources are matched to the expected workload. Resources are adjusted as required and work is moved between Registries to ensure that service delivery outcomes are equitable across the State. A set of standard procedures operate in all Registries with sufficient flexibility built into processes to allow Registry staff to tailor their services to their local environment and client base.

**Table 3 - Key functions of the CTTT Registry and administrative units**

<b>CTTT Registry</b>	<ul style="list-style-type: none"> <li>provides case management and operational support for the Tribunal's dispute resolution and hearing activities</li> <li>assists parties to access and use CTTT services</li> <li>provides administrative assistance to Tribunal Members</li> <li>processes applications</li> <li>schedules hearings</li> <li>maintains file records</li> <li>issues hearing notices and orders, warrants for possession and certified copies of money orders, and</li> <li>processes copies of written reasons for decisions.</li> </ul>
<b>Continuous Improvement Unit</b>	<ul style="list-style-type: none"> <li>coordinates the CTTT's continuous improvement regime</li> <li>provides education and information services – including resource development, event and information session management, maintain and manage the CTTT website, develop social media initiatives</li> <li>develops and implements change management strategies in consultation with Registry, other administrative units and the membership</li> <li>develops and implements policy and program responses to legislative and technological change</li> <li>develops and delivers quality assurance and performance reporting activities, and</li> <li>provides legal support and library services to Tribunal Members and staff.</li> </ul>
<b>Business Development Unit</b>	<ul style="list-style-type: none"> <li>maintains the CTTT's computer systems</li> <li>identifies and implements technological solutions for improved service delivery in cooperation with Department of Finance &amp; Service's <i>ServiceFirst</i>, and</li> <li>provides support to Tribunal Members and staff.</li> </ul>
<b>Resources and Executive Services Unit</b>	<ul style="list-style-type: none"> <li>provides high level support to the Minister for Fair Trading, CTTT Chairperson and the Tribunal's executive</li> <li>responds to complaints and media enquiries</li> <li>provides support to the Tribunal's Professional Practice and Review Committee</li> <li>manages the CTTT's human resources, financial resources and administrative services, and</li> <li>ensures compliance with Department of Finance &amp; Services' governance and general operating requirements – including OH&amp;S, accommodation and records management.</li> </ul>

## CTTT Registry Infrastructure and Facilities

### Registry network

There are eight CTTT Registries located in the Sydney CBD, Newcastle, Liverpool, Penrith, Tamworth, Wollongong, Parramatta and Hurstville. Each of these Registries has public counters, hearing rooms and conciliation facilities. Four of these Registries are also

responsible for co-ordinating hearings at purpose built hearing rooms in seven additional locations – Campbelltown, Blacktown, Gosford, Lismore, Wagga Wagga, Dubbo, and Queanbeyan. In total, the eight CTTT Registries manage 39 hearing rooms and 74 conciliation rooms across these sites (refer Table 4 below).

### Counter services

The full range of counter services is provided in all Registry sites. Counter services include the provision of Application forms, Fact Sheets and other supporting documents, receipt of applications forms, procedural advice and general information about the CTTT's services and processes. Each month over 4000 face to face enquiries are dealt with by CTTT Registry staff.

### Purpose built hearing rooms

All hearing rooms listed in Table 4 are purpose built with hearing room benches designed in a way to reflect the informality of the Tribunal. Party and witness areas are appropriately designed with sufficient public seating inside and outside the hearing rooms. Security screening is available at all Registry locations. CTTT Members use laptops with sound recording capability when conducting hearings in non-registry locations.

**Table 4 – CTTT purpose built hearing rooms and conciliation rooms**

	Location	# Hearing Rooms	# Conciliation Rooms
<b>CTTT Registries</b>	Hurstville	3	4
	Liverpool	3	6
	Newcastle	4	6
	Parramatta	2	5
	Penrith	3	5
	Sydney	12	19
	Tamworth	1	4
	Wollongong	2	5
<b>Permanent hearing rooms</b>	Blacktown	1	1
	Campbelltown	2	5
	Dubbo	1	2
	Gosford	2	5
	Lismore	1	2
	Queanbeyan	1	4
	Wagga Wagga	1	1
<b>Total purpose built hearing rooms</b>		<b>39</b>	<b>74</b>

### Other hearing venues

CTTT hearings are held at the closest venue to the place of dispute or the address of the residential premises. In addition to its purpose built hearing rooms, the CTTT also has arrangements with accommodation providers, including local courts, in a range of regional and remote locations across NSW. Annexure 4 lists CTTT hearing locations and usage in 2010-2011.

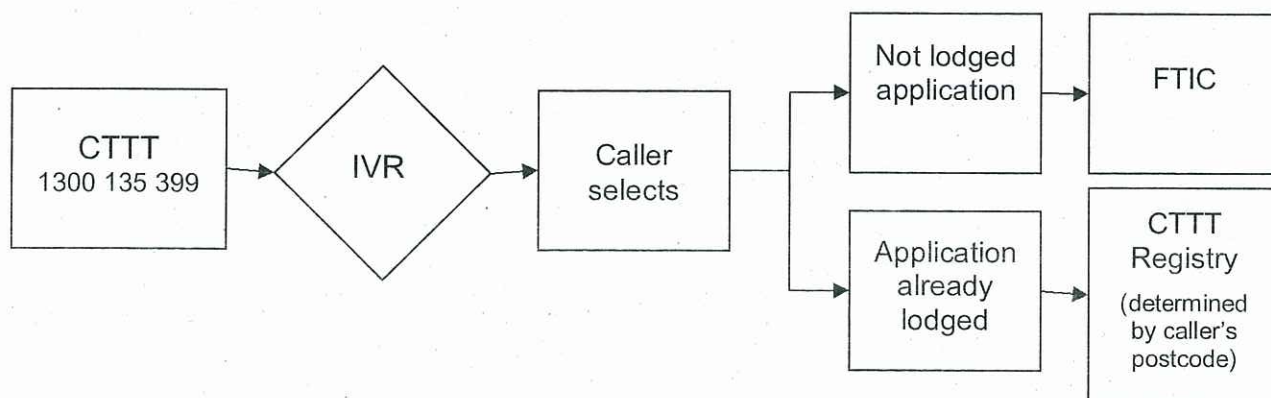
## Telephone Services

The CTTT has a 1300 telephone number for parties to make enquiries via the telephone. An arrangement is in place with NSW Fair Trading via their Fair Trading Information Call Centre (FTIC) to provide preliminary information about the CTTT's services and to send application forms to people who have not lodged an application with the CTTT. Those who have lodged an application are diverted to the relevant CTTT Registry based on their post code. This ensures that they deal with local registry staff who view the relevant records and the case management system, and deal with the person's specific inquiry.

Each month over 10,000 telephone calls are dealt with by CTTT Registry staff.

The call centre service is provided by an Interactive Voice Response system (IVR) whereby the caller selects a service option depending on whether they have lodged or not lodged an application (refer Figure 2 below).

**Figure 2 – CTTT's IVR telephone service schematic**



The CTTT's telephone system is integrated across the state. If the volume of calls to a particular Registry exceeds the capacity of that Registry to respond to the call within a reasonable timeframe, the telephone call overflow is automatically diverted to other Registries. This helps ensure that seamless service delivery is provided across the State.

## Corporate Planning

The CTTT has a planning regime that flows from its 5 year strategic plan. The key focus areas of the strategic plan are:

1. **Managing** – Provide quality outcomes to people who use our services and effective management and support to the Chairperson, CTTT Members and staff within service standards and budget parameters
2. **Connecting** – Enhance partnerships and mutually beneficial information, communication and feedback mechanisms with the Minister for Fair Trading, the community, parties and stakeholders

3. **Improving** – Improve our services by promoting a culture of continuous improvement, performance monitoring, and good ideas generation and innovation.
4. **Leading** – Provide strategic leadership that puts in place strategies, projects and priorities that keep us ready for the immediate and the emerging future.

The plan sets the CTTT's priorities and outlines the strategies being pursued.

A range of other supporting plans are also in place – for example:

- **Information Technology plan:** This plan is focussed on creating ways to improve and streamline client access to CTTT services and to create systems that make it easier for CTTT members and staff to do their work. Projects that save time money and effort are pursued.
- **Human Resource plan:** This plan guides the CTTT's human resource planning, recruitment, selection, induction, learning and performance, and retention strategies. The plan is focussed on creating a flexible and adaptable workforce and fostering a positive and innovative organisational culture.
- **Communication plans:** A range of plans are in place to improve communication within the CTTT and with stakeholders and the community. Specific strategies are in place for the Aboriginal community and for the Culturally and Linguistically diverse communities (CALD),
- **Risk Management plan:** The plan is focussed on identifying upfront strategies that will help the CTTT fulfil its change agenda; registry and administrative services are delivered in a timely and effective way; resources are appropriately utilised and deployed; the CTTT's community image is improved and contingency plans are in place to deal with disruptions to the service delivery network.

## Key Stakeholder Engagement

The CTTT's formalised stakeholder engagement process has been active since 2002. Nine Consultative Forums bring together representatives of peak industry bodies, service providers and relevant NSW Government agencies. The Forums focus on the CTTT's Divisions (Tenancy/Social Housing, Home Building, General, Commercial, Residential Parks, Strata and Community Schemes, Motor Vehicles, and Retirement Villages) and there is also an Aboriginal Consultative Forum with representatives from a range of Aboriginal organisations. A list of CTTT Forum members is provided at Annexure 2.

Consultative Forum meetings, held every six months, provide an opportunity for the exchange of information and feedback which the CTTT uses in enhancing its services. Special Forum

meetings are convened when needed to discuss system, application form and other changes arising from legislative change. Forum members are also consulted during the development of new resources and assist in promoting the CTTT's dispute resolution services to their constituents.

In addition to the peak Consultative Forums, there are regional Community Consultative Forums organised by local CTTT Deputy Registrars to bring together local stakeholders to discuss local issues relevant to the CTTT's operations. These biannual meetings involve representatives from a range of local organisations – eg Legal Aid and other community legal and Aboriginal services, the Real Estate Institute, Tenants' Advice and Advocacy Services and other services, Housing NSW, Mission Australia – organisations represented will vary depending on the location of the Forum.

A regular e-newsletter, called the *CTTT Forum Update*, is circulated to stakeholders to keep them engaged and informed between meetings. Thirty-six issues of the *Update* have been issued since the first issue in June 2008.

The CTTT's ongoing consultation process has made a significant contribution to the way the CTTT operates. Consultative Forum members have assisted the CTTT in achieving process enhancements that align with its continuous improvement ethos and aid the delivery of an effective and responsive service.

