

# CAT Act Sect.62 Written reasons for decisions request:

Ref. NCAT File No.: 2021/000149117 Zonneville v NCAT  
Member: Dinnen  
Hearing: May 19,2021

## 1. Relevant / enabling legislation & matters

- a. Statutory obligation to promote the object of the CAT,ADR & GIPA Acts
- b. Member codes of conduct & obligations
- c. **Civil & Administrative Tribunals Act**  
Sect.62 Tribunal to give notice of decision\* and provide written reasons on request
  - (1) The Tribunal (including when constituted as an Appeal Panel) is to ensure that each party to proceedings is given notice of any decision that it makes in the proceedings.
  - (2) Any party may, within 28 days of being given notice of a decision of the Tribunal, request the Tribunal to provide a written statement of reasons for its decision\* if a written statement of reasons has not already been provided to the party.  
**The statement must be provided within 28 days after the request is made.**
  - (3) A written statement of reasons for the purposes of this section must set out the following—
    - (a) **the findings on material questions of fact, referring to the evidence or other material on which those findings were based,**
    - (b) **the Tribunal's understanding of the applicable law,**
    - (c) **the reasoning processes that lead the Tribunal to the conclusions it made.**

## 2. \*Meaning of "decision"

- a. **CAT Act Sect.5**
  - (1) **In this Act, "decision" includes any of the following—**
    - (a) **making, suspending, revoking or refusing to make an order or determination,**
    - (b) **giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission,**
    - (d) **imposing a condition or restriction,**
    - (e) **making a declaration, demand or requirement,**
    - (g) **doing or refusing to do any other act or thing.**
- b. **CAT Act Sect.4 Definitions:**
  - i. **"ancillary decision"** of the Tribunal **means a decision made by the Tribunal** under legislation (other than an interlocutory decision of the Tribunal) that is preliminary to, or consequential on, a decision determining proceedings, **including—**
    - (a) **a decision concerning whether the Tribunal has jurisdiction to deal with a matter,** and
    - (b) a decision concerning the awarding of costs in proceedings.
  - ii. **"interlocutory decision"** of the Tribunal means a decision made by the Tribunal under legislation concerning any of the following--
    - (a) the granting of a stay or adjournment,
    - (b) the prohibition or restriction of the disclosure, broadcast or publication of matters,
    - (c) the issue of a summons,
    - (d) the extension of time for any matter (including for the lodgment of an application or appeal),
    - (e) an evidential matter,
    - (f) the disqualification of any member,
    - (g) the joinder or misjoinder of a party to proceedings,
    - (h) the summary dismissal of proceedings,
    - (h1) the granting of leave for a person to represent a party to proceedings,
    - (i) any other interlocutory issue before the Tribunal.

### 3. **Decisions identified in proceedings:**

- a. Order dated May 14,2021  
2. Parties are to prepare submissions addressing the orders made in **DEC v Zonneville [2020] NSWCATAD96 April 3,2020** and how those orders impact these proceedings,to be heard at the commencement of the hearing.
- b. Decision of Dinnen to refuse to answer the question of law whether she is a judicial officer or not
- c. Ref.Courts Security Act Sect.9.2.a.  
Decision of Dinnen to refuse the applicant permission to record a public hearing
- d. Decision of Dinnen to refuse the applicant to provide reasons for the request for permission to record proceedings (procedural fairness)
- e. Decision of Dinnen to refuse to provide oral reasons for the refusal to grant permission to record proceedings when requested
- f. Decision of Dinnen to refuse to recuse herself
- g. Decision of Dinnen to refuse to provide oral reasons for her refusal to recuse herself
- h. Decision of Dinnen to abruptly adjourn the hearing with no reason
- i. Decision of Dinnen to abruptly adjourn the hearing without qualification that the hearing would be resumed within a short period of time.
- j. Decision of Dinnen to continue with the hearing without the applicant being present
- k. Decision of Dinnen to make further decisions in the hearing which denied the applicant procedural fairness.
- l. Decision of Dinnen to issue an order on May 20,2021 and not on May 19,2021
- k. Decision of Dinnen to refuse the applicant an opportunity to nominate a date convenient to all parties for the new hearing date
- l. Decision of Dinnen,having read my email to the registry requesting:  
The tribunal can contact me to arrange another suitably convenient date / time.  
You can contact me per this email address  
to refuse to respond to the applicants reasonable request.
- m. Order dated May 20,2021  
Decision of Dinnen to require the applicant to attend a May 28,2021 hearing in person
- n. Decision that Dinnen considers herself a fit & proper person to preside over these proceedings
- o. Decision of Dinnen to deny the applicant procedural fairness in proceedings
- p. Decision of Dinnen to deny the applicant rights available under NSW legislation
- r. Decision by Dinnen to cause me a deliberate detriment

### 4. **Evidence of alleged bias in proceedings:**

The above decisions are not unlike those which resulted in the applicants formal complaint against Dinnen in

**DEC v Zonneville [2020] NSWCATAD96 April 3,2020**

- a. The applicant alleges that there is a credible & serious risk of apprehended bias (again) being perpetrated by Dinnen in proceedings

In the alternative:

- b. The applicant alleges that there is a credible & serious risk of apprehended bias (again) being perpetrated by Dinnen in proceedings

**5. Serious concerns of systemic issues:**

Dinnen is alleged to have a history of disregarding statutory obligations required under the CAT,ADR & GIPA Acts

In proceedings

**DEC v Zonneville [2020] NSWCATAD96 April 3,2020**

- a. Dinnen took a year to make a decision failing those obligations under the CAT & ADR objects
- b. Dinnen denied the applicant procedural fairness at the scheduled 2 day hearing
- c. Dinnen again abruptly ended the hearing (reserving her decision just after resuming the hearing after lunch on the first day)
- d. Dinnen refused to uphold her Sect.62 obligations
- e. There is alleged to be evidence in the decision that Dinnen had a personal issue with the respondent (Zonneville),the applicant in the current proceedings
- f. Dinnen is alleged to have made false statements in previous proceedings

There is alleged to be clear evidence within the above authority to providing Dinnen a personal motive to abuse the applicants procedural rights

**6. Orders to tribunal:**

- i. I have the right to have Dinnen provide written reasons for those decision in 3.
- ii. Those decisions include interlocutory decision which I have the right to appeal
- iii. It is my intention to appel those interlocutory decision
- iv. It is inappropriate to have any further hearing until those issues are resolved
- v. In any case,I will not be attending the May 28,2021 hearing as I have work commitments which take priority.
  - i. I do not get paid to attend these hearings,unlike Dinnen & the respondent
  - ii. It is getting very close to the end of the financial year which imposes further pressures on my workload.
- a. The May,28 2021 hearing is to be adjourned
- b. Dinnen is required to recuse herself from these proceedings