

**Publication Date: 10 March 2020**  
**YSP Podcast Transcript: Episode 203. Owners can no longer claim damages  
in the Tribunal**

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**Intro:** Welcome to Your Strata Property, the podcast for property owners looking for reliable, accurate and bite sized information from an experienced and authoritative source. To access previous episodes and useful strata tips, go to [www.yourstrataproperty.com.au](http://www.yourstrataproperty.com.au).

**Amanda Farmer:** Hello and welcome to the podcast. I'm Amanda Farmer and it is my job each week to help demystify the legal complexities of apartment living for you and this week I am tackling a rather large one. An important tribunal decision was handed down in New South Wales earlier this year, 2020, and this decision has changed the way that owners can claim against their owners corporation when the owners corporation has failed to repair and maintain the common property and the owner has suffered some kind of financial loss as a result of that failure.

Now, I have enlisted the help of fellow strata lawyer, Allison Benson, to help talk this one through with me and this episode I am bringing you our conversation, which we were lucky enough to be able to have in-person. Allison is a director of Kerin Benson Lawyers, a firm operating from New South Wales as well as the ACT specialising in strata and building defects law. Allison's been working in strata and community title law since 2008 and she says that she's a strata lawyer who believes that to work in strata, you must keep a sense of perspective as well as a sense of humor. Allison writes a very entertaining blog on strata law and you'll hear us mention that in the episode and she also says it does help when you have an office dog to assist you. She has been working with her, her dog, Ollie Dogasaurus, who we often hear about and receive regular updates on at our conferences. He's a gorgeous red labradoodle.

Allison's background is in litigation and dispute resolution and her rule of thumb is think twice before commencing litigation and if you have to litigate, prepare, prepare and prepare. You'll hear us in this episode talking specifically about a certain type of litigation that we think owners and buildings need to be very careful about at the moment.

When not working, Allison scuba dives and she forms one-half of an adventure racing team, much to the amusement, she says, of her friends, family and other competitors. Now, not only do I respect Allison as a fellow hardworking woman in strata, she is absolutely an all around good human being and anybody who has come across Allison professionally, personally will agree with that I'm sure. So, sit back and enjoy my chat with Allison Benson of Kerin Benson Lawyers.

Allison Benson, welcome to the show.

**Allison Benson:** Thanks Amanda. Pleasure to be here.

**Amanda Farmer:** It's lovely to have you with us. You and I were socialising recently. We were on a morning walk through Brisbane and you said to me, "Amanda, this very interesting case has just been handed down from the New South Wales Civil and Administrative Tribunal Appeal Panel and it is going to impact the way that lot owners claim damages from owners corporations in New South Wales."

**Allison Benson:** Yes, I did and that had been handed down on the day before so-

**Amanda Farmer:** Oh, how up to date are we?

**Allison Benson:** We were completely up to date at that point only because it is, for many lot owners, a horrifying case quite frankly. Well, I'll let you introduce the case now.

**Amanda Farmer:** Let's get straight into it. It is the case of "The Owners Strata Plan Number 74835 and Pullicin", if I'm pronouncing that right. It actually involved 2 cases being determined at the same time. The other case being at "The Owners Strata Plan number 80418 and Vickery".



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**Amanda Farmer:** As I said, decided by our appeal panel in New South Wales decision made on the 15th of January, 2020. We haven't spoken about it on the podcast before. I've held this one back because I wanted to make the time to chat to you about it. It is a case about repair and maintenance of common property and what happens when that duty is not met. So why don't we start there? Remind us Allison of an owners corporation's duty to repair and maintain.

**Allison Benson:** So Section 106, subsection 1 of the Strata Schemes Management Act 2015 covers this. It is a strict duty to maintain and repair the common property. By strict duty, previous case law has said as soon as the common property falls into a state of disrepair, the duty kicks in essentially and the owners corporation must repair it and it's a statutory duty. It's very, very clear and there's been a lot of cases that have said it is very strict. As soon as the repair or disrepair falls into place, must be fixed.