## 2. Jurisdiction and Access

### CTTT Jurisdiction

Currently, fifteen pieces of legislation give the CTTT jurisdiction to resolve disputes about the supply of goods and services and issues relating to residential tenancy:

- Community Land Management Act 1989
- Consumer Claims Act 1998
- Conveyancers Licensing Act 2003
- Fair Trading Act 1987
- Holiday Parks (Long-term Casual Occupation) Act 2002
- Home Building Act 1989
- Motor Dealers Act 1974
- Motor Vehicle Repairs Act 1980
- Pawnbrokers and Second-hand Dealers Act 1996
- Property, Stock and Business Agents Act 2002
- Residential Parks Act 1998
- Residential Tenancies Act 2010
- Retirement Villages Act 1999
- Strata Schemes Management Act 1996
- Travel Agents Act 1986.

On 9 November 2011, the Minister for Fair Trading, the Hon Anthony Roberts MP, introduced the *Agricultural Tenancies Amendment Bill 2011* into the NSW Parliament. The purpose of the Bill is to establish a new process for resolving agricultural tenancy disputes by the CTTT.

### Types of disputes

The CTTT resolves disputes ranging from comparatively straight forward issues, through to complex and resource intensive disputes.

The [types of disputes](#) brought to the CTTT are summarised as follows:

- Residential tenancy and social housing – disputes between landlords and tenants involving termination and breaches of the tenancy agreement, rental bond, rent increases and repairs.
- Retirement villages – disputes between village residents and operators, involving village contracts, recurrent charges, annual budgets and accounts, capital maintenance, sale, letting or termination.
- Residential parks – disputes between park residents and owners involving rent, breaches of the agreement, withdrawal of services and facilities, and termination.
- Home building – disputes between consumers, traders and insurers concerning residential building work not carried out as agreed in the contract, non-payment for building work, defective building work and insurance claims.
- Strata and community schemes – disputes involving by-laws, pets, noise and management of the scheme.
- Motor vehicles – purchased from a motor dealer (not a private person) involving unsatisfactory repairs and maintenance, defective or faulty new or used cars, overcharging for services and warranties.

- Goods and services – purchased from a business (not a private person) such as whitegoods, day-to-day consumables (eg shoes, clothes), and unsatisfactory personal and professional services (eg gym memberships, removalists, dry cleaning, accountancy services, and conveyancing).
- Commercial – Travel Compensation Fund decision appeals, commission fees charged by agents and shortly agricultural tenancies.

### **CTTT Divisions and jurisdictional limits**

A range of issues impact on whether the CTTT has jurisdiction and sometimes these can be complex. These issues include legislative timeframes, monetary limits, mandatory requirements to undertake mediation and actions taken in other courts or tribunals such as bankruptcy proceedings. The nine Divisions and the associated jurisdictional limits are summarised in Annexure 3.

### **Accessing the CTTT**

Access is available through a straightforward and low-cost application process, a decentralised statewide network of hearing locations, and the informal nature of the CTTT hearing process which encourages parties to run their own cases without legal representation. A growing number of people are choosing to lodge their application over the internet at no extra cost, and application fees have remained low for the past 10 years.

Information and resources on the CTTT's website have increased significantly in recent years to assist people in finding out how the Tribunal works. In 2010-11, more than 417,000 people visited the CTTT website (compared to 79,000 in 2004-05). Culturally appropriate information and resources are available for Indigenous consumers and people from culturally and linguistically diverse communities. In December 2011 the reach of the CTTT's resources will be extended into social media with the launch of a series of YouTube videos that focus on each step in the process. Refer page 29 of this submission for more about the website and other CTTT communications activities.

### **Applying**

Applications can be downloaded from the website or collected from a CTTT Registry or Fair Trading Centre, and lodged over the counter or by post. Applications for most disputes can also be lodged and paid for over the internet through *CTTT Online* accessed from the CTTT website or from the NSW Government's '[Do it online](#)' website.

*CTTT Online*, a 24 hour online service, enables instant registration of disputes, an electronic Notice of Hearing where matters are automatically listed, and the ability to manage and track progress of the application online at any time. Frequent users of *CTTT Online* can have their applications automatically prefilled saving them more time and ensuring accuracy of information. In 2010-11 close to 50% of all applications were lodged online.

## Fees

Application fees are prescribed in the *Consumer, Trader and Tenancy Tribunal Regulation 2009*, and vary depending on the type of application lodged and, in some Divisions, the amount in dispute (refer table 5 below). Most applications attract a \$36.00 fee or \$5 if the applicant is a pensioner or student. The highest application fee of \$191 is for complex disputes where significant amounts are involved, eg Home Building disputes over \$30,000. The same fee applies regardless of how the application is lodged. In 2010-2011 lodgement fee revenues totaled \$2.124m, which represents 8% of the CTTT's total budget. Application fees are adjusted annually in line with the CPI, though the \$5 discounted fee has not changed for a number of years. In special circumstances, the CTTT will consider requests from applicants for the fee payment to be waived – usually for hardship reasons.

**Table 5 – CTTT application fees and charges (at 1 July 2011)**

APPLICATION FEES	\$
Tenancy, Social Housing, Residential Parks and Retirement Villages Divisions	36.00
Strata and Community Schemes Division	74.00
Commercial, General, Home Building and Motor Vehicles Divisions	
▪ Claims or disputes not exceeding \$10,000 (or no specific amount claimed)	36.00
▪ Claims or disputes between \$10,000 and \$30,000	74.00
▪ Claims or disputes exceeding \$30,000	191.00
Pensioners and students (all applications)	5.00
Rehearings and renewal proceedings	Same as original application fee
<b>Note:</b> <ul style="list-style-type: none"> <li>○ <b>General Division:</b> The maximum claim in the General Division is \$30,000</li> <li>○ <b>Motor Vehicles Division:</b> The maximum claim in the Motor Vehicle Division is \$30,000 except when the dispute relates to the supply of a new private motor vehicle.</li> <li>○ <b>Pensioners:</b> a person who holds a pensioner concession card issued by or on behalf of the Commonwealth Government, such as a Centrelink Concession or Health Care Card; a person who receives a pension from the Commonwealth Department of Veterans' Affairs, a person who receives a special rate of pension under section 24 of the <i>Veterans Entitlements Act 1986</i> (Cth); or a person who holds a NSW Seniors Card.</li> <li>○ <b>Students:</b> a person who is receiving full-time education at a school, college or university and is receiving a student assistance allowance, such as Youth Allowance, Abstudy or Austudy.</li> </ul>	
OTHER CHARGES	\$
Copy of all or part of a record of proceedings or other document	
▪ For up to 13 pages	28.00
▪ For each page after that	2.00
Issue of summons	40.00
Sound recording	May charge at cost
▪ Standard (10 working days)	24.00 per CD
▪ Urgent (5-7 working days)	66.00 per CD
Transcripts	At cost – 300.00 per hour of hearing time
<b>Note:</b> <ul style="list-style-type: none"> <li>○ <b>Transcripts:</b> The full estimated cost of a transcript is payable prior to processing of request. Transcripts can cost \$2,000 per day.</li> </ul>	

## **Lodgement to hearing**

The CTTT has a differential case management system that assigns timeframes and dispute resolution processes based on the nature and type of case. In this way the CTTT can tailor its procedures to reflect the different legislative requirements and better meet parties' needs.

For example, in the Tenancy or Social Housing Divisions applicants can expect to have a hearing within 21 days if the orders sought are for termination, or within 4 weeks for all other matters. These two Divisions account for almost 75% applications received by the CTTT. In other Divisions, the lodgement to hearing timeframe varies between 3 and 8 weeks depending on the dispute type and any related ADR process.

The CTTT can arrange an urgent hearing in situations where there is a threat of damage or injury to persons or property, health and safety issues or where parties will suffer severe personal or financial hardship. For example, in situations involving a lockout from a rented premises, or where there is a perceived or real threat to personal safety or property. Where an urgent hearing is granted, it will be listed within 1 to 7 days depending upon the urgency.

In 2010-11, more than 72,800 CTTT hearings were conducted across the State (see Annexure 4).

## **Informality and self representation**

The CTTT is not bound by the strict 'rules of evidence' that operate in courts though it is bound by the requirements of procedural fairness. Hearings are intended to be as informal as possible and parties generally run their own cases without legal representation. Over 90% of parties are either self represented or are assisted by free or inexpensive advocacy services such as the Tenants Advice & Advocacy Program or other consumer advocacy services.

Although CTTT proceedings are a legal process and adversarial in nature, CTTT Members generally take a less adversarial approach by seeking out the relevant issues and evidence so that an informed legal decision can be made. CTTT Members will adjourn matters to allow parties to seek advice if it is clear that a party is at a disadvantage in proceedings, whilst using discretion to dismiss cases that are frivolous, vexatious, misconceived or lacking in substance.

At the front end of the proceedings the Tribunal has a conciliation process that allows parties to engage in informal discussions in an attempt to establish consent agreements. Around 75% of cases are finalised at or before the first hearing and this is greatly assisted by the CTTT's conciliation process. Consent agreement reached through conciliation are made into binding CTTT orders which are usually available on the day of the hearing.

## **Special needs**

Some applicants and respondents may require additional assistance. A free interpreter service is available for people from culturally and linguistically diverse communities who need help with the English language so they can participate more actively during hearings. In 2010-11 the CTTT received 2,589 requests for professional interpreter services in 56 languages.

Services available at the CTTT to assist people with disabilities include the provision of professional Auslan translators to interpret during proceedings at no cost to the parties, providing portable hearing loop systems in CTTT premises, and ensuring CTTT premises and non-CTTT hearing venues are wheelchair accessible where required.

The CTTT's website meets relevant standards and guidelines to facilitate access to information and resources by the widest possible audience, regardless of technology or ability.

## **Increasing Awareness about the CTTT**

The CTTT has a range of resources in various formats available to encourage access and promote awareness and understanding about CTTT services.

### **CTTT Communications Strategies**

The CTTT's communications strategies, including one for Aboriginal Communities and another for culturally and linguistically diverse communities (CALD) provide a framework for the delivery of print and multi-media resources, and other communication activities. There is also an ongoing program of enhancements to the CTTT website, a program of free information sessions and CTTT Member speaking engagements. Members of the CTTT Consultative Forums (refer Annexure 2) are consulted during the development of resources, application forms and other material.

