

QCAT

Queensland **Civil and Administrative Tribunal**



Annual Report 2014-15

About our annual report

The Queensland Civil and Administrative Tribunal's annual report summarises its performance for 2014-15 and meets accountability requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

This annual report can be accessed online at <http://www.qcat.qld.gov.au>

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You are invited to provide feedback on this annual report at www.qld.gov.au/annualreportfeedback or general feedback on QCAT services at <http://www.qcat.qld.gov.au/about-qcat/contact-us/survey>

Interpreter services



The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, contact us on 1300 753 228 and we will arrange an interpreter to effectively communicate the report to you.



Our icons

The QCAT divisions are represented by a series of icons: the orange icon represents civil disputes, the purple icon represents human rights and the beige icon represents administrative and disciplinary matters.

30 September 2015

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
State Law Building
Brisbane Qld 4000

Dear Attorney

I am pleased to present the Annual Report 2014-15 for the Queensland Civil and Administrative Tribunal (QCAT).

I certify that this annual report complies with the Queensland Civil and Administrative Tribunal's requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Thomas', with a long horizontal flourish extending to the right.

Justice David Thomas
QCAT President

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2014-15 snapshot

109% clearance rate

user satisfaction rating of 71%

over 60,000 people used QCAT services

over 10,000 human rights applications

30% increase in searches of register and records

12% increase in translation and interpreter services

over 103,000 calls managed

more than 10,000 visitors to our Brisbane counter

0.8% complaint rate

appeal rate of less than 2%

3,424 matters heard by JP panels

over 1.6 million pages viewed online

ABOUT US

The Queensland Civil and Administrative Tribunal (QCAT) was established to assist the community to resolve everyday issues as quickly, fairly and inexpensively as possible.

QCAT resolves disputes and makes and reviews decisions on diverse jurisdictions including:

- human rights (anti-discrimination, guardianship and administration for adults and children and young people matters)
- civil (e.g. building disputes and tree disputes)
- administrative (reviews of decisions by government agencies and statutory authorities)
- disciplinary (e.g. police and health professionals)
- minor civil disputes (including consumer, debt and residential tenancy disputes)
- appeals against decisions of the tribunal and some external agencies.

QCAT services are delivered throughout Queensland in conjunction with the Magistrates Court. Approximately half of matters are heard outside of Brisbane either by magistrates hearing QCAT minor civil disputes or regular hearings by QCAT members.

Our vision

Fair and just outcomes

Our mission

Actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive

Our strategic priorities 2015-19

- Engaging with the community
- Service delivery
- Effective dispute resolution
- Managing the tribunal

