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Civil Law Group
Legislation, Policy and Programs Branch
Justice and Community Safety Directorate
By email only: jacslpp@act.gov.au

Re: Reform to the Jurisdiction and Structure of the ACT Civil and Administrative Tribunal

Thank you for the opportunity to provide comments on the Discussion Paper.

The Tenants' Union ACT (TU) supports the increasing of the civil dispute jurisdiction from \$10,000 to \$50,000. The TU does not support the introduction of magistrates to the role of General President but, if this were to occur, the TU would support those eligible for appointment as magistrates being considered. The TU considers an appropriate term of appointment for the General President would be 5 years, with the option for reappointment.

I am happy to discuss the issues we raise below further. If you have any questions, please do not hesitate to contact us on (02) 6247 1026.

Yours sincerely

Deborah Pippen
Executive Officer

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About the Tenants' Union ACT

The Tenants' Union ACT (TU) is one of the primary providers of information, advice and education to people renting in the ACT.

The TU membership consists of private, public and community housing tenants, occupants of other forms of accommodation as well as individuals interested in tenancy issues. The TU represents people renting in the ACT (private and community), works to promote the rights and interests of tenants and undertakes housing and tenancy-related projects.

The TU is a community legal centre providing tenancy advice, information and referral through the Tenants' Advice Service (TAS). Casework, including Tribunal representation, is primarily conducted by our Principal Solicitor. The TAS provides information, advice and referral through its two advice workers and also undertakes community legal education: producing information, conducting workshops and presentations, and promoting tenant participation. The TU is funded through the Justice and Community Safety Directorate and by a proportion of the interest earned from bonds lodged with the Office of Rental Bonds.

1. Should the civil dispute jurisdiction of ACAT be increased from \$10,000? If so, to what amount?

The TU supports the increasing of the civil dispute jurisdiction from \$10,000. The TU would support an increase to \$50,000. The TU would also support a commensurate increase in the residential tenancies division of the ACAT.

Whilst the TU and clients primarily appear in the residential tenancies division of the ACAT, there is the possibility that some disputes may be heard in the civil division (such as those relating to share housing).

Increasing the amount will bring the ACAT more in line with other jurisdictions across the country and will likely increase or improve access to justice, particularly for those who would otherwise not consider making a claim in the Magistrates Court.

2. Should the General President of ACAT be a magistrate? Should the requirement to be a magistrate also include those who are eligible for appointment as a magistrate?

The TU does not consider the General President of the ACAT needs to be a magistrate. If a judicial officer were to be appointed, the TU would support this including those eligible for appointment as a magistrate.

Whilst appointing a judicial officer may bring the ACAT in line with other jurisdictions, there appears to be limited benefit to the general public and it may, in fact, increase formality, which the TU considers undesirable. It has not been the TU's experience that the General President has failed to exercise independence.

Whilst beyond the scope of this discussion paper, the TU would support a broader review of the ACAT and ACAT Act and the creation of a judicial commission to hear, amongst other things, complaints against Tribunal members.

3. *What is the appropriate term of appointment for the General President? Should provision be made for reappointment after this term?*

The TU considers an appropriate term of appointment would be 5 years with provision to be made for reappointment after this term.