

21 October 2020



Our Ref: AM:DL:34813

Unit 158/1-15 Fontenoy Road
Macquarie Park NSW 2113

Also By Email: _____

Dear Sir and Madam

RE: DEFAMATION OF ROBERT CROSBIE, WARATAH STRATA MANAGEMENT PTY LTD AND THE STRATA COMMITTEE OF SP52948

Introduction

We act for Mr Robert Crosbie (**Mr Crosbie**), Waratah Strata Management Pty Ltd (**Waratah**) and members of the strata committee of The Owners - Strata Plan No. 52948 (**Strata Committee**).

Our clients were the subject of publications by you on the website www.nswstratasleuth.id.au (the "**NSW Strata Sleuth Website**") (**the matter complained of**).

A copy of the matter complained of is enclosed as **Schedule A** to this letter.

The matter complained of was published and continued to be republished on the front page of the NSW Strata Sleuth Website until April 2020, when it was removed. At all material times, the NSW Strata Sleuth Website and the matter complained of were publicly accessible.

Concerns Notice

This is a Concerns Notice for the purposes of Part 3 of the *Defamation Act 2005* (NSW) and its counterparts in the other States and Territories.

We note that, for the purposes of section 9 of the *Defamation Act 2005*, Waratah is an excluded corporation as it employs fewer than 10 persons.

The matter complained of

The matter complained of carries the following defamatory imputations of and concerning Mr Crosbie:

1. Mr Crosbie is incompetent to conduct business as the director of a strata management company and operates his strata management business in a poor and neglectful manner.
2. Mr Crosbie is dishonest, in that he has deliberately spread false information about you, has deliberately caused strata files to be destroyed, has refused to provide Police with evidence and has misled the Consumer, Trader and Tenancy Tribunal, the District Court of New South Wales, and Fair Trading NSW.
3. Mr Crosbie is guilty of forging dates of a published insurance policy.
4. Mr Crosbie colluded with another entity to surreptitiously award a contract as strata manager to Waratah without a valid tender process, and caused the contract to be signed by 2 members of the executive committee who are unfinancial to vote.

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5. Mr Crosbie repeatedly and unreasonably fails to disclose relevant information relating to the management of the apartment complex SP52948 to lot owners, including information about repetitive or unnecessary work at a significant financial loss to the lot owners.
6. Mr Crosbie engages in secretive conduct at a financial loss to lot owners of strata plan 52948, including authorising duplicitous and unreasonable work without tender, and illegally causing increases to the value of the contract awarded to his strata management company, Waratah.
7. Mr Crosbie fails in his role as director of a strata management corporation, by persistently and deliberately making efforts to ignore fire safety issues concerning the apartment complex SP52948.
8. Mr Crosbie has exposed you to bullying, intimidation, threats, ridicule and religious persecution.

The matter complained of carries the following defamatory imputations of and concerning Waratah:

1. Waratah is incompetent to conduct business as strata manager and operates its strata managing business in a poor and neglectful manner.
2. Waratah operates dishonestly, in that it deliberately causes false information concerning you to be spread, has deliberately caused strata files to be destroyed, has refused to provide Police with evidence, and has misled the Consumer, Trader and Tenancy Tribunal, the District Court of New South Wales, and Fair Trading NSW.
3. Waratah is guilty of causing dates of a published insurance policy to be forged.
4. Waratah colluded with another entity to surreptitiously be awarded a contract as strata manager without a valid tender process and caused its contract to be signed by 2 members of the executive committee who are unfinancial to vote.
5. Waratah repeatedly and unreasonably fails to disclose relevant information relating to the management of the apartment complex SP52948 to lot owners, including information about repetitive or unnecessary work at a significant financial loss to the lot owners.
6. Waratah engages in secretive conduct at a financial loss to lot owners of strata plan 52948, including authorising duplicitous and unreasonable work without tender, and illegally causing increases to the value of the contract awarded to it.
7. Waratah fails in its duties as strata manager, by persistently and deliberately ignoring fire safety issues concerning the apartment complex SP52948.
8. Waratah has exposed you to bullying, intimidation, threats, ridicule and religious persecution.

The matter complained of carries the following defamatory imputations of and concerning the Strata Committee:

1. The Strata Committee is incompetent to conduct the affairs of the owners corporation of SP52948 and operates that affairs in a poor and neglectful manner.
2. The Strata Committee is dishonest, in that they have deliberately spread false information about you, have deliberately caused strata files to be destroyed, have refused to provide Police with evidence and have misled the Consumer, Trader and Tenancy Tribunal, the District Court of New South Wales, and Fair Trading NSW.
3. The Strata Committee is guilty of forging dates of a published insurance policy.
4. The Strata Committee colluded with another entity to surreptitiously award a contract as strata manager to Waratah without a valid tender process, and caused the contract to be signed by 2 members of the executive committee who are unfinancial to vote.

5. The Strata Committee repeatedly and unreasonably fails to disclose relevant information relating to the management of the apartment complex SP52948 to lot owners, including information about repetitive or unnecessary work at a significant financial loss to the lot owners.
6. The Strata Committee engages in secretive conduct at a financial loss to lot owners of strata plan 52948, including authorising duplicitous and unreasonable work without tender, and illegally causing increases to the value of the contract awarded to Waratah.
7. The Strata Committee fail in their role as committee members of the owners corporation of SP52948, by persistently and deliberately making efforts to ignore fire safety issues concerning the apartment complex SP52948.
8. The Strata Committee has exposed you to bullying, intimidation, threats, ridicule and religious persecution.

Defamation

The imputations carried by the matter complained of are highly defamatory of our clients.

The allegations against Mr Crosbie, Waratah and the Strata Committee are made without any qualifications.

We note that Waratah is expressly named numerous throughout the matter complained of. Mr Crosbie is also expressly identified by name, including for example at page 21 of the matter complained of, as is the Strata Committee. Mr Crosbie is also identifiable as the sole director of Waratah and was known by readers of the matter complained of as such.

The allegations are entirely false. As you are aware, Mr Crosbie is the director of Waratah and has been the strata manager of the complex at SP52948 since 2017. Since that time, he has been the subject of relentless and baseless attacks by you concerning every facet of his work as strata manager.

Response to the matter complained of

The matter complained of is 36 pages in length, and contains innumerable allegations in its densely written form. It is impractical for the purposes of this concerns notice to address each and every minute matter raised in your lengthy publication. However, we note the following material facts:

1. Waratah properly tendered for its contract as strata manager in 2016 and was awarded it. There is no basis on which to allege that it occurred surreptitiously and through a non-compliant annual general meeting.
2. Waratah has never acted to illegally increase the value of its contract. Any changes to its contract have been made properly and with the approval of the executive committee.
3. Mr Crosbie is a reasonable, educated and tolerant individual. He is highly offended by any suggestion that he, or any corporation of which he is director, is involved in any form of religious persecution (or religious profiling), whether directly or indirectly. He disputes that he has ever bullied, intimidated, harassed, stalked or caused you to be the subject of gaslighting in any way. We note that, although you have allegedly caused 5 police events to be entered at the time of publishing the matter complained of, our clients have never been the subject of police investigation. Clearly, your allegations are without basis and do not warrant further investigation by independent bodies.
4. The numerous and minute allegations of mismanagement of the complex at the hands of our client are all baseless. Mr Crosbie has a unanimously good professional rapport with other lot owners, with the building manager, and members of the executive committee. Our client has considerable experience as a strata manager and conducts his affairs with the utmost integrity. It is worth mentioning that you are not part of the executive committee and are not involved in its decisions. Further, as a result of your incessant and futile complaints, the executive committee

saw fit to pass a resolution curtailing you from this conduct. Although Mr Crosbie and Waratah have the continued support of the executive committee, the allegations you have raised have caused our clients considerable damage to their reputation as a result of the matters complained of being published online and being publicly accessible, to an audience that is not in a position to be availed of the truth.

Your Conduct

We acknowledge that you have recently caused the matter complained of to be removed online. However, this has only occurred after repeated attempts to negotiate with you. Despite our clients' best efforts, you continued to publish the matter complained of online for a period of over one year. Your maintained attack on our clients in that time is remarkable when regard is had to:

- (a) the lack of any basis on which to make the attack;
- (b) the serious nature of the attack;
- (c) the unequivocal nature of the language used; and
- (d) the fact that our clients have clearly denied any wrongdoing.

You therefore have no justification to make such an attack on our clients, which was clearly only for the purpose of denigrating and ridiculing them.

The Request

We are instructed therefore to request that you agree, **within 14 days** of the date of this letter:

1. To never republish the matter complained of, or the imputations set out in this letter of and concerning our clients again;
2. To immediately publish the following apology by email to all owners of lots in SP52948, to the directors and employees of the building manager, Uniqueco Pty Ltd, and to the director and employees of our client, Waratah:

"APOLOGY TO ROBERT CROSBIE, WARATAH STRATA MANAGEMENT PTY LTD & THE STRATA COMMITTEE OF SP52948

From 2019 to 2020, I published material on the NSW Strata Sleuth Website about Mr Robert Crosbie, Waratah Strata Management Pty Ltd and members of the Strata Committee of the owners corporation of SP52948.

I made serious allegations against Mr Crosbie, Waratah Strata Management Pty Ltd and the Strata Committee without any basis for doing so.

I unreservedly apologise to Mr Crosbie, Waratah Strata Management Pty Ltd and the Strata Committee for my errors, and retract the allegations made about them."

3. To pay to our clients a joint amount of \$50,000.00 in damages; and
4. To pay to our clients their reasonable legal costs in pursuing this matter.

Conclusion

Our clients reserve their rights, including their entitlement to rely on this correspondence in relation to matters of damages and costs, including pursuant to s.40 of the *Defamation Act 2005*.

In the meantime, we request that all notes, documents, and other material relating to the matter complained of be retained by you, including any response by any person who read the matter complained of.

Yours faithfully



JS MUELLER & CO

Adrian Mueller | Partner

Schedule A

1.1 SP52948 is a large strata plan with 218 lots at Macquarie Park where full financial and accounting data has never been provided to owners at any general or ordinary meeting between year 1997 and 2020.

BCS Strata Management (period between 1999 and 2017) and Waratah Strata Management (period from 2017 onwards) ignored Lot 158 requests for proper voting at general meetings to ensure better financial reporting.

It all started when group of eight EC members and BCS Strata Management tried to lure owners into approving Optus mobile antennae tower installation without real benefits and deliberately failing to disclose vital information for the rushed Extraordinary General Meeting in August 2010. Thanks to our unselfish and tireless work, we prevented such action and owners voted against it.

Instead of learning from such terrible action, BCS Strata Management and EC members engaged in unrelentless defamation and ridicule of Lot 158, and denial of any wrongdoings. Lot 158 attempted everything in their powers to reason with them - to no avail:

[SP52948-BCS-Strata-Management-and-EC-members-refused-to-analyse-their-terrible-proposal-for-Optus-telecom-antennae-on-roof-25Sep2010](#)

[SP52948-EC-members-and-BCS-Strata-Management-deliberately-prevented-single-EC-member-to-analyse-their-terrible-plan-to-allow-Optus-telecommunications-antennae-on-roof-at-AGM-or-first-meeting-afterwards-20Oct2010](#)

[SP52948-Lot-158-initial-attempts-to-reason-with-BCS-Strata-Management-and-EC-members-completely-ignored-24Aug2011](#)

Two examples from 2012: [SP52948-Gary-Webb-and-Paul-Banoob-BCS-Strata-Management-ignored-Lot-158-Motion-for-better-financial-reporting-23Jun2012](#) and [SP52948-Gary-Webb-BCS-Strata-Management-ignored-Lot-158-Motion-for-introduction-of-subcommittees-20Jul2012](#).

1.2 Some of the attempts for free and open-minded mediations at Fair Trading NSW were REJECTED and IGNORED by BCS Strata Management and Executive Committee. Instead, they resorted to using Solicitor Adrian Mueller without proper owners corporation approval, at costs above \$100,000.00 so far, and risk more complex litigation due to suspected insurance frauds, unfinancial owners being allowed on the Executive Committee, misappropriation of common funds without special resolutions and special by-laws, suspected false statements to CTTT (now NCAT), Fair Trading NSW, and District Court, suspected false statements in Statutory Declaration, and much more:

SM11/1348DR

SM12/1537JR

SM15/1226RH

Fair Trading NSW 5953035

Fair Trading NSW 6536692

Fair Trading NSW 7563482

Fair Trading NSW 7938059

On 31 December 2013, Lot 158 offered settlement out of court, by proposing selfless option to BCS Strata Management, [SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-ignored-repeated-offers-to-avoid-legal-expenses-and-continued-to-engage-Solicitor-Adrian-Mueller-without-proper-process-31Dec2013](#). I sent an email to eight members of the Executive Committee (one member did not have internet access -

Sandy Quick), Strata Manager Peter Bone, and the Branch Manager of BCS Strata Management Paul Banoob. Updated version in early 2014 listed mediation rules to avoid high costs in CTTT File SCS 13/50737, and District Court File 13/360456, and asked BCS Strata Management to pay \$25,000.00 (part of my own losses due to forced litigations that my family and I were nevertheless prepared to waive) to the children's hospital:

1. The sum of \$25,000.00 for contribution to Westmead Children's Hospital by BCS Strata Management was chosen based on the following facts:

2.1 *Strata Manager failed to obtain minimum of two quotes for insurance for the complex and caused increase in premiums of more than 78% in comparison to the previous year 2011 and did not disclose this crucial information to the owners at the AGM 2012 or at any other time afterwards. Reasonable increase in FY 2012/2013 should have been between 12-20% (the minutes of the EC meeting held on 13 June 2012 confirm it). Owners corporation incurred excessive cost for renewal of insurance by around \$19,254.15.*

Balance sheet in the agenda for the AGM 2012 failed to disclose correct costs for Strata Manager's contract and failed to implement decrease in contract value as per "loyalty rebate" that single EC member and Mr. Greg Freeman (from Pica Group) negotiated alone. From 1 September 2011 it should have dropped to \$29,900.00 plus GST, instead of previous \$33,498.96 + GST, as per Mr. Greg Freeman's email to Debbie Downes, Paul Banoob and Simon Wicks on 24 October 2011); currently charging \$2,791.58 GST exclusive per month.

Loss to owners corporation: \$3,598.96 (GST exclusive).