### **Website and resources**

The [CTTT website](#), launched in 2002, received 14,000 visits in its first year and in 2010-11 417,000 visits were recorded. The website is easy to navigate and provides online access to information and a range of resources that explain the CTTT dispute resolution service. Self represented parties are encouraged to access this information when preparing for their hearings. Culturally appropriate resources are available for Indigenous communities, and there are resources in a number of community languages for CALD communities.

The range of CTTT publications can be viewed online or downloaded from the website – including:

- [Chairperson's Directions](#) that set out the practice and procedure to be followed by CTTT Members and parties attending the CTTT.
- [Fact Sheets](#) about general processes and divisional-specific information.
- [Legal Bulletins](#) with information about District Court decisions and legislative changes that relate to the CTTT.

There are also multimedia resources available online:

- [Get it sorted](#) shows how the Tribunal can assist parties in resolving their dispute.
- [We're talking your language](#) provides information in a range of community languages.

- [Getting a Fair Go at the CTTT](#) and accompanying brochure for Indigenous communities (this DVD is also available by contacting the CTTT).

A full list of information and resources on the CTTT website is attached at Annexure 5.

The CTTT website also has features that promote access. It is the “gateway” to [CTTT Online](#) which enables people to lodge their application over the internet. There are [online hearing lists](#), updated in “real time”, for people involved in CTTT proceedings, tenants’ advocacy services and others interested in attending a hearing. A transport ‘widget’ and Google map facility embedded in the website assist people in planning a visit to a [CTTT Registry](#). A free [What’s New subscription service](#) keeps subscribers updated on changes to the CTTT website, new information resources, and alerted to upcoming events.

## **Social Media**

Social media is being incorporated into the CTTT’s more traditional communications mix. The first initiative to be delivered by the CTTT is the *Guide to the CTTT* resource which comprise a series of short educational videos and a complementary eResource that provide a step by step insight into the CTTT’s dispute resolution process. The *Guide* videos will be uploaded on YouTube in mid December 2011, and will also be accessible from the website. The videos will be available in English (captioned for the hearing impaired), and five community languages - Arabic, Mandarin, Farsi, Dinka, Kiswahili - to help community workers and culturally and linguistically diverse (CALD) communities, in particular newly arrived and emerging communities who may not be aware of their legal rights.

## **Face-to-face communication and mass media**

A guest speaker and free information session program allows information to be delivered face-to-face to thousands of people in metropolitan and regional locations across the State each year. Various organisations request CTTT Members as guest speakers for their events, and a wide range of audiences attend the free CTTT information sessions. Targeted CTTT information sessions and outreach events are also conducted for people working with CALD and Aboriginal communities.

In recent years the CTTT has been more active in using mass media opportunities to help it tap into the broader community. The CTTT Chairperson has been interviewed on radio programs, including Koori Radio and 2UE, a number of articles with educational case studies have been included in stakeholder journals and newsletters, and media releases promoting new activities and resources have been published.

### 3. DISPUTE RESOLUTION AND PERFORMANCE

#### Resolving Disputes

The CTTT has a legislative duty to use its best endeavours to bring the parties to a dispute to a settlement that is acceptable to all the parties. This is achieved through the application of appropriate dispute resolution strategies which are tailored to the differing nature of disputes and the varying skills and knowledge of the parties. All CTTT Members and staff Conciliators have recognised qualifications or experience in dispute resolution.

The nature of the dispute and the legislation which underpins each Division dictates how each dispute type will be managed, and the type of dispute resolution strategy which will be applied. For this reason each Division has distinctive timeframes and processes which are applied.

**Table 6 – CTTT dispute resolution by Division**

Division	External ADR <sup>1</sup>	CTTT				
		Conciliation	Mediation	Conclave	Adjudication	Hearing
Tenancy		✓				✓
Social Housing		✓				✓
General		✓				✓
Home Building	✓	✓	✓	✓		✓
Residential Parks		✓	✓			✓
Strata & Community Schemes (2)	✓				✓	
Strata & Community Schemes (3)		✓	✓			✓
Motor Vehicles		✓				✓
Commercial		✓				✓
Retirement Villages		✓	✓			✓

**NOTES:**

1. External ADR is a legislative requirement most matters in the Home Building and the Strata & Community Schemes Divisions prior to applications being managed by the CTTT.
2. These are applications to an Adjudicator seeking a determination 'on the papers'.
3. There is no external ADR for strata matters which are determined by the CTTT rather than an Adjudicator (eg applications regarding unit entitlement, applications seeking to impose a pecuniary penalty).

Information about the CTTT's case management system and other technology is provided on page 43 and Annexure 6.

#### Conciliation

Conciliation is the primary dispute resolution process applied extensively in the Tenancy, Social Housing, General, Home Building and Motor Vehicle Divisions. It is also an integral part

of dispute resolution in matters involving multiple applications about the same dispute, for example in residential park and retirement village matters.

Conciliation is a confidential process between the parties which enables them to discuss the issues in dispute in an informal manner and explore options to resolve those issues outside the relative formality of the hearing room.

Conciliation is available at all venues throughout the state and can range from regional areas where parties may be directed to engage in settlement discussion with limited active involvement by the Member, to those matters where there is a Conciliator specifically assigned to assist parties in resolving their dispute.

The Tribunal's publication [Ten Top Tips for Conciliation](#) is integrated in the first Notice of Hearing.

### **Mediation**

In matters where there are a number of issues in dispute the CTTT may also schedule a matter for formal mediation as a means to resolve some or all of the issues. Mediations are conducted by an experienced CTTT Member, usually in a CTTT venue to provide the parties with an opportunity to explore a variety of issues and canvass options to resolve the dispute in a supported but neutral environment. Mediation is used in all Divisions as required.

### **Conclaves – Home Building Division**

A small proportion of matters in the Home Building Division are notable for either the magnitude of defective or incomplete works at issue or the complexity of technical issues in dispute. In these matters it is often helpful to arrange for a conclave of experts onsite.

A conclave is a joint meeting between experts engaged by the applicant and the respondent. The conclave is usually held on-site and is facilitated by a specialist Tribunal Member who has relevant skills and qualifications in building.

The experts discuss the issues on which they have prepared reports with a view to clarifying matters in dispute, and to reduce as far as possible the issues to be determined at the final hearing. The results of the conclave are either signed off by the experts at the conclave or combined into a final report. The conclave process has proven to be very helpful in resolving technical disputes without the need for a hearing.

### **Hearing**

Matters are scheduled for hearing according to the type of application and nature of the dispute. All CTTT hearings are open to the public.

- **Group lists**

A 'group list' is where a number of cases are listed together before a Tribunal Member. The majority of applications are listed for a first hearing in a group list. When both parties appear they are encouraged to resolve their dispute through conciliation. If conciliation is successful, the Tribunal Member will make consent orders. If conciliation is unsuccessful, or if only one party appears, the case proceeds to hearing if time permits.

- **Directions hearings**

Directions hearings are used to prepare for the formal hearing. They are used in complex matters primarily in the Home Building and Strata and Community Schemes Divisions where there may be a need to establish jurisdiction, identify issues in dispute, set a timeframe for the hearing, or make directions for the exchange of evidence.

- **Formal hearings**

Formal 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 over a few hours or several days depending on the complexity of the issues in dispute.

- **Determination without a hearing**

Matters can be determined without the need for a hearing if both parties consent to the decision being made on the basis of the documentary material submitted.

### **Adjudication – Strata and Community Schemes Division**

The CTTT also deals with applications for adjudication in the Strata and Community Schemes Division. These applications are not formally part of the CTTT proceedings but are determined by Adjudicators appointed by the Minister for Fair Trading. For convenience, Tribunal Members and some CTTT staff have been appointed as Adjudicators.

All adjudications are determined 'on the papers'. That is, parties make written submissions in response to the application for adjudication. There is no face-to-face hearing.

### **Decision making**

The decision making process involves taking into consideration the relevant law and the available evidence. Different weight is ascribed to evidence based on its persuasiveness and relevance to the orders being sought.

Generally a Tribunal Member will determine a matter on the day of hearing and gives the decision to the parties orally with brief reasons. With the increasing use of technology in the hearing room such as the Tribunal's *InCourt* system, parties are usually able to receive their order in writing on the day and take it away with them.

Tribunal Members are increasingly providing brief written reasons with their orders which provide parties with more information about the basis upon which the matter was determined,

increasing transparency and accountability in decision making. Hearings are sound recorded and available to parties at a relatively low cost. Sound recording is also used extensively when managing complaints and considering rehearing applications which increases accountability.

There has been a reduction in requests for written reasons under section 49 of the CTTT Act as a result of Members now providing brief written reasons when decisions are made.

### **Reserved decisions**

In complex matters the Member may reserve their decision and issue a written determination, including reasons to the parties at a later date. These determinations are published on [www.austlii.edu.au](http://www.austlii.edu.au) and can be viewed by the public, further demystifying Tribunal decision making.

## **Rehearings and Appeals**

CTTT decisions are final and binding subject to a limited right of rehearing or appeal.

Each year only a small percentage of applicants or respondents seek a rehearing or appeal their decisions. This trend, which has remained relatively static since 2002 (refer Table 7 on page 35), when coupled with the low rate of complaints is an indication that the majority of people who bring disputes to the CTTT are accepting of the decision they receive and find some closure – even if the outcome was not exactly what they were seeking or expecting.

Of the 58,808 applications received in 2010-11, only 1940 (3.3% of all applications) applications for rehearings were received. Of these, just under half (49.5%) were granted, representing 1.6% of all applications. The rate of appeals to the District or Supreme Courts is also low compared to the overall number of applications received each year. In 2010-11, 85 appeals were lodged with the District or Supreme Courts, or 0.1% of all applications received during that year.

### **Rehearings**

The CTTT Act (s68) provides for a decision, or parts of a decision to be reheard by a Tribunal Member as if it were a new application. The grounds for a rehearing application are very limited. Dissatisfaction with the decision is not a sufficient reason for a rehearing.

The Chairperson, or her delegate, may grant an application for rehearing if it can be established that the applicant may have suffered a 'substantial injustice'. A substantial injustice must be established on one or more of the following grounds:

- the decision was not fair and equitable
- the decision was against the weight of evidence
- significant evidence is now available that was not reasonably available at the time of hearing.

