



## MEDIA RELEASE

23rd September, 2021

### Two states done, more to come according to Landlords Association

The Australian Landlords Association, (ALA), is pleased that Victoria will soon join South Australia in having legislation in place to prevent interstate landlords and their tenants from being locked out of accessible dispute resolution processes.

According to ALA President Andrew Kent, “Most interstate landlords and their tenants are unaware that they are not able to use VCAT, or its equivalent in other states, to resolve a dispute. This is because the lock out is in an unintended consequence of a 2018 finding by the High Court Australia that ruled the state tribunals have no jurisdiction over disputes between residents of different states. It can come as quite a shock to both the landlord and the tenant to find that they need to take their dispute to the Supreme Court.

Fortunately, South Australia paved the way by introducing legislation within months of the decision that enables disputes of this nature to be heard in the Magistrates Court with the processes and fees resembling SCAT. The ALA has contacted all state governments and alerted them to the South Australian solution, and we are pleased to see Victoria adopting a similar solution. We also appreciate that Western Australia is considering potentially transferring jurisdiction for tenancy disputes from the Magistrates Court to the State Administrative Tribunal (SAT) and that if jurisdiction for tenancy disputes were to be transferred to SAT, a mechanism to address the HCA decision would need to be included.”

Kent went on to say “We understand the Victorian Magistrates’ Court are gearing up to start receiving applications for matters that would otherwise have gone to VCAT. We expect that the legislative changes will come into effect once the Magistrates’ Court has their systems set up.”

Unfortunately, this was not soon enough for the Seymour family, NSW residents who had a long running dispute with the tenant of their Geelong property and were unable to go through VCAT. Facing prohibitive legal costs and time frames to resolve the matter in the courts, they have forgone over \$20,000 in unpaid rent and incurred a similar amount on repairs before selling the property, vowing never to invest interstate again.

Geoff Ballard, a Victorian resident with a Sydney property, has spent over \$50,000 on legal fees to pursue a tenancy dispute through the Supreme Court in 2019, and even though the case and the court costs were awarded to him, he has still not received any of the money from his ex-tenant.



According to Kent “The ALA welcomes the new Victorian legislation on behalf of all interstate landlords and their Victorian tenants. We will continue to encourage other states to follow the approach taken by South Australia and Victoria. We also encourage landlords to review the information on our website and add their name to our petition.”

There are 2 million individual landlords in Australia, most of them own a single investment property, and a significant number of the interstate landlords are temporary landlords – people who have moved interstate for work and are renting out their homes until they return. Kent says “Most tenants and landlords behave reasonably, but no homeowner should have to go through the Supreme Court to have their home back the way they remember it. We will continue to pursue this matter with all of the states on behalf of our members.”

**Related Links:**

High Court Decision: [www.eresources.hcourt.gov.au/showCase/2018/HCA/15](http://www.eresources.hcourt.gov.au/showCase/2018/HCA/15)

Australian Landlords: [www.australianlandlords.com.au/](http://www.australianlandlords.com.au/)

Contact: [admin@australianlandlords.com.au](mailto:admin@australianlandlords.com.au)

**Media Enquiries please contact: +61 3 9098 8711**