Our jurisdictions

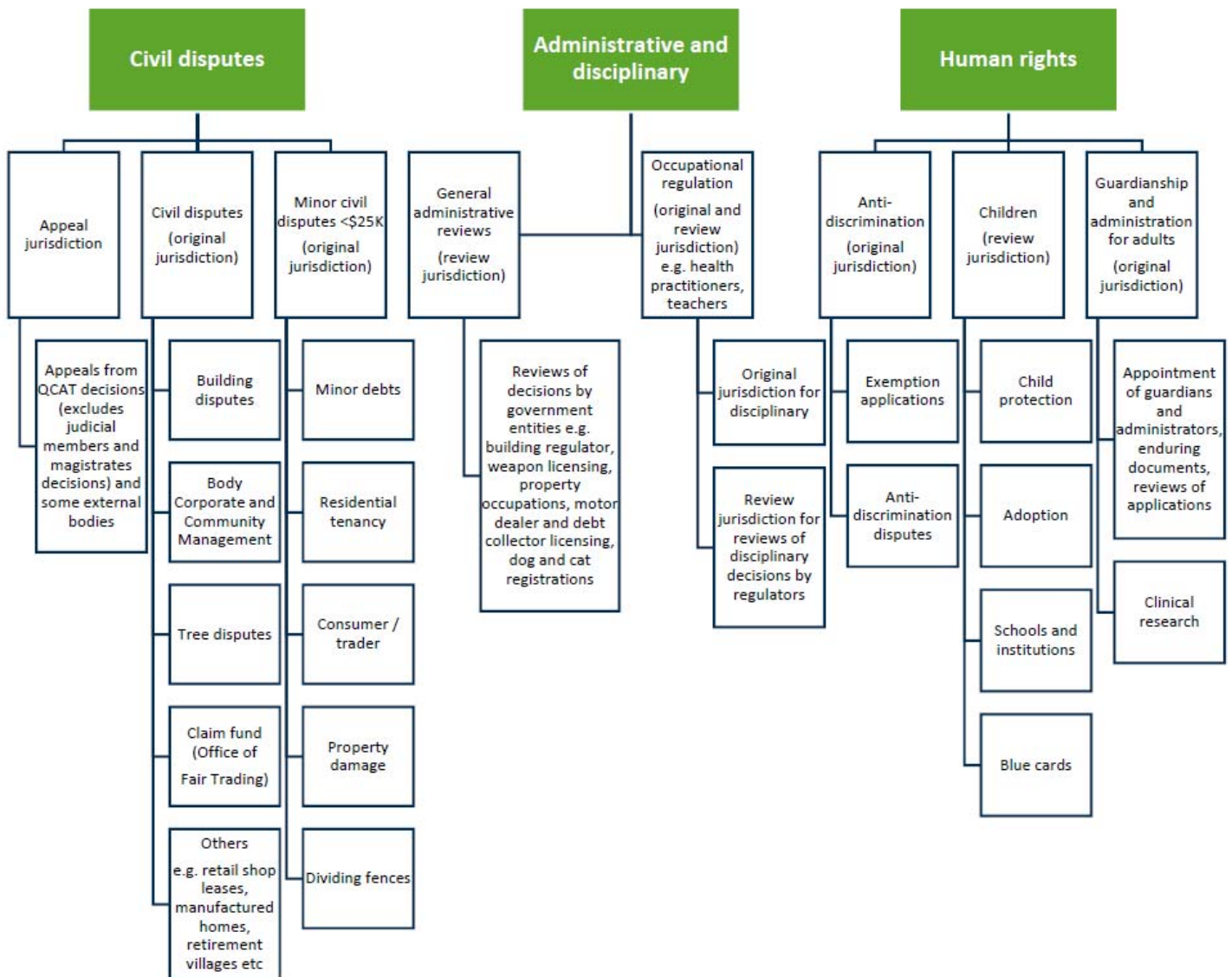


Figure 1: Overview of QCAT jurisdictions

Our service charter

Our VISION

Fair and just outcomes

Our VALUES

QCAT prides itself on the professionalism, integrity and impartiality of its staff and decision-makers and values the right of parties to have access to a quality service.

You have a right to:

- a fair and impartial hearing
- reasonable help to understand the tribunal's practices and procedures
- respect from registry staff and tribunal members
- your personal and confidential information being treated in compliance with relevant legislation.

We will:

- treat you with courtesy, respect and professionalism
- respect the diversity of the community
- provide fair and equitable access to services
- provide you with clear and accurate information about our practices and procedures through [fact sheets](#) and the QCAT website
- welcome your comments and deal with any reasonable problems.

We cannot:

- provide you with legal advice, however we can refer you to legal and community organisations which may be able to assist you
- provide advice about what to say during a hearing
- talk to a tribunal member or adjudicator on your behalf
- other than through the [appeals system](#), alter decisions of a decision-maker or the outcomes of hearings.

You can help us by:

- having your case number and details ready when calling the tribunal
- providing us with timely and accurate information
- treating staff, members/adjudicators and other parties with courtesy and respect
- letting us know if you have any special needs
- telling us how we can improve our services
- asking us to explain anything you are not sure of.

We value your feedback.

Our organisational structure

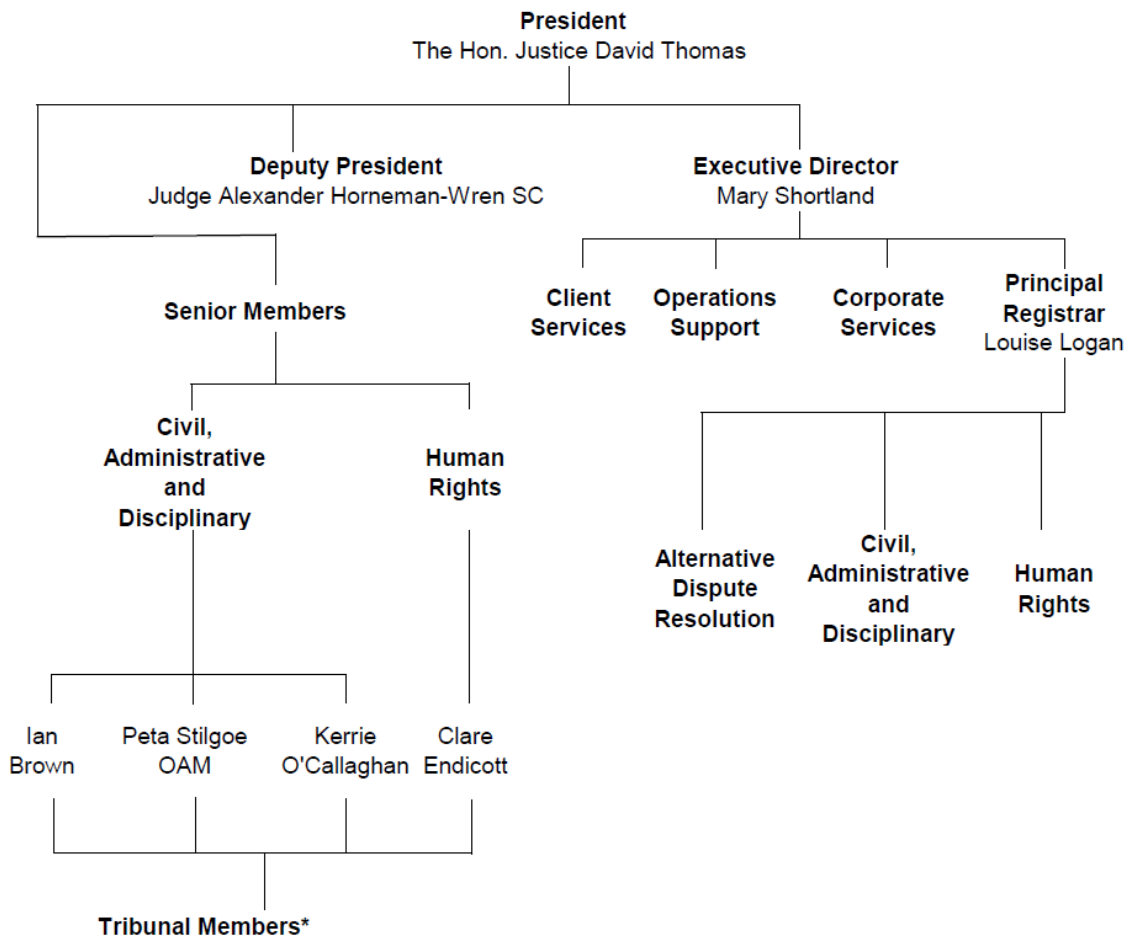


Figure 2: QCAT organisational structure 2014-15

** Tribunal members include: judicial members, ordinary members; sessional members; adjudicators, and appointed Justices of the Peace. Magistrates across Queensland are also tribunal members for minor civil disputes.*

MESSAGE FROM THE PRESIDENT



As we move into 2015-16, QCAT is embracing a new vision: *fair and just outcomes*.

