

# Information for Tenants

## Preparing for a Small Claims Tribunal Hearing



### ‘Turn up in Person’

If you don't appear for your hearing, it is likely that a decision will be made based solely on the evidence presented by the other party. Tenants can find themselves with a greater financial debt because they didn't take the opportunity to have their say. If you have not received any 'Notice of Hearing' from the Small Claims Tribunal, and a hearing occurs without your knowledge, you may apply for a re-hearing. If you have moved away, it is essential to apply to the Small Claims Tribunal to have a trusted friend or relative to appear as an 'agent' on your behalf. Your agent would put forward your case. Remember that legal representation is not allowed at the Small Claims Tribunal - this saves you the solicitor's fees!

### ‘Know the Cast of Characters’

The Referee - the person who will hear your case and make any necessary orders. The Registrar - the person who administrates the tribunal, and receives your application for a hearing. The Claimant - the person making the claim. The Respondent - the person who has had a claim made against them. Witnesses - people who appear for you to provide evidence in support of your case. Interpreters - someone who can help you communicate in English. You should notify the tribunal if you need an interpreter as soon as you know a hearing is going to be held.

### ‘Get some Advice’

The tribunal hears a range of matters to do with tenancies, including bond disputes, compensation claims and applications for termination orders. Obtaining advice from the Tenants' Union, your local Tenant Advice & Advocacy Worker, or the Small Claims Tribunal will be helpful in putting it all together. Face-to-face assistance from your local Tenant Advice & Advocacy Worker is available by appointment to help you prepare and sort your evidence if you need this. The Tenants' Union Fast Fact Sheet 'Resolving Tenancy Disputes' provides some useful detail on how the tribunal works.

### ‘Organise your Evidence’

It is always best to have evidence such as documents, photographs or other proof to back up your claims. Referees have wide discretionary powers and can differ just as widely in the kind of evidence they find acceptable. Your local Small Claims Tribunal office can let you know if your evidence should be presented verbally, or as a statutory declaration, or as an affidavit. Whatever evidence you'll be using, present it in an organised manner. Usually you will only have a few minutes to talk, so it is essential that you start with the most important points. You won't have time to tell a long story. You can write down what you want to say in point form, give one copy to the Referee and keep one for yourself.

### ‘Keep your Cool at the Hearing’

No matter what lies and outrageous claims the other party presents, please don't interject or lose your cool! Both parties will be given time to have their say. Referees will not look kindly upon a party starting a shouting match in the courtroom. They will be far more impressed by a well-organised and detailed presentation of your case. You might want to rehearse the presentation before the hearing with someone you trust and to make sure you feel comfortable with the way you have organised your material.

### ‘Accepting the Referee's Decision’

A Referee's decision is final and binding on all parties. There are extremely limited grounds to appeal a decision. If you get a ruling in your favour, but the lessor does not comply with the order, there are steps you can take to enforce the decision. Contact the Tenants' Union, or your local Small Claims Tribunal or Magistrates Court if you need more information.

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For tenancy advice phone: (07) 3257 1108; (1800) 177 761; or visit the Union's website at  
[www: tuq.org.au](http://www.tuq.org.au)

