

Question on Notice
No. 800
Asked on 17 August 2004

MR HAYWARD asked the Minister for Public Works, Housing and Racing (MR SCHWARTEN) –

QUESTION:

- (1) How many conciliation sessions have been conducted by the Residential Tenancies Authority Conciliation Section this year?
- (2) How many of those conciliations produced successful outcomes?

ANSWER:

(1) The *Residential Tenancies Act 1994* and the *Residential Services (Accommodation) Act 2002* are administered by the Residential Tenancies Authority. Both Acts include as the definition of the conciliation process a process that includes telephone conferencing, joint sessions and private sessions.

Conciliation, as prescribed under the above Acts, is a voluntary process and parties cannot be compelled to participate in this process. If parties do not wish to participate in conciliation or if the conciliation process concludes with no resolution of the dispute, parties may then make an application to the Small Claims Tribunal where a Referee can make a decision on the matter.

In the financial year 2003-2004, the Residential Tenancies Authority's Dispute Resolution Service received a total of 14,102 requests for dispute resolution. A total of 14,091 matters were finalised in 2003-2004.

The Residential Tenancies Authority records indicate that of the total 14,091 matters finalised, conciliation occurred in 10,233 (72.6%) cases.

In 2,625 matters (18.6%), parties choose not to participate in the conciliation process.

In 1,233 matters (8.8%) the request received was withdrawn either by the party lodging the dispute resolution request or for administrative reasons (form mistakenly lodged, form received too late as per legislative timeframes or issues not covered by either Act).

(2) Of the 10,233 matters where parties participated in the conciliation process, 6,862 matters (67.1%) were successfully resolved and 3,371 (32.9%) matters remained unresolved at the end of the process.

As a proportion of the total 14,091 dispute resolution requests finalised in 2003-2004, the 6,862 matters successfully resolved represents a resolution rate of 48.7%.