This vision is articulated in the *QCAT Strategic Plan 2015-19* and sits alongside a mission of *actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive*.

This vision speaks to the ultimate role of the tribunal, and indeed the justice system; all we do must be in service of fairness for all parties. Every day we must work towards just outcomes whether through decisions of the tribunal or resolution of matters through our commitment to alternative dispute resolution.

It is this vision that drives us to deliver accessibility, to make our information easy to find and understand and to place a firm focus on those using our services. It is for those users that we apply our mission every day, in every proceeding, for every matter.

In service of our vision, in 2015 we have appointed senior members, ordinary members, sessional members and adjudicators.

Our membership reflects the diversity of the community, and ensures we fulfil our functions outlined in the QCAT Act to maintain specialist knowledge, expertise and experience of members and adjudicators.

Our registry staff, both in Brisbane and those magistrates court staff who deliver QCAT services throughout Queensland, continue to provide excellent service in support of fair and just outcomes.

It is the skill and commitment of our decision-makers and staff that ensure fairness and excellent service delivery to meet the needs of the community.

We look forward to working with this Government as they respond to the review of the *Queensland Civil and Administrative Tribunal Act 2009*. The new consultation will build on feedback from the community and stakeholders.

We will continue to deliver on our vision as a key part of the Queensland justice system.

Justice David Thomas – QCAT President
September 2015

MESSAGE FROM THE EXECUTIVE DIRECTOR



Many of the 60,000+ members of the community using QCAT services each year will have no prior experience with the justice system. They are much more likely to be involved with a civil or administrative legal matter than a criminal case.

QCAT was created with the specific philosophy that it exists to serve the community in resolving everyday issues as quickly, fairly and inexpensively as possible. As part of this role we must meet the unique challenge of self-representation; we must remain mindful of our obligation to provide accessible and responsive services.

A key part of responsive service is meeting community expectations for accessible online and digital services.

In 2014-15 QCAT launched a new online service for completion and submission of [QCAT Form 22 Application or referral – disciplinary proceeding](#). We have formed an Online Services Committee to build internal capability and to guide our collaboration in the coming year with the Department of Justice and Attorney-General's Digital Transformation team.

In support of providing new online services to the community, we are pursuing amendments to the QCAT Rules to enable electronic filing of applications and online payment of fees.

We must balance the need for development of new channels for services, with existing demand. In 2014-15 we managed a 12 per cent increase in provision of interpreter and translation services to ensure accessibility to those of a culturally or linguistically diverse background. We have managed a 30 per cent increase in requests for searches of tribunal records and register and a rise of almost 5 per cent in calls to QCAT.

Despite service demand and financial challenges, our delivery of a 109 per cent overall clearance rate is an 16 per cent increase from our first reporting year in 2010-11. The quality of our service delivery is reflected in our outstanding results in user satisfaction (71 per cent). These results would not be possible without the skill and commitment of registry staff, magistrates court staff delivering services outside of SEQ and our decision-makers.

Our commitment to accessibility can impact our financial position. For example, as applications rise in no-fee jurisdictions in human rights, there are increasing demands on our services without additional revenue. A decrease this year in residential tenancy applications (6 per cent) has also resulted in a decline in revenue.

We will continue to meet the challenges ahead to actively manage cases to ensure the best possible outcomes for the community.

Mary Shortland – QCAT Executive Director
September 2015

OUR KEY PROJECTS

Support vulnerable Queenslanders

Implement recommendations from the Queensland Child Protection Commission of Inquiry 2013 and the Queensland Law Reform Commission into Guardianship Legislation

Justice of the Peace trial

Ongoing delivery of the JP trial in Brisbane, Ipswich, Maroochydore, Southport and Townsville and completion of project evaluation

National Disability Insurance Scheme (NDIS)

Prepare for implementation of the NDIS in Queensland from 1 July 2016

Neighbourhood dispute resolution (trees and fences)

Undertake a case management review; conduct a trial of onsite hearings; and contribute to the statutory review of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*

Activity-based costing (ABC)

Use of ABC methodology to accurately assign and analyse average costs per matter across different jurisdictions against fees and revenue

ICT strategy

Framework to deliver activities including online forms and services, online payment options and online search and copy service to improve community access to tribunal records and register

Digital dispute resolution

Trial desktop conferencing for conducting mediations

Communications strategy 2015-17

A framework for community and stakeholder engagement to ensure users find the right information when they need it

Workforce Reinvigoration Program

Develop staff capability and engagement through projects including the QCAT Leadership Development Program, workforce plan, and staff reward and recognition program

