

# Managing the Tribunal

## Our governance

QCAT's well-established governance structure has clear lines of authority and accountability to ensure the Tribunal maintains the highest standards of decision making and corporate integrity.

### Senior Leadership Group

The senior leadership group of the Tribunal comprises the presidential members, the senior members, the Executive Director and the Principal Registrar. The leadership group meets for the purposes of coordinating the management of the Tribunal.

## Tribunal composition – members

### Presidential members

#### Justice David Thomas, President

Justice David Thomas was appointed as a Justice of the Supreme Court of Queensland in September 2013 and as QCAT President in October 2013.

Justice Thomas was admitted as a solicitor of the Supreme Court of Queensland in 1979, and had more than 30 years' experience in dispute resolution and commercial litigation before becoming President of the Tribunal.

#### Judge Suzanne Sheridan, Deputy President

Judge Suzanne Sheridan was appointed as a Judge of the District Court of Queensland in November 2014, and as Deputy President of QCAT in November 2015. Prior to that, her Honour had spent more than 25 years in a major law firm, 10 of them as a partner, where she specialised in commercial litigation and dispute resolution.

Her Honour has held a range of professional and leadership positions, including part-time member of the Queensland Building Tribunal and part-time member of the Queensland Law Reform Commission.

### Supplementary members

Under the QCAT Act, the Attorney-General and Minister for Justice may appoint a person to be a supplementary member of the Tribunal. Only a Supreme Court Judge, District Court Judge or Magistrate can be appointed in this role. Details of QCAT's 2015-16 supplementary members are included in [Appendix 1](#).

## Senior members

Senior members are responsible for effectively and efficiently managing lists within the Tribunal's divisions and to hear and decide matters.

As at 30 June 2016 QCAT has four appointed senior members.

- Ian Brown
- Clare Endicott
- Kerrie O'Callaghan
- Peta Stilgoe OAM.

Senior member appointment details are included in [Appendix 2](#).

## Ordinary members

Ordinary members hear and decide matters within the Tribunal as the President determines appropriate. They are generally appointed on a full time or sessional basis. A small number of members are part time.

### Full time and part time members

As at 30 June 2016, QCAT has 9 appointed full time and three part time members. Member appointment details are included in [Appendix 3](#).

### Sessional members

As at 30 June 2016, QCAT has 97 sessional members, 18 more than the previous year, including three who are concurrently part-time adjudicators and one who is concurrently appointed as a part-time ordinary member.

The additional sessional member appointees bring a range of specialist expertise in areas such as child protection, building, retail shop leases and alternative dispute resolution. Sessional member appointment details are included in [Appendix 4](#).

## Adjudicators

Adjudicators hear and decide minor civil disputes throughout Southeast Queensland and, as required, other types of matters.

As at 30 June 2016, QCAT has nine appointed adjudicators including six appointed on a part-time basis. Adjudicator appointment details are included in [Appendix 5](#).

## Justices of the Peace

QCAT justices of the peace have undergone specialised training and assessment before being recommended to Governor-in-Council for appointment.

As at 30 June 2016, QCAT has 83 appointed justices of the peace comprising 28 legally qualified, and 55 non-legally qualified. Justice of the Peace appointment details are included in [Appendix 6](#).

## **Tribunal's composition – registry and administrative support**

QCAT's registry acts as the administrative arm of the Tribunal. Executive Director, Mary Shortland and Principal Registrar, Louise Logan lead the registry of 111 staff.

The registry case management is organised in two divisions:

- The Human Rights division that deals with guardianship and administration, child protection and anti-discrimination matters.
- The Civil, Administrative and Disciplinary division that manages a range of civil disputes including building and body corporate disputes, other complex civil disputes, reviews of administrative decisions of various Queensland Government departments, local governments or regulatory authorities. It also looks after disciplinary matters for various professions. The processing of minor civil disputes, part of the Civil Division, is carried out in the registry's Client Services team.

