PRINCIPAL TENANCY ADJUDICATOR

Practice Note 1/2019

(Requests for Tenancy Tribunal audio recordings)

1. This Practice Note of the Tenancy Tribunal ('the Tribunal') is issued pursuant to section 115 of the Residential Tenancies Act 1986 ('the Act'), and in accordance with s 96(4) of the Act, in response to an increasing number of requests the Tribunal has received for audio recordings of Tribunal proceedings and any transcriptions of such recordings.

2. The Tribunal maintains audio recordings of hearings before it for administrative reasons. The Tribunal does not transcribe such recordings as a matter of course.

3. If a party has filed an appeal to the District Court in respect of the Tribunal's decision, the Tribunal will only transcribe an audio recording if the District Court makes an order directing the Tribunal to do so in accordance with r 18.15 of the District Court Rules 2014. Rights of access to the transcript are determined in accordance with the rules of the court, being the District Court (Access to Court Documents) Rules 2017.

4. A party to a Tribunal proceeding may seek access to an audio recording of a hearing if there are good reasons, in the interests of justice, to request such access. An example may be if there is a dispute about the accuracy of what was said at a hearing when an interpreter has been engaged. If a party considers there may be a good reason to request the audio recording, they must make a written request to a Registrar of the Tribunal explaining such reasons. The Registrar may grant or decline the request, or may refer the request to the Tenancy Adjudicator who heard the proceeding for the Adjudicator to grant or decline the request.

5. As a general rule, a non-party to the Tribunal proceeding will not have access to the audio recording. Tribunal proceedings are conducted in public. Final written decisions of the Tribunal are published online, unless there is a good reason not to publish it in accordance with section 115B of the Act.

Jenny Robson
Acting Principal Tenancy Adjudicator

13 December 2019