The equal loss to owners corporation occurred again in FY 2013.

Other much larger losses to owners corporation due to financial mismanagement and non-compliance with the SSMA 1996 and 2010 were not taken into account.

2. A copy of proof that Mr. Moses Levitt (EC member) read but declined to respond to my email on 31 December 2013 or make any offer for mediation is annexed and marked "DB2".

3. A copy of proof that Mr. Paul Banoob (Branch Manager of BCS Strata Management) read but declined to respond to my email on 31 December 2013 or make any offer for mediation is annexed and marked "DB3".

4. A copy of proof that Mr. XXX (EC member), read but declined to respond to my email on 31 December 2013 or make any offer for mediation is annexed and marked "DB4".

5. A copy of proof that Mr. John Ward (EC member), read but declined to respond to my email on 31 December 2013 or make any offer for mediation is annexed and marked "DB5".

6. A copy of proof that Strata Manager Mr. Peter Bone, read but declined to respond to my email on 7 January 2014 or make any offer for mediation is annexed and marked "DB6".

7. A copy of proof that Mrs. Maureen McDonald (EC member), read but declined to respond to my email on 13 January 2014 or make any offer for mediation is annexed and marked "DB7".

SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-ignored-offer-to-forensically-analyse-alleged-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-20May2013

Investigative Journalism - Affairs in Large Strata Complex in Sydney NSW

SP52948 Examples of Definition of Democracy Given by Waratah Strata Management and EC members

Investigations Generated Personal Safety Risks Including Attacks on Religious Basis

SP52948 - Solicitor Adrian Mueller, Waratah Strata Management, and EC members Trying to Stop Single Owner from Asking For Proper Management of the Complex by Creating Special By-Law on Unreasonable Communication

Waratah Strata Management - Two Serious Data Losses in 2018 and 2019 without Full Disclosure to Owners

SP52948 Examples of Solicitor Adrian Mueller Involvement and Actions

Countdown for Solicitor Adrian Mueller to prove his alleged extracts from eight emails he provided whilst creating Statutory Declaration for BCS Strata Management in 2013 were factual and unredacted (Police, Fair Trading NSW, CTTT, District Court, and Office of Legal Services Commissioner are still waiting for files)

Examples of How Contracts, Legal Expenses, Accounting, and Maintenance Are Done in SP52948

Timeline of Major Events Related to Unpaid Full Levies for Second Gas Connections in Period 1999 to 2019 Inclusive

BCS Strata Management and Waratah Strata Management Failed to Provide Access to SP52948 Strata Files Multiple Times

SP52948 Examples of Police and Waratah Strata Management secret and desperate attempts to find another copy of lost USB key with strata files from BCS Strata Management April to October 2018

Evidence of Persistent Poor Services

Evidence of Persistent and Deliberate Efforts to Ignore Fire Safety Issues by BCS Strata Management, Waratah Strata Management, and Uniquenco Property Services

Examples of How BCS Strata Management and Waratah Strata Management Conducted SP52948 General Meetings

SP52948 Non-Compliant Proxy Forms and Ballot Papers

SP52948 Quorums at General Meetings

Draft Version of the Book on NSW Strata Investigative Journalism

What Others think About BCS Strata Management

BCS Strata Management Declined to Sign Disclosure Statements

Some of Many Attempts to Engage with Financial Accounting Companies to Explain Their Yearly Reports for SP52948

SP52948 Lot 158 Enforced Equal Religious Rights

SP52948 Waratah Strata Management Claims no Meetings in 2018 and 2019 and Deliberately Misleading Information for Owners and Investors About Manager Frank Tallaridi

Request Access to Strata (Mis)Management Evidence

Investigative Journalism - Affairs in Large Strata Complex in Sydney NSW

The investigative journalism in strata management in NSW was started in 2011, after we uncovered **dubious activities** in a large strata complex at Macquarie Park.

What has been uncovered showed **serious elements of mismanagement and** what is alleged to be **fraudulent activities**. Extensive evidence has been offered to back up such claim.

From then on, two specific strata agencies (BCS Strata Management and Waratah Strata Management) and two building managers (Uniquenco Property Services and Universal Property Services) were followed and their actions carefully analysed.

At all times, we offered to stand corrected if our statements were wrong or incorrect. It took almost nine years to force admission by EC members and strata agency that levies for second gas connections were not applied correctly. They kept changing the story many times:

[SP52948-timeline-of-events-related-to-levies-for-second-gas-connection](#)

Same applied to **undeclared, inequitable, and highly secretive water and gas private usage cost reimbursements** for selective townhouse owners which BCS Strata Management ran in period 1999 to 2016 and Waratah Strata Management continued from 2017 onwards:

[SP52948-Request-ignored-by-Peter-Bone-BCS-Strata-Management-AGM-2012-minutes-and-townhouse-rebates-information-14Nov2012](#)

[SP52948-BCS-Strata-Management-Undisclosed-and-inequitable-gas-and-water-private-usage-cost-reimbursements-for-selective-townhouses-1997-to-2016-public-version](#)

Multiple attempts to avoid legal costs were rejected by BCS Strata Management and EC members. The first one was on:

[SP52948-BCS-Strata-Management-and-EC-members-refused-free-mediation-at-Fair-Trading-NSW-Item-9-EC-meeting-1Dec2010](#)

There are three conditions that, when present in varying degrees, increase the risk of fraud:

- (1) the pressure to commit fraud,
- (2) the opportunity to commit fraud, and
- (3) the rationalization of committing the fraud.

In the investigative process, we have been exposed to **attempts of bullying, intimidation, harrasment, stalking, false accusations**, and even gaslighting (special and continuous efforts were made to portrait female owner as mentally unstable and delusional), which ended with five Police Events reported by us. Kindness is a language which the deaf can hear and the blind can see - but that does not happen in SP52948 if one questions wrongdoings. Instead, their responses have been clearly manifested as per Noam Chomsky's rules:

[Noam-Chomski-Ten-Rules](#)

Strata Managers are supposed to be customer service advocates, wanting to deliver the best service. That best service means being truthful, even if that truth is not the desired answer. Although strata managers act under instruction, they should not make decisions on behalf of owners and committee members! Their role is to inform and empower so the committee can confidently make decisions for the betterment of the scheme. The provided evidence will show if BCS Strata Management and Warata Strata Management achieved that goal.

At all times, the information was shared with all four service providers (BCS Strata Management, Warata Strata Management, Uniqueco Property Services, and Universal Property Services) and EC members, asking for comments or proofs to counter our claims and evidence - to no avail. They never provided such facts.

- We have duty to provide information to inform the owners, investors, and public to make informed decisions.
- We have duty to uphold the laws and prevent financial and other abuses (including even physical threats).
- We have duty to enforce all people be treated equally and fairly.
- We have duty speak up about injustice and protect free speech and allow everybody to be put under equal scrutiny.

- Mobile devices, and the internet, have infiltrated every aspect of our lives. Customers use online reviews to determine whether or not a product or service deserves their money.

Competition watchdog, the ACCC, says as many as three quarters of all social media users say they read online reviews before making a purchase.

People research products. They compare competitors. Some 87% of buying decisions begin with research conducted online.

Some 88% say they trust online reviews as much as personal recommendations, and 39% read reviews on a regular basis.

It is hoped every single owner and law-abiding person will consider using service providers by checking some facts firstly and make own conclusions. here is some of the voluminous evidence and it is up to each person to decide how to interpret them or challenge us for further proofs.

Destroyed strata files, refusal to provide the Police with requested evidence, misleading and misconstrued statements to CTTT, District Court, and Fair Trading, refusal to provide access to strata files in spite of paid searches... that was just part of services on offer from major service providers in SP52948.

In process of trying to enforce proper management of the complex and actions in accordance with the laws, we dealt (and still do) with number of organisations: Office of Legal Services Commissioner, Fair Trading NSW, District Court, Consumer, Trader, and Tenancy Tribunal, NSW Police, CHU Insurance, Pica Group, Australian Competition and Consumer Commission, Telecommunications Industry Ombudsman, Strata Community Australia (NSW), Land and Property Information, and others. The short outcome of the results so far: Australia has plenty of laws, but many of them are not enforceable or are weak and ambiguous.

Most of investigations are still underway and cases are not closed. The risks of litigation are high and even secretly confirmed in Solicitor Adrian Mueller's letter to Waratah Strata Management in 2017 which Director Robert Crosbie chose not to share with owners:

[SP52948-Waratah-Strata-Management-received-warning-from-Solicitor-Adrian-Mueller-about-legal-risks-due-to-unfinancial-owners-which-Waratah-declined-to-share-with-owners-22Aug2017](#)

During those engagements we also experienced files being lost by the Police, BCS Strata Management and Waratah Strata Management, files allegedly being "misplaced" whilst in custody of Solicitor Adrian Mueller's (Mr. Mueller's own statement to Police in spite of legal requirements to keep them for seven years from the end of the legal case), what we allege to be false statements to CTTT and District Court, and much more. Others also have issues with them - examples:

Police officers with criminal records

Corruption in Tribunals

SP52948 Examples of Definition of Democracy Given by Waratah Strata Management and EC members

[SP52948-EC-member-Betty-Saulits-using-democracy-phrase-for-CTTT-submission-14Feb2011](#)

In one year, without owners corporation approval, or knowledge, base contract value for Waratah Strata Management raised by around 11.5%:

- Base value of \$21,800.00 (GST inclusive) as approved at AGM on 14 November 2016, whilst preventing superior quote by Ryan Strata to be included in the agenda for the meeting.
- Base value \$23,110.00 (GST inclusive) plus rebates, discounts, and commissions disclosed in Disclosure Schedule, signed by EC members Mr. Moses Levitt and Stan Pogorelsky without evidence that they settled areas for unpaid levies for second gas connections on 14 December 2016.

- Base value \$24,310.00 (GST inclusive) plus rebates, discounts, and commissions disclosed in Disclosure Schedule C1 and C2, signed by EC members Mr. Moses Levitt and Stan Pogorelsky without evidence that they settled areas for unpaid levies for second gas connections straight after AGM on 24 October 2017. Competitive bid by Complete Building Management Group was not allowed to be presented to owners in the agenda for the meeting.

SP52948-Waratah-Strata-Management-contract-increased-by-two-unfinancial-members-of-EC-Lot-147-Moses-Levitt-and-Lot-181-Stan-Pogorelsky-against-decision-of-49-owners-at-general-meeting-19Oct2016

SP52948-Waratah-Strata-Management-declined-to-notify-owners-about-illegal-increase-value-of-their-contract-signed-by-two-unfinancial-EC-members-Lot-147-Moses-Levitt-and-Lot-181-Stan-Pogorelsky-27Feb2017

SP52948-Waratah-Strata-Management-declined-to-notify-owners-corporation-about-continuous-discrimination-of-owners-incurring-high-costs-without-approval-and-lack-of-proper-care-of-the-complex-26Aug2018

SP52948-Waratah-Strata-Management-hid-contract-renewal-with-Uniqueco-Property-Services-signed-and-value-increased-above-CPI-without-owners-corporation-approval-by-unfinancial-owners-from-Lot-147-Moses-Levitt-and-181-Stan-Pogorelsky-27Nov2017

SP52948-Lot-20x-using-democracy-phrase-for-CTTT-submission-27Feb2011

SP52948-EC-member-Stan-Pogorelsky-instructions-to-ignore-Lot-158-complaints-3Apr3017

SP52948-Waratah-Strata-Management-urging-Police-not-to-investigate-whilst-refusing-access-to-files-with-evidence-of-fraud-that-Lot-owner-alleges-Apr2018

SP52948-Treasurer-Thomas-Karolewski-suggestion-how-to-coerce-owners-to-ignore-Lot-158-in-spite-of-facts-offered-8Aug2018

SP52948-Waratah-Strata-Management-email-to-Fair-Trading-NSW-with-their-definition-of-democracy-17May2019

SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-plan-to-defend-themselves-without-offering-evidence-to-counter-Lot-158-claims-secret-draft-letter-never-sent-to-owners-page-1-Jun2019

SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-plan-to-defend-themselves-without-offering-evidence-to-counter-Lot-158-claims-secret-draft-letter-never-sent-to-owners-page-2-Jun2019

SP52948-Waratah-Strata-Management-preventing-owner-from-access-to-Strata-Roll-and-urging-Fair-Trading-NSW-to-do-the-same-20May2019

SP52948-Waratah-Strata-Management-response-for-Uniqueco-Property-Services-refusal-to-repair-common-property-external-garage-faulty-remote-control-device-22Jan2020

Investigations Generated Personal Safety Risks Including Attacks on Religious Basis

This work exposed us to **bullying, intimidation, threats, ridicule, and even religious prosecution.**

Attempts of **bullying and selective racial discrimination** were common:

- SP52948-Solicitor-Adrian-Mueller-defamation-threats-without-substance-part-1-10Sep2012
- SP52948-Solicitor-Adrian-Mueller-defamation-threats-without-substance-part-2-10Sep2012