**Amanda Farmer:** Now you're like me, being a practicing lawyer, probably see quite often across your desk. It's probably a common case, lot owners coming to you because their buildings are not repairing and maintaining the common property. What do they want to achieve when they come to you?

**Allison Benson:** Well, 2 things really. Well, I should actually say 3 things to be fair. One is quite often lot owners aren't actually being heard when they are saying that there is a problem within their building and quite often it's a case where lot owners have a problem that affects only their lot. The rest of the owners corporation or the rest of the lot owners may or may not care. Sometimes you have lot owners that aren't particularly well liked, sometimes you have schemes that don't have a heck of a lot of money, oftentimes you have a lot of invest owners or other owners that just don't attend meetings and don't take an interest in the owners corporation. So number 1 I think is owners want to be heard when there is an issue. So, that's one of the issues.

The second thing that lot owners would like to achieve is they want the defect fixed. There's a problem, fix it. Stop the water coming into our lot, stop whatever the problem is. And the third thing is if they have actually had loss or damage that they have suffered, they want some form of reparation for that and that is what the new section 106, subsection 5 that came into place in the 2015 reforms actually talks about.

**Amanda Farmer:** That is indeed the focus of this case. Tell us, Allison, how has our tribunal been dealing with those claims under Section 106, subsection 5 for damages arising from a failure to repair and maintain the common property?

**Allison Benson:** Well if I can say so, not very well. There have been 2 conflicting decisions of the appeal panel. There was the case of Shum to start off with and we were involved in that case at the appeal level, not at first instance. In Shum, it was a case of water damage as so often these cases are. The appeal panel in Shum held that NCAT did have jurisdiction to award damages for a breach of the statutory duty to maintain and repair.

Now, Mr. Shum received a reasonable amount. From memory, it was something like \$50,000 because he had been unable to relet the lot. The tenant had left because of the water damage and he had significant damage to the walls and the flooring of his property. That was because the water was coming down through the ceiling into his lot and had been for a significant amount of time. That was the first case.

Then approximately 8 months later, could even have been a year later, we had the case of Shih and that was another appeal panel decision and in that appeal panel... We were also involved, I should disclaim in that case. The appeal panel threw out Shum and said actually NCAT does not have jurisdiction to award damages under Section 106 subsection 5 or it may have jurisdiction to award damages under Section 232 of the Strata Schemes Management Act.

There was a lot of confusion that came out. As you can imagine, lot owners, this is the first time that we've actually had in our act a statutory liability to pay compensation to lot owners for damages that they've suffered and this section came in as a result of the Thoo decision.

**Amanda Farmer:** So our court of appeal in New South Wales?



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**Allison Benson:** Yes. Thoo had essentially said that if there was an issue with the common property, a lot owner could not claim in damages for whatever loss that they've suffered. There was then a case of McElwaine. In McElwaine, we took the case to the court of appeal and the court of appeals said obviously you can't claim in damages in Thoo, so that claim had been dropped and instead we'd chosen to pursue the claim for damages in nuisance.

Now it was an interlocutory point that had been appealed to the court of appeal and the court of appeals said, "Yes, a lot owner does have a right to sue in nuisance," and they were admitted the matter back to the Supreme Court.

The issue with whether or not a lot owner could then sue for damages was brought about in the 2015 reforms and it was... That was part of the reason. It essentially put us back to the pre Thoo position where we now have a statutory right and then we had the Shum decision, which we've just discussed that said, yes, the statutory right is there. NCAT has the jurisdiction and it has an unlimited jurisdiction to award damages.

Shih said, "No, NCAT does not have jurisdiction under Section 106 subsection 5, but it may have jurisdiction under the statutory power under 232." So I mean-

**Amanda Farmer:** If anybody's head is spinning listening to all of this, that is completely understandable and it is not because you may not be a lawyer or you might not be legally trained, it's because all of our heads have been spinning with these cases and I will make sure that there are links to all of the cases in the show notes so you can go and check them out. We've had Shum, S-H-U-M and Shih, S-H-I-H, just to be clear and we now have the case that I quoted at the top of the episode. Tell us now, Alison from the 15th of January, what has that case now said?