A Registrar and Deputy Registrar lead each division.

Other teams support the Tribunal's work through alternative dispute resolution, frontline client service, hearing and scheduling support, and corporate and legal services. Each team's leader, together with the Registrars and the Principal Registrar, make up the registry management team. The Executive Director chairs the management team that has oversight of the registry's operational and strategic direction.

As at 30 June 2016, the registry has 111 permanent positions, and five temporary hearing support officers employed for the Justices of the Peace initiative. In 2015-16 seven trainees completed a Certificate III in Business Administration and one trainee completed a Certificate III in Information, Digital Media and Technology.

Of the staff working in the registry there are 92 women (76%) and 35 men (28%), with 22 staff employed on part-time arrangements. There were no early retirement, redundancy or retrenchment packages awarded in 2015-16. During this reporting period, there has been a 3.6% separation rate.

## **Tribunal's composition – ancillary**

### **Legal practitioner and lay panel**

In accordance with the *Legal Profession Act 2007*, a Supreme Court Judge must hear and decide disciplinary matters for legal practitioners. One lay panel member and one legal practitioner panel member must assist the Tribunal. The Governor in Council appoints people to these respective panels. There were no changes to the panel in 2015-16.

## Assessors in health matters

In accordance with the *Health Ombudsman Act 2013*, a judicial member, with assistance from an assessor from the public panel of assessors and two assessors from the professional panel of assessors, constitute the Tribunal for hearing and deciding disciplinary matters for health practitioners. The Governor-In Council appoints panels on the Minister for Health's recommendation. The professional panels are classified by speciality. On 27 August 2015, 150 assessors were appointed to the panels for terms of between three and five years.

## Tree assessors

QCAT tree assessors are appointed under the *Queensland Civil and Administrative Tribunal Act 2009* to assist in resolving disputes under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. The assessors, who are qualified arborists, may conduct onsite assessment for tree disputes, provide written reports to the Tribunal and give expert evidence in a proceeding.

As at 30 June 2016, 19 tree assessors provide service throughout Queensland including Cairns, Hervey Bay, Gold Coast, Rockhampton, South East Queensland and Townsville. Assessor appointments are included in [Appendix 7](#).

## Retail shop lease mediators

The Attorney-General appoints retail shop lease mediators who conduct mediations once a dispute notice is lodged. The QCAT registry manages the mediator list. If mediation does not resolve the dispute, the matter can be referred to QCAT for a hearing. There were no changes to the mediator list in 2015-16.

## Our legislative framework

### Changes to the QCAT Act

In 2015 – 16 the *Queensland Civil and Administrative Tribunal Act 2009* was amended to extend the Justice of Peace Trial provisions.

### QCAT Rules and Regulation amendments

The Queensland Civil and Administrative Tribunal Rules 2009 were amended by the Queensland Civil and Administrative Tribunal Legislation Amendment Regulation (No. 1) 2016 to implement changes to filing, service and other miscellaneous changes.

Amendments to the Queensland Civil and Administrative Tribunal Regulation 2009 were also made in 2015-16, including changes to the prescribed fees and schedules.

### Changes to enabling legislation

Amendments to enabling legislation that commenced this year were:

- *Civil Partnerships Act 2011*
- *Guide, Hearing and Assistance Dogs Act 2009*.

## Practice directions

In 2016 four new practice directions were published:

### Practice Direction No 4 of 2015

*QCAT Registry Christmas Closure – 2015*

Effective: 27 October 2015

### Practice Direction No 5 of 2015

*Searching QCAT proceedings and obtaining copies of QCAT documents*

Effective: 1 November 2015

### Practice Direction No 6 of 2015

*Process for administrative reviews in child protection matters*

Effective: 24 November 2015

### Practice Direction No 1 of 2016

*Completing and submitting approved QCAT forms online and other electronic filing*

Effective: 4 April 2016

Update effective: 29 June 2016

Amendments were made to the following practice directions:

### Practice Direction No 3 of 2013

Hearings in Administrative Review Proceedings

Effective: 6 May 2013

Updated: 23 November 2015

### Practice Direction No 2 of 2011

Electronic filing of applications and other documents in minor debt proceedings

Updated: 4 April 2016

Comprehensive external and internal stakeholder communication accompanied this revision.

