

Searching Decisions and Requesting Reasons

The ACT Civil and Administrative Tribunal (ACAT) makes decisions on tenancy and occupancy disputes. When the ACAT makes a decision, either side can ask the tribunal member to give the reasons for their decision in writing. If written reasons are requested, they will be put up online and can be searched by anyone for free.

Why are decisions helpful?

If you are having a dispute, it can be useful to search for decisions that the tribunal has made in situations similar to yours. This can help you to understand and anticipate what decision the tribunal is likely to make. It can also help clarify questions around what sort of access is reasonable or how much of a rent reduction to ask for. In a tribunal hearing, it might help to quote from relevant decisions. It can also be useful to back up the arguments you make to your landlord or real estate agent with examples of decisions.

In most cases, neither party requests written reasons from the tribunal. As a consequence, most decisions are not reported, and there is no way for other people to know the reasons for decisions or even what orders are being made.

Requesting Reasons

If you go to the tribunal and they make a decision that you think would be useful for other tenants to know about, or for the Tenants' Union to know about, or which you might want to appeal, you can request written reasons. This does not cost you anything, but you have to make the request in writing within 14 days of the decision. Ask the registrar at the tribunal desk how to request written reasons.

Searching Decisions

Be aware that the law may have changed in some areas since the decision was made, and dollar amounts may be smaller than they would be today.

Search decisions of the ACAT at:

<http://www.austlii.edu.au/au/cases/act/ACAT/>

<http://www.acat.act.gov.au> (clicking Search takes you to a search box, clicking Decisions gives a list)

Note that the ACAT makes decisions in areas other than tenancy and occupancy law. Look for the words "Residential Tenancies" in brackets in the case title.

Search decisions of the Residential Tenancy Tribunal at:

<http://www.austlii.edu.au/au/cases/act/ACTRTT/>

<http://www.courts.act.gov.au/magistrates/tribunals/rtt/search/decisions.asp>

The Residential Tenancies Tribunal is no longer operational, as it was replaced by the ACAT in 2009. However, it was around for longer than the ACAT has been, so there are more decisions to search.

Search Hints

The Austlii sites allow you to search using keywords when you click on 'search database'. Type in words like "repairs" "compensation" "section 71" "mould" or "carpet" to get a list of decisions where that word is mentioned. Once you're looking at a decision, you can hold down the "Ctrl" key and click "F" and a search box will come up. Type a keyword into the box and you can jump ahead to where that word appears in the decision. The Austlii sites are easier to search, but they don't contain every reported decision. If you know the name of the decision you need and can't find it on Austlii, look for it on the tribunal site.