**Allison Benson:** Well, it's turned us about on our heads again. There is a lot of discussion amongst strata lawyers about this. You can imagine that there are a lot of cases in the works in NCAT that have been profoundly affected by this particular case. Now, what it's actually said is NCAT does not have jurisdiction under either Section 106 subsection 5, the statutory ability to sue for damages within the 2 years of becoming aware of the loss. It also said that it does not have jurisdiction under Section 232, which is the tribunals general order making power to make an award in damages to the lot owner.

Effectively it's saying NCAT does not have jurisdiction, you have to go to a court of competent jurisdiction. Now unfortunately, we have an untold number of claims that have been in the tribunal, some of them for 18 months or more that have been working their way through the evidence process and they've all been relying upon the fact that NCAT does have jurisdiction either under Section 106, subsection 5 or Section 232. It's left a lot of cases in limbo at the moment.

**Amanda Farmer:** Okay and we will come back to that because I know our listeners will want to know what happens to those cases and what the options for those parties are now. Is this a decision, this Pullicin decision, a binding decision on the tribunals? Do other tribunal members have to follow it?

**Allison Benson:** Well it was actually quite interesting in the decision itself and this was quite unusual. The appeal panel was made up of the president, the deputy president and a principal member. In the decision itself, the appeal panel stated that it believes its decisions should be followed and quoted references to Supreme Court decisions where... They essentially say that where a decision is made by a higher court, or a higher judicial officer, that that decision for the interests of consistency, should be followed. I mean, it's quite an extraordinary statement to put into a judgment I thought. Essentially there's this quite large warning in there if you read between the lines that the appeal panel expects this decision to be followed.

**Amanda Farmer:** And I suppose they were hoping or are hoping to put an end to the confusion that has risen since the earlier cases.

**Allison Benson:** I think that was one of the reasons. Now, I personally have had a case that came down on the 29th or the 27th of January, I can't quite recall.

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**Allison Benson:** And that case, by a senior member, directly contradicts the appeal panel's decision. I know because we were involved in the matter that the Pullicin case had been drawn to their attention. It may be a case where, although there is this very strong language in the decision, it may not be followed by other tribunal members. It's up to... I don't know-

**Amanda Farmer:** Remains to be seen.

**Allison Benson:** It remains to be seen.

**Amanda Farmer:** I can tell you that I have been involved in at least one case since the Pullicin decision came down and that member, with the lawyer's agreement, the representative's agreement, immediately decided that the tribunal no longer had power to hear the claim for damages and in that case, the applicant is transferring their claim to the Supreme Court because it is quite a large claim. So that was going to be my next question for you, Alison. What happens to those cases that have been sitting there going through the tribunal? Let's assume that the members hearing these cases, maybe 9 times out of 10, will follow Pullicin and will say, "No, I can no longer hear this." What are the options available for those applicants and their claims now?

**Allison Benson:** We have cases that are in this exact position and there are 2 real options. Well, 3 I suppose if you want to give the claim up and just pursue the works orders, that's always a valid option and it depends on the amount of the loss being suffered as well, so that may be a viable option for lot owners. The second option is if they are particularly brave and want to spend some money in the Supreme Court, is to try and get the matter referred to the Supreme Court on a question of law to actually try and get clarification from the Supreme Court, does it believe NCAT has jurisdiction.

**Amanda Farmer:** I just want to dig into that because that's a really important point. What you're saying there, Alison, is not so much having the claim transferred to be heard on the damages question, should this applicant have an automate in their favor or not and that could be to the local court, to the Supreme Court, to the district court, depending on the value of their claim. What you're saying is it would be open to an applicant. They would definitely need legal representation in this process to approach the Supreme Court and ask the question, is the tribunal right? Is it the case that the tribunal does not have jurisdiction to award damages?

