

Complaint about a Tribunal Member or Mediator, Staff Member, Service or Process

To: The Registrar - Complaints
Victorian Civil and Administrative Tribunal
55 King Street
Melbourne Vic 3000

I, [redacted]

[insert your name].

of [redacted]

[insert your address].

wish to complain against Member J Kefford

[insert Member or Mediator's name].

The applicable proceeding number is R2014/26078 in the Residential Tenancies List.

[insert Tribunal file reference and List if relevant].

My complaint is as follows [attach extra sheets and documents as required]:

- 1) The conduct and behaviour of member Kefford at the hearing on 08 July 2014 was inappropriate and lacked professionalism.
 - 2) The member acted in a confrontational manner at certain points
 - 3) The member was discourteous, insensitive and lacked patience
- (continued...)

In support of these allegations, I submit the attached Details of Complaint and request the complaint be investigated by the Registrar-Complaints. I acknowledge that this declaration is true and correct and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at: Melbourne on 01 August 2014

[place]

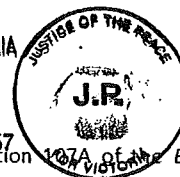
[date]

[signature of declarant]

Before me:

[Signature of Authorised Witness]

A JUSTICE OF THE PEACE FOR VICTORIA
Reg. No. 9921
Kevin Brown



The authorised witness must print or stamp his or her name, address and title under section 107A of the Evidence (Miscellaneous Provisions) Act 1958 (as of 1 January 2012), (previously Evidence Act 1958).
(eg Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)

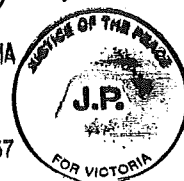
VCATvictorian civil &
administrative
tribunal

A JUSTICE OF THE PEACE FOR VICTORIA

Reg. No. 9921

Kevin Brown

7 Elsie Mews, Brunswick East 3057



Details of Complaint

On attending the hearing I (as anyone attending a Court or Tribunal) was expecting any presiding member to treat me in a courteous and professional manner.

By this I mean, due to my unfamiliarity with the legal intricacies of the matter and the fact that I was unrepresented I expected any member to realise this and afford some patience and sensitivity. There were many occasions during the hearing when I was attempting to explain something, Member Kefford interrupted to ask me something completely unrelated. I would then have to attempt to remember what I was going to say and out of respect also attempt to answer her questions. On one occasion whilst I was attempting to recall a case, she interrupted me and asked something like "how much the hotel was charging per night". I felt the member lacked the patience to await listening to my replies in full.

During the hearing the member discussed complex legal issues with the counsel for the respondent, when I was simply at a loss on what they were actually talking about. For example, discussions about liquor licensing were incomprehensible at best and confusing at worst, and at no point could I intervene and ask what they were discussing due to the pace of the exchanges. There was "cliquish" or "banding-together" behaviour between the member and the legal counsel for the respondent throughout the hearing from beginning to finish. This was highlighted

I am able to comprehend some level of association between [REDACTED]

[Attach additional sheets, as needed]

(continued...)

My Complaint is as follows (continued....)

- 3) ... in listening to my replies
- 4) The member did not treat me with dignity.

Nature of complaint (continued....)

by the fact that the legal counsel for the landlord (respondent) ~~had~~ ^{had} offered forwarding to the Tribunal his version of written reasons when I had requested the member for written reasons.

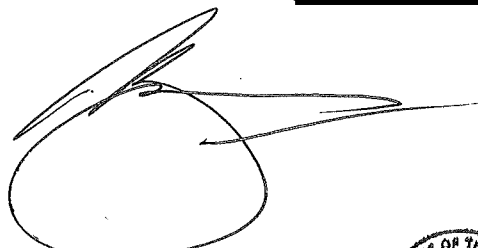
I am able to comprehend some level of association between the counsel and the member (by their familiarity with each other from previous meetings), but the behaviour consisted of moments where the only thing missing were bouts of uncontrollable laughter.

In contrast, the tone of voice that I was addressed was often aggressive, discourteous and confrontational. For example, during the hearing there was one point, where the member stopped me from finishing what I was going to say, and said "no! no! my turn now, my turn", when I had not even disputed "who's turn it was" or similar.

The confrontational and discourteous nature was further highlighted when the member at one point threatened to "call security", but she did not say what I had done for her to come-up with such a drastic measure.

The tone of voice that the member projected towards me was often abrupt and constituted yelling or shouting. The behaviour of the member was inappropriate as she did not treat me with dignity and in (not) doing so could not herself behave in a calm dignified manner.

Page 3 of Details of Complaint of 



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