- [SP52948-BCS-Strata-Management-and-EC-members-claimed-all-financials-in-good-order-without-providing-evidence-to-CTTT-and-refusing-to-attend-free-mediation-at-Fair-Trading-EC-meeting-22Feb2012](#)
- [SP52948-extract-from-EC-member-submission-to-CTTT-without-disclosing-conflict-of-interest-for-unapproved-water-and-gas-cost-reimbursements-since-1999-10Mar2012](#)
- [SP52948-BCS-Strata-Management-agenda-sent-to-owners-for-AGM-on-4Oct2012-with-false-statement-about-insurance-increase-and-stating-that-EC-members-received-no-personal-benefits-and-no-fraud-occurred](#)
- [SP52948-BCS-Strata-Management-strongly-advising-owners-not-to-allow-owner-who-reported-mismanagement-issues-to-be-member-of-the-committee-40Oct2012](#)
- [SP52948-BCS-Strata-Management-addendum-to-agenda-sent-to-owners-for-AGM-on-9Oct2012-repeated-statement-that-EC-members-received-no-personal-benefits-and-no-fraud-occurred](#)
- [SP52948-extract-from-Lot-33-34-218-Jeffery-Wang-submission-to-CTTT-9Feb2011](#)
- [SP52948-extract-from-Lot-181-Stan-Pogorelsky-submission-to-CTTT-whilst-failing-to-disclose-his-unfinancial-status-due-to-unpaid-levies-20Feb2011](#)
- [SP52948-Lot-20x-using-democracy-phrase-for-CTTT-submission-27Feb2011](#)
- [SP52948-extract-from-Lot-20x-submission-to-CTTT-27Feb2011](#)
- [SP52948-extract-from-Lot-156-Barrys-Lon-submission-to-CTTT-24Feb2012](#)
- [SP52948-extract-from-Lot-151-Maureen-McDonald-submission-to-CTTT-28Feb2012](#)
- [SP52948-extract-from-Lot-147-Moses-Levitt-submission-to-CTTT-whilst-failing-to-disclose-his-unfinancial-status-due-to-unpaid-levies-5Mar2012](#)
- [SP52948-extract-from-Lot-49-and-57-John-Ward-submission-to-CTTT-9Mar2012](#)
- [SP52948-extract-from-Lot-150-Diedre-Niar-submission-to-CTTT-9Mar2012](#)
- [SP52948-extract-from-Lot-181-Stan-Pogorelsky-submission-to-CTTT-whilst-failing-to-disclose-his-unfinancial-status-due-to-unpaid-levies-10Mar2012](#)
- [SP52948-extract-from-Lot-20x-submission-to-CTTT-12Mar2012](#)
- [SP52948-extract-from-Lot-62-Upali-Aranwela-submission-to-CTTT-whilst-failing-to-disclose-his-unfinancial-status-due-to-unpaid-levies-12Mar2012](#)
- [SP52948-extract-from-Lot-167-Peter-Friede-submission-to-CTTT-whilst-failing-to-disclose-his-unfinancial-status-due-to-unpaid-levies-13Mar2012](#)
- [SP52948-extract-from-Lot-123-Joanne-Hessink-submission-to-CTTT-13Mar2012](#)
- [SP52948-extract-from-Lot-147-Moses-Levitt-submission-to-CTTT-whilst-failing-to-disclose-his-unfinancial-status-due-to-unpaid-levies-23Jun2013](#)
- [SP52948-extract-from-Lot-49-and-57-John-Ward-submission-to-CTTT-23Jun2013](#)
- [SP52948-extract-from-Lot-49-and-57-John-Ward-submission-to-CTTT-part-2-23Jun2013.png](#)
- [SP52948-extract-from-Lot-151-Maureen-McDonald-submission-to-CTTT-23Jun2013](#)
- [SP52948-extract-from-Lot-20x-submission-to-CTTT-24Jun2013](#)

- SP52948-extract-from-BCS-Strata-Management-submission-to-CTTT-24Jun2013
- SP52948-BCS-Strata-Management-and-EC-members-statements-against-Lot-158-without-evidence-in-agenda-for-AGM-2014-20Nov2014
- SP52948-BCS-Strata-Management-and-EC-members-statements-defending-their-actions-agenda-AGM-2014-20Nov2014
- SP52948-EC-member-statement-to-ignore-Lot-158-agenda-AGM-2014-20Nov2014
- BCS-Strata-Management-attempt-by-Greg-Freeman-to-bully-owner-and-failed-19Jan2016 whilst the strata manager appeared to offer assistance to provide missing files that Lot 158 did not find in paid document search SP52948-Gary-Mills-BCS-Strata-Management-undelivered-promise-to-find-missing-strata-documents-19Jan2016, and month later BCS Strata Management confirmed they would not deal with valid complaints and financial mismanagement, or provide access to strata files SP52948-Gary-Mills-BCS-Strata-Management-officially-decided-to-ignore-all-legally-valid-complaints-from-Lot-158-including-access-to-strata-documents-8Feb2016
- SP52948-EC-member-who-had-personal-undisclosed-benefits-continuous-denial-of-being-involved-in-mismanagement-letter-sent-to-owners-at-their-resignation-11Apr2016
- SP52948-Waratah-Strata-Management-ignored-request-for-amendment-contract-details-and-defamation-of-Lot-158-through-misleading-and-misconstrued-statements-at-EC-meeting-16Mar2017
- SP52948-BCS-Strata-Management-Simon-Brikha-requesting-his-name-be-removed-without-providing-evidence-of-defamation-25Mar2017
- SP52948-Waratah-Strata-Management-defamation-threats-without-substance-29Mar2017
- SP52948-EC-member-Lot-181-attempting-to-prevent-insurance-company-investigate-alleged-fraud-3Apr2017
- SP52948-Uniqueco-Property-Services-and-Waratah-Strata-Management-deliberately-spread-false-information-in-spite-of-evidence-to-the-contrary-alleged-incident-11June2017
- SP52948-Waratah-Strata-Management-and-EC-members-provided-false-accusations-about-Lot-158-in-spite-of-advance-warnings-not-to-do-it-21Jul2017
- SP52948-Waratah-Strata-Management-suggesting-to-owners-to-ignore-Lot-158-evidence-21Jul2017
- SP52948-Waratah-Strata-Management-planning-with-Solicitor-Adrian-Mueller-Motion-for-unreasonable-communication-and-attemption-to-look-for-defamation-case-27Jul2017
- BCS-Strata-Management-persistent-bullying-of-owner-in-order-to-prevent-investigations-against-their-mismanagement
- SP52948-Treasurer-Thomas-Karolewski-suggestion-how-to-coerce-owners-to-ignore-Lot-158-in-spite-of-facts-offered-8Aug2018
- SP52948-Uniqueco-Property-Services-website-threats-without-offering-evidence-5Sep2019
- SP52948-Uniqueco-Property-Services-refused-to-make-amends-for-deliberate-oral-defamation-of-Lot-158-for-not-helping-old-woman-with-her-bags-at-AGM-on-17Oct2019
- BCS-Strata-Management-Inciting-Religious-Intolerance-and-Discrimination
- SP52948-Peter-Bone-BCS-Strata-Management-prevented-Lot-159-from-enjoying-religious-celebration-peacefully-11Nov2013

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- SP52948-Russell-Young-and-Greg-Freeman-BCS-Strata-Management-ignored-repeated-complaints-about-their-promoting-religious-intolerance-and-discrimination-23Nov2014
- Racial profiling of specific Asian community reported to BCS Strata Management and EC members (reply from them never received)
- Photos of racial profiling of specific Asian community
- AGM 2017 Motion disallowed by Waratah Strata Management - Eliminate racial profiling of specific Asian community
- AGM 2017 Motion disallowed by Waratah Strata Management - Stalking
- SP52948-Waratah-Strata-Management-trying-to-threaten-Lot-158-while-defending-poor-maintenance-and-stalking-by-Uniqueco-Property-Services-and-ignoring-valid-complaints-25Jan2019
- SP52948-Example-of-Waratah-Strata-Management-and-Uniqueco-Property-Services-preventing-access-to-CCTV-recording-as-evidence-in-Police-event-dated-11Aug2019
- BCS-Strata-Management-Bullying-Tenants-Without-Proper-Procedure

SP52948-Waratah-Strata-Management-ignored-request-to-stop-illegal-smoking-facility-behind-fire-door-2-in-Block-A-20Dec2018

SP52948-Waratah-Strata-Management-ignored-request-to-stop-illegal-smoking-facility-behind-fire-door-2-in-Block-A-19Mar2019

SP52948-Waratah-Strata-Management-ignored-third-warning-about-illegal-smoking-facility-behind-fire-door-2-in-Block-A-9May2019

- SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-plan-to-defend-themselves-without-offering-evidence-to-counter-Lot-158-claims-secret-draft-letter-never-sent-to-owners-page-1-Jun2019
- SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-plan-to-defend-themselves-without-offering-evidence-to-counter-Lot-158-claims-secret-draft-letter-never-sent-to-owners-page-2-Jun2019

SP52948-complaint-sent-to-Waratah-Strata-Management-for-Uniqueco-Property-Services-refusal-to-repair-common-property-external-garage-faulty-remote-control-device-18Jan2020

SP52948-Waratah-Strata-Management-response-for-Uniqueco-Property-Services-refusal-to-repair-common-property-external-garage-faulty-remote-control-device-22Jan2020

SP52948 - Solicitor Adrian Mueller, Waratah Strata Management, and EC members Trying to Stop Single Owner from Asking For Proper Management of the Complex by Creating Special By-Law on Unreasonable Communication

☐ SP52948-Waratah-Strata-Management-planning-with-Solicitor-Adrian-Mueller-Motion-for-unreasonable-communication-and-attemption-to-look-for-defamation-case-27Jul2017

☐ SP52948-Solicitor-Adrian-Mueller-advice-to-Waratah-Strata-Management-and-EC-that-Secretary-needs-to-respond-to-Lot-158-communications-without-explaining-what-is-definition-of-requiring-a-response-22Aug2017

☐ SP52948-Solicitor-Adrian-Mueller-letter-with-comments-suggesting-unreasonable-communications-by-law-in-spite-of-weak-grounds-for-such-by-law-page-6-22Aug2017

[SP52948-John-Gore-Lot-200-suggesting-Special-By-Law-12-amendment-applicable-only-to-Lot-158-to-prevent-proper-management-in-the-complex-5Oct2017](#)

[SP52948-Solicitor-Adrian-Mueller-worried-about-weaknesses-in-proposing-by-law-prohibiting-unreasonable-communication-which-he-was-preparing-against-a-single-owner-Lot-158-10Oct2017](#)

[SP52948-Treasurer-Thomas-Karolewski-suggestion-how-to-coerce-owners-to-ignore-Lot-158-in-spite-of-facts-offered-8Aug2018](#)

[SP52948-Consolidated-By-Laws-Including-Special-By-Law-11-Unreasonable-Communications-26Oct2018](#)

Waratah Strata Management - Two Serious Data Losses in 2018 and 2019 without Full Disclosure to Owners

The events escalated to such levels that two serious data losses occurred due to lack of proper management by Waratah Strata Management, which they, in brief form, belatedly revealed to owners in March 2019.

Based on discovery of very comprehensive evidence, and the fact that CHU Insurance forced SP52948 to repay \$8,800.00 in March 2017 for excessive claims for alleged legal expenses paid to Solicitor Adrian Mueller in 2012 and 2013, Lot 158 raised fraud report to Police in late 2017. The Police started investigations in early 2018, and as part of data collection, asked Waratah Strata Management to provide them with a copy of strata files, with special emphasis on eight emails that Lot 158 alleges to be part of false statements prepared by Solicitor Adrian Mueller for BCS Strata Management Statutory Declaration to CTTT on 19 April 2013. Waratah Strata Management provided the Police with the USB key that allegedly contained full copy of SP52948 strata files.

Based on the Police statements, their brief search of the USB key, found no references to the eight emails in question. They were simply not found on the USB key.

Then, the Police, allegedly, lost the USB key and, allegedly, that was the ONLY copy of strata files that Waratah Strata Management had (no backups, no other copies). Bot the Police and Waratah Strata Management hid this information from Lot 158 and all owners in the complex until March 2019 (10 months later). Waratah Strata Management even went as far as to avoid disclosing it to owners at Annual General Meeting in October 2018.

The following documents show proofs to what extent Waratah Strata Management went to "help" the Police close the alleged fraud case without evidence:

[SP52948-Examples-of-Police-and-Waratah-Strata-Management-secret-and-desperate-attempts-to-find-another-copy-of-lost-USB-key-with-strata-files-from-BCS-Strata-Management-April-to-October-2018](#)

The Police and Waratah Strata Management did not remember one simple fact: Lot 158 obtained copy of the alleged USB key at document search in Waratah Strata Management office on 13 June 2017 and that Lot 158 still has four copies of them. Statement by Waratah Strata Management that such USB key had all files is misleading and misconstrued: Lot 158 ran thorough checks of around 10,000 file son the USB and found NONE OF THE EIGHT CRUCIAL EMAILS.

Then, the second data loss - again without possibility of full data recovery, based on Waratah Strata Management own statements...

Waratah Strata Management alleges that their computer systems were attacked by ransomware on 1 February 2019. The attack lasted undetected for several weeks.

It took Waratah Strata Management six weeks to report the data losses to owners, and three and a half months to report it to Fair Trading NSW.

Four different versions of events presented by Waratah Strata Management do not match each other (refer to attachments).

The brief ransomware report by Sententia also raises more questions:

SP52948-extracts-from-Sententia-report-on-alleged-ransomware-attack-at-Waratah-Strata-Management-undisclosed-to-owners-26Mar2019

Apart from lost USB key in mid-2018 (Waratah Strata Management did not keep copies of it) with all files for periods before 1 February 2017 that took Waratah Strata Management around 10 months to report to owners in March 2019, the second loss of data in alleged ransomware attack was/is also not properly disclosed to owners.

Of special interest is the allegation that Bitcoin ransom was paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03. Waratah Strata Management still refuses to disclose who paid the ransom, what the Police case number was, and if ATO and other relevant organisations were notified.

An alleged ransomware attack against Waratah Strata Management occurred on 1 February 2019. Sententia report, dated 26 March 2019 stated (undisclosed by Waratah Strata Management to 218 owners):

Their investigation had limited access to event logs.

Deeper understanding of the exact actions by the treat actor was not possible due to lack of evidence and an incomplete audit trail.

Based on incomplete logs, the encryption attack most likely occurred on 2 February 2019 at 12:08:56 hours.

Threat actor achieved brute-force success with the Administrator account on server WSMHS1, a malicious toolkit was then used to create www account on 1 February 2019 at 11:58:53 hours.

Incomplete audit logs from terminal services show the first login occurred at 23:59 hours on 1 February 2019 and session ended at 03:33 hours on 2 February 2019.

There was no conclusive evidence to suggest any data exfiltration occurred (simply based on available usage data logs that did not take into account possibility of using data compression for file transfers, or selective file transfers of targeted files).

There was no conclusive evidence to suggest any data exfiltration occurred (simply based on available usage data logs that did not take into account possibility of using data compression for file transfers, or selective file transfers of targeted files).

In timeframe from 1 February 2019 up to around 15 and 17 February 2019, Waratah Strata Management was still at high risk, due to unpatched servers and continuous attacks with brute-force access. Lack of remediation actions to close all non-essential inbound ports continued to create risks.

Bitcoin ransom was subsequently paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03.

After this payment, there was no response from the threat actor.

The attack allegedly occurred due to misconfigured routers that allowed RDP protocol.

Waratah Strata Management recovered their data via a re-image procedure (mostly untrue, as per separate admission by Waratah Strata Management to Fair Trading NSW and owners in emails with different explanations confirming many strats files allegedly being lost permanently).