**Allison Benson:** Yes. I was involved in a case that was actually being heard the day that the Shih decision came down. One of the options that we've been considering in that case is do we go for a referral. You can refer a matter to the Supreme Court with the consent of the presidential member. The president of NCAT, who I note was on this appeal panel, would have to consent to the question of law being put to the Supreme Court, but ultimately that would be the absolute ideal as a strata lawyer. I can't say it would be the ideal as a client because it is a lot of money to spend on a question of law. Yes, it does affect your case, but it doesn't ultimately resolve the issues in your case because what you will get is an answer from the Supreme Court as to yes, NCAT has jurisdiction or no, it does not have jurisdiction. Then the matter has to go back to the NCAT-

**Amanda Farmer:** If the Supreme Court makes that determination, it's certainly is binding on the tribunal.

**Allison Benson:** Exactly and that... For certainty, that would be my absolute ideal outcome. Having said that, on a practical and a commercial level for a client, would I recommend that approach? Well, it would depend upon the particular client, but in a lot of cases, no. Why? Because you're spending money to clarify law. That is always an expensive process and it doesn't necessarily directly benefit your case. You will still have to fight your case back in the NCAT if the tribunal says yes it does have jurisdiction or then you have to go and file the claim in the court. That's definitely an option, the referral option.

The third option that lot owners who are in, or caught up in this debacle is what I would call it, they have the option of applying for a transfer to transfer the proceedings out of NCAT to the appropriate court. There has been some discussion about which is the appropriate court so there may be limitations in terms of the Local Court Act and the District Court Act as to whether they actually have jurisdiction to hear these type of claims.

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**Allison Benson:** At the moment, I think we'll be referring directly to the Supreme Court. I don't think we'll be going to the local law to the district court because the Supreme Court has inherent jurisdiction. The issue with referring to the Supreme Court is that there is another section of the act that comes into play with regards to costs. So if you go to a court rather than going to NCAT for a remedy and the court believes that the appropriate remedy was in NCAT, then there is a mandatory costs order and that's under Section 253 of the Strata Schemes Management Act. It really is a, you get your jurisdiction correct or you could find yourself having a rather nasty costs argument in the Supreme Court.

**Amanda Farmer:** An applicant, an owner who has decided to transfer to the Supreme court in order to argue and obtain their award of damages, they've made a decision they think not to go down the referral route and ask the Supreme Court to address the question of law, should we be here or should we not, but the Supreme Court may do that anyway and say, "Actually you never should have been here. We are not going to hear the case. We don't think we have jurisdiction under this Section of 253 of the Strata Schemes Management Act, you should have gone to the tribunal," and that then achieves the outcome you're talking about, Alison, of having the question, the legal question answered, but indeed at the vast expense of the lot owner, especially if they've been paying the other side's costs as well.

**Allison Benson:** Very much so and that's the risk that people are looking at at the moment. So it really is a conundrum.

**Amanda Farmer:** Deeper and deeper doesn't it get?

**Allison Benson:** Yes, so there's some other implications from the decision as well.

**Amanda Farmer:** Yes. Let's talk about time limits in particular.

**Allison Benson:** Yes.

**Amanda Farmer:** If you don't mind.

**Allison Benson:** This was actually quite interesting and you raised a really good point about a time limit that had been raised by the appeal panel in obiter in the decision. I'll get to that shortly. The first time limit is under Section 106, subsection 5 and that time limit is the lot owner has to make a claim within 2 years of becoming aware of the loss. If they don't, they are time barred. They cannot claim under the statutory right.

Now they may have a claim in nuisance, but nuisance claims are difficult. There would also be the question of have they minimised their loss. If they didn't try and take the claim in NCAT first or the Supreme Court, whichever the appropriate jurisdiction may be, have they minimised their loss? That's the first limit. The practical implication, because of the Pullicin decision is, again in obiter, the appeal panel said you cannot make a claim in both a court and NCAT on the same subject matter at the same time.