## Open Data

2015-16 QCAT application lodgements listed by postcode are available on the [Queensland Government's Open Data website](#).

## Committees

### Rules Committee

QCAT's Rules Committee has responsibility for developing and reviewing the Tribunal's rules and forms approved for use under the QCAT Act. As required by the QCAT Act, the Rules Committee is constituted by the President, Deputy President, a full time senior or ordinary member and a member who is not an Australian lawyer constitute the committee. The President may appoint other members as considered appropriate.

In 2015-16 the committee reviewed four forms. Legislative, practice direction or procedure change usually predicated a form review.

In addition, the committee approved significant amendments to the QCAT Rules to enable QCAT to advance e-filing of applications.

The committee also approved minor amendments to the instructions of Form 3 - Application for minor civil dispute - minor debt. The changes were associated with a practice direction that prescribes which documents can be electronically filed with the Tribunal.

### Education, Training and Resources Committee

Our Education, Training and Resources Committee is responsible for overseeing the member training schedule. Membership of the Committee was refreshed in November 2015 following a call for Expressions of Interest. Judge Sheridan, Deputy President of QCAT, sits as Chair of the Committee.

This year, the committee organised a member conference in March 2016, and a statewide two day conference for members, sessional members and adjudicators to be held in November 2016. The second day of the conference is being organised as a joint initiative with the Administrative Appeals Tribunal, and with the support of the Council of Australasian Tribunals. It is intended in future to work with other Tribunals and courts in organising joint training sessions.

### Alternative Dispute Resolution Committee

The purpose of the Alternative Dispute Resolution Committee is to provide training opportunities for members and staff and promote the use of ADR as a time efficient, cost effective dispute resolution alternative.

### eStrategy Committee

The eStrategy committee was a recommendation from the members' process review initiative which was endorsed at the members' workshop in May 2015.

The purpose of the committee to ensure that both registry and members are engaged in the identification, development, implementation and review of technology solutions. The committee will achieve this purpose by centralising and coordinating all projects that involve the use of technology.

## **MCD Committee**

The MCD committee had not met for a number of years. As a result of the members' process review initiative, the committee was reinstated this year.

The purpose of the committee is to identify, and discuss implementation of, strategies in the minor civil disputes jurisdiction to assist in the efficient operation of both the Tribunal and the Magistrates Courts.

## **Online Services Committee**

The Online Services Committee is established to oversee the QCAT online services (including forms) project development and implementation. This committee manages these online services and is responsible for project outputs and attainment of relevant trial outcomes.

In 2015-16 the committee met formally once, and through working groups developed and implemented four online services, including:

- online QCAT form 58 – notice of withdrawal of application or referral
- online QCAT form 3 – application for minor civil dispute – minor debt, inclusive of a shopping cart facility
- online QCAT form 56 – application for leave to be represented
- an online tool enabling public to search and copy QCAT documents.

In 2016-17 the committee will continue developing and implementing online services.

## **Process Review Committee**

During 2015, QCAT undertook a project to examine:

- the way matters progress at QCAT
- interaction between the registry and members
- the QCAT user experience.

The aim was to identify ways in which the Tribunal's processes could be improved. The process review committee's task was to collate and coordinate this work, culminating in a one-day workshop in May 2016.

The review has resulted in a number of valuable recommendations; some of which can be implemented in the short term whereas others will require significant resources and/or legislative change. The process review committee will coordinate the implementation of the recommendations including the priority for each recommendation and the allocation of resources to each project.