

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

**Name:** Name suppressed

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Partially Confidential

“There is a risk taxpayers will not receive value for money.....”

“In 2002, the Ombudsman and Police Integrity Commission recommended that Tribunals in NSW be consolidated”

“Judges retain office until they reach 70 years of age or retire, and must be appointed to an equivalent judicial office if their court is abolished.”

2012 is a few short weeks away, I hope there is no need to point out the absurdity of the situation nor compile statistics of how many people have suffered because of bureaucratic nonsense and archaic tribunals. The CTTT's Annual report identifies simple objectives.

100% of the people I have talked to believe the CTTT has failed in all the objectives listed.

A high level of complaints is mentioned leading to an amendment bill in 2008.

The bill was a complete waste of time and money as it did not address the core of the problem. One such problem is that complaints are to be made to the very department you are complaining about, with the amount of clearly evident corruption would anyone imagine these complaints are even read.

These tribunals are an abomination to all who seek justice and democracy, anyone involved in either the CTTT or the Guardianship tribunal should be held accountable.

I can only speak of the CTTT and Guardianship Tribunals as these are the only ones I have had the misfortune of dealing with.

This system does not work!

### **Case 1. Guardianship Tribunal**

My Grandmother left clear instructions on how herself and her assets were to be looked after in the event of her falling ill or dying, she also had the foresight to have a will, a power of attorney and a power of guardianship drawn up by lawyers. The Tribunal overturned all her wishes and legal documents in order to take control of her assets. Her husband died fighting Communism, a major part of her life was the world wars and the fight against

oppression, can you even start to imagine how a tribunal overruling her wishes might affect an eighty five year old woman?

## **Case 2. CTTT**

After nearly forty years of tranquil and cooperative living one person buys into our block of six units decides she doesn't want voting because she will run things her way, submits an application to cttt to stop an emergency gas repair 2 days before christmas as unauthorized work. Two and a half years later several CTTT appearances Tens of thousands of dollars in legal expenses, loss of income and damage to the building, and the outcome... No one has voting rights, the repairs that were started still are not finished and an agent appointed by the trouble maker is running the building into the ground via compulsory administration rather than a clear majority rule. The CTTT has blatantly disregarded laws, lost evidence disregarded facts and acted in an arrogant and dishonest manner. It is the very definition of a kangaroo court.

The fact that a mediator worked the whole situation out in five minutes just adds insult to injury, as he has no say in the matter.

{A kangaroo court is "a mock court in which the principles of law and justice are disregarded or perverted" The outcome of a trial by kangaroo court is essentially determined in advance, usually for the purpose of ensuring conviction, either by going through the motions of manipulated procedure or by allowing no defense at all. A kangaroo court's proceedings deny, hinder or obstruct due process rights in the name of expediency"}

These tribunals encourage disputes, waste huge amounts of time and money and escalate problems rather than solve them.

This could be due to the lazy, and annoyingly stupid bureaucrats that are employed in these kangaroo courts or it could be the blatantly obvious corruption that you get from having lawyers dealing with half wits set up as judge jury and executioner. There is no

culpability and no logic. Common sense goes out the window and the most basic laws and human rights are dismissed on a whim.

### Super Tribunal?

Will a so called super tribunal make things simpler and equitable or will they make a larger and more convoluted beast out of these authoritarian, despotic, and repressive tribunals?

### 3 Objects of Act

(b) to ensure that the tribunal is accessible, its proceedings are efficient and effective and its decisions are fair,

(c) to enable proceedings to be determined in an informal, expeditious and inexpensive manner,

(d) to ensure the quality and consistency of the tribunals decision-making.

None of these objectives are even close to being met, a consolidated tribunal system surely will only compound the problems associated with fulfilling the quite basic objectives laid out in the act.