Now the issue being, if you go back to Section 106, the owners corporation has a strict duty to maintain and repair the common property. If you then look at the implications of that, you have 2 years. You can't go to NCAT to take your claim for damages. You have to take that in a court within the 2 year timeframe, but surely your damages claim results from a failure of the owners corporation to maintain and repair, or if you like, control and maintain to pick up the words and Section 9, control and maintain the common property. It is a dispute about a function of the owners corporation.

**Amanda Farmer:** Yes.

**Allison Benson:** If you then go to NCAT, because overall you want this problem-

**Amanda Farmer:** The problem fixed. You want the waterproof membrane relayed on the roof, a new membrane. You want to stop waking up sleeping in a swimming pool in your bed each morning. You want them to do something, not just pay you, but to do something to fix the problem.

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**Allison Benson:** If you think about it, I can go and get an award for damages. Okay, that's great. I then buy myself new furnishings, new bed, lovely new junior cupboard because it had mold all over it, but the problem hasn't been fixed so you really can't take one claim without the other claim. You are left with the option to take both claims in a court or you run the risk of taking the first claim in NCAT to get the problem fixed, crystallising your losses because hopefully you get the orders within the 2 years and the owners corporation fixes the issue and then if you're lucky enough to be within the 2 year timeframe, taking your action for damages in a court, but that doesn't always work out.

**Amanda Farmer:** No.

**Allison Benson:** Reality is very different to theory unfortunately.

**Amanda Farmer:** Both of us have certainly been involved in cases where the allegation that an owners corporation hasn't met its duty to repair and maintain is defended and those matters take longer to resolve and could well extend past that 2 year limit. So it would be very dangerous, in my view, for an owner to think, "Well we'll get the repair and maintenance issues sorted first and I'll claim my damages later."

**Allison Benson:** Yes and that brings us to the point that we were talking about before about the other time limit that was mentioned in the Pullicin decision and that was the appeal panel said if you wanted to make a claim under Section 232, and this is when it was talking about whether Section 232 had the power or it had the power under 232 to award damages. It made the statement in obiter that there is a time limitation there. It's either the time limitation that you were allowed under the act to make the claim or, if there is no time limitation in the act, it is 28 days under the civil and administrative tribunal rules.

**Amanda Farmer:** Just to be clear for our listeners, that is an application that the owners corporation do something, that they repair and maintain the common property. We're setting aside the damages issue. We know that's 2 years, but the act doesn't otherwise put any time limit on when you have to make your application for orders that the owners corporation do work for example.

**Allison Benson:** Exactly.

**Amanda Farmer:** And if the act doesn't say anything, the tribunal rules apply and it's 28 days.

**Allison Benson:** That is not a lot of time. That is barely enough time.

**Amanda Farmer:** From asking the owners corporation to do the work. Please come and fix my ceiling, my leaky waterproof membrane. The owners corporation doesn't do that, says they're not going to do it. You've got 28 days to file in the tribunal.

**Allison Benson:** The owners corporation has 2 months effectively under Section 232. I believe it's subsection 2, says if an owners corporation fails to undertake a function or a duty, if they don't do something 2 months after being requested to do so. Really what the lot owner would need to do is to make sure that they have covered their tracks is they would need to raise the complaint, get it before either the strata committee or the owners corporation and have the owners corporation or the strata committee decide not to do something because what happens when you get a situation of the problem is just ignored. Then under the act, is that 2 month period to fail to do something, is that actually triggered? Well, they haven't made a decision. They haven't said no, we're not going to do it. They've just completely ignored the decision.

**Amanda Farmer:** So you have to be very careful about what is the date from which your time starts running and then to be aware... It's not something I've seen raised before in litigation where a building might have said, "No, sorry you only had 28 days to bring this claim. You haven't. Your outside time." I think it's a little known aspect of the civil and administrative tribunal rules, but it certainly has been highlighted in this case.

