

Submission: Civil and Administrative Tribunal Act Statutory Review

Firstly, it is not easy for the average person to work out whether NCAT is the right body to resolve their legal issues. As a result, of the difficulty in the first instance: what government department should one contact? In my experience on ringing multiple times, and various departments. The helpline staff were only too quick to refer you to another department without gaining all the details to ensure you were given the right information. In addition, the staff exhibited inadequate training, and insufficient resources to deal with the volume of calls, for it appeared they have a time restriction to complete each call; which, creates a hostile urgency to end calls regardless if the call has been successfully answered. Alternatively, told to 'check the website'.

Owing to, the lack of the resources on the helpline, NCAT is not accessible and responsive to all user needs. Especially for the elderly and any other member of the public that has no knowledge of or access to technology, leaving this demographic completely vulnerable and powerless. Therefore, your frontline access is of most importance; hence, training of the NCAT product, and advanced communication skills is essential.

In addition, it would be beneficial for vulnerable members of the public to have access to independent advocacy, introduced into your mechanisms, to help navigate the overwhelming complexities of the NCAT system. Even though, it is perceived to be a user-friendly average person forum: this has not been my experience. NCAT is a cold hearted, legal minefield and entrenched in government bureaucracy.

NCAT has not resolved my legal dispute: quickly, cheaply or fairly; to demonstrate, this would depend on the member assigned to your case. I have experienced two members, one with the upmost professionalism following NCAT procedural process, and codes of conduct, and the other member using the opportunity to grandstand their own agenda: creating delays, incurring exorbitant costs and exhibiting unethical behaviour, totally unprofessional. For this reason, there should be continuity within the system not chaos; thus, NCAT have a responsibility to enforce members obligations: to adhere to the NCAT: Rules and Regulations.

To resolve some cases just by looking at the documents presented to NCAT, would not be in the best interest of all parties. For instance, in my experience: you have lawyers on one side skilled in formulating documents and manipulation of the process; on the other hand, you have the unskilled being totally overwhelmed by the whole process, struggling to understand how to formulate a submission. Consequently, this option would be unfair; however, a phone hearing could suffice.

Does NCAT need additional powers to be able to enforce its decisions? Absolutely, for corporations with access to lawyers who have no respect and contempt for the NCAT system, and anyone else with the same sentiment. Otherwise the NCAT process becomes a pseudo department; thereby, counterproductive. Nevertheless, because of my experience with an unprofessional member, parties need to still, have the right to access: The Appeal Process.

I wish to register my interest to participate in roundtable discussions.

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