It was recommended to use more secure method of connectivity, such as MFA VPN.

The report by Sententia directly contradicts statements given by Waratah Strata Management to Fair Trading NSW, Lot 158, and SP52948 owners:

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- No files were allegedly removed in the ransomware attack, so how the files disappeared and who deleted them, as reported by Waratah Strata Management.
- SP52948 strata files are located at <https://www.lookatmystrata.com.au/187035/Login/Logon>. According to Netcraft report, lookatmystrata.com.au is hosted by Microsoft - South East Asia (Singapore) datacenter, so how did Microsoft lose SP52948 files and were they informed about it?
- Waratah Strata Management uses email services through Office 365 at Microsoft. Waratah Strata Management allegedly did not have proper backups to recover most of the lost files (including those that raise privacy concerns). How did Microsoft lose emails held on behalf of waratahstrata.com.au and SP52948 and were they informed about it?
- Sententia did not discuss possibility of data breaches through screenshots. Recent major security alert by Check Point pointed to a flaw in Azure Stack, the on-premises edition of Azure, that allowed someone to take screenshots or see other sensitive information by taking advantage of a vulnerability in a DataService function without requiring authentication

Waratah Strata Management alleges that not only the ransomware attack occurred, but as well SP52948 files and emails were destroyed or lost (and that majority of them Waratah Strata Management could not recover), effectively blaming services in Microsoft Cloud and data centers:

- [SP52948-website-with-strata-files-managed-by-Waratah-Strata-Management](#) where the website [lookatmystrata.com.au-hosted-by-Microsoft-datacenter-Singapore](#)
- [SP52948-email-services-for-waratahstrata.com.au-provided-by-Microsoft-Office-365](#)

[SP52948-Waratah-Strata-Management-confirmed-on-9Feb2017-all-strata-files-at-start-of-their-contract-and-changed-their-statement-in-March2019-after-alleged-ransomware-attack](#)

[Waratah Strata Management letter to owners with brief details of two data loss events](#)

[SP52948-Thomas-Karolewski-trying-to-avoid-Treasurer-responsibility-after-announcement-of-alleged-ransomware-attack-retrospectively-16Mar2019](#)

[SP52948-request-submitted-to-Waratah-Strata-Management-to-provide-information-about-alleged-data-breach-at-Waratah-Strata-Management-and-loss-of-SP52948-strata-files-14Jul2019](#)

[SP52948-request-to-disclose-information-submitted-to-Waratah-Strata-Management-if-EC-members-were-notified-about-two-events-for-loss-of-strata-files-in-a-timely-manner-11Aug2019](#)

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019](#)

[Waratah-Strata-Management-prevented-owners-from-receiving-amendments-for-SP52948-Motions-at-AGM-2019-with-consequence-of-not-ratifying-all-contracts-and-major-expenses](#)

[SP52948-Solicitor-Adrian-Mueller-confirming-many-strata-files-likely-not-available-including-files-listed-in-Statutory-Declaration-requested-by-Police-in-fraud-investigations-14Nov2019](#)

[SP52948-Rockend-stating-they-are-not-responsible-for-data-loss-and-confirming-Warata-Strata-Management-responsibilities-13Jan2020](#)

SP52948 Examples of Solicitor Adrian Mueller Involvement and Actions

Solicitor Adrian Mueller has been fully aware of warnings by Lot 158 about consequences of trying to pervert the course of justice:

In 2006, former Australian judge Einfeld, who served on the Federal Court of Australia and was the inaugural president of the Human Rights and Equal Opportunity Commission, was issued a \$77.00 speeding ticket for travelling 10 km/h (6.2 mph) over the limit. He appealed the ticket, claiming that he had not been driving. Journalists subsequently discovered that he had made a number of false statements under oath; the woman he had said was driving had in fact died several years earlier. Einfeld was arrested in 2007, and the following year pleaded guilty to perjury and perverting the course of justice. He was sentenced to three years¹ imprisonment and served two. As a result of his actions, Einfeld was expelled from the legal profession and stripped of many of the honours he had previously accumulated, including his status as a Queen's Counsel, appointment of the Order of Australia, and his status as a National Living Treasure.

Solicitor Adrian Mueller made significant attempts to persuade Fair Trading NSW, CTTT, and District Court that he was legal representative of SP52948 owners corporation in 2012, 2013, and 2014. Same applied with his statement to Police in 2018. The court accepted his statements purely because of Statutory Declaration signed by Mr. Peter Bone of BCS Strata Management on 19 April 2013. The Statutory Declaration was prepared by Solicitor Adrian Mueller.

Lot 158, through complex, time-consuming, and costly investigations, uncovered four versions of alleged Standard Costs Agreement, of which none were given to owners at any time.

[SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-given-to-insurance-company-to-start-legal-cost-claims-without-owners-corporation-approval-and-without-owners-corporation-signature-28Aug2012](#)

[SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-submitted-to-CTTT-without-owners-corporation-approval-and-without-owners-corporation-signature-29Jan2013.png](#)

[SP52948-secret-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-signed-by-Paul-Banoob-Pica-Group-and-backdated-to-17Jul2012-but-not-submitted-to-CTTT-16Apr2013](#)

[SP52948-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-allegedly-signed-by-by-Gary-Webb-and-backdated-to-25Jul2012-and-submitted-to-CTTT-19Apr2013](#)

[SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-ignored-offer-to-forensically-analyse-alleged-Standard-Costs-Agreement-with-Solicitor-Adrian-Mueller-20May2013](#)

Solicitor Adrian Mueller ignored legal requirement for strata manager to comply with INTERPRETATION ACT 1987 - SECT 76, Service by post:

- (1) If an Act or instrument authorises or requires any document to be served by post (whether the word "serve", "give" or "send" or any other word is used), service of the document:
- (a) may be effected by properly addressing, prepaying and posting a letter containing the document, and
 - (b) in Australia or in an external Territory-is, unless evidence sufficient to raise doubt is adduced to the contrary, taken to have been effected on the fourth working day after the letter was posted, and
 - (c) in another place-is, unless evidence sufficient to raise doubt is adduced to the contrary, taken to have been effected at the time when the letter would have been delivered in the ordinary course of post.

(2) In this section:

"working day" means a day that is not:

- (a) a Saturday or Sunday, or
- (b) a public holiday or a bank holiday in the place to which the letter was addressed.

SP52948-Solicitor-Adrian-Mueller-advice-to-BCS-Strata-Management-and-EC-members-whilst-illegally-representing-owners-corporation-28May2012

SP52948-EC-advice-that-owners-corporation-will-not-defend-BCS-Strata-Management-at-CTTT-4Jan2013

SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-repeated-intention-to-refuse-free-mediation-at-Fair-Trading-NSW-24Jan2013

SP52948-Solicitor-Adrian-Mueller-prepared-Statutory-Declaration-for-BCS-Strata-Management-to-include-agenda-for-EC-meeting-approving-his-engagement-through-failing-to-notify-owners-as-per-NSW-Interpretation-Act-1987-Section-76-16Apr2013

SP52948-BCS-Strata-Management-organised-rushed-paper-EC-meeting-for-26Apr2013-as-per-urgent-request-by-Solicitor-Adrian-Mueller-Motion-1-and-2-agenda-sent-on-16Apr2013

SP52948-BCS-Strata-Management-organised-rushed-paper-EC-meeting-for-26Apr2013-as-per-urgent-request-by-Solicitor-Adrian-Mueller-Motion-3-agenda-sent-on-16Apr2013

SP52948-secret-email-exchange-between-EC-members-and-BCS-Strata-Management-urging-approval-of-Solicitor-Adrian-Mueller-contract-nine-months-after-the-event-16Apr2013

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SP52948-BCS-Strata-Management-conducted-non-compliant-EC-meeting-scheduled-for-26Apr2013-seven-days-earlier-on-19Apr2013-and-changed-Motion-1-without-giving-owners-notification-or-rights-to-attend-or-vote-on-the-matter

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SP52948-BCS-Strata-Management-conducted-non-compliant-EC-meeting-scheduled-for-26Apr2013-seven-days-earlier-on-19Apr2013-Motion-2-without-giving-owners-notification-or-rights-to-attend-or-vote-on-the-matter

THE MEETINGS

SP52948-BCS-Strata-Management-conducted-non-compliant-EC-meeting-scheduled-for-26Apr2013-seven-days-earlier-on-19Apr2013-Motion-3-without-giving-owners-notification-or-rights-to-attend-or-vote-on-the-matter

SP52948-6Nov2013-CTTT-dismissed-validity-of-EC-meeting-dated-9Jul2012-but-failed-to-invalidate-timewrapped-EC-meeting-scheduled-for-26Apr2019-and-secretly-completed-seven-days-earlier-without-notification-to-owners-on-19Apr2013

SP52948-BCS-Strata-Management-Ignored-Owners-Request-to-Not-Engage-Solicitor-Adrian-Mueller-who-charged-more-than-60000-dollars-from-complex-May2013

SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-refused-to-notify-owners-and-take-action-about-complaint-against-professional-misconduct-of-Solicitor-Adrian-Mueller-30May2013

SP52948-Peter-Bone-and-Paul-Banoob-ignored-request-to-confirm-EC-member-Sandra-Quick-not-having-access-to-computer-and-not-reading-strata-files-6Aug2013

SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-ignored-repeated-offers-to-avoid-legal-expenses-and-continued-to-engage-Solicitor-Adrian-Mueller-without-proper-process-31Dec2013

Solicitor Adrian Mueller is fully aware of Lot 158 Motions at AGM 2017, 2018, and 2019, which were disallowed by Waratah Strata Management.

Solicitor's duty of care applies not only to client (owners corporation) but to non-client as well:

Carey v Freehills [2013] FCA 954 - Justice Kenny summarised the law in relation to the circumstances in which a solicitor will be found to have a duty of care to a person who has not retained him or her. Some examples:

P 14 In Hill v van Erp at 167, Brennan CJ said:

Generally speaking... a solicitor's duty is owed solely to the client subject to the rules and standards of the profession. That is because the solicitor's duty is to exercise professional knowledge and skill in the lawful protection and advancement of the client's interests in the transaction in which the solicitor is retained and that duty cannot be tempered by the existence of a duty to any third person whose interests in the transactions are not coincident with the interests of the client.

...

There are, however, circumstances in which a duty of care on the part of a solicitor may arise independently of a retainer. Thus, a duty of care has been said to arise in the context of negligent misstatement causing loss: see *Hedley Byrne & Co Ltd v Heller & Partners Ltd* [1964] AC 465 and *Esanda Finance Corporation Ltd v Peat Marwick Hungerfords* (1997) 188 CLR 241, at 252 (Brennan CJ).

Section 192E of the Crimes Act 1900 states that a person who, by any deception, dishonestly obtains property belonging to another, or obtains any financial advantage or causes any financial disadvantage, is guilty of the offence of fraud, with maximum penalty of imprisonment for 10 years.

Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment. Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4. Section 316(1) states if a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

There is currently no maximum elapsed time period for indictable offences in NSW.

After owners corporation was forced to repay \$8,800.00 to CHU Insurance for insurance claims in first quarter of 2017 for events that occurred in 2012/2013, Fraud Report E6580XXX dated 9 September 2017 was submitted, with Police investigations and interviews starting in late 2017. Issues in the investigations include:

- Alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19 April 2013,
- Four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Mueller, with only one having signature from the client,
- Secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for alleged "defense" of Lot 3 at CTTT in 2012/2013 without owners corporation full disclosure or decision at any general meeting,
- Alleged false written statements to CTTT by selective EC members who were not even financial to vote or be on the committee, without declaring personal benefits that did not apply to all owners,
- Invoice paid for insurance premiums to Gallagher Australia on 21 September 2012 in amount of \$84,414.77, which was 74.38% higher than in September 2011,
- Losses to Lot 158 in amount of close to \$29,000.00.

Solicitor Mr. Adrian Mueller, was actively involved in the creation of the Statutory Declaration, against the wishes of owners corporation or approval at any general meeting or disclosure, caused excessive courier costs to owners corporation in amount of \$851.56 on 19 April 2013 and was based on rushed EC meeting seven days ahead of scheduled date, without owners being able to respond, comment, or complain.

For missing documents (eight emails) that are critical to proving alleged false statements by BCS Strata Management staff in Statutory Declaration to CTTT on 19 April 2013, Police requested access to strata files from BCS Strata Management, Waratah Strata Management, and Solicitor Adrian Mueller in April 2018. Solicitor Adrian Mueller charged owners corporation \$350.00 on 28 May 2018 but failed to provide Police with the eight emails.

Office of Legal Services Commissioner already had a caution against Solicitor Adrian Mueller for not following legal practices for SP52948 in 2013.

Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015, under the Legal Profession Uniform Law, the following applies to legal profession:

4.1 A solicitor with designated responsibility for a client's matter, must ensure that, upon completion or termination of the law practice's engagement:

14.1.1 the client or former client, or

14.1.2 another person authorised by the client or former client, is given any client documents, (or if they are electronic documents copies of those documents), as soon as reasonably possible when requested to do so by the client, unless there is an effective lien.

14.2 A solicitor or law practice may destroy client documents after a period of 7 years has elapsed since the completion or termination of the engagement, except where there are client instructions or legislation to the contrary.

Some general rules for legal practice that apply:

- Solicitor must not provide a statement which they know to be untrue,
- Solicitor must act with honesty, integrity and candour,
- Solicitor must correct any statement made subsequently discovered to be wrong,
- Solicitor must avoid conflicts of interest,
- Solicitor must avoid any compromise to their integrity and professional independence,
- Solicitor must act in a client's best interests,
- Solicitor's duty of care - foreseeability. A duty of care arises where it is reasonable to expect that any person can be injured or harmed if they act or behave with a lack of care. This is called foreseeability.

It is alleged that Solicitor's advice that influenced SP52948 strata committee to make decisions in belief that was the best option was misleading, misconstrued, and with intention to protect Adrian Mueller's own interests.

It was proven beyond reasonable doubt that Solicitor Adrian Mueller failed to comply with CTTT orders to provide evidence three times at Direction Hearings in 2012.

It was proven beyond reasonable doubt that Solicitor Adrian Mueller continued to delay CTTT proceedings in spite of persistent requests to provide evidence of his legal engagement for six months (until 19 April 2013).