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**Allison Benson:** It could have quite horrific consequences because I don't know any claim that I have been involved with that would immediately spring to mind where a lot owner has commenced action against the owners corporation within 2 months of it being asked to do something and not doing something or the 28 days, so effectively 3 months after they failed to do something-

**Amanda Farmer:** What about the requirement for mediation? It takes us 3 months to get a mediation date.

**Allison Benson:** Well yes, it does.

**Amanda Farmer:** How are we going to get around that without 28 days expiring?

**Allison Benson:** Unfortunately you would have to file for application for NCAT and then have the argument with the registry I suspect that-

**Amanda Farmer:** Why it's an urgent application.

**Allison Benson:** It is also urgent because we now have the appeal panel telling us that it's urgent. They may not have told you fair trading, but they have told the world in the published decision, so now we have to have this claim lodged, otherwise we risk this particular clause of the NCAT rules coming to butt us in the behinds.

**Amanda Farmer:** Very, very messy. Is there a way to fix this? What do you think? Are we going to see some legislative intervention here to deal with these problems especially now we've had a bit of time as lawyers to wrap our heads around them. There will be lawyers out there involved in these cases who are giving their clients the options that you've laid out, Allison, starting to understand the ramifications. Is it a legislative response? Do we need to wait for this first case to go before the Supreme Court and have the question of law decided? What do you think is going to happen here?

**Allison Benson:** In terms of legislative response, I don't think that's going to happen very quickly. I don't think it is on the radar of parliament quite frankly. It's very, very recent. My experience with parliament is it moves like a snail trying to get through peanut butter, so it is extraordinarily slow. I don't know that this would even have been drawn to their attention, so I think what will happen is we'll have the first case in the Supreme Court.

Hopefully the Supreme court will say, "Yes, we have jurisdiction. NCAT does not. You have taken the claim in the appropriate jurisdiction," and whoever has that first case then does not have or run afoul of Section 253 and the costs implications. Having said that, and this is something that I've been doing a little bit of research and navel gazing on let's just say. I do need to get a life. Having said that, we are sitting in Noosa, but this is something that I have been doing a little bit of research on and although Section 253 says if the Supreme Court believes that there was an appropriate remedy in the tribunal and you should not have come to the court, it must award costs.

I think there are equitable issues that come into play here. If a lot owner has been told by the tribunal, which it clearly has through Pullicin, that you do not have power tribunal, you must go somewhere else then there would be some equitable issues being raised before the court as to why this section should not come into play. Let's hope. Let's hope the first decision is essentially that NCAT was right and if NCAT was wrong, then I do feel for that particular lot owner because they will have a very nasty costs argument I suspect.

**Amanda Farmer:** The takeaways, I think if you are an owner thinking about one of these claims or trying to get your owners corporation to repair and maintain the common property and you're becoming aware that you may have these rights. I don't say this all that often, but absolutely this is a situation where you need to get legal advice and an experienced representative who understands this history of case law, all of the relevant sections of the legislation that we've been talking about to let you know what your options are.

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**Allison Benson:** Look, there are some claims that people can run by themselves and I do say that to some clients, "Look, we can offer the support that you need and use us on an as needed basis," but because those people are quite capable of running the case, they understand the issues, they are aware, they're actively involved, they are quite good at organising their files, organising their evidence and some people can run claims themselves, but in this particular instance, I really do encourage getting legal advice. There are going to be issues of law that it's not just an issue of fact. Is the water coming down through the wall? What did it damage? On what date did you first become aware of this? This is going to be for the first couple of decisions, and even after that I suspect, quite heavily contested.

**Amanda Farmer:** Yes, and we have been involved very recently in the Australian College of Strata Lawyers annual conference and there has been a fair bit of discussion amongst the New South Wales practitioners about this case, about its impact and indeed some differences of opinion as to whether the decision is right or wrong. So we are all watching with great interest.

**Allison Benson:** Yes we are. It's a time of change. It's not the only area after the reforms, but this is one that really does have a strong impact upon people's amenity.

