

Complaints about NCAT

If you want to make a complaint about the NSW Civil and Administrative Tribunal (NCAT), this fact sheet explains what a complaint is, how they are managed and what kind of response you will receive.

Complaints explained

What is a complaint?

A complaint is when a person is unhappy with NCAT's services or processes or the conduct of a Tribunal Member, Conciliator, Mediator or Registry staff, informs NCAT of the issue and asks for action to resolve the issue other than changing a decision or removing a member.

NCAT cannot investigate or respond to complaints about lawyers, tenants' advocates or other government agencies.

Can my complaint change the decision?

No. Complaints cannot change a Tribunal decision.

NCAT's complaint process can only resolve issues about Tribunal services or processes or the conduct of a Tribunal Member, Conciliator, Mediator or Registry staff.

If you want to have a decision changed, you should seek independent legal advice about any rights of set aside, review or appeal you may have.

Can I have the Tribunal Member changed by making a complaint?

No. To remove or change a Member from hearing your case, you must ask the Member to "remove" or disqualify themselves from hearing the case. You can do this by:

- Writing to the Member and all the other parties before the next hearing date, or
- Asking the Member in person at the hearing to remove or disqualify themselves.

Making a complaint will not have a Member removed from a hearing.

The Member may ask for submissions from the parties as to why or why not they should remove themselves. If the Member does not remove or disqualify themselves you can appeal this decision.

Is my complaint confidential?

Yes. Complaints are kept separate from any case files. All complaints are treated confidentially and are not shared with the other parties in the matter.

Making a complaint

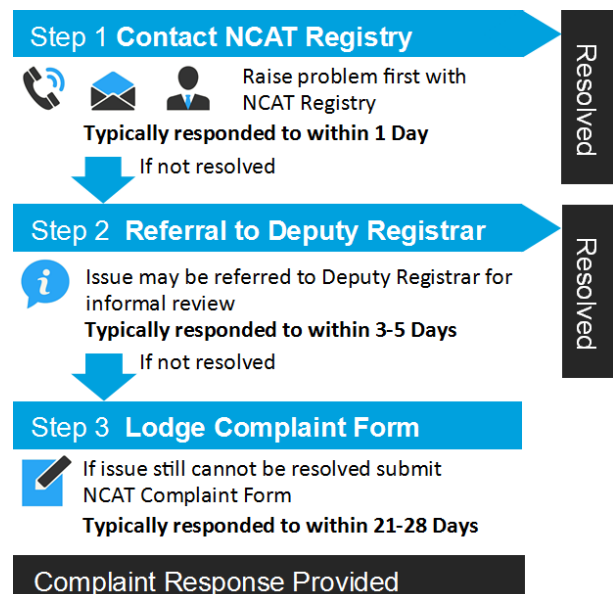
Take the following steps when making a complaint about NCAT.

Step 1: Contact the NCAT Registry in person, by telephone or email to discuss your problem.

Step 2: If not resolved, ask for your issue to be referred to a Deputy Registrar for informal review and response.

Step 3: If your issue still cannot be resolved directly with the Registry, complete the **Complaint Form** available on the NCAT website.

Make sure you include your name, address, telephone number, your file number, and clearly explain the circumstances of your complaint.





Complaints explained (continued)

Can I complain on someone else's behalf?

Yes, but only if the person making the complaint has given you permission in writing to make the complaint for them.

Responses to complaints

NCAT will acknowledge written complaints within three (3) working days and respond within 21-28 working days of receipt.

If a response cannot be completed within that timeframe, NCAT will write to let you know that more time is needed.

For detailed information on how NCAT deals with and responds to complaints, read the Complaints Policy available on the NCAT website.

What outcome can I expect?

When a complaint is received, NCAT will review the case file and investigate the issues raised. In the complaint response NCAT may:

- Explain any action taken by NCAT
- Give information about NCAT's procedures and processes
- Suggest a solution
- Provide an explanation, where appropriate
- Provide an apology, where appropriate
- Provide information on external organisations who may assist
- Review and if appropriate change NCAT's process and procedures.

What outcomes are not available?

NCAT cannot respond to anonymous complaints nor can it respond by:

- Changing a decision on the basis of a complaint
- Providing an opinion on the merits of your application
- Providing legal advice, relaying information to a Tribunal Member or influencing a decision.
- Enforcing a Tribunal money order.
- Investigating complaints about lawyers, tenants' advocates or other government agencies.
- Changing the Member who is hearing the case.

Contact NCAT

1300 006 228 | www.ncat.nsw.gov.au

Interpreter Service (TIS) 13 14 50

National Relay Service for TTY users 13 36 77

For more information and assistance visit the NCAT website www.ncat.nsw.gov.au or contact NCAT **1300 006 228**.