Table 7 - Rehearing and appeal statistics 2010-2011

Division	Applications		Rehearings				Appeals	
	No.	% of total apps	No.	% no. requested	No of rehearings granted	% of rehearings granted	No. of appeals to DC/SC	% appealed
Tenancy	31,039	52.80%	934	3.01%	426	45.61%	24	0.08%
Social Housing	12,912	22.00%	163	1.26%	104	63.80%	6	0.05%
General	6,284	10.70%	284	4.52%	117	41.20%	7	0.11%
Home Building	3,475	5.90%	176	5.06%	70	39.77%	30	0.86%
Residential Parks	1,963	3.30%	259	13%	201	77.61%	1	0.05%
Strata & Community Schemes	1,438	2.40%	N/A*	N/A	N/A	N/A	9	0.63%
Motor Vehicles	1,446	2.50%	108	7.47%	40	37.04%	3	0.21%
Commercial	166	0.30%	14	8.43%	2	14.29%	2	1.20%
Retirement Villages	85	0.01%	2	2.35%	0	0.00%	3	3.53%
<b>TOTAL</b>	<b>58,808</b>	<b>100%</b>	<b>1940</b>	<b>3.30%</b>	<b>960</b>	<b>49.48%</b>	<b>85</b>	<b>0.14%</b>

\*No rehearing rights under SSMA or CLMA

## Appeals

Appeals against decisions made by the CTTT can be taken (under s65 or 67 of the CTTT Act) to either the District Court of New South Wales on a question of law, or to the Supreme Court of New South Wales on the grounds of jurisdictional error or denial of procedural fairness.

Prior to amendments to the CTTT Act from 1 September 2008 by the *Courts and Crimes Legislation Amendment Act 2008*, all appeals from the CTTT were to the Supreme Court. A CTTT decision could be appealed with respect to a matter of law (s67 of the CTTT Act) or on jurisdictional error or denial of procedural fairness grounds (s65 of the CTTT Act). Any procedural difficulty that might have arisen from confusion about the two forms of relief was dealt with internally by the Supreme Court.

Since the changes in 2008, the statutory appeal under s67 of the CTTT Act is to the District Court. The prevailing view is that the District Court does not have power to conduct judicial review of the Tribunal's decisions and these applications continue to be dealt with by the Supreme Court of NSW.

The decision in *Muldoon v Church of England Children's Homes Burwood* [2011] NSWCA 46, confirmed that there is no right of appeal to the Court of Appeal from a District Court decision. As a result, a person who wishes to have a decision of the Tribunal reviewed by higher authority faces a choice; pursue a statutory appeal to the District Court or seek judicial review in the Supreme Court.

However, nothing in the legislation prevents a person who has unsuccessfully appealed against a Tribunal decision to the District Court from then seeking judicial review of the same

Tribunal decision in the Supreme Court. A party can also seek judicial review in the Supreme Court of a District Court's decision in a statutory appeal from the Tribunal's decision (see *Brennan v NSW Land and Housing Corporation* [2011] NSW CA298).

Since the changes were made to the appeal process in 2008, there has been an increase in the number of appeals from Tribunal decisions.

## CTTT Performance

The CTTT has a management reporting capability that enables it to measure its performance, manage resources and offer a timely service. Benchmarking performance is difficult across the tribunal sector as there is a varying focus on what is critical business activity and different metrics and methodologies are used to measure performance. The CTTT has a hybrid model consisting of some measures used internationally and other measures specific to its operational environment due to legislative and other requirements.

The [\*Framework for Tribunal Excellence\*](#)<sup>2</sup> issued by the Council of Australasian Tribunals in April 2011 identifies the core values that assist in measuring tribunal excellence - eg independence, fairness, impartiality, accessibility, accountability and efficiency. The CTTT's primary quantitative and qualitative performance reporting measures are built around its statutory objectives and operational requirements which are consistent with the core values in the Framework.

### Performance snapshot 2010-11

- Access
  - nearly 70 venues across New South Wales used for CTTT hearings, providing a comprehensive geographical coverage for parties attending hearings and local employment for CTTT Members
  - 8 CTTT registries in Sydney CBD, metropolitan and regional NSW, providing a local "face" for the CTTT and local employment opportunities for staff
  - applications can be lodged over the internet, in person at a CTTT Registry or Fair Trading Centre or through the post
  - 48% of all applications were lodged online (*in February and in June 2011 the proportion of applications lodged online peaked at over 52%*)
  - 417,779 website visits – 28% increase from 2009-10
  - CTTT conducted or participated in 89 community consultation forums and information sessions across NSW
  - online surveys and other consultations were undertaken during the year to inform development of new initiatives and identify service refinements.
- Efficiency and effectiveness
  - 58,808 applications lodged (in line with lodgements in 2008-09 and 2009-10)

<sup>2</sup> [\*A Framework for Tribunal Excellence\*](#) (consultation draft), Council of Australasian Tribunals, April 2011

- 74.7% of applications were in the Tenancy and Social Housing Divisions
- 72,836 events were held to dispose of the caseload – eg hearings, mediations
- overall average case clearance ratio was 102%, which demonstrated that the Tribunal is keeping pace with its new workload and not developing a backlog of work.
- Timeliness
  - 77% of applications were listed for a first hearing within the divisional listing standard
  - 74% of matters were finalised at or before the first hearing
  - 72% of matters were finalised within the divisional performance standards
  - 74% of orders were issued to parties on the hearing day, and 92% within 2 days of the hearing.
- Cost
  - The application fee varies depending on the type of dispute – most applications cost \$36, and there is a significantly discounted \$5 fee for pensioners and students
  - 95% of cases will incur a net expenditure of \$350 per application.
- Informality
  - Over 90% of parties are self represented
  - Conciliation and mediation used to bring parties to a settlement.
- Fairness and consistency in decision making
  - All hearings are sound recorded
  - Decisions are often made on the day of the hearing and oral and written reasons are provided explaining the reasons for decisions
  - Ongoing professional development and training of Members and staff
  - Affordable internal mechanisms are available to seek redress should the Tribunal err in its decision making
  - Appeals mechanisms are available to the District or Supreme Court
  - 580 complainants wrote to the CTTT (represents < 1% of the total number of hearings). Nearly 50% of these complaints related to dissatisfaction with the decision rather than to issues related to the CTTT's handling of the application or conduct of the case.
  - 1,940 rehearing requests (represents 3.2% of applications finalised), and 960 granted.
  - 85 appeals from the CTTT to the District or Supreme Courts (representing 0.16% of applications determined by the CTTT), of which 72% were dismissed or discontinued.

A selection of key 2010-2011 statistics illustrating the changing trends in applications received and matters dealt with at the CTTT is included on pages 39 to 42.

The first months of 2011-12 indicate an upswing in applications to the CTTT. In the July to September 2011 quarter there was a 17% increase in applications lodged compared to the

same quarter the previous year. The increase has been particularly marked in the Tenancy and Social Housing Divisions, which may represent a flow on effect from new provisions of the *Residential Tenancies Act 2010* which commenced at the end of January 2011. There have also been substantial increases in applications in the Home Building and Motor Vehicles Divisions so far this financial year.

The number of applications lodged via *CTTT Online* continues to increase, with 51% of applications lodged electronically in the July–October 2011 quarter.

### **Performance measurement and reporting**

A range of regular and ad-hoc operational reports are produced by the CTTT with statistical data drawn from its case management system (CMS) and other places. This performance monitoring and reporting system provides reliable and timely information to help manage the significant and diverse caseload; enables the CTTT to monitor its operational performance against service standards; and assists the CTTT in meeting its annual reporting and other statutory requirements.

During 2010 the CTTT reviewed its service standards for measuring timeliness from lodgement to first hearing and lodgement to finalisation. The aim was to more accurately measure performance and also to have targets that better accommodated the marked differences between the types of applications that are lodged and case management practice across the CTTT's disparate jurisdictions. The new service standards were implemented from 1 July 2010, and provide individual targets for each Division and broad application type.

Statistical reporting is available at the Registry level so that senior management and local Registry staff can monitor their own performance against the service standards. These service standards and the related reporting also support differential case management practices.

The reporting software that is used to generate operational reports is currently being upgraded to enable these reports to be delivered in a more timely and efficient way, with improved scope and levels of detail. One aspect of the project will introduce the capacity to automate the regular electronic provision of workload and performance reports, which can be appropriately customised for each of the CTTT's Registries and business units. This reporting upgrade project is being implemented on an incremental basis and is expected to be fully implemented in 2012.

### **Timeliness and proportionality**

During 2010-11 the CTTT held more than 72,800 hearings and conciliation events, issued over 88,000 orders across 70 NSW venues. The primary focus of CTTT Members is to resolve as many cases as possible on the first occasion and to minimise adjournments. Allocating time to hearings is made having regard to the amount of money involved in the claim, the complexity of issues in dispute, and any special needs of the parties, together with a

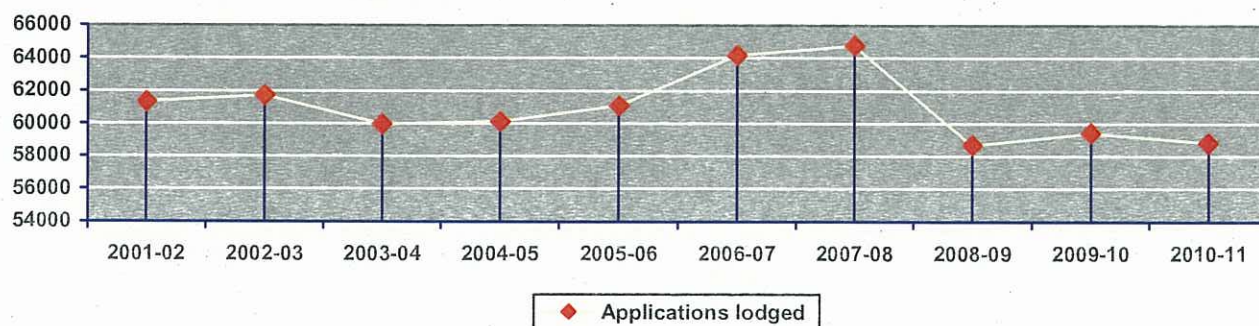
proportionate allocation of resources. Generally the great majority of cases are resolved within the service standards set by the CTTT.

There are a number of variables that can impact on the carriage of a matter which may ultimately impact on the CTTT's capacity to resolve a matter in a timely manner. For example:

- the availability of parties, their witnesses, experts or legal representative
- additional time required to exchange evidence or to obtain additional material
- time required to allow for specific actions or events to take place
- availability of sufficient and, in some cases, additional hearing time
- adjournments at the request or consent of both parties
- security, health or other requirements which may result in a delay.

## CTTT Statistics

Figure 3 - Application trends 2002 to 2010



Note: Between 2007-08 and 2008-09 fewer applications were lodged in the Tenancy and Social Housing Divisions. Anecdotally, this decrease can be attributed to the general cooling in the property market and the uncertainty in the financial market.