Accommodation

Finalise accommodation options to ensure delivery of accessible services

QCAT review

Respond to recommendations of the QCAT review

Recruitment

Appointment of sessional members and Deputy President

OUR YEAR

Our workload and outcomes

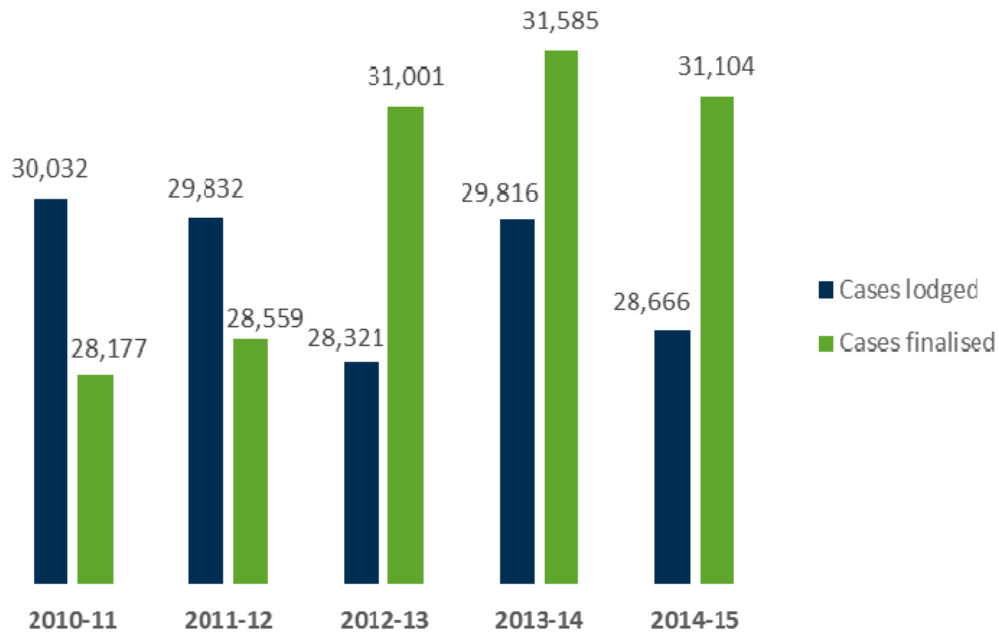


Figure 3: Lodgements and finalisations to 2014-15

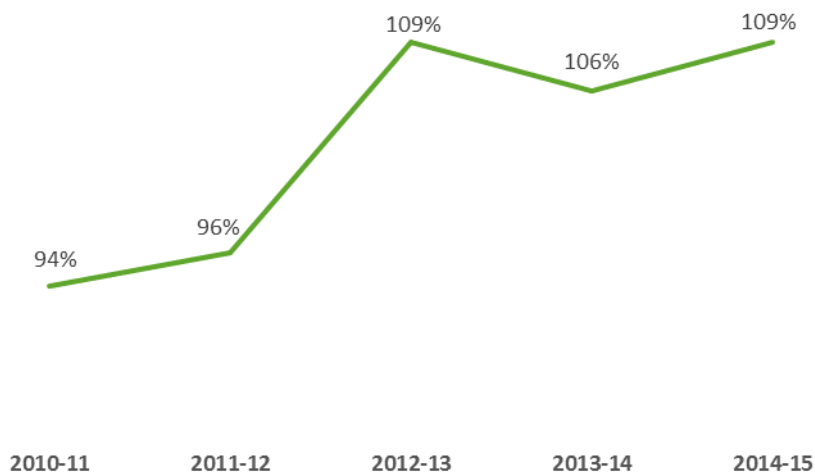


Figure 4: Clearance rates to 2014-15

Service delivery

Service/ performance	2012-13	2013-14	2014-15
1300 calls managed	98,985	99,157	103,718
Call response time	10.12 minutes	3.13 minutes	9.02 minutes
Search request of tribunal records	10,654	13,737	17,572
Counter enquiries	9,207	10,767	10,623
Proceedings scheduled [#]	18,268	17,926	17,428
Cost per matter (average)	\$624	\$621	\$630
Interpreter and translation services provided	193	237	266
Complaint rate	0.8%	0.8%	0.8%
User satisfaction rating	74%	72%	71%

Table 1: Service delivery
excluding minor civil disputes

Outcomes by jurisdiction

	Lodgements		% difference	Clearance rates		% difference
	2013-14	2014-15		2013-14	2014-15	
Human rights						
Anti-discrimination	114	108	-5	111%	101%	-9
Children	256	297	16	97%	94%	-3
Guardianship	10,411	10,402	0	96%	101%	5
Civil						
Building	307	265	-14	111%	116%	5
Retail shop leases	127	126	-1	115%	107%	-7
Minor civil disputes	16,923	16,030	-5	112%	113%	1
Other civil disputes	108	88	-19	106%	115%	8
Neighbourhood disputes	196	208	6	131%	106%	-19
Administrative and disciplinary						
General administrative review	464	316	-32	96%	126%	31
Occupational regulation	276	240	-13	127%	118%	-7
Appeals						
Appeals	586	540	-8	94%	100%	6

Table 2: Lodgements and clearance rates by jurisdiction
**NOTE: clearance rate = number of matters finalised ÷ number of lodgements x 100*

Pending matters by jurisdiction

Jurisdiction	2014-15
Human rights	
Anti-discrimination	65
Children	134
Guardianship	1904
Civil	
Building	151
Retail shop leases	44
Minor civil disputes	105
Other civil disputes	39
Neighbourhood disputes	100
Administrative and disciplinary	
General administrative review	184
Occupational regulation	256
Appeals	
Appeals	242
Total	3,235

Table 3: Pending matters by jurisdiction

Our achievements and priorities

The *QCAT Strategic Plan 2015-19* outlines four strategic priorities to achieve our vision for fair and just outcomes:

- engaging with the community
- service delivery
- effective dispute resolution
- managing the tribunal.

Key achievements and results in 2014-15

Engaging with the community

- user satisfaction rating of 71 per cent
- supporting accessibility through the fee waiver program (fees waived in 486 matters in 2014-15)
- over 1.6 million pages viewed on the QCAT website
- customer insight research to understand how our users prefer to access services

“The QCAT website has been made more user friendly and explains the process.”