**Amanda Farmer:** One question that was raised by a friend of mine who is not a strata lawyer, but was interested in the back and forth of the tribunal, said, "What about those cases like your Mr. Shum who has received his 50,000 from the tribunal and he's just lucky." He gets to walk away with that. His owners corporation has had to pay that out to him. I suppose it was open to them at that time, the owners corporation, to appeal that decision if they thought it was wrong, but they accepted that that was the tribunal's correct interpretation of the law.

**Allison Benson:** That indeed they did. As far as I'm aware, the money has been paid by the owners corporation to Mr. Shum. Now this is a case of, in terms of legal advice, it is probably not the legal advice you would want, but it's a case of tough cookies essentially. If you have had this award of damages, it has been paid out and you didn't appeal that, well then the owners corporation is stuck with that decision because there's not a retrospective decision. Mr. Shum should be thinking himself lucky he didn't become before this particular appeal panel or how this appeal panel was constituted.

For other lot owners, this could be.. For other lot owners that don't have the problem and so they're contributing to the owners corporations damages, this could be a very, very good thing. I suspect the insurers will be rubbing their hands with glee, quite frankly, because this is a decision that would very much suit them in some instances.

We should also mention that if we have to go to a court for these types of claims, we are now in a cost jurisdiction and we are also in a jurisdiction where the rules of evidence apply. The thresholds are going to be much greater and the costs going to be greater.

**Amanda Farmer:** And query whether it was ever the policy of the legislature to be sending strata lot owners off to court to be bound by the rules of evidence and to be subject to the risk of cost orders because through the tribunal process and the intent of the tribunal has been to have a user-friendly, consumer friendly approach and now we're looking at having lot owners having to go through that expensive, more complex court process.

**Allison Benson:** Exactly. I really don't think it was the intention of legislator to do that. Having said that, that's where we've ended up so ultimately there may have to be reform.

**Amanda Farmer:** Yes. Interesting. Okay, well having terrified everybody. Sorry about that. We do have to say, I've said it before. I like this area of the law because it is challenging because it is new. There is always something that perhaps we haven't expected around the corner and that we need to deconstruct and live with for a little while. I suspect you probably feel the same, Allison, as a strata lawyer.

**Allison Benson:** I do. Look, it is potentially scary. Having said that, it might actually serve to make people try and mediate and resolve these disputes before they have to go to a court, so there's the potential silver lining. I don't know whether that will be effective, but it is a fairly big threat I would have thought.

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**Amanda Farmer:** Yes, very, very good point to remember that that option is always there and is probably looking more attractive in the current climate. Allison, we're going to wrap up shortly. Thank you so much for delivering your expertise and your thorough knowledge of these cases in this area of the law. Before we do, let our listeners know where they can find out more about you and if there's anything you want to add.

**Allison Benson:** Sure. Thanks Amanda. So you can find out a little bit more about me at our website, which is [kerinbensonlawyers.com.au](http://kerinbensonlawyers.com.au) or you can check me out on my blog and that's [allisonbensonau.com](http://allisonbensonau.com).

**Amanda Farmer:** What do you call your blog, Allison?

**Allison Benson:** Well, there's been many names for my blog quite frankly, but it's "Thoughts from a strata lawyer".

**Amanda Farmer:** I thought so.

**Allison Benson:** I encourage everybody particularly to go onto the page that says Every Lawyer needs a Paw.

**Amanda Farmer:** Is it P-A-W?

**Allison Benson:** P-A-W.

**Amanda Farmer:** Okay, I shall check it out. I will put a link to it in the show notes.

**Allison Benson:** Please do.

**Amanda Farmer:** Thank you so much for taking the time to chat with me today, Allison.

**Allison Benson:** Pleasure. Thanks for having me.

**Outro:** Thank you for listening to Your Strata Property, the podcast which consistently delivers to property owners reliable and accurate information about their strata property. You can access all the information below this episode by the show notes at [www.yourstrataproperty.com.au](http://www.yourstrataproperty.com.au). You can also ask questions in the comments section, which Amanda will answer in her upcoming episodes. How can Amanda help you today?