Table 8 - Applications lodged by Division 2006 to 2010

Division	2006-07	2007-08	2008-09	2009-10	2010-11
Tenancy	49,466	51,080	34,223	30,490	31,039
Social Housing <sup>1</sup>	n/a	n/a	10,106	13,135	12,912
General	6,389	5,971	6,436	6,676	6,284
Home Building	3,709	3,610	3,571	3,451	3,475
Residential Parks	1,765	1,313	1,345	2,439	1,963
Strata & Community Schemes	1,226	1,374	1,338	1,469	1,438
Motor Vehicles	1,226	1,052	1,259	1,350	1,446
Commercial	348	303	341	313	166
Retirement Villages	39	45	51	80	85
<b>Total CTTT</b>	<b>64,168</b>	<b>64,748</b>	<b>58,670</b>	<b>59,403</b>	<b>58,808</b>

NOTE

1. Social Housing Division commenced operation on 1 October 2008. Prior to this date applications relating to social housing accommodation were lodged in the CTTT's Tenancy Division.

Table 9 - Applications lodged online by Division 2006 to 2010 and Jul-Oct 2011 <sup>1</sup>

Division	2006-07	2007-08	2008-09	2009-10	2010-11	Jul-Oct 2011
Tenancy	45%	50%	39%	39%	43%	46%
Social Housing <sup>2</sup>	n/a	n/a	90%	89%	91%	92%
General	14%	21%	24%	28%	29%	34%
Home Building	6%	10%	11%	16%	18%	25%
Residential Parks	1%	2%	8%	6%	6%	5%
Motor Vehicles	17%	27%	25%	29%	29%	34%
<b>Total CTTT</b>	<b>36.6%</b>	<b>42.6%</b>	<b>42.1%</b>	<b>44.5%</b>	<b>47.6%</b>	<b>50.7%</b>

## NOTES

1. Applications cannot be lodged online in the Strata & Community Schemes, Commercial and Retirement Villages Divisions.
2. Social Housing Division commenced operation on 1 October 2008. Prior to this date applications relating to social housing accommodation were lodged in the CTTT's Tenancy Division.

Figure 4 - Lodgement to first hearing by Division 2010-2011

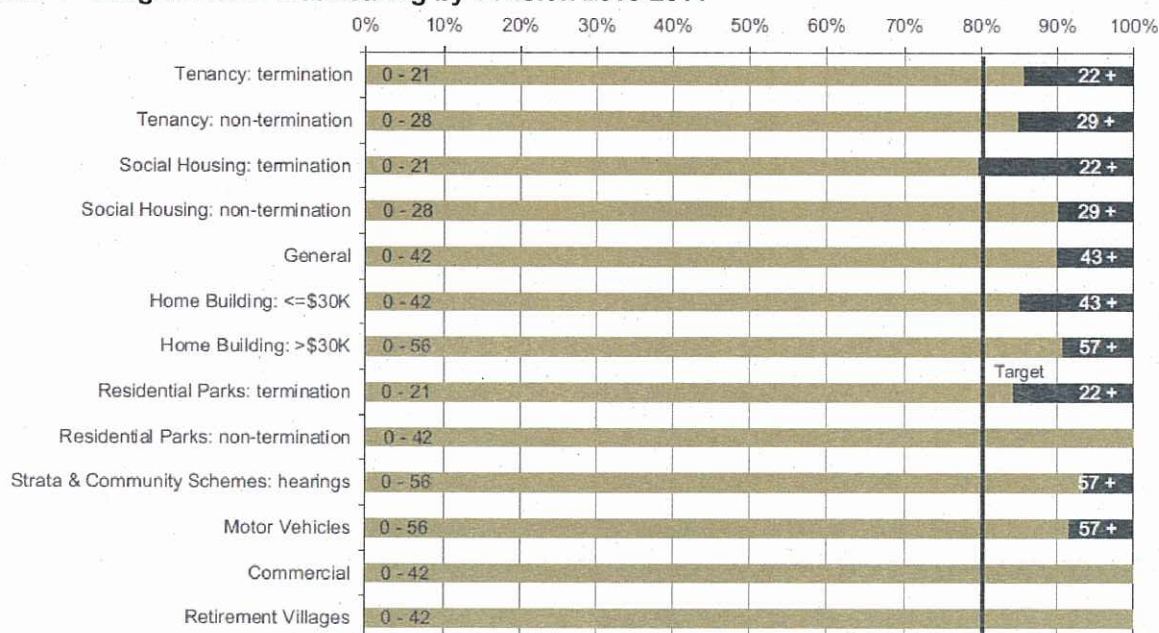


Table 10 - Hearings conducted 2006 to 2010

Division	2006-07	2007-08	2008-09	2009-10	2010-11
Tenancy	58,245	59,302	41,662	35,287	35,297
Social Housing <sup>1</sup>	n/a	n/a	11,172	16,499	15,994
General	7,563	7,057	7,756	8,153	7,708
Home Building	7,845	7,487	8,266	8,037	7,795
Residential Parks	3,310	1,648	1,187	2,782	2,822
Strata & Community Schemes	639	624	642	706	736
Motor Vehicles	1,590	1,365	1,622	1,774	2,015
Commercial	514	425	603	486	299
Retirement Villages	120	53	82	98	170
<b>Total CTTT</b>	<b>79,826</b>	<b>77,961</b>	<b>72,992</b>	<b>73,822</b>	<b>72,836</b>

## NOTE

1. Social Housing Division commenced operation on 1 October 2008. Prior to this date applications relating to social housing accommodation were lodged in the CTTT's Tenancy Division.

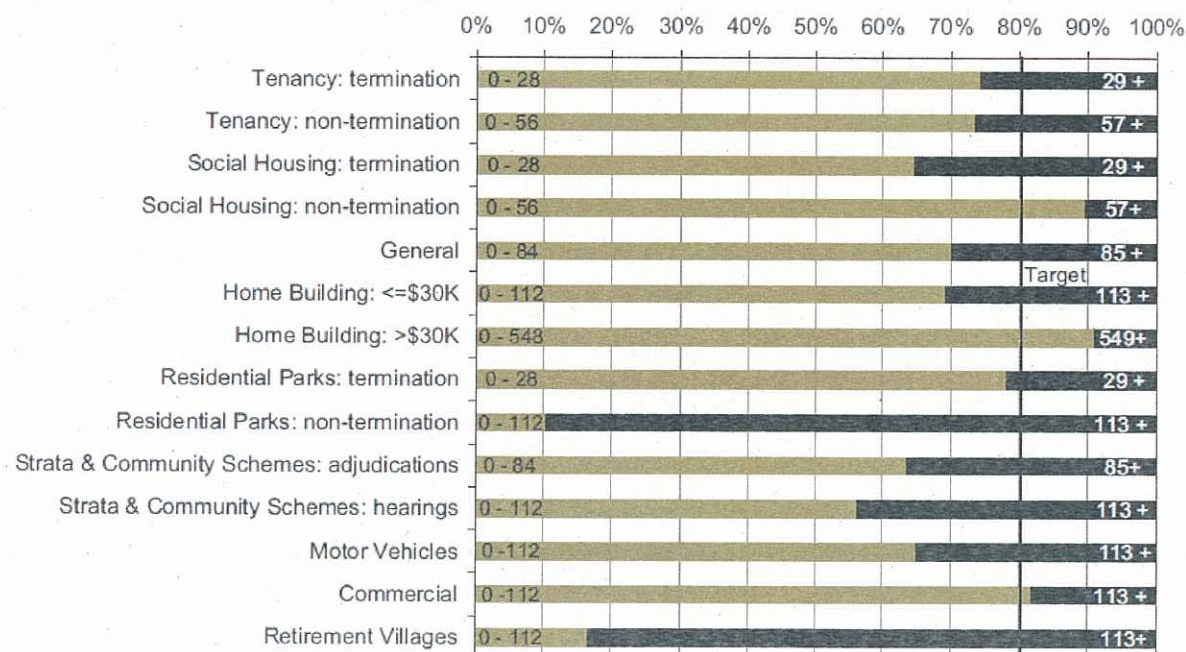
Table 11 - Matters finalised at or before the first hearing 2006 to 2010

Division	2006-07	2007-08	2008-09	2009-10	2010-11
Tenancy	79%	79%	76%	79%	78%
Social Housing <sup>1</sup>	n/a	n/a	82%	78%	76%
General	76%	72%	67%	67%	64%
Home Building	65%	58%	47%	51%	49%
Residential Parks	80%	77%	70%	69%	80%
Strata & Community Schemes	90%	87%	84%	86%	83%
Motor Vehicles	67%	64%	59%	57%	54%
Commercial	68%	70%	57%	60%	59%
Retirement Villages	40%	76%	49%	67%	44%
<b>Total CTTT</b>	<b>77.8%</b>	<b>77.4%</b>	<b>73.7%</b>	<b>75.1%</b>	<b>73.7%</b>

NOTE

1. Social Housing Division commenced operation on 1 October 2008. Prior to this date applications relating to social housing accommodation were lodged in the CTTT's Tenancy Division.

Figure 5 - Lodgement to finalisation by Division 2010-2011

Table 12 – Rehearings 2006 to 2010 <sup>1</sup>

CTTT rehearings granted by Division	2006-07	2007-08	2008-09	2009-10	2010-11
Tenancy	358	505	474	385	426
Social Housing <sup>2</sup>	n/a	n/a	39	96	104
General	63	63	93	107	117
Home Building	40	58	71	56	70
Residential Parks	5	4	2	9	201
Motor Vehicles	20	17	35	28	40
Commercial	1	3	3	2	2
Retirement Villages	0	0	0	0	0
<b>Total CTTT</b>	<b>487</b>	<b>650</b>	<b>717</b>	<b>683</b>	<b>960</b>

NOTES

1. Rehearings do not apply in the Strata & Community Schemes Division.  
 2. Social Housing Division commenced operation on 1 October 2008. Prior to this date applications relating to social housing accommodation were lodged in the CTTT's Tenancy Division.