QCAT user, 2015

Service delivery

- over 100,000 calls to the QCAT 1300 number (an increase of almost 5 per cent)
- 30 per cent increase in tribunal register and record searches
- 12 per cent increase in provision of interpreter and translations services to ensure accessibility for culturally and linguistically diverse communities
- over 10,000 users visited the Brisbane registry
- over 7,000 matters heard by Justice of the Peace (JP) panels (3,424 in 2014-15) as part of the QCAT JP Trial (see page 45)
- ongoing delivery of on-site hearings at health care facilities to ensure accessibility for elderly or ill adults in guardianship and administration proceedings
- [QCAT Form 22 Application or referral – disciplinary proceeding](#) available for online completion and submission
- delivery of benchmark average time frames for hearing of all types of minor civil disputes (MCDs)

Effective dispute resolution

- led establishment of the National Alternative Dispute Resolution Network
- new mediation model implemented for minor civil disputes
- 61 per cent settlement rate for compulsory conferences in child protection matters

- appeal rate of less than 2 per cent and less than 1 per cent of appeals commenced with the Court of Appeal

Managing the tribunal

- almost 30,000 applications and over 31,400 matters finalised
- overall clearance rate of 109 per cent against a 100 per cent target
- ongoing delivery of recommendations from the Queensland Child Protection Commission of Inquiry including reducing time taken to finalise child protection reviews and promoting accessibility through productive stakeholder engagement, seeking feedback from children who have used QCAT services, increased use of advocates for children in proceedings, and ongoing child protection training for tribunal members

Priorities for 2015-16

Engaging with the community

- implement the QCAT communications strategy 2015-17 to support development of resources and online information for tribunal users
- implement the QCAT stakeholder plan 2015-16 to support collaboration and leverage opportunities for the community
- support ongoing access to support and assistance services including provision of on-site facilities for the Queensland Public Interest Law Clearing House (QPILCH) Self Representation Service and Court Network Volunteers
- delivery of training and education opportunities for the community

“The hearing was professional, courteous and handled with understanding.”

QCAT user, 2015

Service delivery

- ongoing delivery of the JP trial in Brisbane, Ipswich, Maroochydore, Southport and Townsville and delivery of project evaluation
- implement the QCAT ICT strategy to make it easier to access our services and meet community expectations for online and digital service delivery solutions
- launch of online search and copy service to improve community access to tribunal records and register
- implement recommendations of the Queensland Law Reform Commission into Guardianship to support vulnerable Queenslanders
- ongoing support for Magistrates Court staff through regular newsletters and training information

- trial of new scheduling model and increased use of remote conferencing to build regional accessibility
- review fees structure to ensure fair and appropriate cost-recovery and budget sustainability

Effective dispute resolution

- lead project to trial the use of desk top conferencing for MCD mediations for greater accessibility and a more effective means of interaction than teleconference mediation

Managing the tribunal

- ongoing implementation of recommendations from the Queensland Child Protection Commission of Inquiry 2013 to support improvements to child protection

“The outcome was excellent. I have got my house back and am moving on with my retirement.”

QCAT user, 2015

- implement the Government’s response to the QCAT Review
- appointment of sessional members and Deputy President
- finalise accommodation options to ensure delivery of accessible services
- contribute to statutory review of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- implementation of the QCAT Workforce Reinvigoration Program, including the QCAT Leadership Development Program
- preparation for implementation of the National Disability Insurance Scheme (NDIS) in Queensland from 1 July 2016

Our financial performance

	Budget (\$m)	Actual (\$m)	Variance (\$m)
Income			
Appropriation	16.15	17.16	(1.01)
User charges	2.79	2.46	0.33
Justice of the Peace project	0.92	0.74	0.18
Total revenue	19.86	20.36	(0.50)
Expenses			
Staff employment costs	9.16	9.25	(0.09)
Member costs	5.00	5.37	(0.37)
Property costs	3.14	3.13	0.01
Overhead	1.64	1.87	(0.23)
Justice of the Peace project	0.92	0.74	0.18
Total operating expenses	19.86	20.36	(0.50)

Table 4: 2014-15 QCAT financial statement

Funding

QCAT's total income for 2014-15 was \$20.36m.

Expenditure

In 2014-15, QCAT's recurrent expenditure was \$20.36m.

ENGAGING WITH THE COMMUNITY

User satisfaction

The overall satisfaction rating of 71 per cent (comparable to 72 per cent in 2013-14) reflects a high level of satisfaction with QCAT service delivery regardless of case outcomes.

“QCAT staff were courteous, helpful and professional. The experience was much less stressful than I anticipated.”

QCAT user, 2015

The user satisfaction rating includes assessment of accessibility; service delivery; outcomes; knowledge and skills; fairness; and member conduct and professionalism.

Key results included:

- 76 per cent of users agreed they were treated with courtesy and respect
- 73 per cent were satisfied they received a prompt response from the Tribunal
- 71 per cent of users agreed QCAT was easy to access.

Based on user satisfaction through jurisdictions:

- human rights matters had an 80 per cent user satisfaction rating
- minor civil disputes had an 8 per cent increase in user satisfaction (to 65 per cent)
- civil, administrative and disciplinary matters had a 7 per cent increase in user satisfaction (to 67 per cent).

Key issues raised by tribunal users included enforcement of decisions, and some aspects of service delivery. In 2015-16 we will work towards improving understanding of enforcement of decisions and work within our financial and resourcing constraints to maintain and improve service delivery.

“I would highly recommend others in my position to seek amicable outcomes and solutions from QCAT.”

QCAT user, 2015

Customer insight research

In collaboration with the DJAG Digital Transformation team, QCAT participated in customer insight research to understand how our users access our services. Using over 340 responses, the research provided benchmarks for how our users use the internet, how they prefer to use government services, and opportunities to improve online services.

The research will be conducted again in 2015-16.

