

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

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Partially Confidential

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The Director,  
Standing Committee on Law and Justice  
Parliament House  
Macquarie Street  
Sydney

Dear Sir/Madam,

Thank you for the opportunity of making a brief submission on the question of tribunal administration. My comment relates more to the functioning of the CTTT rather than its structure. However I note that in the terms of reference some mention is made of the appropriateness of decision making and I wish to comment in relation to that aspect.

At present, the CTTT must accept and consider each and every application submitted to it. There is no mechanism within the CTTT to deal with a vexatious applicant so that such an individual can make numerous applications, often without merit and often re-canvassing matters already dealt with by the CTTT in earlier applications. This can lead to enormous inconvenience to the members of a body corporate and to the waste of scarce financial resources.

Whilst appreciating that this inquiry is a general one and not meant to deal with specific problems, I will recount very briefly a real example to substantiate my claims above:

Since November 1999 the Owners' Corporation of [redacted] has had to defend 17 separate applications made to the CTTT by one of the owners, [redacted]

retired lawyer. All of the applications, except one which was not contested, have been dismissed by the CTTT. The Owners' Corporation has expended more than \$40,000 on legal expenses in contesting those meritless applications, not to mention the waste of time and effort in preparing responses.

The CTTT has no power to put an end to this abuse of process nor any ability to afford relief to the victimised owners other than to suggest that the owner's corporation seek a judgement in the Supreme Court - not feasible financially for a small body corporate of only 11 owners.

**The CTTT must be given the power to form a judgement that some individuals behave in a vexatious manner and to require that further applications by that individual be examined for merit and relevance. If deemed to be lacking in merit and relevance, the CTTT should have the power to dismiss the applications without requiring written submissions from the respondents. An appeal mechanism may be necessary, but the onus should be placed on the applicant to prove that the CTTT has acted inappropriately.**

Yours sincerely,  
Michael Yeates BA, MB.BS, FRACP