

CAT Act Sect.62 Written reasons for decisions request:

Ref. NCAT File No.: 2020/000287835 Zonneville v Secretary,NSW Education

Member: L.Armstrong Sept.15,2021 decision

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. Civil & Administrative Tribunals Act Sect.3 Object of Act

The objects of this Act are:

- (c) to ensure that the Tribunal is accessible and responsive to the needs of all of its users, and
- (d) to enable the Tribunal to resolve the real issues in proceedings justly, quickly, cheaply and with as little formality as possible, and
- (e) to ensure that the decisions of the Tribunal are timely, fair, consistent and of a high quality, and
- (f) to ensure that the Tribunal is accountable and has processes that are open and transparent, and
- (g) to promote public confidence in tribunal decision-making in the State and in the conduct of tribunal members.

ADMINISTRATIVE DECISIONS REVIEW ACT 1997 Sect.3 Object of Act

The objects of this Act are as follows:

- (c) to foster an atmosphere in which administrative review by the Tribunal is viewed positively as a means of enhancing the delivery of services and programs,
- (d) to promote and effect compliance by administrators with legislation enacted by Parliament for the benefit of the citizens of New South Wales.

GIPA Act Sect.3 Object of Act

- (1) In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by:
- (a) authorising and encouraging the proactive public release of government information by agencies, and
 - (b) giving members of the public an enforceable right to access government information, and
 - (c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.
- (2) It is the intention of Parliament:
- (a) **that this Act be interpreted and applied so as to further the object of this Act**, and
 - (b) that **the discretions** conferred by this Act be exercised, as far as possible, so as to facilitate & encourage, promptly and at the lowest reasonable cost, access to government information.

4. Decisions deemed to have been made by L.Armstrong

- a. Decision of Armstrong to refuse the applicants request to have:
 - i. the president or
 - ii. The deputy president or
 - iii. A principal memberreconstitute the tribunal.
- b. Decision of Armstrong to refuse to provide reasons for Dinnen not being available for proceedings
- c. Decision of Armstrong to breach the Sect 62 obligations for b.
- d. Decision of Armstrong to refuse to require Dinnen to provide Sect.62 reasons for her not being available for these proceedings
- e. Decision of Armstrong to disregard the evidence of systemic misconduct perpetrated by tribunal members: SM Montgomery ; SM Dinnen ; PM Pearson and others and allow the tribunal to be brought into disrepute by member misconduct
- f. Decision of Armstrong to allow systemic misconduct perpetrated by tribunal members
- g. Decision by Armstrong to put the applicants access application at risk by assigning a member not as requested by the applicant
- h. Decision of Armstrong to fail to uphold the statutory obligations of the CAT & ADR Acts
- i. Decision of Armstrong,exercising a function in proceedings,failing to provide permission to have the questions of law submitted to the supreme court
- j. Decision of Armstrong to refuse to submit those questions of law submitted in proceedings to the supreme court
- k. Decision of Armstrong to refuse to answer those questions of law submitted in proceedings
- l. Decision of Armstrong to refuse the clarification of the publics GIPA Act rights in proceedings
- m. Decision of Armstrong to refuse the statutory obligation to promote the object of the GIPA Act
- n. Decision of Armstrong to refuse to exercise discretions to promote the object of the GIPA Act
- o. Decision of Armstrong to perpetrate actual / apprehended bias against the applicant
- p. Decision of Armstrong that Mulvey is a fit & proper member to preside over the applicants hearing
- q. Decision of Armstrong that she is a fit & proper person to make the above decisions
- r. Decision of Armstrong to ignore previous complaints made against Dinnen (and other members) and allowing the recidivist Dinnen to compromise the applicants proceedings
- s. Decision of Armstrong to refuse to protect my GIPA Act rights
- t. Decision of Armstrong not to declare a conflict of interest in holding the NCAT presidency
- u. Decision of Armstrong to replace Dinnen with Mulvey
- v. Decision of Armstrong to breach public interest / public trust obligations

It is noted that Armstrong is a former crown solicitor who's sole job was to protect government agencies & win at all costs and allegedly endorse / condone / encourage professional misconduct by CSO officers breach statutory conduct obligations & laws to achieve those aims.

It is required that written reasons for each of the above are not *decisions made by Armstrong in these proceedings / related to the Sept.15,2021 decision

I await Armstrongs response well within the required statutory period

Sincerely

Peter Zonneville

Forced applicant