Our stakeholders

In 2014-15 our stakeholder engagement included:

- presentations on the QCAT commitment to alternative dispute resolution to the Council of Australasian Tribunals and National Mediation conferences
- support for Carers Queensland to develop a series of explainer videos on adult guardianship and administration
- provision of training for support organisations including the Court Volunteer Network and Queensland Public Interest Law Clearing House (QPILCH)
- establishment of government and non-government user groups for key child protection stakeholders
- regular contributions to stakeholder publications e.g. the RTA's *Open House* newsletter
- presentations by staff and decision-makers to a diverse range of community groups and stakeholders e.g. the Queensland Law Society, the Queensland Justices Association and the Office of the Public Guardian.

QCAT are represented on groups including:

- the Queensland Building and Construction Commission (QBCC) customer reference group
- the Auscript Outsourcing Stakeholder Forum
- the Elder Abuse Prevention Unit reference group.

Support and advocacy

The QPILCH Self Representation Service (SRS) provides free legal advice and assistance to self-represented parties in eligible QCAT jurisdictions including anti-discrimination, child protection, guardianship and administration, administrative review and QCAT appeals. In 2014-15, the SRS provided 296 appointments to QCAT users including providing preliminary

“Having a person there to greet me upon arrival, explain the basics and answer questions was fantastic.”

QCAT user, 2015

advice, completing QCAT application forms, assistance with submissions and statements, preparing for hearings or compulsory conferences, and advice on the merits of an appeal.

In 2014-15 Court Network Volunteers provided assistance to more than 8,805 people using QCAT in Brisbane. Of those assisted; 54 per cent were the applicant, 25 per cent were for tenancy matters, 14 per cent were for guardianship matters, and 79 per cent were unrepresented.

A range of community legal centres throughout Queensland also play a key role in supporting people using QCAT services with advice, advocacy and representation.

Communicating decisions

In 2014-15, the Supreme Court of Queensland Library published 656 decisions of the tribunal and 295 decisions of the appeal tribunal. Tribunal decisions are available from <http://www.sclqld.org.au/caselaw/QCAT>

Our commitment to accessibility

Some of the ways we ensure accessibility include:

- no-fee human rights jurisdictions i.e. adult guardianship and administration, children and young people matters, and anti-discrimination
- availability of phone or video facilities for parties unable to attend proceedings in person
- provision of QCAT proceedings in regional and rural locations via magistrates courts
- access to interpreter and translation services for people of cultural and linguistically diverse communities
- availability of face-to-face mediations in regional locations through Dispute Resolution Centres
- hearing loop facilities in Brisbane hearing rooms to ensure access for parties with hearing impairments
- working with hospitals in South East Queensland to deliver off-site hearings for guardianship and administration matters for vulnerable adults
- availability of a fee waiver program to users experiencing financial hardship.

OUR WORK

Alternative Dispute Resolution

- QCAT coordinates the delivery of mediation services for minor civil disputes via internal mediators and the Dispute Resolution Branch (DRB) of the Department of Justice and Attorney-General (DJAG)
- mediation provides parties with quick, informal, fair and cost-effective dispute resolution
- QCAT offers other dispute resolution services including mediation in other jurisdictions, compulsory conferences and hybrid hearings

Civil, Administrative and Disciplinary

- civil matters including building disputes; body corporate and community management; tree disputes; manufactured homes and retirement villages; and retail shop leases
- review of administrative decisions
- occupational regulation and disciplinary matters including teachers, health professionals and legal practitioners

Human Rights

- guardianship and administration for adults
- anti-discrimination
- children and young people matters and education matters

Minor civil disputes

- debts
- consumer and trader disputes
- property damage caused by the use of a motor vehicle
- repairs to a defect in a motor vehicle
- dividing fence disputes
- residential tenancy matters

Appeals

- appeals are heard by an internal Appeal Tribunal
- not every decision of QCAT can be appealed
- appeal processes may differ depending on who made the original decision

Alternative Dispute Resolution

Our year

Service delivery

- over 2,000 minor civil dispute (MCD) mediations conducted across Queensland by accredited mediators
- 1,964 MCDs (8 per cent of total MCD applications*) referred to Dispute Resolution Branch for mediation – 51 per cent resolved and did not require a QCAT hearing
- finalisation of review into MCD mediation models; new advisory mediation model implemented

Effective dispute resolution

- overall settlement rate of 51 per cent for mediation of minor civil disputes
- settlement rate of 85 per cent for mediation of other matters
- high user satisfaction with conduct of MCD mediations (92 per cent) and outcomes from the mediation process (71 per cent) by accredited QCAT mediators

“The mediator made everyone feel comfortable and everyone had their turn to speak.”

QCAT user, 2015

Engaging with the community

“We found it to be a fair and common sense process.”

QCAT user, 2015

- led establishment of the National Alternative Dispute Resolution Network
- regular engagement with the Dispute Resolution Branch (DRB) which provides MCD mediation services to QCAT, and the Magistrates Courts to ensure efficient scheduling
- presentations on QCAT approach to ADR to a range of educational institutions and the Council of Australasian Tribunals and National Mediation conferences

Looking forward

- ongoing implementation and review of the new process advisory model of mediation
- trial of desktop conferencing for MCD mediations
- ongoing investigation of ADR practices in the management of neighbourhood disputes

* Total MCD applications includes 16,030 matters heard by QCAT in SEQ and 8,092 heard via magistrates courts (total of 24,836).

Leading the way in dispute resolution

In 2015 QCAT initiated the National Alternative Dispute Resolution Network. The group brings together ADR specialists from each of the ‘super tribunals’ to:

- share ADR information and best practice
- collaborate on training, development and technology projects
- promote enhanced service delivery.