It was proven beyond reasonable doubt that in all periods since 2012, Solicitor Adrian Mueller worked against client by merely protecting own interests and interests of a group of selected Executive Committee members of which some had/have not been legal to represent owners corporation.

With knowledge that his contract was NOT signed on the date as listed in Statutory Declaration to CTTT on 19 April 2013, Solicitor Adrian Mueller continued to misrepresent the owners corporation to this day (including the District Court mediation in February 2014). This constitutes repetitive, premeditated, orchestrated efforts to:

1. Mislead the Court,
2. Abuse the Court's processes (continuing with court proceeding found to be wrongly conceived).

Countdown until 14 February 2021 when Solicitor Adrian Mueller still has a chance, duty of care, and in accordance with the professional conduct, to provide files requested by the Police in alleged fraud related to four insurance claims and false statements in Statutory Declaration to CTTT (also used in his defence to Fair Trading NSW, District Court, and Office of Legal Services Commissioner):

[SP52948-Police-confirming-Solicitor-Adrian-Mueller-did-not-provide-files-22Aug2018](#)

[SP52948-Waratah-Strata-Management-trying-to-threaten-Lot-158-while-defending-poor-maintenance-and-stalking-by-Uniqueco-Property-Services-and-ignoring-valid-complaints-25Jan2019](#)

[SP52948-email-from-Waratah-Strata-Management-to-Solicitor-Adrian-Mueller-complaining-about-USB-key-loss-and-lack-of-responses-from-BCS-Strata-Management-Jun2019](#)

[SP52948-Solicitor-Adrian-Mueller-confirming-many-strata-files-likely-not-available-including-files-listed-in-Statutory-Declaration-requested-by-Police-in-fraud-investigations-14Nov2019](#)

[SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-CTTT-orders-to-provide-evidence-against-BCS-Strata-Management-three-times](#)

[SP52948-CHU-Insurance-AJG-Broker-and-BCS-Strata-Management-high-risk-insurance-claim-for-legal-costs-1Aug2012](#)

[SP52948-Peter-Bone-BCS-Strata-Management-declined-to-notify-owners-at-AGM-2012-about-CTTT-File-12 50450-and-12 50460-why-is-strata-insurance-high-in-2012-11Oct2012](#)

[SP52948-Peter-Bone-BCS-Strata-Management-ignored-request-for-access-to-strata-files-and-failed-to-notify-CTTT-and-owners-about-false-statement-to-CTTT-by-Solicitor-Adrian-Mueller-SCS-File-12 50450-and-12 50460-17Oct2012](#)

Solicitor Adrian Mueller, in spite of clear knowledge that each party has to bear own costs at free mediation at Fair Trading NSW, tried to force Lot 158 to incur additional costs and then, in spite of files already being provided in advance (Fair Trading NSW was given false statement by the Solicitor Adrian Mueller and BCS Strata Management - otherwise how would they know Lot 158 had 2,000 pages of evidence!?), upon Solicitor's recommendation they refused to attend the Mediation:

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- [SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-repeated-intention-to-refuse-free-mediation-at-Fair-Trading-NSW-24Jan2013](#)
- [SP52948-BCS-Strata-Management-declined-to-attend-free-mediation-at-Fair-Trading-NSW-20Feb2013](#)
- [SP52948-BCS-Strata-Management-declined-to-attend-free-mediation-and-then-reopened-the-case-two-days-later-attempting-to-cause-significant-costs-to-Lot-158-without-legal-grounds-at-Fair-Trading-NSW-page-1-22Feb2013](#)
- [SP52948-BCS-Strata-Management-declined-to-attend-free-mediation-and-then-reopened-the-case-two-days-later-attempting-to-cause-significant-costs-to-Lot-158-without-legal-grounds-at-Fair-Trading-NSW-page-2-22Feb2013](#)
- [SP52948-BCS-Strata-Management-reopened-mediation-case-Fair-Trading-NSW-5Mar2013](#)
- [SP52948-BCS-Strata-Management-Lot-158-accepted-to-provide-second-copy-of-files-providing-the-cost-is-reimbursed-mediation-case-Fair-Trading-NSW-6Mar2013](#)
- [SP52948-Solicitor-Adrian-Mueller-illegally-represented-owners-corporation-at-Fair-Trading-Mediation-and-failed-to-notify-that-BCS-Strata-Management-lost-files-already-received-from-Lot-158-6Mar2013](#)
- [SP52948-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-refused-to-attend-mediation-at-Fair-Trading-and-not-complying-with-owners-wishes-22Mar2013.png](#)
- [SP52948-Peter-Bone-BCS-Strata-Management-refused-request-to-notify-owners-that-EC-and-strata-manager-declined-to-attend-free-Mediation-two-times-in-DFT-case-SM12_1537JR-27Mar2013](#)

[SP52948-Peter-Bone-BCS-Strata-Management-submitted-false-statements-to-CTTT-about-not-having-knowledge-of-case-SCS-12-50460-and-using-it-as-reason-for-delays-to-notify-owners-9May2013](#)

[SP52948-Peter-Bone-BCS-Strata-Management-request-for-Extraordinary-General-Meeting-and-failed-to-notify-owners-about-false-statements-by-Solicitor-Adrian-Mueller-and-his-high-unnecessary-expenses-9May2013](#)

[SP52948-Minutes-of-EC-meeting-without-agenda-or-minutes-sent-to-any-owner-and-not-listed-in-Minutes-Book-9Jul2012](#)

[SP52948-paper-EC-meeting-voting-against-Solicitor-Adrian-Mueller-legal-representation-at-CTTT-28Mar2013](#)

[SP52948-Peter-Bone-BCS-Strata-Management-ignored-official-request-Secretary-of-the-EC-to-explain-six-monthly-balance-sheet-for-FY-2013-and-another-discrepancy-in-insurance-costs-14Apr2013](#)

[SP52948-Solicitor-Adrian-Mueller-secret-email-to-BCS-Strata-Management-on-15Apr2013-to-produce-signed-copy-of-Standard-Costs-Agreement-backdated-to-25Jul2012](#)

Solicitor Adrian Mueller ignored legal requirement for strata manager to comply with INTERPRETATION ACT 1987 - SECT 76, Service by post:

(1) If an Act or instrument authorises or requires any document to be served by post (whether the word "serve", "give" or "send" or any other word is used), service of the document:

(a) may be effected by properly addressing, prepaying and posting a letter containing the document, and

(b) in Australia or in an external Territory-is, unless evidence sufficient to raise doubt is adduced

to the contrary, taken to have been effected on the fourth working day after the letter was posted, and

(c) in another place-is, unless evidence sufficient to raise doubt is adduced to the contrary, taken to

have been effected at the time when the letter would have been delivered in the ordinary course of post.

(2) In this section:

"working day" means a day that is not:

(a) a Saturday or Sunday, or

(b) a public holiday or a bank holiday in the place to which the letter was addressed.

SP52948-Solicitor-Adrian-Mueller-prepared-Statutory-Declaration-for-BCS-Strata-Management-to-include-agenda-for-EC-meeting-approving-his-engagement-through-failing-to-notify-owners-as-per-NSW-Interpretation-Act-1987-Section-76-16Apr2013

SP52948-BCS-Strata-Management-organised-rushed-paper-EC-meeting-for-26Apr2013-as-per-urgent-request-by-Solicitor-Adrian-Mueller-Motion-1-and-2-agenda-sent-on-16Apr2013

SP52948-BCS-Strata-Management-organised-rushed-paper-EC-meeting-for-26Apr2013-as-per-urgent-request-by-Solicitor-Adrian-Mueller-Motion-3-agenda-sent-on-16Apr2013

SP52948-secret-email-exchange-between-EC-members-and-BCS-Strata-Management-urging-approval-of-Solicitor-Adrian-Mueller-contract-nine-months-after-the-event-16Apr2013

SP52948-BCS-Strata-Management-conducted-non-compliant-EC-meeting-scheduled-for-26Apr2013-seven-days-earlier-on-19Apr2013-and-changed-Motion-1-without-giving-owners-notification-or-rights-to-attend-or-vote-on-the-matter

SP52948-BCS-Strata-Management-conducted-non-compliant-EC-meeting-scheduled-for-26Apr2013-seven-days-earlier-on-19Apr2013-Motion-2-without-giving-owners-notification-or-rights-to-attend-or-vote-on-the-matter

SP52948-BCS-Strata-Management-conducted-non-compliant-EC-meeting-scheduled-for-26Apr2013-seven-days-earlier-on-19Apr2013-Motion-3-without-giving-owners-notification-or-rights-to-attend-or-vote-on-the-matter

SP52948-Solicitor-Adrian-Mueller-submission-to-CTTT-trying-to-justify-his-appointment-to-represent-owners-corporation-through-two-illegal-EC-meetings-19Apr2013

SP52948-BCS-Strata-Management-Ignored-Owners-Request-to-Not-Engage-Solicitor-Adrian-Mueller-who-charged-more-than-60000-dollars-from-complex-May2013

SP52948-Solicitor-Adrian-Mueller-submission-to-CTTT-on-19Apr2013-trying-to-justify-his-appointment-to-represent-owners-corporation-through-false-statement-about-receiving-signed-copy-of-Standard-Costs-Agreement-on-25Jul2012

SP52948-BCS-Strata-Management-attempted-to-run-timewarped-EC-meeting-under-Solicitor-Adrian-Mueller-instructions-which-was-refuted-by-CTTT-decision-19Apr2013

SP52948-6Nov2013-CTTT-dismissed-validity-of-EC-meeting-dated-9Jul2012-but-failed-to-invalidate-timewrapped-EC-meeting-scheduled-for-26Apr2019-and-secretly-completed-seven-days-earlier-without-notification-to-owners-on-19Apr2013

SP52948-CTTT-SCS-12-50460-Non-compliance-order-for-Secretary-and-Solicitor-Adrian-Mueller-7May2013

SP52948-Solicitor-Adrian-Mueller-confirming-to-BCS-Strata-Management-that-all-emails-are-part-of-owners-corporation-records-30Aug2013

[SP52948-No-response-from-Ron-Sinclair-BCS-Strata-Management-about-insurance-for-Lot-3-and-dubious-insurance-claims-and-litigation-risks-for-one-year-and-five-months-9Nov2013.html](#)

[SP52948-Solicitor-Adrian-Mueller-prevented-access-to-files-and-charged-owners-corporation-for-advice-13Sep2013](#)

[SP52948-Extract-from-Police-evidence-for-alleged-fraud-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-2012-2013](#)

[SP52948-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-co-operated-on-insurance-claims-for-non-existent-CTTT-case-2012-2013](#)

[SP52948-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-again-lost-files-CTTT-case-SCS-12 32675-15Apr2013](#)

[Solicitor-Adrian-Mueller-false-statement-about-knowledge-of-CTTT-case-12-50460-6May2013.png](#) when he definitely knew about it seven months earlier [SP52948-Lot-158-notified-Solicitor-Adrian-Mueller-of-CTTT-cases-SCS12 32675-12 50450-and-12 50460-on-19Oct2012](#)

[SP52948-Solicitor-Adrian-Mueller-provided-secret-advice-to-Waratah-Strata-Management-to-exclude-Lot-158-Motions-two-months-before-general-meeting-23Aug2017.png](#)

[SP52948-Waratah-Strata-Management-followed-Solicitor-Adrian-Mueller-advice-on-23Aug2017-to-exclude-Lot-158-Motions-without-grounds-for-AGM2017-sent-on-10Oct2017](#)

[SP52948-Request-to-urgently-pass-information-to-Fair-Trading-NSW-and-Office-of-Legal-Services-Commissioner-deliberate-and-premeditated-plan-by-Waratah-Strata-Management-to-exclude-Lot-158-Motions-for-AGM-2017-23Jun2019](#)

Examples of How Contracts, Legal Expenses, Accounting, and Maintenance Are Done in SP52948

[SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019](#)

[Waratah-Strata-Management-prevented-owners-from-receiving-amendments-for-SP52948-Motions-at-AGM-2019-with-consequence-of-not-ratifying-all-contracts-and-major-expenses](#)

[SP52948-owner-Motion-recover-of-lost-revenue-from-BCS-Strata-Management-for-failing-to-comply-with-loyalty-discount-agreed-by-private-negotiations-involving-COO-Greg-Freeman-on-24Oct2011-rejected-by-Waratah-Strata-Management-at-AGM-2017-that-did-not-satisfy-quorum](#)

[SP52948-Waratah-Strata-Management-ignored-complaint-about-their-forging-dates-of-published-insurance-policy-and-hiding-details-of-excesses-29Oct2019](#)

[SP52948-BCS-Strata-Management-delayed-proper-repairs-for-garden-beds-and-external-walls-on-towers-for-five-years-17Oct2012](#)

[SP52948-Peter-Bone-BCS-Strata-Management-ignored-official-request-Secretary-of-the-EC-to-explain-six-monthly-balance-sheet-for-FY-2013-and-another-discrepancy-in-insurance-costs-14Apr2013](#)

[SP52948-Peter-Bone-BCS-Strata-Management-ignored-official-request-to-provide-evidence-for-Extraordinary-General-Meeting-2013-and-CTTT-inequitable-private-usage-water-and-gas-reimbursements-to-selective-townhouse-owners-in-FY-2013-10Jun2013](#)

[SP52948-BCS-Strata-Management-Admits-Not-Actioning-on-Any-Fire-Inspection-Issue-for-Six-Months-31Jul2013](#)

SP52948-Brief-Analysis-of-Unauthorised-Illegal-Excessive-Expenses-Strata-Manager-Responsibility-FY2013-not-responded-by-BCS-Strata-Management

SP52948-BCS-Strata-Management-dubious-painting-tender-with-losses-above-110000-dollars-2004-2005

SP52948-brief-log-of-events-related-to-contracts-for-strata-and-building-managers-1999-2018

SP52948-brief-log-of-events-related-to-electricity-supply-contract-in-2011-2015-and-2018

SP52948-brief-log-of-events-related-to-BigAir-eviction-and-deed-of-settlement-2004-2018

SP52948-ThyssenKrupp-proposal-for-elevator-maintenance-contract-approved-by-BCS-Strata-Management-and-one-EC-member-alone-without-consultation-with-owners-and-other-EC-members-13Mar2010

SP52948-Peter-Bone-BCS-Strata-Management-ignored-report-on-costly-delays-in-rectifying-fire-safety-problems-31Jul2013