Table 13 - Appeals 2006 to 2010

Appeal of CTTT decisions to the District or Supreme Courts	2006-07	2007-08	2008-09	2009-10	2010-11
Tenancy	12	17	22	30	24
Social Housing <sup>1</sup>	n/a	n/a	1	10	6
General	4	6	10	9	7
Home Building	19	21	26	29	30
Residential Parks	14	1	1	0	1
Strata & Community Schemes	2	2	3	8	9
Motor Vehicles	3	0	0	1	3
Commercial	2	1	1	3	2
Retirement Villages	1	2	2	0	3
<b>Total CTTT</b>	<b>57</b>	<b>50</b>	<b>66</b>	<b>90</b>	<b>85</b>

## NOTES

1. Social Housing Division commenced operation on 1 October 2008. Prior to this date applications relating to social housing accommodation were lodged in the CTTT's Tenancy Division.

## CTTT Complaint Management

The CTTT recognises that there will invariably be parties who are dissatisfied with decisions made by CTTT Members or who wish to pursue matters of principle that may not be consistent with the law, or may be dissatisfied by the level of service received. The nature of the dispute resolution process means that sometimes a party may not receive the outcome they are seeking. Complaints and negative views should be seen in the context of over 70,000 hearings held each year and the low level of resultant complaints.

During 2010-11, 580 complainants wrote to the Minister for Fair Trading or the Chairperson which represents 0.8% of the 72,836 hearings held during that period. The four main issues raised by the complainants were about dissatisfied with the decision made in respect of their dispute (47% of all complaints); CTTT Member conduct (17%); procedures, process and policy (9.3%); and timeliness (5.2%). All complaints were investigated, including a review of the related case files and sound recordings (where necessary), and assessed. Most complaints were found to be unsubstantiated and the remainder were resolved to the satisfaction of complainants.

### Complaint management system

The CTTT Complaint Management System has three components:

- Centralised complaints management – including a Complaint Management Policy
- Electronic complaints management system
- Procedures and reporting mechanisms.

The [Making a Complaint](#) Fact Sheet on the CTTT website explains a person can make a written complaint, how complaints are dealt with, and other aspects of the process.

The CTTT's complaints management system is based on the guidelines issued by the Ombudsman and the Australian Standard: *Customer Satisfaction – Guidelines for complaint handling organisations* (AS ISO 10002:2006). The CTTT's complaints process has been reviewed by the Professional Practice and Review Committee who found the system had efficacy and was serving the public and the CTTT well.

## 4. TECHNOLOGY AND CONTINUOUS IMPROVEMENT

### Technology

The CTTT uses technology to promote access and to streamline its processes. The CTTT's systems are capable of expanding and adapting to changes in the jurisdictional environment. Those systems also underpin the CTTT's objective of an accessible, efficient and effective ADR service.

The CTTT strategic IT Plan provides a framework for the progressive updating of the technology that supports the delivery of its services. There are various risks involved in managing the implementation of technological advances. A change management process is used to introduce these changes incrementally and in a way that builds onto our existing service delivery model

CTTT technology enables:

- Applicants to lodge their application over the internet through [CTTT Online](#) and receive an immediate hearing date and notice (in most cases)
- Applicants to track progress of the application online, and eConnect will allow applicants and respondents (parties) to "opt in" to receive correspondence from the CTTT via email
- Access to information and other features on the [CTTT website](#) – parties can check their [hearing details](#) online; find information and resources to prepare for and understand the dispute resolution process; and plan their [travel](#) to the hearing by using an embedded map and a transport "widget".
- CTTT Members to produce CTTT orders by typing them directly into the case management system so orders can be made available to parties on the hearing day or shortly thereafter.
- Hearings to be recorded via digital sound recording available in all hearing locations (including non-CTTT venues as the necessary software is built into Members' laptop computers), and
- Access to flexible hearing approaches - parties can, in certain circumstances, apply to have a [telephone hearing](#). The proposed move to video-conference hearings and online lodgement of digital documents (eDoc) will further expand access to CTTT services.

A purpose built electronic case management system (CMS) and an automated hearing allocations diary offer further efficiencies.

### Case Management System (CMS)

The Case Management System (CMS) captures and stores information about all applications lodged and enables access to report data that can be used in managing performance and

resource allocation. Other technology used by the CTTT is integrated into the CMS, including *CTTT Online*, the automated hearing allocations diary, and *Incourt* (see below).

The CMS is capable of expansion (eg the introduction of a separate Social Housing Division in the second half of 2008 and the implementation of the new tenancy laws in January 2011), and enhancement is ongoing.

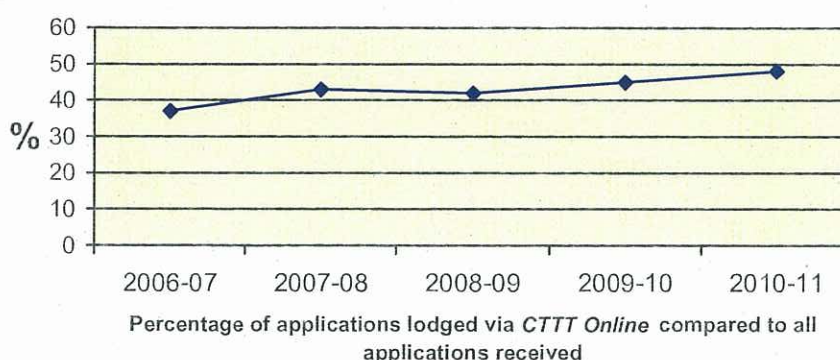
### **CTTT Online**

*CTTT Online* is a service that enables people to lodge their application to the CTTT over the internet. It is accessed through via the CTTT website. People can also access the service via a link on the NSW Government's *Do It Online* webpage.

People can lodge applications online in six of the nine CTTT Divisions, and plans are in place to expand the service to more Divisions. Apart from the 24 hour convenience, other benefits of online lodgement include the ability to receive a hearing date immediately in cases where the matter is auto listed, the secure credit card payment facility, and being able to track progress of the application online. Frequent users of *CTTT Online* can also lodge up to six applications at one time, using forms pre-filled with their information stored within CMS, and can update their details online.

*CTTT Online* is steadily gaining in popularity and this is producing efficiency savings for the CTTT. In 2010-11, 48% of applications were lodged online, compared to 30% in 2005-06. For the three months between June and September 2011, online lodgement exceeded 50% per month, with the highest ever online lodgement occurring in September with 52.3% of all applicants choosing *CTTT Online* as their preferred way of lodging an application with the CTTT.

**Figure 6 - CTTT Online lodgements 2006 to 2010**



### **Automated hearing allocations diary (SNAP)**

The automated hearing allocations software effectively manages the allocation of member resources across the state and assists with their travel arrangements. As a result, there is

consistency and equity in the allocation of hearing work to CTTT Members, and SNAP enables hearing arrangements to be formalised up to two months in advance. From a budget perspective, SNAP enables CTTT to manage and control its resources more effectively.

### ***InCourt***

*InCourt*, another CTTT innovation, enables CTTT Members to produce Tribunal orders by typing them directly into the CMS at the hearing. The orders are captured and stored electronically in CMS, and a printed copy is available to parties on the hearing day or shortly thereafter. CTTT Members in regional areas have wireless laptops that can access *InCourt* from most locations within New South Wales.

*InCourt* promotes transparency, efficiency and timeliness. This technology has significantly reduced the turnaround time for producing and issuing legally binding Tribunal orders. In 2006-07, CTTT Members produced 30% of all Tribunal orders using *InCourt*. By 2010-11, that percentage had increased dramatically with 71% of orders produced by Members on *InCourt*, 74% of orders issued to parties on the hearing day and 92% within 2 days of the hearing. This is of particular benefit to parties in regional areas who are able to receive Tribunal orders and take the associated action more quickly than previously. *InCourt* also supports a more transparent decision making process as CTTT Members are increasingly providing brief written reasons with their orders.

### **Sound recording**

It is a requirement of the CTTT Act that all CTTT hearings are sound recorded, as far as is reasonably practicable, and for those recordings to be retained for seven years. Digital sound recording technology is available in all hearing locations, and software is built into Members' laptop computers. Only hearings conducted before a CTTT Member are sound recorded – conciliation and mediation are not sound recorded as they are private and confidential processes. Where a recording is available, parties or their appointed representatives can purchase a copy of the recording and/or a transcript of their hearing. A cost recovery fee applies to these requests. In 2010-11, 558 requests were received for sound recordings and 28 transcripts were requested.

### **eConnect**

The CTTT has been trialling a new service whereby parties who 'opt in' to the eConnect service can receive case-related correspondence, including Notices of Hearing and Tribunal Orders, via email rather than post. This allows faster turnaround of correspondence, correspondence can be stored electronically, and postage and other costs are reduced. This service – eConnect – will shortly be available to all parties.

## Video conferencing

During 2011 a video conferencing capability was established with the aim of increasing access to our services for people and businesses in regional parties, and to provide CTTT Members and staff with another means of communication. This project is being progressed in two phases.

- Phase one - the installation of video conferencing equipment in all CTTT Registries – has been completed. Staff and CTTT Members are using this equipment to communicate internally to gain experience and as an alternative to travelling to meetings external to their location.
- Phase two, expected to be implemented in the latter half of 2011-2012, will involve piloting the use of video conferencing in hearings and will commence once staff and CTTT Members are comfortable and confident in using the equipment.

This service is expected to reduce costs in CTTT Member travel and provide a convenient options for parties residing in regional and remote locations.

## eDoc

The CTTT has started work on a new service improvement – called eDoc - that will allow digital copies of documents to be lodged by parties, stored in the CMS and indexed against a CTTT matter, and subsequently viewed in the hearing room. Parties will be able to 'upload' case related documents when lodging online and also during the dispute resolution process.

Once fully operational, eDoc is expected to result in efficiencies and savings in terms of storage, distribution and destruction of documents. It will also be more convenient for parties and will reduce correspondence turn-around times. eDoc will also eventually remove the need for case files to be sent to CTTT Members and subsequently returned to Registries.

The successful implementation of eDoc will require sufficient resourcing for development, testing and implementation. Possible risks include moving to eDoc too quickly without sufficient testing and time for parties, staff and Members to become familiar with, and accept, the new approach which will be a significant change in established processes. CTTT Members will need to be confident that they can access and use digital records in hearings in order to avoid unnecessary delays and inconvenience for parties. Issues of online document retrieval during hearings in regional areas where internet connection problems might arise will also need to be explored and addressed.

For these reasons, eDoc will first be piloted in partnership with Housing NSW which has digitised its entire file record. This pilot will enable the CTTT to work with its largest and geographically diverse user on the development and initial use of eDoc. Consultation will occur with the CTTT's key stakeholders, CTTT Members and staff.

From a logistics viewpoint, work has already commenced with the development of a new prototype bench which will have a monitor for viewing digital records. The prototype bench, which will also accommodate video conferencing, will be installed in a CTTT hearing room in January 2012 and CTTT Members will have an opportunity to use the bench and provide feedback on their experience.