Alternative Dispute Resolution facts and figures

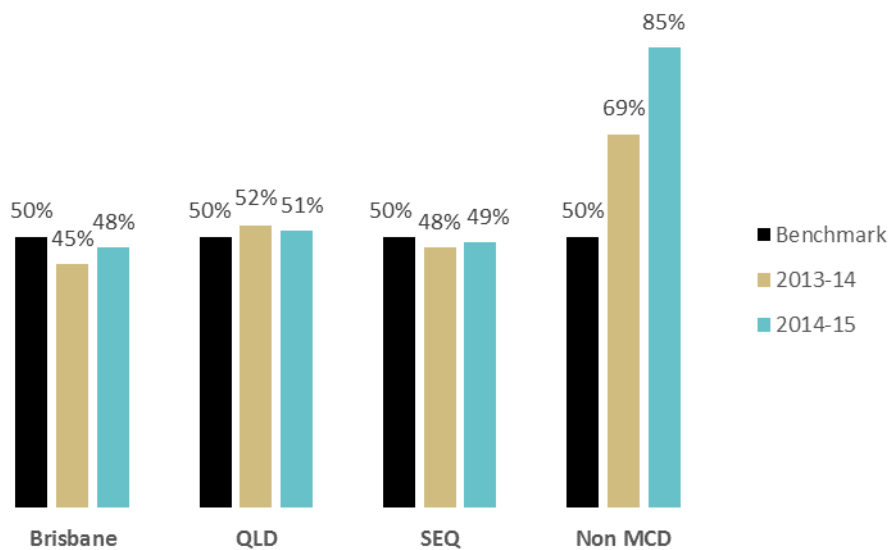


Figure 5: QCAT mediation settlement rates to 2013-14 and 2014-15

** Mediations in Brisbane are conducted by both DRB mediators and QCAT mediators. During 2014-15 DRB mediators achieved a 46% settlement rate while QCAT mediators achieved a 60% settlement rate. The figure noted above combines both sets of outcomes. In other centres MCD mediations are conducted solely by DRB mediators.

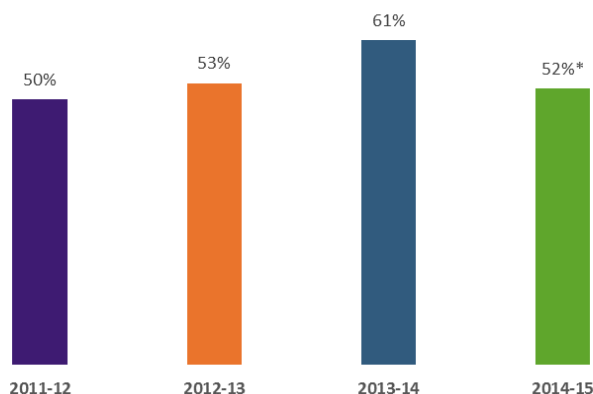


Figure 6: Compulsory conference settlement rates to 2014-15

* 2014-15 figure excludes compulsory conferences in review of decisions of the Public Safety Business Agency (the agency) relating to blue cards. Compulsory conferences are a dispute resolution method used across a range of matters. A compulsory conference may identify or clarify issues in dispute, make orders or directions to resolve the dispute, or find a solution to the dispute without proceeding to a hearing.

Civil, Administrative and Disciplinary

Our year

Service delivery

- all clearance rates over 100 per cent
- [QCAT Form 22 Application or referral – disciplinary proceeding](#) available for online completion and submission
- implementation of new legislation including the *Tattoo Parlours Act 2013*
- implementation of simplified processes in building, property and motor dealer matters to improve user experience and reduce costs
- trial of early intervention strategies to resolve building and tree disputes to reduce costs and timeframes

Engaging with the community

The division engages regularly with key stakeholders including the Australian Health Practitioner Regulation Agency (AHPRA), the Health Ombudsman, Queensland Building and Construction Commission (QBCC), the Queensland College of Teachers and the Queensland Law Reform Commission.

“Because we live overseas it was brilliant we could take part in the hearing over the phone”

QCAT user, 2015

Effective dispute resolution

- settlement rate of 48 per cent for compulsory conferences
- increasing utilisation of compulsory conferences as an early intervention dispute resolution tool

Looking forward

- continuing the review of case management process with an aim to reduce costs for users and reduce timeframes to resolution
- actively assist in the review of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* by the Queensland Law Reform Commission (QLRC) by providing data and information on the review to the QLRC
- ongoing review of the information available to users to assist them resolve their disputes at the earliest possible date

Our health practitioner jurisdiction

In 2014-15, the tribunal finalised 81 matters about health practitioners with a clearance rate of 150 per cent for this specific type of occupational regulation matter. In keeping with the Health Ombudsman Act 2013, the matters are heard by the Deputy President (judicial member), an assessor from the public panel, and two assessors from the professional panel. Health practitioners include chiropractors, dental practitioners, medical practitioners, medical radiation technologists, occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists, psychologists, and practitioners of Chinese medicine.

Professional misconduct

The Medical Board of Australia applied to QCAT about a registered medical practitioner who allegedly dishonestly answered questions on his initial application for registration, and performed surgical procedures contrary to restrictions imposed by a foreign board.

The tribunal found the practitioner's behaviour and actions constituted professional misconduct. The tribunal indicated that had the practitioner been currently registered it would have cancelled his registration. It was ordered that he must never be registered as a health practitioner in the medical health profession.

Reviewing a decision

The Medical Board of Australia suspended the registration of a specialist urologist on the basis of three professional misconduct allegations. The practitioner applied to QCAT to review the decision on the basis the allegations were wrong or not properly made. The matter proceeded in the tribunal in relation to conduct concerning a patient from whom the practitioner removed the wrong kidney.

