

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

Organisation: Strata Community Australia (NSW)

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The Director

Standing Committee on Law and Justice

Parliament House

Macquarie St

Sydney NSW 2000

25 November 2011

Dear Sir,

Opportunities to consolidate tribunals in NSW (Inquiry)

Thank you for providing Strata Community Australia (NSW) an opportunity to make a submission.

Background

SCA (NSW) is the peak body for the strata sector in NSW. SCA (NSW) represents over 1,200 strata managers, suppliers to the sector and lot owners. SCA (NSW) members' range from large corporates to small family businesses to volunteers. They have expertise in all facets of strata management, service provision and governance.

Approximately one third of New South Wales residents live in, own, or directly work in a strata titled property. Current population predications indicate that the strata and community titled sector is set to grow significantly over the coming years.

In responding to the Inquiry, SCA (NSW) advocates the creation of a single tribunal.

Greater flexibility in allocation of workloads

Strata and community title disputes is a complex and growing area of law. Having access to a greater number of decision makers does not of itself become a benefit. The current service delivery from the CTTT is problematic and inconsistent. SCA (NSW) recommends the creation of a specialist strata and community title dispute resolution facility within the CTTT (at the formal hearing level) conducted by senior members.

SCA (NSW) has concerns relating to the lower level adjudication decision making and asserts that an increased access to more unskilled members will not be a benefit to the consumers in the strata sector unless significant sector specific training of adjudicators occurs.

Co-locating service

SCA (NSW) cautions that a consolidated tribunal may lead to bureaucrats becoming impediments to the internal processes and that middle management may be incapable of immediate decisions being made.

Cross-fertilization of training

SCA (NSW) understands that the current CTTT training system is predominantly an "on the job" training system with short educational sessions provided for members.

SCA (NSW) believes that a detailed, extensive and robust training regime of specialist adjudicators is required, in addition to a specialist support unit as a resource for adjudicators dealing with strata and community cases.

Member base

In the event of consolidation there will presumably be a broad base of experienced dispute resolution professionals. SCA (NSW) has concerns that the varied skills set of this broad base may impact on the decision making processes unless a separate division is focussed on specialist decisions for strata and community title issues.

Decision making

Paramount to the public (including lot owners and strata sector stakeholders) and the CTTT is the consistency of decision making for those who come before it. Also of significance to this group is the financial accessibility and expediency of decisions.

Conclusion

SCA (NSW) has raised a number of risks associated with the consolidation of the tribunals. Paramount to the strata sector represented by SCA (NSW) is a low cost and accessible tribunal that is able to provide consistent, robust and expeditious decisions for all those who come before it.

With these imperatives in mind and with appropriate risk mitigation in place for the identified risks, SCA (NSW) supports the consolidation of the tribunals.

Thank you again for providing SCA (NSW) with an opportunity to make a submission. Finally, I remain available to appear before the Committee if required.

Yours sincerely,

Suresh Manickam

Executive Officer, SCA (NSW)