

**INQUIRY INTO OPPORTUNITIES TO CONSOLIDATE  
TRIBUNALS IN NSW**

**Name:** Ms Julie Murray

**Date received:** 25/11/2011

---

Julie Murray

RECEIVED

25 NOV 2011

LEGISLATIVE  
COUNCIL

The Director  
Standing Committee on Law and Justice  
Legislative Council  
Parliament House  
Macquarie St  
Sydney NSW 2000

23<sup>rd</sup> November 2001

Dear Sir or Madam:

My comments relate to the section 2 (c) and relate only to Strata dispute decisions.

*"the jurisdiction and operation of the Consumer Trader and Tenancy Tribunal, with particular regard to:*

- i. its effectiveness in providing a fast, informal, flexible process for resolving consumer disputes;*

Late last year my husband and I submitted a request for mediation to the Office of Fair Trading (OFT) against the executive committee of our owners corporation. The committee refused to go to mediation and so, as their behavior had not changed, my husband and I were dependent on the decisions of the CTTT. I found that while the CTTT did provide information over the phone, there were a number of things I was not informed about e.g. that our request for mediation to the OFT was not automatically forwarded to the CTTT although the CTTT asks if mediation has been requested.

In the documentation supplied by the CTTT there are no real options suggested as to what outcomes the applicant may apply for. It was not possible for us to be aware of the possibilities available to the adjudicator as no advice was made available to us. While the form asks what the applicant would like to happen there is no suggestions as to what the adjudicator can determine

e.g. fines. For us it seemed that the only option we could apply for was for the committee to be replaced. We do not dispute the adjudicator's decision not to replace the committee. Although we proved that many of the committee's actions were not in accordance with the Strata Schemes Management Act the adjudicator dismissed our claims with the response that our complaint was just a difference of opinion between two parties.

We are extremely disappointed that the adjudicator (via the CTTT process) did not fine the committee over many of its actions which we now know was possible according to the Act.

*ii. the appropriateness of matters within its jurisdiction, having regard to the quantum and type of claim and the CTTT's procedures;*

I believe that the matters within the jurisdiction of the CTTT are appropriate – but the decision in our case was limited and has not resolved the situation. In fact, the executive committee now sees that their actions e.g. taking twelve months to replace the three non-compliant fire doors, as supported by the adjudicator and the CTTT.

*ii the rights of appeal available from CTTT decisions.*

We wrote two letters to the CTTT requesting that the response from the CTTT be sent to a friend (who would respond to the decision if she thought an appeal was needed). The CTTT did not send her a copy. This meant that when we returned from overseas the three-month deadline for appeals had passed. We (and our friend) would have appealed as one of our submissions was mistakenly seen by the adjudicator as a submission from the owners corporation and so he used his mistake to justify his decision.

We believe that, as there will be an increasing number of disputes because of the government's intention to increase population density, that the CTTT should remain a separate entity. We believe that there should be more advice to the applicants by the CTTT as to options before the complaints are submitted. We believe that the OFT should take a much stronger role (and insist that mediation must occur if requested) thus freeing up the CTTT process.

Regards, Julie Murray