SP52948-Russell-Young-BCS-Strata-Management-ignored-request-for-immediate-action-Work-Health-and-Fire-Safety-Reports-16Oct2014

SP52948-Gary-Mills-BCS-Strata-Management-ignored-report-on-costly-delays-in-rectifying-fire-safety-problems-29Apr2016

SP52948-BCS-Strata-Management-and-Uniqueco-Property-Services-declined-to-respond-to-concerns-about-compliance-with-caretaker-contract-and-upholding-By-Laws-25Oct2015

SP52948-BCS-Strata-Management-and-Uniqueco-Property-Services-declined-to-respond-to-request-why-is-information-about-serious-water-leaks-in-Block-A-top-floor-hidden-from-owners-11Apr2016

SP52948-Proxy-form-from-Lot-158-and-summary-of-non-compliance-actions-by-Simon-Brikha-BCS-Strata-Management-on-11Oct2016

SP52948-Robert-Crosbie-Waratah-Strata-Management-notified-and-warned-about-ongoing-and-outstanding-problems-before-starting-contract-with-owners-corporation-11Jan2017

SP52948-REQUEST-FOR-CLARIFICATION-submitted-to-Waratah-Strata-Management-why-should-Lot-158-levies-be-used-for-payments-of-repeated-roof-repairs-and-painting-in-BBQ-area-23Dec2018

SP52948-brief-log-of-events-related-to-elevator-maintenance-and-replacement-contract-in-2005-2017-and-2018

SP52948-brief-log-of-events-related-to-utility-expenses-and-financial-accounting-data-generated-by-Waratah-Strata-Management-for-FY2018

SP52948-brief-log-of-events-related-to-risks-due-to-repetitive-water-leaks-without-proper-repairs

SP52948-differences-for-income-and-expenditure-FY2018-audited-figures-provided-by-Waratah-Strata-Management-for-AGM-2018-and-FY2019

SP52948-Waratah-Strata-Management-missing-auditor-report-AGM-2017-and-not-found-in-two-document-searches-in-2019

SP52948-Block-D-BCS-Strata-Management-three-repairs-for-hot-water-system-with-significant-costs-but-without-warranties

BCS-Strata-Management-Example-of-Manipulating-Accounting-Figures-and-then-Destroying-Official-Document-2013

SP52948-BCS-Strata-Management-Delaying-Payments-from-Common-Funds

[SP52948-BCS-Strata-Management-Extensive-Delays-for-Fire-Services-Maintenance](#)

[SP52948-faulty-emergency-lights-Block-A-level-2-for-48-days-without-Uniqueco-Property-Services-action](#)

[SP52948-John-Fry-ignored-request-for-tender-process-for-new-strata-management-contract-in-2011-11Apr2011](#)

[SP52948-Russell-Young-BCS-Strata-Management-refused-to-sign-tender-declaration-AGM-2014-24Nov2014](#)

[Uniqueco-Property-Services-ongoing-issues-including-fire-and-health-safety-security-maintenance-25Aug2018](#)

[SP52948-Uniqueco-Property-Services-failed-to-comply-with-tripping-hazards-for-three-years-Dec2018](#)

[SP52948-Uniqueco-Property-Services-failed-to-maintain-townhouse-fences-for-three-years-Dec2018](#)

[SP52948-Uniqueco-Property-Services-failed-to-comply-with-tripping-hazards-for-three-years-Dec2018-public-version](#)

[SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-facilitating-smoking-May2019](#)

[SUMMARY-submitted-to-Waratah-Strata-Management-and-Uniqueco-Property-Services-SP52948-fire-safety-issue-smoke-alarms-illegal-parking-townhouse-problems-accounting-errors-and-strata-document-search-on-31May2019](#)

[SP52948-ongoing-issues-fire-safety-maintenance-30May2019](#)

[SUMMARY-SP52948-additional-fire-safety-and-other-issues-on-29Jun2019.html](#)

[SP52948-unattended-large-hole-in-wall-on-level-6-in-Block-C-2018-2019](#)

[SP52948-Block-C-Level-6-cover-up-of-damaged-wall-29Dec2019.jpg](#)

Timeline of Major Events Related to Unpaid Full Levies for Second Gas Connections in Period 1999 to 2019 Inclusive

Strata plan SP52948 limits number of committee members to nine in any financial year. If the number of valid candidates is less than nine, then all of them become members of the committee automatically unless there is a recorded decision to have less than nine members in the Minutes of the meeting.

Based on comprehensive evidence, Lot 158 was/is a valid member of the Executive Committee in the following years due to the following owners not declaring second gas connection and not paying prescribed levies (including 10% simple interest for overdue levies per year):

FY 2013, two unfinancial members on the committee: Lot 147, Lot 181 (total number of candidates: 10, selected 9, two not valid, hence Lot 158 should have been automatically elected on 17 October 2012)

FY 2015, two unfinancial members on the committee: Lot 147, Lot 181 (total number of candidates: 10, selected 9, two not valid, hence Lot 158 should have been automatically elected on 26 November 2014)

FY 2018, three unfinancial members on the committee: Lot 88, Lot 147, Lot 181 (total number of candidates: 11, selected 9, three not valid, hence Lot 158 should have been automatically elected on 18 October 2017)

FY 2019, three unfinancial members on the committee: Lot 88, Lot 147, Lot 181 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected on 17 October 2018)

FY 2020, three unfinancial members on the committee: Lot 88, Lot 147, Lot 181 (total number of candidates: 10, selected 9, three not valid, hence Lot 158 should have been automatically elected)

[SP52948-Gary-Webb-and-Paul-Banoob-BCS-Strata-Management-ignored-Lot-158-nomination-for-executive-committee-and-allowed-two-unfinancial-members-Moses-Levitt-and-Stan-Pogorelsky-instead-AGM-2012-22Jun2012](#)

[SP52948-timeline-of-events-related-to-levies-for-second-gas-connection](#)

[SP52948-Issues-to-be-dealt-with-at-next-EC-Meeting-ignored-by-BCS-Strata-Management-Jul2015-public-version](#)

[SP52948-Waratah-Strata-Management-received-warning-from-Solicitor-Adrian-Mueller-about-legal-risks-due-to-unfinancial-owners-which-Waratah-declined-to-share-with-owners-22Aug2017](#)

[SP52948-Waratah-Strata-Management-giving-advice-to-few-EC-members-about-unfinancial-owners-12October2017](#)

[SP52948-BCS-Strata-Management-Undisclosed-and-inequitable-gas-and-water-private-usage-cost-reimbursements-for-selective-townhouses-1997-to-2016-public-version.pdf](#)

[SP52948-Lot-158-comprehensive-audit-of-lots-with-second-gas-connections-which-Waratah-Strata-Management-prevents-owners-from-having-access-to-Oct2020](#)

BCS Strata Management and Waratah Strata Management Failed to Provide Access to SP52948 Strata Files Multiple Times

[SP52948-BCS-Strata-Management-and-Solicitor-Adrian-Mueller-warned-about-not-providing-all-strata-documents-as-per-CTTT-Hearing-15Nov2011](#)

[SP52948-broken-promise-by-BCS-Strata-Management-Paul-Banoob-to-provide-access-to-missing-strata-document-after-paid-search-at-Epping-office-on-12Dec2012](#)

[SP52948-SSMA1996-S108-Document-viewing-undisclosed-files-by-BCS-Strata-Management-Nov2012](#)

[SP52948-EC-member-recommending-to-BCS-Strata-Management-to-make-Lot-158-document-search-as-inconvenient-as-possible-9Sep2013](#)

[SP52948-SSMA1996-S108-Document-viewing-undisclosed-files-by-BCS-Strata-Management-17Oct2013](#)

[SP52948-Lot-158-complaining-about-not-getting-access-to-strata-files-refuting-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-reasons-for-not-allowing-EGM-voting-which-was-later-found-to-be-SSMA-1996-non-compliant-meeting-due-to-lack-of-quorum-4Dec2013](#)

[SP52948-BCS-Strata-Management-Russell-Young-ignored-complaints-about-missing-documents-SSMA-1996-Section-108-document-viewing-request-28Sep2014](#)

[SP52948-SSMA1996-S108-Document-viewing-undisclosed-files-by-BCS-Strata-Management-17Nov2014](#)

Before the AGM 2014 in November 2014, in spite of fully paid SSMA 1996 S108 for access to strata documents, current Strata Manager, with full knowledge of all senior managers at BCS, and full support from members of the Executive Committee, declined to provide full financial statements, bank account receipts, and 12 other strata documents. And that happened in the same manner for the last several years. **The Strata Manager, upon advice from the Branch Manager who hid behind the separator, even offered to reimburse the owner for not providing access to the documents!?**

SP52948-Russell-Young-BCS-Strata-Management-ignored-repeated-request-on-15Mar2015-for-written-confirmation-that-BCS-refused-access-to-document-viewing-Lot-158-on-17Nov2014

The only document ever given to owners is one-page balance sheet at general meetings, riddled with financial errors and prepared by single EC member. For FY 2014, more than \$50,000.00 was wrongly listed, with incorrect financial figures, or hidden expenses in the balance sheet. **Owners are not allowed to receive full financial statements, which is unique to this complex.**

SP52948-SSMA1996-S108-Document-viewing-undisclosed-files-by-BCS-Strata-Management-18Dec2015

SP52948-Outcome-of-request-for-inspection-of-records-at-Waratah-Strata-Management-on-13Jun2017

SP52948-Waratah-Strata-Management-claiming-to-Fair-Trading-NSW-that-access-to-files-was-never-denied-17May2019

SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-31May2019

SP52948-SSMA2015-S182-Document-viewing-undisclosed-files-by-Waratah-Strata-Management-20Sep2019

SP52948-submitted-to-Waratah-Strata-Management-smoking-in-garage-area-continues-exposed-wiring-on-elevators-panels-and-some-owner-complaining-to-security-guard-status-6Oct2019

SP52948-PROBLEM-REPORT-submitted-to-Waratah-Strata-Management-elevator-in-Block-D-broken-second-time-in-two-weeks-and-decreased-security-due-to-wide-open-Fire-Door-2-and-3-7Dec2019

SP52948-PROBLEM-REPORT-submitted-to-Waratah-Strata-Management-elevator-in-Block-A-broken-just-couple-of-weeks-since-major-upgrade-12Dec2019

SP52948-report-submitted-to-Waratah-Strata-Management-elevator-in-Block-A-out-of-order-again-24Dec2019

SP52948-Problem-reported-to-Waratah-Strata-Management-elevator-in-Block-A-out-of-order-again-third-time-in-six-weeks-23Jan2020

SP52948-Problem-reported-to-Waratah-Strata-Management-elevator-panel-poorly-and-unprofessionally-installed-after-upgrades-23Jan2020

SP52948-report-sent-to-Waratah-Strata-Management-Elevator-in-Block-D-out-of-order-for-at-least-nine-hours-and-still-not-operational-as-of-1703-hours-11Feb2020

Evidence of Persistent Poor Services

This is a site dedicated to Raine and Horne Strata Sydney (now trading as BCS, acquired by BCS Strata Management in late 2010), and Waratah Strata Management (whose main staff managing the large strata complex at Macquarie Park were employees of BCS Strata Management and Pica Group (parent company of BCS Strata Management)) and other services providers and organisations related to strata management and law-enforcement.

Waratah Strata Management allegedly won the contract for the large strata complex at Macquarie Park at AGM in October 2016 without valid tender process and without ANY re-tender at AGM in October 2017 and October 2019 - their contract was signed by **two EC members who were/are confirmed UNFINANCIAL to vote and represent owners corporation due to unpaid full levies for second gas connection in their lots since 1999 and 2011 respectively.**

BCS Strata Management is a strata management agency in Australia, which has been involved in management of large strata complex Macquarie Gardens (218 owners) at Macquarie Park of Sydney for over 15 years. Since 2011, six strata managers were replaced as unsuitable for this complex and three branch managers were

changed, to no avail. Their misconduct is serious, deliberate and repeated. Its practices, demands and threats are deliberate, orchestrated and relentless. Its conduct is contrary to conscience.

Here is an extract from last (seventh) Strata Manager for the large strata complex at Macquarie Park from BCS Strata Management in direct email to me on 4 January 2017:

I know you might think you are a nobody sometimes because everyone always ignores your views and complaints and they speak down to you like you are a peasant, but I think that you are special and I think you are a very thoughtful, wise and brilliant man. I would never listen to other people if they said things like that about you. I think your website shows your dedication... I know your superior intellect will lead you to the right decision...

Minutes of EC meeting, held with new strata agency Waratah Strata Management (took office from BCS Strata Management on 1 February 2017) for our complex on 16 March 2017, confirmed that BCS Strata Management made insurance claims with CHU Insurance in 2012/2013 and that after four years, CHU Insurance believed the claims to be unjustified.

Visit to Waratah Strata Management finally obtained our access to some (not all) strata files and uncovered secret and incomplete payments by number of EC members and owners for second gas connections, making them unfinancial to vote at general meetings.

Strata managing agent from BCS Strata Management received the letter of demand on 19 October 2016 at 12:34 PM from lawyers representing CHU Insurance in time for Annual General Meeting the same evening:

As CHU has paid all the legal expenses it would like the OC to refund the \$8,800.00 that it recovered from an owner. I understand the AGM is this evening so I thought it best to get the information to you as quickly as possible.

No information was shared with owners corporation that evening. Strata managing agent and Branch Manager, who both attended the AGM the same evening, withheld this crucial information from owners.

Lawyers for CHU Insurance again contacted BCS Strata Management on 11 January 2017 asking for an update.

This information was not disclosed to owners at any time before agenda of the EC meeting was sent at the beginning of March 2017. The Minutes of EC meeting on 16 March 2017 confirmed that owners corporation has to pay back to the insurance company:

CHU Insurance have requested and are entitled to receive these funds. Resolved the strata manager is to pay \$8,800.00 to CHU Insurance.

