

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

Name: Mr Peter Stiles

Date received: 25/11/2011

Opportunity to Consolidate Tribunals in NSW (Inquiry)

Unfortunately I cannot provide a meaningful Submission with documentary evidence since the terms of this Inquiry require that the submission and all provided documents are privileged and become the property of the Committee. Since my situation is such that legal action will result from my strata problems I cannot therefore allow any of my documents to be nullified in this manner.

I understand the reasons for the rules for this Inquiry however I am of the opinion that many persons who would be able to influence the Inquiry may be unable to be involved.

Therefore my submission is only of a general nature and will not be substantiated by any documentation.

With respect to The Strata Schemes Management Act and with reference to the Terms of Reference;

2. (c)

- i. The Consumer Trader and Tenancy Tribunal (CTTT) does NOT provide a fast, informal, flexible process for resolving disputes.

The initial dispute process involves an Adjudicator who is not part of the CTTT. There is no interaction for the Public with the Adjudicator and there is no guidance available for this initial step for the Public. This should be remedied.

If the applicant is not satisfied with the decision of the Adjudicator then an appeal to the CTTT is possible. Again there is no interaction with the Tribunal available and no guidance for the applicant or respondent (The Public).

The CTTT constantly refers to itself as a 'Court' and the Members display behaviour similar to that warranted by a Judge in a civil court. Unacceptable.

The CTTT application forms (as well as those to the Adjudicator) are regarded as legal documents and as such can adversely affect an application if not filled in accurately as at Law. Therefore legal representation needs to be accessed by the Public for this initial step in the process. This negates the spirit of the Tribunal creation and should be remedied.

- ii. In my opinion the CTTT may be proficient in settling disputes concerning faulty toasters and washing machines however my dealings the decisions and actions of the Tribunal do not inspire confidence, are often at odds with civil court rulings and Members of the Tribunal appear not to be conversant with the various Acts they administer and the Law in general precedent of their own act. All of this is to the detriment of the NSW Public.
- iii. The rights of appeal available from CTTT decisions is an appeal to the district court.

Given the performance of the CTTT most of the Public would be better off to take their dispute directly to the district court and ignore the CTTT.

2. (d)

In my opinion the Consumer Trader and Tenancy Tribunal needs to be completely overhauled.

1. It should not be a 'faceless' organisation. An officer or team is to be available to assist the Public with an application.
2. The CTTT should not be a 'quasi' court with no accountability.
3. The CTTT is to conduct all its business without legal representation for the applicants and respondents and is not able to award any legal costs.
4. The members of the CTTT are to be fully conversant with their jurisdiction and any applicable Acts.
5. The Public should be given the right to appeal to an Appeals Panel that limits the membership of the panel to one person with any association with the CTTT.
6. With respect to the Strata Schemes Management Act:
Administration needs to be removed from the CTTT. A panel (the number to be determined) made up of selected Judges or Magistrates to initially hear a dispute. All legal representation for the initial process to be excluded. The process to be of an informal nature and the equivalent of a Chamber Magistrate or Team be available to help the Public with the initial application(s). The initial process (panel) is capable of ruling in all applications that breach the 'Act'. For applications of a complex legal nature the Judge or Magistrate can direct these to an appropriate district court.

The panel can be funded by a moderate annual levy for every registered strata in New South Wales and a moderate application fee. In this way the panel would become revenue neutral.

Changes should be applied with some manner of urgency since the government solution to housing the NSW Public is to encourage more strata units to be built to add to the already great number of existing NSW strata units.

Peter Stiles