



"This is a court of law, young man, not a court of justice".
~ Oliver Wendell Holmes, Jr ~

by Julie Rayner

The Queensland Civil and Administrative Tribunal (QCAT) Act of 2009, defines the Objects of the Act in "*Chapter 1 : Preliminary : Part 3*

Objects:

(a) to establish an independent tribunal to deal with the matters it is empowered to deal with under this Act or an enabling Act; and

(b) to have the tribunal deal with matters in a way that is accessible, fair, just, economical, informal and quick; and

(c) to promote the quality and consistency of tribunal decisions; and

(d) to enhance the quality and consistency of decisions made by decision-makers; and

(e) to enhance the openness and accountability of public administration".

From my recent experiences with QCAT, I would have to say that they are not achieving their objectives; not by a long shot. Now please don't misunderstand me, the staff at QCAT are a great bunch, very helpful (considering the limitations placed on the information and support they are allowed to provide, in accordance with the same Act) and friendly. However, there seems to be a prevailing culture of, not so much '*the left hand doesn't know what the right hand is doing*'; it's more like an activity relationship between the left hand and the right foot - '*the left hand doesn't know what the right foot is doing*'. The communication between different departments appears to be sadly lacking if not missing entirely in some instances. And the information given by one department can be entirely different than the information given by another department if asked the EXACT SAME question. WTH? This nasty little scenario also extends to the RTA, whereby information given can be completely different to what actually happens in a QCAT Tribunal, what documentation is required, up to and including the interpretation of the legislation governing both bodies (QCAT and RTA) and the Residential Tenancy and Rooming Accommodation Act 2008.

In my particular case, this has lead to a relatively simple matter (or so I thought) evolving into a protracted (over 12 months and still going strong! - and getting nastier) and very poor imitation of Judge Judy. I have been misunderstood, misinformed, misinterpreted, mistaken for a lawyer (well they must think that if they think I fully understand all of the legislation and the jargon they speak! and I AM a

real estate agent), intimidated, agitated, confused and frustrated, singularly and all together at the same time.

Probably, the most frustrating part is that there is no continuity in the Member who hears your matter in the Tribunal itself. Secondary to that, I have come to understand that the sitting Member does not review the matter prior to the hearing, in any way shape or form. In a recent hearing, the sitting Member actually said that he had not read the 'material' prior to entering the hearing room. I find that to be absurd. It's like your Doctor not reviewing your notes before writing a prescription that may kill you if you take those pills with these pills; or your lawyer not having read the case documents before standing up to defend you. The time restrictions do not allow full presentation of evidence in a complicated matter, (such as mine has become; although it wasn't at the start) so how, pray tell, is the Member supposed to make an informed decision? It's like buying a house from a line advertisement in the Trading Post, sight unseen. Would any reasonable person do that? Apparently so

As if that wasn't bad enough, our illustrious Premier, has cut funding to the only free of charge and independent organisations that exist to support tenants through the worst of their collective tenancy nightmares. The Federal Government did step in to provide limited funding; just enough to keep going until the end of the current financial year. Regardless, some offices did close their doors and at others, the staff have sought alternative employment where possible to ensure they can continue to pay their mortgages and bills; before they get sacked. Once again, (in my personal situation), the funding cut caused the only women with the professional knowledge, skills and abilities to advise me, to move on and their replacement sounds as if he is around 12 years old, so I am a bit wary of his experience in these things.

The sad facts of the matter are that the experience and knowledge held by those two women alone (Hi Gail and Janet) has now been lost. The professional advice, advocacy, genuine empathy of the people in organisations such as the Tenancy Advice and Advocacy Service will soon be extinct and I doubt any amount of cloning would produce a suitable substitute. With a constantly growing rental market, who will be the advocate of tenants in the future? How will they pay for the advocacy that is currently available free of charge? And if you're not spending the interest earned on all of the bond money held in Trust by the RTA on support services for tenants then, a) What are you spending it on? and b) Return the interest earned on the monies held to the tenants. After all, it is their money and if you won't spend it to assist them with advice and representation when disagreements occur, then return the interest earned to the tenant as an annual payment so that if required, they can pay for their own representation. You can't have it both ways. Personally, I would like to see a full accounting of the interest earned annually on the RTA Trust Account holding the bond monies and exactly how and where that money is allocated and spent. Do you think if I sent the Minister a nice email, he / she'd tell me?

I write this rant because the pressure on tenants and the rental market can only increase in the future. The rental market is constantly expanding to cater for

increased demand. This should be met with a corresponding increase in resources and infrastructure to support tenants, rather than the removal and dissolution of the only independent organisations available to consult free of charge.

Take my advice and try to negotiate any issues with your Property Manager; *play nicely*. The alternative is not anything you want to do, EVER, unless you particularly like bashing your head against brick walls and being frustrated to tears (literally).