Examples of How BCS Strata Management and Waratah Strata Management Conducted SP52948 General Meetings

BCS Strata Management and Waratah Strata Management prevented Lot 158 Motions from being discussed or properly voted at general meetings, whilst allowing the meetings to be non-compliant with NSW Strata Schemes Management Act 1996 and 2015:

[SP52948-Peter-Bone-BCS-Strata-Management-premeditated-action-approved-by-Solicitor-Adrian-Mueller-to-exclude-Lot-158-Motions-for-AGM-3Oct2012](#)

[Disabled or misconstrued owner's Motions for AGM 2013](#)

[Disabled or misconstrued owner's Motions for AGM 2014](#)

[SP52948-Russell-Young-BCS-Strata-Management-ignored-complaints-about-AGM-2015-irregularities-and-excluded-Lot-158-Motions-without-legal-grounds-25Oct2015](#)

SP52948-Proxy-form-from-Lot-158-and-summary-of-non-compliance-actions-by-Simon-Brikha-BCS-Strata-Management-on-11Oct2016

Disabled owner's Motions for AGM 2016

SP52948-Proxy-vote-from-Lot-158-and-candidacy-for-EC-incorrectly-processed-by-Waratah-Strata-Management-AGM-on-18Oct2017

SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2017

SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2018

SP52948-Motions-by-Lot-158-prevented-from-voting-by-Waratah-Strata-Management-without-legal-grounds-AGM-2019

Waratah-Strata-Management-prevented-owners-from-receiving-amendments-for-SP52948-Motions-at-AGM-2019-with-consequence-of-not-ratifying-all-contracts-and-major-expenses

Lot more is still not shared with owners, including the fact that four insurance claims were made for non-existent CTTT case, secretly confirmed to CTTT by Solicitor Mr. Adrian Mueller (but not disclosed to owners even after five years)

SP52948 Non-Compliant Proxy Forms and Ballot Papers

STRATA SCHEMES MANAGEMENT REGULATION 2016 - REG 10

Ballot for strata committee

10 Ballot for strata committee

(1) This clause applies to the election of a strata committee for a strata scheme comprising more than 2 lots.

(2) If a ballot for membership of the strata committee of an owners corporation is required, the person presiding at the meeting of the owners corporation must:

(a) announce to the meeting the name of each candidate, and

(b) provide each person present and entitled to vote at the meeting with a blank ballot paper for each vote the person is entitled to cast.

(3) For a vote to be valid, a ballot paper must be signed by the voter and completed by the voter's writing on it:

(a) the names of the candidates (without repeating a name) for whom the voter desires to vote, the number of names written being no more than the number determined by the owners corporation as the number of members of the strata committee, and

(b) the capacity in which the voter is exercising a right to vote, whether:

(i) as owner, first mortgagee or covenant chargee of a lot (identifying the lot), or

(ii) as a company nominee, or

(iii) by proxy, and

(c) if the vote is being cast by proxy - the name and capacity of the person who gave the proxy.

(4) The completed ballot paper must be returned to the chairperson.

(5) Until all places for membership of the strata committee have been filled, the chairperson is to declare elected successively each candidate who has a greater number of votes than all other candidates who have not been elected.

(6) If only one place remains to be filled but there are 2 or more eligible candidates with an equal number of votes, the candidate to fill the place is to be decided by a show of hands of those present and entitled to vote.

(7) Subclause (6) is subject to a resolution referred to in clause 14 (1) (a).

Some examples of how BCS Strata Management and Waratah Strata Management used proxy votes and ballot papers:

[SP52948-BCS-Strata-Management-destroyed-ballot-papers-after-meeting-in-non-compliance-with-NSW-Strata-Schemes-Management-Act-1996-2001](#)

[SP52948-Proposal-for-proxy-paper-and-executive-committee-ballot-changes-sent-to-John-Fry-BCS-Strata-Management-15Oct2010.html](#)

[SP52948-Warning-Paul-Banoob-BCS-Strata-Management-to-ensure-all-documents-and-ballot-papers-are-kept-intact-6May2012](#)

[Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-HIGH-PRIORITY-INQUIRY-SP52948-Unauthorised-proxy-form-and-its-collection-for-owners-at-AGM-2012](#)

[SP52948-BCS-Strata-Management-used-secret-proxy-form-and-illegal-process-for-ballot-papers-at-general-meetings](#)

[SP52948-BCS-Strata-Management-Examples-of-how-they-selectively-accept-proxy-votes](#)

SP52948-BCS-Strata-Management-Lot-181-Stan-Pogorelsky-SSMR-2916-non-compliant-ballot-paper-19Oct2016

SP52948-BCS-Strata-Management-Lot-147-Moses-Levitt-SSMR-2016-non-compliant-ballot-paper-19Oct2016

SP52948-BCS-Strata-Management-false-statement-about-election-of-EC-members-hiding-ballot-for-12-candidates-and-using-prepared-version-of-ballot-AGM-19Oct2016

SP52948-Lot-3-illegal-ballot-paper-counted-as-valid-by-Waratah-Strata-Management-AGM2017

SP52948-Lot-181-illegal-ballot-paper-counted-as-valid-by-Waratah-Strata-Management-AGM2017

SP52948-Waratah-Strata-Management-ballot-papers-summary-AGM-2017

SP52948 Quorums at General Meetings

Some examples of how general meetings have been conducted:

It is strongly alleged that 2019 is a third year since Waratah Strata Management took office on 1 February 2017 to have general meeting without valid quorum during their management of the complex. Fair Trading received details as part of their ongoing investigations.

Quorum calculation AGM 2019:

Only 18 owners present in person (out of 218 properties)

68 owners presented in total (50 via proxies)

9 proxies were given to EC member (Lot 181) who is not financial due to unpaid full levies and 10% simple interest for second gas connection (in total 10 owners not valid to vote)

8 proxies were given to EC member (Lot 147) who is not financial due to unpaid full levies and 10% simple interest for second gas connection (in total 9 owners not valid to vote)

5 proxies were given to EC member (Lot 88) who is not financial due to undeclared second gas connection and unpaid full levies and 10% simple interest for second gas connection (in total 6 owners not valid to vote)

Lot 3 has second gas connection since 1997, confirmed not paying full levies

Lot 62 has second gas connection as approved on 26 May 1999, confirmed not paying full levies

Lot 148 has second gas connection as per approval on 13 August 2007, disconnected on 9 September 2019, confirmed not paying full levies

Lot 163 has second gas connection at least from 2012 as per BCS Strata Management invoice sent in 2016, confirmed not paying full levies

Lot 167 has second gas connection at least from 2012 as per BCS Strata Management invoice sent in 2016, confirmed not paying full levies

Lot 182 has second has connection since 2009, confirmed not paying full levies

SUMMARY-for-owners-SP52948-AGMs-and-EGMs-in-2012-and-2013-have-problems-with-quorums

BCS-Strata-Management-SP52948-~~General Meetings without Quorum for 16 Years~~

SP52948 quorum calculation for Annual General Meeting held on 17 October 2012

Quorum calculation for Annual General Meeting held on 23 October 2013

Quorum calculation for Extraordinary General Meeting held on 4 December 2013

Quorum calculation for Annual General Meeting held on 26 November 2014

Draft Version of the Book on NSW Strata Investigative Journalism

Draft version of the chapters from the investigative journalism about Macquarie Gardens' experiences.

Photos showing mismanagement of complex facilities by BCS Strata Management and Waratah Strata Management.

What Others think About BCS Strata Management

This is not the only complex having problems with BCS:

- ProductReview appalling comments about BCS Strata Management in brief
- BCS-Strata-Management-Bad-Reputation-Examples-from-Internet

For more than two years even public complaint at ProductReview website has been ignored by BCS Strata Management and their parent company Pica Group. Requests in May, November and December 2016, 2017, 2018, and 2019 were ignored by BCS Strata Management staff:

1. Greg-Freeman-silent-about-BCS-Strata-Management-poor-management-of-Strata-Plan-52948-Illegal-EC-meeting-on-20Apr2016-and-UPDATED-SUBMISSION-SP52948-Motions-for-AGM-or-EGM-2016-14May2016
2. REQUEST-from-Owner-Forward-Documents-to-Pica-Group-Managing-Director-Mr-Greg-Nash-on-12Nov2016
3. UPDATED-REQUEST-Forward-documents-to-Pica-Group-Managing-Director-Mr-Greg-Nash-and-process-Motions-for-AGM-or-EGM-2017-on-21Dec2016
4. SP52948 BCS Strata Management failed to include Motion about alleged investigations by Pica Group at AGM in October 2016
5. SP52948 BCS Strata Management failed to include Motion about secret cash advance from Pica Group in 2014 at AGM in October 2016

This was published first time on ProductReview website on 17 November 2014:

1. BCS-Strata-Management-owners-complaint-productreview-website-part-1-17Nov2014
2. BCS staff did not reply or attend to any of many issues until 9 December 2015 (one year and one month later) when Managing Director and CEO of Pica Group (or staff on his behalf) promised to investigate claims:

Greg-Nash-promise-investigate-BCS-Strata-Management-9Dec2015

3. On 18 December 2015 we forced document search (SSMA 1996 S108), which, for the fifth year in a row, showed that BCS Strata Management refused to provide access to financial files and other strata documents. Branch Manager refused to come out to hear our complaint (he was hiding behind desks in the back of the room at Epping office). In front of Strata Manager, we called office of Managing Director and CEO of Pica Group and left voice mail:

BCS-Strata-Management-owner-challenge-to-Greg-Nash-and-Pica-Group-18Dec2015

4. Nothing happened until 14 January 2016, when somebody on behalf of BCS Strata Management published in this forum that they attempted to contact me and we were "unavailable". This was our response with challenge to prove any communication with me:

[BCS-Strata-Management-owner-challenge-to-Greg-Nash-and-Pica-Group-14Jan2016](#)

5. My further evidence offered on 23 January 2016. No response from BCS Strata Management or Pica Group:

[BCS-Strata-Management-owner-challenge-to-Greg-Nash-and-Pica-Group-23Jan2016](#)

6. More evidence from me on 31 January 2016. No response from BCS Strata Management or Pica Group:

[BCS-Strata-Management-owner-challenge-to-Greg-Nash-and-Pica-Group-31Jan2016](#)

7. ... and even more evidence on 7 February 2016. No response from BCS Strata Management or Pica Group:

[BCS-Strata-Management-owner-challenge-to-Greg-Nash-and-Pica-Group-7Feb2016](#)

[BCS-Strata-Management-false-statements-at-ProductReview-and-absolute-lack-of-customer-service-for-Strata-Plan](#)

8. COO of BCS Strata Management in NSW refused to reply more than 50 times over two years:

[Greg Freeman COO-BCS-Strata-Management-NSW-Persistent-Silence-Lack-of-Actions-2014-2016](#)

9. These are emails sent to BCS Strata Management staff and managers over three years. No actions followed by them. They contain repeated pleas to manage the complex in accordance with laws and with duty of care:

[Pica-Group-and-BCS-Strata-Management-silence-to-respond-to-complaints-and-proven-mismanagement-issues-for-Strata-Plan](#)

10. Evidence of how BCS Strata Management handles customer's enquiries and complaints (receive them but no replies):

[BCS-Strata-Management-Examples-of-Staff-Receiving-Complaints-and-Not-Responding](#)

The large strata complex at Macquarie Park even started taking cash advances from BCS parent company PICA without knowledge of owners corporation in August 2014. Not only that has not been disclosed to owners corporation (even at AGM in November 2014), but PICA was repaid six months later. Number of attempts were made to engage Strata Community Australia (SCA NSW) to investigate BCS Strata Management. SCA NSW, after extensive delays where they took no actions, declined to review their member's conduct.

[The correspondence with SCA NSW highlights the reasons for their silence.](#)

[SCA failed to respond again on 13 November 2016.](#)

Strata Community Australia NSW declined to examine BCS Strata Management on grounds that they did not have approval by the Executive Committee to proceed. Check of who was/is on board of directors uncovered interesting connections with BCS.

It seems that nobody is aware of SCA ever penalizing their members for non-compliance with their own code of conduct.

Miraculously, BCS Strata Management "won" the contract at AGM in November 2014. Member of the EC, who was allegedly involved in tendering for the Strata Manager's contract renewal (but failed to provide any evidence to owners corporation), silently sold his property in the complex and left in March 2015.

Their maintenance is below expected standards.

More than 50 reports of misconduct were sent to COO of NSW BCS Strata Management Mr. Greg Freeman - no response was ever received or action taken.

In 2011, Mr. Freeman and one EC member alone "negotiated" renewal of BCS contract, where they "offered" discount which Mr. Freeman called loyalty rebate. Not only that rebate never occurred and owners corporation received no benefit from it, but there was no tender for the contract.

- Lack of tenders and contract process: contracts being won by this Strata Agency for 14 years without tender; subcontracts being awarded at inflated prices (like painting project in 2004, with significant losses for the large strata complex at Macquarie Park); and any contract where **agents or employees appear to have inside information on the tender process or competitors' tenders,**
- **Disguised fees,**
- **Lack of records and monitoring of business activities.**

Companies like BCS need sound internal controls, as well as ethics and compliance measures to prevent and detect mismanagement.

Actions by BCS Strata Management directly add significant costs to business:

- **Serious criminal implications for individuals and organisations involved,**
- Increasing costs for companies and their customers, and
- Reputational cost.

Seven attempts for mediation at Department of Fair Trading were declined by BCS Strata Management and DFT failed to take any action.

Three CTTT cases were dismissed on grounds of excessive evidence that was not even read or analysed (over 3,000 pages of evidence provided to CTTT whilst BCS Strata Management provided none)! In one of the CTTT cases, Strata Manager from BCS Strata Management even provided misleading and deliberately misconceived statements in the Statutory Declaration, a criminal offence in accordance with the Section 11 of the Statutory Declarations Act 1959 (a person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years, Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959).

How serious false statements can be shows a case at Parramatta Local Court on Friday 22 July 2011, when Sam Cohen was convicted of lying at CTTT. The criminal offense carries 12 months imprisonment and/or a fine of up to \$5,500.

Consumer Trader And Tenancy Tribunal Act (CTTT) 2001 - SECT 71 False or misleading statements:

A person must not: (a) in any proceedings, or (b) in any application under this Act, provide any information, or make any statement, to the Tribunal, Chairperson or Registrar knowing that the information or statement is false or misleading in a material respect.

The members of the Executive Committee and BCS Strata Management are directly responsible for acting against other sections of the Criminal Act:

Section 316 of the Crimes Act 1900 (NSW) makes the knowing concealment of information relating to a "serious indictable offence" a crime punishable by up to 2 years imprisonment.

Section 4 of that Act defines "serious indictable offence" to mean an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more. Subject to certain exclusions this generally includes the fraud offences in Part 4AA of that Act as well as stealing and similar offences in Part 4.