I am all for expunging any traces of these show trials and kangaroo courts from the history of this freedom loving nation, but can we have any faith that more bureaucrats sitting around a table are concerned with justice, because I have a feeling it is more about making things easier for administrators and accountants to keep track of statistics and how many reams of paper are being used.

As you have probably gathered I have very little faith as does anyone else I've talked to in this mess ever being properly addressed. Australia's population has doubled since problems were first identified with these tribunals, and the demographic has changed considerably. Any forum that is set up should not adjourn until a system is worked out and ready to be implemented, it should have members of the community involved who are not happy with the current system.

The CTTT deals with a large number of issues because they are morons, who cause disputes to escalate therefore creating more work for themselves and greedy dishonest lawyers whose only motivation is profit.

It is pointless for me to try and point out the multitude of failings of these tribunals so instead I would encourage them to be completely scraped and a new system put in place. I believe problems were noticed as far back as the 1970's, these have only compounded. With the speed that the decision making process takes, any changes would take so long to implement, that this nation will not even resemble the one we are discussing today. Shuffling people to different offices and sharing workloads will not fix a bad system. Especially if the lag time is ten years or more.

#### Question posed

1. (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.

These basic points should all be solved or the whole exercise is a complete waste of time and money.

Exceptional thinkers are needed to find a better way.

“The exceptional thinker can see many possibilities and relishes reviewing both sides of any argument. They are happy to discuss and explore multiple possibilities and are keen to challenge conventional wisdom.”

#### Outcomes Required

- Sect 3 of the act should be obvious.
- A simplified system of justice not requiring education or money.

These cases are not legal issues they are disputes between members of the public, frequently due to selfish attitudes and poor communication skills. These tribunals do not always deal with right and wrong but interpretation of ethics. You should not have to be wealthy or put yourself in debt to receive justice. If there is no crime there should be no lawyers and no judges.

- Citizen focussed as practiced by tribal people for thousands of years would appear to be more logical.

“The holistic philosophy is a circle of justice that connects everyone involved with a problem or conflict on a continuum, with everyone focused on the same center. The center of the circle represents the underlying issues that need to be resolved to attain peace and harmony for the individuals and the community. The continuum represents the entire process, from disclosure of problems, to discussion and resolution, to making amends and restoring relationships. The methods used are based on concepts of restorative and reparative justice and the principles of healing and living in harmony with all beings and with nature.

Restorative principles refer to the mending process for renewal of damaged personal and communal relationships. The victim is the focal point, and the goal is to heal and renew the victim's physical, emotional, mental, and spiritual well-being. It also involves deliberate acts by the offender to regain dignity and trust, and to return to a healthy physical, emotional, mental, and spiritual state. These are necessary for the offender and victim to save face and to restore personal and communal harmony.

Reparative principles refer to the process of making things right for oneself and those affected by the offender's behavior. To repair relationships, it is essential for the offender to make amends through apology, asking forgiveness, making restitution, and engaging in acts that demonstrate a sincerity to make things right. The communal aspect allows for

crime to be viewed as a natural human error that requires corrective intervention by families and elders or tribal leaders. Thus, offenders remain an integral part of the community because of their important role in defining the boundaries of appropriate and inappropriate behavior and the consequences associated with misconduct.” Ada Pecos Melton

I would suggest a form of council made up of members of the community preferably casual workers at minimum wage. Empathy rather than education is required other attributes are a fair and open attitude, an ability to view both sides of an argument and a potential for deductive reasoning. These qualities can all be assessed by a simple Psychometric test.

Education does not teach empathy, justice and a sense of ethics these are inherent qualities that should be encouraged and cultivated as they are attributes that become more valuable as the population density increases, any opportunity to cultivate these abilities are invaluable.

In conclusion I urge you; It has taken ten years or more to get this opportunity! Be brave, seek out exceptional thinkers, create a new system, remove everyone that was ever involved with the current tribunals, and create a better way. The old system is causing more problems than society can afford. It is hard to imagine any system being worse than what we have now.