

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

Name: Mr John Muxworthy

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Partially Confidential

By email to lawandjustice@parliament.nsw.gov.au

The Director

Standing Committee on Law and Justice

Parliament House

Macquarie Street

SYDNEY NSW 2000

Dear Sir/Madam

SUBJECT Inquiry into opportunities to consolidate Tribunals in NSW

Terms of reference

In conducting its inquiry consider the following the following specific issues:

[C] the jurisdiction and operation of the Consumer Trader and Tenancy Tribunal.[CTTT]

Thank you for the opportunity to bring to your attention my experiences and opinions of the CTTT.

THE CTTT has served with some 59 letters together with 19 applications, and/or submissions which included two Applications for Compulsory appointment of Strata Managing Agent

CTTT File No lodged on the 10th August 2010 being the first of which contained three substantial volumes 2,3 and 4 [at least 500 doubled sided pages] of misinformation purportedly supporting claims by the applicant.

After some almost five months J.Halliday Strata Schemes Adjudicator described "supporting documents" as no more than a personal attack on the individual himself when dismissing the application on 05 January 2011 **The adjudicator ignored the vexatious nature of this application**

On 06 Jul 2011 during an appeal that was" dismissed as it was lodged out of time and insufficient reasons were advanced to extend time" the Tribunal member [quite rightly]did nothing to persuade the applicant not to submit a second Application for Compulsory appointment of Strata Managing Agent.

A ten page second application was then forwarded by the CTTT [File No] on the 19th August 2011.This application was subsequently reportedly and belatedly supported by eight lever arch files of [one suspects] "misinformation" which the applicant has since stated that approximately half of which has been previously submitted. Strata Plan has not been afforded access to these files which Teys, Lawyers can confirm

consists of only 11 lots and does not have the funds to copy and circulate such a volume of photocopies and un- substantiated "evidence " that can reasonably be expected to be the result of some 12 searches of our strata files and copies of unsubstantiated emails and letters generated solely by the applicant with no independent verification.

A "common reading" by lot owners of such a volume of papers should suffice if not the sheer volume of paper would decide a matter [ie "the best photocopier wins"]

Applications continue to be vexatious, three months later, **no orders** in respect of fie SCS **have been issued**

Strata Plan has incurred legal costs totalling some \$36,000 [predominately CTTT File No.SCS]to **successfully rebuke** the nineteen applications that cost approximately \$95 [19 x \$5] for this retired solicitor [?] to lodge.

SUBMISSIONS in respect of CTTT's procedures, authority and opportunities to make the CTTT quicker, cheaper and more effective are;

It is my contention that the executive management of the CTTT should have the authority to reject submissions and repeated submissions [that clearly have no merit] from 'proven' serial complainers who endeavour to exhaust common property funds and members of the executive committee by using the CTTT as a weapon to bully lot owners with vexatious and un-substantiated submissions

One lot owner holding only some 8 percent of voting rights should not be able to dominate the other lot owners holding some 92 percent of voting rights and in doing so waste the valuable resources of both the CTTT and owners corporations.

I also contend that for applications for the compulsory appointment of Strata Managing Agent need to be supported by lot owners holding at least 25 percent of voting rights not solely one permanently disgruntled lot owner holding only a very minor percentage of voting rights

The Tribunal should be afforded a mechanism by which the Tribunal will declare a litigant vexatious and award costs thus freeing up the Tribunal for submissions that genuinely merit the tribunal's consideration.

Yours faithfully

signed

John Muxworthy

18/11/2011

Please note

The writer is the secretary of the executive committee Owners Corporation Strata Plan who makes this submission solely as a lot owner .