Section 316(1) provides:

(1) If a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.

The following Strata and Branch Managers from Raine and Horne Strata Sydney and BCS Strata Management have been involved in management of this large strata complex.

Attempts to engage BCS managers at all levels to comply with Australian laws failed and no responses were ever received. The following are examples of BCS Strata Management non-compliance with Laws and Code of Conduct.

BCS Strata Management Declined to Sign Disclosure Statements

Before large strata complex at Macquarie Park Annual General Meeting 2014 (or at any other time since 1999), BCS did not sign the Disclosure Statement, which among the other items listed:

- no conflict of interest existed in the past or currently, or is likely to arise in relation to offering improper or privileged services to any strata complex owner, employee, contractor, agent, or member of the Executive Committee;

- the Tenderer, any related entity, or their respective officers, employees, agents and subcontractors, are not currently, and have not in the previous 10 years, been subject to or involved in any investigations, sanctions, court proceedings, audits and the like in relation to anti-competitive conduct, bribery, or corruption.

Some of Many Attempts to Engage with Financial Accounting Companies to Explain Their Yearly Reports for SP52948

[SP52948-Bamfield-Auditors-silent-about-request-to-review-incorrect-and-some-even-illegal-expenses-listed-by-BCS-Strata-Management-10Oct2013](#)

[SP52948-Hayes-Knight-Auditors-silent-about-repeated-request-to-review-incorrect-and-some-even-illegal-expenses-listed-by-BCS-Strata-Management-15Nov2014](#)

[BCS-Strata-Management-Engaging-Auditors-Bamfield-Hayes-Knight-and-Example-of-Lack-of-Accountability-2013-2014](#)

[SP52948-Russell-Young-BCS-Strata-Management-ignored-report-on-credibility-of-Hayes-Knight-Accounting-Company-20Nov2014](#)

[SP52948-Lack-of-responses-and-actions-by-Hayes-Knight-as-of-24Feb2015](#)

[SP52948-REQUEST-FOR-OFFICIAL-RESPONSE-from-Waratah-Strata-Management-contact-details-of-SP52948-auditor-for-FY-2017-and-2018-11May2019](#)

[Inquiry-sent-to-Economos-on-31Aug2019-regarding-alleged-strata-plan-SP52948-financial-audit-on-18October2018](#)

[SP52948-Waratah-Strata-Management-missing-auditor-report-AGM-2017-and-not-found-in-two-document-searches-in-2019](#)

[SP52948-REQUEST-FOR-IMMEDIATE-RELEASE-OF-DOCUMENTS-submitted-to-Waratah-Strata-Management-auditor-reports-cash-receipts-bank-statements-for-AGM-2019-9Oct2019](#)

[Third-inquiry-sent-to-Economos-on-22Dec2019-regarding-alleged-strata-plan-SP52948-audit-on-18October2018](#)

[SP52948-Department-of-Fair-Trading-proposing-forensic-auditor-for-AGM-voting-April-2015](#)

SP52948 Lot 158 Enforced Equal Religious Rights

Through unselfish work and persistence, here is evidence of how three different cultures and religions can co-exist in peace and without fear on the same floor in Block A on 18 January 2020:

[SP52948-Lot-147-enjoying-their-religion-18Jan2020](#)

[SP52948-Lot-148-enjoying-their-religion-18Jan2020](#)

[SP52948-Lot-150-enjoying-their-religion-18Jan2020](#)

Same would not have been possible several years ago, as per below evidence:

[SP52948-Peter-Bone-BCS-Strata-Management-prevented-Lot-159-from-enjoying-religious-celebration-peacefully-11Nov2013](#)

[SP52948-Russell-Young-and-Greg-Freeman-BCS-Strata-Management-ignored-repeated-complaints-about-their-promoting-religious-intolerance-and-discrimination-23Nov2014](#)

SP52948 Waratah Strata Management Claims no Meetings in 2018 and 2019 and Deliberately Misleading Information for Owners and Investors About Manager Frank Tallaridi

Waratah Strata Management took office from BCS Strata Management on 1 February 2017. Initially, they brought strata manager Mr. Simon Wicks (who originally worked at BCS Strata Management and was removed from managing SP52948 due to poor performance in 2012).

Numerous warnings about quality of services offered by Mr. Simon Wicks were left unattended and ignored by Waratah Strata Management.

Then, all of a sudden, after alleged second data loses ([Waratah Strata Management - Two Serious Data Losses in 2018 and 2019 without Full Disclosure to Owners](#)), there was an announcement [SP52948-Waratah-Strata-Management-announced-new-strata-manager-Frank-Tallaridi-EC-meeting-21Mar2019](#).

Investors and owners are deliberately misled and misinformed about SP52948 meetings for period since 1 february 2017, as shown in screenshots of what Waratah Strata Management displays on their website even as late as 25 January 2020. Lot 158 warned Waratah Strata Management to correct the information on their website, which was ignored.

In addition, Waratah Strata Management claims that no meetings for strata plan SP52948 were held during 2018 and only a general meeting in 2019:

[SP52948-screenshot-of-past-meetings-at-Waratah-Strata-Management-page-1-25Jan2020](#)

[SP52948-screenshot-of-past-meetings-at-Waratah-Strata-Management-page-2-25Jan2020](#)

[SP52948-screenshot-of-past-meetings-at-Waratah-Strata-Management-page-3-25Jan2020](#)

[SP52948-screenshot-of-past-meetings-at-Waratah-Strata-Management-page-4-25Jan2020](#)

Evidence of Persistent and Deliberate Efforts to Ignore Fire Safety Issues by BCS Strata Management, Waratah Strata Management, and Uniqueco Property Services

Some of many fire-safety issues in SP52948:

[SP52948-BCS-Strata-Management-Extensive-Delays-for-Fire-Services-Maintenance](#)

[SP52948-faulty-emergency-lights-Block-A-level-2-for-48-days-without-Uniqueco-Property-Services-action](#)

[SP52948-BCS-Strata-Management-Admits-Not-Actioning-on-Any-Fire-Inspection-Issue-for-Six-Months-31Jul2013](#)

[SP52948-Peter-Bone-BCS-Strata-Management-ignored-report-on-costly-delays-in-rectifying-fire-safety-problems-31Jul2013](#)

[SP52948-Peter-Bone-and-Paul-Banoob-BCS-Strata-Management-ignored-repeated-request-to-prepare-report-on-buildings-and-fire-safety-for-AGM-2013-6Sep2013](#)

[SP52948-Peter-Bone-BCS-Strata-Management-belated-admission-about-long-term-fire-safety-issue-in-four-buildings-extract-from-minutes-EC-meeting-12Feb2014](#)

[SP52948-Ryde-Council-warnings-to-Peter-Bone-BCS-Strata-Management-about-improperly-submitted-fire-safety-statement-2Apr2014](#)

[SP52948-Russell-Young-BCS-Strata-Management-ignored-request-for-immediate-action-Work-Health-and-Fire-Safety-Reports-16Oct2014](#)

[SP52948-Ryde-Council-repeated-warnings-to-Peter-Bone-BCS-Strata-Management-about-fire-safety-with-threat-of-penalties-for-lack-of-repairs-and-false-statements-15Dec2014](#)

[SP52948-Garry-Mills-BCS-Strata-Management-ignored-request-for-official-response-fire-door-Lot-158-non-compliance-with-1905.1-and-AS1530.4-11Apr2016](#)

[SP52948-Garry-Mills-BCS-Strata-Management-ignored-second-request-for-official-response-fire-door-Lot-158-non-compliance-with-1905.1-and-AS1530.4-25Apr2016](#)

[SP52948-Gary-Mills-BCS-Strata-Management-ignored-report-on-costly-delays-in-rectifying-fire-safety-problems-29Apr2016](#)

[SP52948-BCS-Strata-Management-and-Uniqueco-Property-Services-finally-forced-to-replace-non-compliant-fire-door-for-Lot-158-ten-years-after-the-first-complaint-9May2016](#)

[Uniqueco-Property-Services-ongoing-issues-including-fire-and-health-safety-security-maintenance-25Aug2018](#)

[SP52948-Waratah-Strata-Management-ignored-request-to-stop-illegal-smoking-facility-behind-fire-door-2-in-Block-A-20Dec2018](#)

[SP52948-Waratah-Strata-Management-ignored-to-respond-about-delayed-action-for-missing-fire-door-tag-for-Lot-158-in-non-compliance-with-AS1905.1-18Feb2019](#)

[SP52948-Waratah-Strata-Management-ignored-request-to-stop-illegal-smoking-facility-behind-fire-door-2-in-Block-A-19Mar2019](#)

[SP52948-Waratah-Strata-Management-ignored-third-warning-about-illegal-smoking-facility-behind-fire-door-2-in-Block-A-9May2019](#)

[SP52948-Waratah-Strata-Management-ignored-fire-door-safety-risks-and-some-lots-still-not-checked-for-fire-safety-as-of-19May2019](#)

[SP52948-ongoing-issues-fire-safety-maintenance-30May2019](#)

[SUMMARY-submitted-to-Waratah-Strata-Management-and-Uniqueco-Property-Services-SP52948-fire-safety-issue-smoke-alarms-illegal-parking-townhouse-problems-accounting-errors-and-strata-document-search-on-31May2019](#)

[SUMMARY-SP52948-additional-fire-safety-and-other-issues-on-29Jun2019.html](#)

[SP52948-Uniqueco-Property-Services-and-Waratah-Strata-Management-ignored-continuous-safety-problem-fire-doors-opened-during-elevator-upgrades-outside-designated-hours-5Aug2019](#)

[SP52948-Waratah-Strata-Management-and-Uniqueco-Property-Services-facilitating-smoking-May2019](#)

[SP52948-Problem-reported-to-Waratah-Strata-Management-smoking-in-garage-area-continues-on-21Jan2020](#)

[SP52948-Repeated-complaint-submitted-to-Waratah-Strata-Management-SP52948-strong-cigarette-smell-in-garage-area-below-Block-A-continues-on-4Feb2020](#)

Eagle Fire staff conducted yearly checks in the complex on 28 January 2020. He brought the ladder and checked both smoke detectors for year of manufacture in Lot 158.

The one in the main bedroom was manufactured in 1994. Worse than we thought [SP52948-Lot-158-smoke-alarm-main-bedroom-manufacture-date-1994-photo-taken-on-28Jan2020](#).

The second one had printed manufacture date as September 2009 although there are some suggestions in might be year 2003 [SP52948-Lot-158-smoke-alarm-corridor-to-two-bedrooms-manufacture-date-Sep2009-photo-taken-on-28Jan2020](#).

There is no doubt that if Eagle Fire checked all 192 units in four buildings probably hundreds of smoke detectors are expired.

Apart from the expiration date problem, Eagle Fire were able to prove the second complaint for Lot 158:

Both smoke detectors in Lot 158 failed to raise alarm during the first test. They simply did not go off even though a significant amount of spraying was put on them. Only in the repeated (second) test, the alarms sounded. That confirmed our own regular tests: sometimes the alarms go off, sometimes they do not, raising risks of delayed alerts in case of major fire...

Whilst doing his work, Eagle Fire staff was also able to confirm our worries that Lot 159, which has not been around for several months, has faulty battery in one of the smoke detectors and the sound of warnings are heard loud and clear in the foyer on Level 2 of Block A. If anything goes wrong in their unit, the alarm would probably fail.

1. Since June 2019, Waratah Strata Management and Uniqueco Property Services avoid to inform owners of outstanding tasks in regards to fire safety and did not disclose to owners concerns that they had to rectify by January 2020. The discussion about it at the general meeting in October 2019 was prevented by them.
2. Owners in our complex have never received a copy of WRITTEN CONCERNS (or orders).

Everybody should be well aware of sad events related to death of Connie Zhang in September 2012, forced to jump to her death from the building on West Terrace Bankstown when the fire in her unit became so ferocious it melted the aluminum window frames (attachment related to Inquest into the death of Connie Zhang Inquiry into fire at Unit 53, 4 West Terrace, Bankstown "Zhang findings 18 09 15 FINAL.pdf"). Strata manager, Peter Poulos of RW Realty, allegedly failed to properly inform the owner's corporation about the breaches or effectively address many of them. The inquest heard that Fire and Rescue NSW and Bankstown Council had

written to Mr Poulos on multiple occasions prior to 2012 ordering that such defects be fixed, but that he did not give a copy of the written orders to the owners' corporation.

We are trying to avoid similar problems in this complex, and prevent disaster before it happens.

3. Without notification to owners, Waratah Strata Management and Uniqueco Property Services removed push-bars from seven external fire doors in the basement. Push bars were simply removed because they were not maintained properly.
4. Fire doors in the complex are still not fully compliant. The 'Offences Relating to Fire Exits' sign must be displayed at all times, either on the door itself or adjacent to the door (for example, on the wall). All signs should be located:
 5. On the "approach" side of all doors leading to a fire escape or fire stair, regardless of where in the building the door is located,
 6. On both sides of all doors between individual fire compartments where the doors must be kept closed at all times,
 7. Must have the right size to be easily readable,
 8. Must be placed at eye level and must be very visible,
 9. Must comply with the National Construction Code and Building Code of Australia's fire door regulation,
 10. Should be permanently attached and not removable.
11. Elevators were allegedly fully upgraded but in last two months alone, we have uncovered five out-of-service events (two in Block D and three in Block A). It is unknown, but highly probable, that elevators in other two buildings (Block B and C) had similar problems. Attempts to reason with Waratah Strata Management and Uniqueco Property Services were met with silence.

6) In spite of repeated attempts and warnings, Waratah Strata Management and Uniqueco Property Services refused to replace faulty or expired smoke detectors from common funds, in spite of undeniable evidence that ALL smoke detectors were maintained and paid from common funds in all years from 1996 to 2018 inclusive.

In addition, Waratah Strata Management was caught providing misleading and misconstrued statements that they did not allow any replacement of smoke detectors since they took office on 1 February 2017. The fact is: they replaced it for group of owners and the evidence was provided to relevant agencies and Waratah Strata Management (extracts from financial statements).

Request Access to Strata (Mis)Management Evidence

Once your details are verified, reason for request confirmed, access to more draft chapters (frameworks) of the book and other original documents can be provided. The best way to let owners, investors, and general public make an informed decision is by giving them proper information.