## **Change Management and Continuous Improvement**

### **Change management**

The CTTT has adopted a change management model that has proven effective in progressing projects and implementation is achieved on time and within budget.

In summary, when a major project is commenced it is referred to the CTTT's Major Project Implementation Team which involves the CTTT Chairperson, Deputy Chairpersons, the Registrar and senior managers in each of the administrative units, and is coordinated by an officer in the Continuous Improvement Unit. A project matrix is used to identify the necessary operational (system and procedures) changes, consultation and communication (internal and external) requirements, funding and budget progress, and implementation evaluation arrangements. The different areas are allocated responsibility for progressing relevant activities, and the Team meets regularly to discuss progress and to identify and resolve possible impediments.

This coordinated and shared approach to change management has been successful in enabling the implementation of change arising from new projects and legislative change. For example, the change management model was used to operationalise changes in the CTTT's Tenancy and Social Housing Divisions in order to implement the NSW tenancy law changes in late January 2011. The Major Project Implementation Team guided changes to the CTTT system, application and information products, and consulted key external and internal stakeholders. The post implementation evaluation process included stakeholder consultation and online surveys of CTTT Members, peak tenancy organisations and a general survey on the CTTT website. Anecdotal comments and the online survey responses were positive. Some constructive comments were also received and this feedback has resulted in some minor enhancements to the application forms and the online lodgement system.

Other key CTTT projects where this change management model is being applied include technology projects (eConnect, eDoc, video conferencing) and operational reviews.

### **Continuous improvement**

The CTTT has taken an integrated approach to embedding continuous improvement into all aspects of its operations. This has been achieved through involving staff, CTTT Members and external stakeholders in the development and finetuning of processes and systems, the

establishment of a Continuous Improvement Reference Group, the change management process (described above), and other feedback processes that gather solicited and unsolicited ideas and suggestions from internal and external stakeholders help to inform and streamline service delivery.

The CTTT's Continuous Improvement Reference Group (CIRG) was established in 2008. It meets each quarter to provide a forum for CTTT Members, senior management and staff to have focussed discussions on major issues and trends that impact on service delivery. CIRG also encourages the exchange of information and experience between Registry, administrative unit officers and CTTT Members. Between 2008-2011 a range of incremental improvements identified and agreed at CIRG meetings have contributed to the improvement of operational procedures, service provision, business development initiatives, and staff and Member training and development activities.

Other feedback processes include the CTTT Consultative Forums, Member Network Groups, online surveys, and a feedback form on the CTTT website. These processes are discussed elsewhere in this submission.

## **ANNEXURES**

## Annexure 1 CTTT Timeline 2002 to 2011 Jurisdiction change, technological innovation and other key activities

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Commence and Consolidate				Review and Refine			Continuous Innovation		
- CTTT starts 25 February <sup>1</sup>	- Upgraded Online Lodgement System and Online Payment gateway (CTTT Online)	- InCourt extended to all CTTT Registries	- Pawnbroker disputes added to jurisdiction	- Conveyancing disputes added to jurisdiction	- New CMS implemented	- CTTT Amendment Act 2008 – new Social Housing Division	- Electronic Hearing Allocation Diary (SNAP) implemented	- Residential Tenancies Act 2010 – significant change to Tenancy and Social Housing Divisions	- Agricultural Tenancies Bill 2011 – proposed additional jurisdiction <sup>6</sup>
- Consultative Forums established <sup>2</sup>	- Hearing lists available online	- InCourt available at non-registry locations	- InCourt available at non-registry locations	- CTTT Operations Review <sup>3</sup>	- eMember project extended across state	- Aboriginal Consultative Forum established after consultations with community representatives	- Communication Strategy for Aboriginal Communities 2009-2011 launched	- Transfer of consumer credit matters <sup>5</sup> to C'wealth	- Australian Consumer Law <sup>7</sup>
- CTTT Case Management System (CMS)	- Digital Sound Recording implemented	- Digital Sound recording available at all CTTT locations	- Gosford and Blacktown	- Statutory review of the CTTT Act 2001 report to Parliament	- CTTT Online expanded	- Electronic Hearing List displays in registries	- Communications Strategy 2008-2010 launched	- New Reporting System	- Video Conferencing pilot
- InCourt Pilot in Sydney	- Website cttt.nsw.gov.au	- Holiday Parks disputes added to jurisdiction		- eMember project pilot <sup>4</sup>				- eConnect pilot	- Communication Strategy for CALD Communities 2009-2011 launched
									- CTTT YouTube channel + videos

<sup>1</sup> CTTT merged two former tribunals - Residential Tribunal and Fair Trading Tribunal.

<sup>2</sup> Consultative Forums involving key stakeholders were established and continue to operate.

<sup>3</sup> Review followed a statutory review of the *Consumer, Trader and Tenancy Act 2001*, and resulted in a number of recommendations which have been implemented – eg improvements to the professional development of CTTT Members and a more focused and systematic approach to continuous improvement

<sup>4</sup> eMember project – laptops with wireless software enabling CTTT Members to make orders in InCourt and capture audio recordings of hearings regardless of their location

<sup>5</sup> Legislative change at the Commonwealth level resulted in certain consumer credit disputes previously dealt with by the CTTT were transferred to Commonwealth jurisdiction on 1/7/10.

<sup>6</sup> *Agricultural Tenancies Bill 2011* - introduced into NSW Parliament 9 November 2011 - proposal to add agricultural tenancy disputes to CTTT jurisdiction

<sup>7</sup> The Australian Consumer Law replaced Commonwealth, State and Territory consumer protection legislation in fair trading acts and the *Trade Practices Act 1974* on 1 January 2011. This resulted in some changes for the CTTT's jurisdiction.

## Annexure 2 CTTT Consultative Forums

The organisations represented on the CTTT Consultative Forums as at 30 June 2011 are set out below.

### Tenancy/Social Housing Forum

Common Equity New South Wales  
Dtarawarra Pty Ltd  
Financial Counsellors Association of NSW and ACT  
Gandangara Local Aboriginal Lands Council  
Housing Appeals Committee  
Housing NSW  
Legal Aid NSW  
NSW Aboriginal Housing Office  
NSW Federation of Housing Associations  
NSW Fair Trading  
Office of Community Housing  
Property Owners Association of NSW  
Public Tenants Council (Central Sydney)  
Real Estate Institute of NSW  
Redfern Legal Centre  
Southern Sydney Tenants Advice and Advocacy Service  
Teacher Housing Authority of NSW  
Tenants Union of NSW

### Residential Parks Forum

Affiliated Residential Park Residents Association  
Caravan & Camping Industry Association NSW  
Central Coast Park Residents Association of NSW  
Combined Pensioners and Superannuants Association of NSW Inc.  
Northern Alliance of Park Residents Association of NSW  
NSW Fair Trading  
Tenants Union of NSW

### General Forum

Australian Consumers Association  
Community Relations Commission  
Disability Council of NSW  
Fair Trading Advisory Council  
Financial Counsellors Association of NSW  
LawAccess NSW  
NSW Fair Trading

### Retirement Villages Forum

Aged Care Association Australia (NSW)  
Aged Care Rights Service  
Aged and Community Services Association of NSW & ACT  
Australian Unity  
Bougainvillea Retirement  
Combined Pensioners and Superannuants Association of NSW Inc  
Council on the Ageing (NSW) Inc  
NSW Fair Trading  
Retirement Village Association of NSW and ACT  
Retirement Villages Residents Association  
Wesley Mission

### Home Building Forum

Australian Institute of Building  
Building and Construction Council of NSW  
Civil Contractors Federation  
Home Building Service (NSW Fair Trading)  
Housing Industry Association  
Institute of Building Consultants NSW  
Institute of Engineers Australia  
Institute of Strata Title Management  
Law Society of NSW  
Master Builders Association  
Master Painters Association  
Master Plumbers Association of NSW  
National Electrical and Communications Association of NSW  
National Wood Flooring Association  
NSW Bar Association  
NSW Fair Trading  
Royal Australian Institute of Architects  
NSW Charter  
Russo and Partners  
Swimming Pool and Spa Association  
Suncorp

### Strata and Community Schemes Forum

Combined Pensioners and Superannuants Association of NSW Inc  
Dynamic Property Services  
Institute of Strata Title Management  
Management Rights Association (NSW) Inc  
NSW Fair Trading  
Owners Corporation Network  
Property Owners Association of NSW  
Tenants Union of NSW

### Motor Vehicles Forum

Australian Manufacturing Workers Union  
Institute of Automotive Mechanical Engineers  
Motor Traders Association  
Motor Vehicle Industry Authority  
NSW Fair Trading

### Commercial Forum

Consumer Credit Legal Centre  
Kemp Strang Lawyers  
Legal Aid NSW  
NSW Fair Trading  
Redfern Legal Centre

### Aboriginal Consultative Forum

Aboriginal Legal Services  
Anaiwan Local Aboriginal Land Council  
Bungree Aboriginal Association Inc  
Dtarawarra Aboriginal Resource Unit  
Greater Sydney Aboriginal Tenancy Service  
Murra Mia Tenant Advocacy Service  
NSW Aboriginal Land Council - Eastern Region  
NSW Aboriginal Land Council - Southern Zone  
NSW Aboriginal Land Council - Western Region  
NSW Department of Aboriginal Affairs  
NSW Fair Trading  
Tenants Union of NSW  
Western Aboriginal Tenants Advice Service

