

Minor civil disputes

Minor civil disputes (MCDs) include claims:

- for debts
- arising out of a contract between a trader and consumer
- for property damage caused by the use of a motor vehicle
- for repairs to a defect in a motor vehicle
- relating to disputes under the *Dividing Fences Act 1953*
- in respect of a tenancy matter.

Clients for MCDs may include:

- tenants, landlords, housing providers and real estate agents
- small business owners
- consumers and traders
- neighbours (dividing fences)
- motorists and motor traders
- private and business creditors
- debtors and commercial agents.

In south-east Queensland, MCD hearings are conducted by QCAT adjudicators. In other regions, the hearings are conducted by Magistrates (QCAT members for the purposes of conducting MCD hearings).

Our year



Minor civil disputes (MCDs) are case managed by the Client Services division with a focus on delivering fast and efficient dispute resolution, in particular for urgent tenancy matters.

2010-2011 has seen a 4 per cent increase in MCD applications, and a clearance rate of 91 per cent. MCDs represent 60 per cent of QCAT's total lodgements.

The majority of MCDs (75 per cent) are residential tenancy matters involving disputes between tenants and landlords.

To ensure the efficiency of the MCD process, the Client Services division has created a team of specialist MCD officers who manage the progress of cases from lodgement to resolution.

An ongoing commitment to client engagement and communication is reflected in the development of a range of new tools including application checklists for residential tenancy and minor debt applications.

Our partners

In support of the MCD jurisdiction, the Client Services division has maintained strong links with the Magistrates Courts, who deliver tribunal services outside the dedicated QCAT registry in Brisbane City. A dedicated Minor Civil Dispute Coordinator position provides support for Magistrates Court staff and facilitates communication and training on QCAT procedures including distribution of a monthly training newsletter and visits to regional courthouses to ensure comfort with the QCAT process.

We have also continued to work closely with the Residential Tenancies Authority (RTA) – this partnership facilitates the distribution of rental bonds via a data-link facility with the RTA to effect the disbursements of bonds quickly and accurately.

The division also undertakes speaking engagements to raise awareness of QCAT processes across a cross section of MCD stakeholder organisations including the RTA and the Real Estate Institute of Queensland.

MCD staff also work closely with tenancy advocacy groups including the Tenants Union of Queensland and Tenancy Advice and Advocacy Service (TAAS). QCAT hosts TAAS to provide a weekly free advice clinic at the QCAT registry for self-represented parties.

Looking forward

A 2011-12 priority is for a proactive community engagement to ensure both accessibility and an understanding of client rights and responsibilities. This engagement includes a self-help strategy whereby clients can access information using the call centre and website.

Internally, the focus is on ensuring staff (including Magistrates Court staff who manage MCD matters outside of suburban Brisbane) have the tools and knowledge required to deliver high quality client service.

Work will commence to implement a new case management system across Magistrates Courts in Queensland and the QCAT registry in Brisbane. This system will be used to better case manage MCD matters and track their progress through the tribunal.

Commencement of the *Neighbourhood Dispute Resolution Act 2011* is expected to impact MCD resources for both dividing fencing disputes and enforcement of tree orders relating to minor debt i.e. overhanging branches.

A key challenge in the new year will be engaging in a meaningful way with Magistrates Court staff to ensure consistent levels of service are provided when clients are dealing with QCAT, regardless of location. This challenge will need to be addressed via regular communication, education and training.

MCD facts and figures

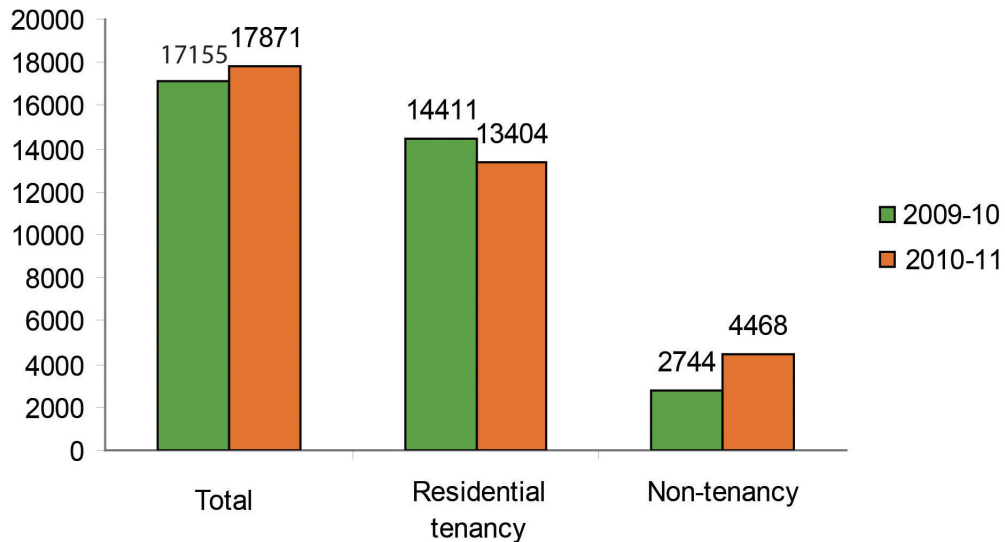


Figure 9: Total MCD lodgements 2009-10 and 2010-11

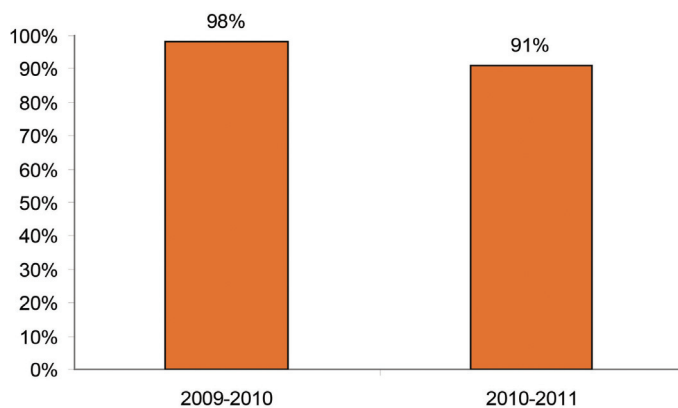


Figure 10: MCD clearance rates 2009-10 and 2010-11

QCAT in action: Evidence the key to rental disputes

ABC Property leased a residential property to Anna and Craig for a 3 month period. After the couple has had vacated the property, ABC Property made an application for \$473 compensation from Anna and Craig for additional cleaning, repairs and other works.

Anna and Craig accepted liability for the cost of flea treatment, but disputed the costs claimed for cleaning, repairs to wall dents, engaging a locksmith and removal of a wooden bath mat.

ABC Property was unable to offer sufficient evidence to support their claim: no photographs were taken to show additional cleaning was required, the exit condition report was not signed or dated by either party and no evidence was provided regarding the claims extra keys were cut by Anna and Craig. ABC Property was able to show that the bath mat was part of the original entry condition report signed by Anna and Craig, and correspondence which reflected Anna and Craig were liable for the repair of the wall dents.

Based on the evidence presented, the tribunal determined no costs should be awarded for additional cleaning or locksmith services. The member awarded ABC Property \$121 for pest treatment and replacement of the wooden bath mat, to be deducted from the rental bond held by the Residential Tenancies Authority.