

LATE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 10 FEBRUARY 2014



**24) NSW CIVIL AND ADMINISTRATIVE TRIBUNAL HEARING -
ANTI DISCRIMINATION ACT**
(Director Corporate Services)

RECOMMENDED:

1. That the report on the NSW Civil and Administrative Tribunal Hearing – Anti Discrimination Act be noted.
2. That legal representation be appointed to act on behalf of Council in this matter.

REPORT

Council is in receipt of correspondence from the Anti – Discrimination Board of NSW advising that a complaint under the Anti-Discrimination Act 1977 has been referred to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal.

The matter pertains to a complaint by Mr D. Hempel on behalf of daughter Ms S. Hempel regarding the development application approved by Council (DA230/2013) for 142 Adelaide Street, Blayney. It is alleged that *“Council failed to consult to take his daughter’s disabilities into account when it considered a development application and granted consent”*.

The hearing is scheduled for 5 March 2014 and legal representation to act on behalf of Council will be required.

Council will be informed on progress of this matter and all costs following conclusion.

BUDGET IMPLICATIONS

Council staffing and administrative costs associated with dealing with this matter from commencement have been borne within existing budgets approved by Council. Legal costs associated with this matter will be borne by the approved budget for legal matters however additional funds may be required to be voted depending on the duration and final outcome of this matter.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

- DP6.3.1 Provide a framework for the efficient and effective administration of Council.
- DP1.1.2 Promote sustainable development and protection of our natural resources through the planning system.

Attachments

- 1** Anti-Discrimination Board of NSW correspondence **2** Pages



PRIVATE AND CONFIDENTIAL

Mr Anton Franze
Director Corporate Services
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Complaint reference number: C2013/0186

Dear Mr Franze,

Complaint under the *Anti-Discrimination Act 1977(NSW)*
by Mr David Charles Hempel, on behalf of his daughter Sharon Hempel, against
Blayney Shire Council

The Board has finalised investigation of this complaint.

I have decided to refer the complaint to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal for a public hearing under section 93C of the *Anti-Discrimination Act 1977(NSW)*. The reason for my decision is the Board has endeavoured to resolve this complaint by conciliation but have not been successful in those endeavours and the complainant has asked for the matter to be referred to the Tribunal.

I have sent my report on this complaint to the Registrar of the Tribunal. The Registrar will contact you soon to explain the Tribunal's procedures. I have enclosed some information about the Tribunal for you to read.

You can contact the Tribunal at

NSW Civil and Administrative Tribunal
Administrative and Equal Opportunity Division
Level 10 John Maddison Tower
86-90 Goulburn Street
Sydney NSW 2000
Telephone: 1300 006228
press 3 for the Administrative and Equal Opportunity Division
Fax: 9377 5723
Email aed@ncat.nsw.gov.au
Website: <http://www.ncat.nsw.gov.au/ncat/index.html>

PO Box A2122, Sydney South NSW 1235 | Level 4, 175 Castlereagh Street, Sydney NSW 2000
Phone (02) 9268 5555 | Fax (02) 9268 5500 | TTY (02) 9268 5522 | Freecall 1800 670 812 | Enquiries (02) 9268 5544
www.antidiscrimination.lawlink.nsw.gov.au

- 2 -

LawAccess NSW is a free telephone legal information, assistance and referral service for people in NSW. LawAccess NSW can give you information about hearings in the NSW Civil and Administrative Tribunal and can help you find a lawyer who can provide you with legal advice about your case. You can telephone LawAccess NSW on 1300 888 529 any day between 9.00am and 5.00pm (TTY enquiries on 1300 889 529).

If you would like to discuss this, please contact Cathy Hahn on (02) 9268 5555 or 1800 670 812.

Thank you for your co-operation in this matter.

Yours sincerely,



Elizabeth Wing

Manager, Enquiries and Conciliation Branch

Date: 23 January 2014

Enc.