### Annexure 3 CTTT Jurisdiction (at November 2011)

Division	Residential Tenancy / Social Housing	General	Motor Vehicle	Home Building	Residential Parks	Strata & Community Schemes	Retirement Villages	Commercial
Legislation	<i>Residential Tenancies Act 2010</i>	<i>Consumer Claims Act 1998</i> <i>Holiday Parks (Long-term Casual Occupation) Act 2002</i> <i>Pawnbrokers and Second Hand Dealers Act 1996</i> <i>Conveyancers Licensing Act 2003</i>	<i>Consumer Claims Act 1998</i> <i>Motor Vehicle Repairs Act 1980</i> <i>Motor Dealers Act 1974</i>	<i>Home Building Act 1989</i>	<i>Residential Parks Act 1998</i>	<i>Strata Schemes Management Act 1996</i> <i>Community Land Management Act 1989</i>	<i>Retirement Villages Act 1999</i>	<i>Schedule 3 of Credit (Commonwealth Powers) Act 2010</i> <i>Property, Stock and Business Agents Act 1941</i> <i>Travel Agents Regulation 2006</i>
	<b>\$15,000 (plus bond to \$30,000)</b> Within 30 days of becoming aware.	<b>\$30,000</b> Cause of action accrued no more than 3 years, and the goods or services were supplied no more than 10 years, before date application lodged.	<b>\$30,000</b> <b>Unlimited<sup>A</sup></b> <sup>A</sup> new cars for private purposes  As for General – see section 7 of <i>Consumer Claims Act 1998</i>	<b>\$500,000</b> Goods or services – 3 years. Insurance Claim – 10 years. Breach of statutory warranty – 7 years.	<b>Unlimited</b> Time limits vary – see Application Form.	<b>Unlimited</b> Adjudication – 1 year after mediation. Other applications – refer legislation. Appeal against order – within 21 days after order takes effect (may be extended up to 90 days).	<b>Unlimited</b> Time limits vary – see legislation.	<b>Unlimited</b> Time limits vary – see legislation.
Fee	<b>\$36.00</b>	<b>\$36.00 &lt; \$10K</b> <b>\$74.00 \$10K-30K</b>	<b>\$36.00 &lt; \$10K</b> <b>\$74.00 \$10K -30K</b> <b>\$191.00 &gt;\$30K</b>	<b>\$36.00 &lt; \$10K</b> <b>\$74.00 \$10K -30K</b> <b>\$191.00 &gt;\$30K</b>	<b>\$36.00</b>	<b>\$74.00</b>	<b>\$36.00</b>	See <a href="#">fees and charges schedule</a> (Table 5)
Common disputes	<ul style="list-style-type: none"> <li>Tenant behind in rent</li> <li>Landlord refuses to carry out repairs</li> <li>Rental bond dispute</li> </ul>	<ul style="list-style-type: none"> <li>Faulty goods</li> <li>Unsatisfactory services</li> <li>Goods not fit for purpose</li> </ul>	<ul style="list-style-type: none"> <li>Car repairs</li> <li>Faults with new or used cars</li> </ul>	<ul style="list-style-type: none"> <li>Kitchen / bathroom renovations</li> <li>Concrete driveways</li> <li>New houses</li> <li>Swimming pools</li> </ul>	<ul style="list-style-type: none"> <li>Rent increase</li> <li>Provision of amenities</li> <li>Quiet enjoyment</li> </ul>	<ul style="list-style-type: none"> <li>Keeping pets</li> <li>By-laws</li> <li>Management of Scheme</li> <li>Repairs to common property</li> </ul>	<ul style="list-style-type: none"> <li>Statement of proposed expenditure</li> <li>Village rules</li> </ul>	<ul style="list-style-type: none"> <li>Seller / agent commission</li> <li>Finance Broker Fees</li> <li>Maximum annual % interest rate</li> </ul>

1. A fee of \$5.00 for eligible pensioners and students

Note: Applications for Rehearing and renewal proceedings same as original fee

## Annexure 4 CTTT hearing locations in 2010-11

Hearing venue	Hearings
Sydney	17,242
Parramatta	5,467
Penrith	5,426
Hurstville	4,821
Newcastle	4,674
Gosford	3,757
Campbelltown	3,638
Wollongong	3,163
Lismore	1,563
Blacktown	1,470
Tweed Heads / Murwillumbah	1,362
Dubbo	1,128
Coffs Harbour	1,093
Port Macquarie	1,046
Maitland	910
Wagga Wagga	828
Albury	730
Nowra	699
Queanbeyan	640
Tamworth	636
Taree	581
Orange	578
Batemans Bay	433
Grafton	410
Armidale	381
Muswellbrook	376
Bega	373
Kempsey	364
Bathurst	329
Moss Vale	303
Kiama	267
Goulburn	262
Griffith	236
Katoomba	231

Hearing venue	Hearings
Moree	214
Mudgee	206
Broken Hill	162
Forbes	156
Leeton	151
Inverell	150
Cooma	131
Narrabri	122
Gunnedah	112
Walgett	103
Coonamble	103
Glen Innes	83
Lithgow	65
Tumut	63
Ballina	63
Parkes	61
Cobar	58
Cowra	53
Nyngan	48
Coonabarabran	42
Bourke	37
Cootamundra	36
Deniliquin	32
Young	25
Yass	22
Tenterfield	16
Condobolin	15
Wentworth	11
Brewarrina	7
West Wyalong	6
Warren	6
Lake Cargelligo	3
Singleton	2
<b>TOTAL HEARINGS</b>	<b>72,836</b>

## Annexure 5 CTTT Publications and resources (at November 2011)

Available at [www.cttt.nsw.gov.au](http://www.cttt.nsw.gov.au)

### Fact Sheets

Conciliation	The conciliation process used by the CTTT to settle disputes.
Customer service charter	The standard of service parties can expect from the CTTT.
Engaging an expert	Information for parties when engaging an expert to provide a report or give evidence.
Getting help	A helpful list of various services in NSW who can assist with legal questions.
Glossary of terms	Words commonly used at the CTTT.
Hearings by telephone	Information on how to participate in CTTT hearings by telephone.
Making a complaint	An overview of the CTTT complaints response process.
Preparing for hearing <sup>1</sup>	Information and helpful hints on how to prepare for a hearing and get the best outcome.
Rehearing and appeals <sup>1</sup>	An overview of the rehearing and appeals process.
What we can and cannot do: CTTT Registry staff <sup>1</sup>	An outline of the type of services available from CTTT Registry staff.
What happens at the Tribunal?	A general overview of the CTTT and its processes.

### Videos

Get it sorted	A short video showing how the CTTT can assist in resolving disputes. It includes an introduction to the CTTT, an overview of its services and mock footage of conciliation and hearing.
We're talking your language	An easy-to-understand guide of the CTTT's services for people from culturally and linguistically diverse backgrounds. Available in English, Arabic, Cantonese, Mandarin, Greek, Korean, Spanish and Vietnamese.
Getting a fair go at the CTTT	A step-by-step guide for Aboriginal consumers on how an application is made to the CTTT and how problems may be resolved. There is also an accompanying brochure.

### Social Media *(available from mid December 2011)*

A Guide to the CTTT	<p>A two-part resource:</p> <ul style="list-style-type: none"> <li>▪ A series of ten engaging, informative and accessible short video resources for a broad audience outlining the CTTT's services. The ten videos are available in: <ul style="list-style-type: none"> <li>○ English (including captions for the hearing impaired), Arabic, Dinka, Farsi, Kiswahili, and Mandarin.</li> </ul> <p>The videos will be available on a new CTTT YouTube Channel, and also accessible from the CTTT website.</p> </li> <li>▪ An e-resource that complements the short videos and contains chapters to build on the video topics.</li> </ul>
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### Indigenous and translated resources

Indigenous	<b>Getting a fair go at the CTTT</b> (brochure and video)	A brochure outlining the steps in having a dispute resolved at the CTTT
	<b>Webpages</b> <a href="http://www.cttt.nsw.gov.au">www.cttt.nsw.gov.au</a>	Accessible from homepage
Translated	<b>Fact Sheets</b> (see <sup>1</sup> above)	Available in Arabic, Chinese, Farsi, Dinka, Korean, Swahili, Spanish and Vietnamese
	<b>Webpages:</b> Conciliation process Preparing for conciliation Representation Decisions and orders	Available in Arabic, Chinese, Farsi, Dinka, Korean, Swahili, Spanish and Vietnamese  (There is also a general information webpage translated in Greek, Italian and Macedonian)
	<b>A Guide to the CTTT</b>	Available in Arabic, Dinka, Farsi, Kiswahili, and Mandarin.

### Corporate Publications

<b>Annual Reports</b>	Annual reports from 2001-2002 to 2010-2011
<b>Communications Strategies</b>	Communications Strategy 2008-2010 Communications Strategy for Aboriginal Communities 2009-2011 Communications Strategy for Culturally and Linguistically Diverse (CALD) Communities 2011 – 2016

## Annexure 6 CTTT Technology Systems (at November 2011)

System	Description	Current Status
Case Management System (CMS)	The CMS is core to the operations of the CTTT, providing the facility to receive and list matters for hearing, and to capture case related information. It provides the capability to prepare and issue orders, and interfaces with the Online Lodgement System to receive applications.	<p>The CMS system covers all aspects of case management, from receipt of applications, scheduling of hearings, conduct of hearings and production of orders as matters are determined. The system also allows for email to selected participants in lieu of paper-based communications where participants have pre-agreed to such arrangements.</p> <p>CTTT Members have the capability to access the InCourt module from anywhere in the state that supports suitable wireless access.</p> <p>The CMS also has a number of in-built workflows for key procedures, and coupled with a Business Intelligence system is able to provide performance management reports and trends.</p>
Online Lodgement System -CTTT Online	This online (web-based) system allows applicants to lodge the details of their dispute online, and for the majority of such applications to be listed automatically and to return a notice of hearing immediately for printing by the applicant.	<p>This online system receives applications to the CTTT over the internet. The system allows applications to be lodged in most Divisions of the CTTT's jurisdiction, and include a secure online payment gateway.</p> <p>Other key functions within the system include:</p> <ul style="list-style-type: none"> <li>• eConnect which enables email communications with parties;</li> <li>• eDoc which allows for upload of digital documents in support of an application.</li> </ul>
Performance Management	The CTTT has developed a Business Intelligence function for CMS that will provide improved performance reporting capabilities across all CMS data sources.	<p>The advances in the use of CMS and companion systems such as the SNAP scheduler (<i>see below</i>) provide a rich data source concerning the performance of the CTTT against its business objectives.</p> <p>A current project will ultimately involve a Microsoft reporting solution that will provide more direct access for reporting capabilities to managers, line supervisors and administrative staff.</p>
Sound Recording	The CTTT has been recording hearings (where possible) for some years, and producing transcripts on request.	<p>Digitally sound recording using in-room systems or laptop based audio recording systems.</p> <p>The CTTT has undertaken a review of available sound recording systems and a plan to integrate audio capture more seamlessly into the CMS is being developed.</p>
Cash Receipting	The cash receipting module is used for receiving monies for applications for hearings or for transcript production.	The CTTT's receipting system is integrated with the CMS.
Member Allocation Module (SNAP Scheduler)	This application is used to allocate members to hearings at all CTTT hearing places in NSW.	The CTTT's Member Allocation Module is integrated at the data level with the CMS via the Oracle database.
Intranet	The CTTT has two intranet sites, one for members (MemberNet) and one for staff (RegistryNet).	A plan for an upgrade and possible merging of these intranet sites is currently being developed.

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