The Board had removed the suspension of the practitioner's registration after he had offered an undertaking not to practice. The Board subsequently refused the practitioner's request to have the undertaking revoked. The Board later reconsidered the matter, revoked the undertaking and imposed conditions on the practitioner's registration. The practitioner sought a review of each of the decisions to suspend, not to revoke the undertaking and to impose conditions. The tribunal found it had jurisdiction to review each decision, not just the last made. The tribunal found the practitioner did not pose a serious risk to any person or patient in his specialist area of practice and set aside the decisions of the Board.

Making fair fence decisions

Connie undertook construction work on her property. As part of the work she intended to remove and replace a fence adjoining her neighbour, Freya. Connie claimed the fence was on her land only.

Freya made an application to QCAT disputing the removal of the fence. She claimed the fence was a dividing fence on the boundary line, and acted as a regulation compliant fence for her pool. Freya claimed Connie should pay for a new fence, as her construction work had already damaged the fence.

Connie and Freya agreed a new fence was required.

The tribunal ordered a survey to determine the true boundary line between the two properties. The survey found that the fence sat on the common boundary, not solely in Connie's property. The tribunal found that a large portion of the fence had been damaged by Connie during construction works in her property.

The tribunal ordered a new dividing fence be erected within 60 days. The cost of the new fence was to be split; Freya was ordered to pay 20 per cent and Connie 80 per cent.

Applying the law to manufactured homes

A group of home owners in a manufactured home park disagreed with the park owner's decision to impose a nightly fee for visitors and extra car parking fees.

The home owners applied to QCAT to resolve the dispute.

The existing site agreements and the park rules were ambiguous as to any nightly fee or additional parking charges that should be paid.

The tribunal determined that as the site agreements did not contain a nightly amount for visitors or for extra parking fees, the decision of the park owner to impose the fees amounted to a 'proposed change' to the park rules. The park owners must comply with the requirements of the *Manufactured Homes (Residential Parks) Act 2003* to change any rules.

The tribunal ruled the fees could not be applied.

Civil, Administrative and Disciplinary facts and figures

BDL – building
GAR – general administrative review
NDR – neighbourhood dispute resolution (tree disputes)
OCR – occupational regulation
Other civil – matters including body corporate disputes, legal cost agreement claims, retirement village or manufactured home disputes etc
QBCC – Queensland Building and Construction Commission (formerly Queensland Building Services Authority)
RSL – retail shop lease

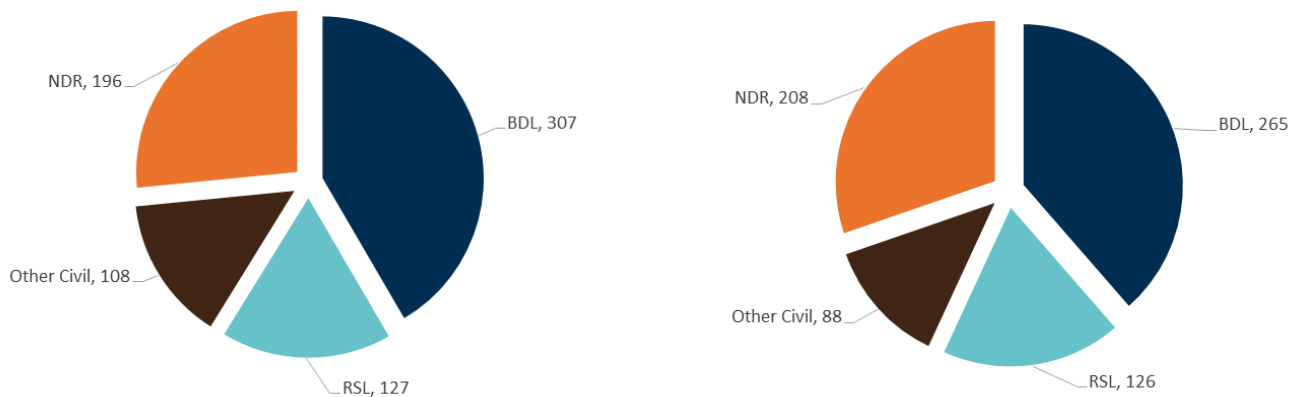


Figure 7: Civil matters lodgements 2013-14 and 2014-15

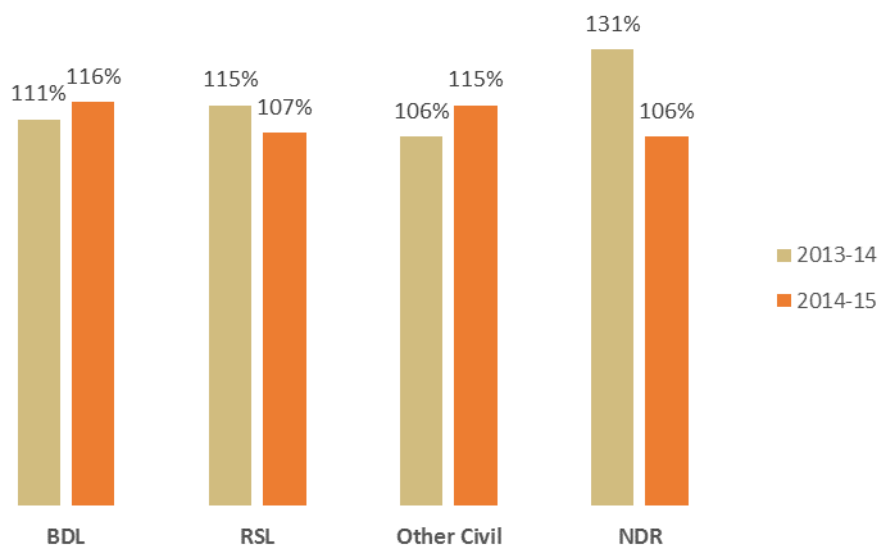


Figure 8: Civil matters clearance rates 2013-14 and 2014-15

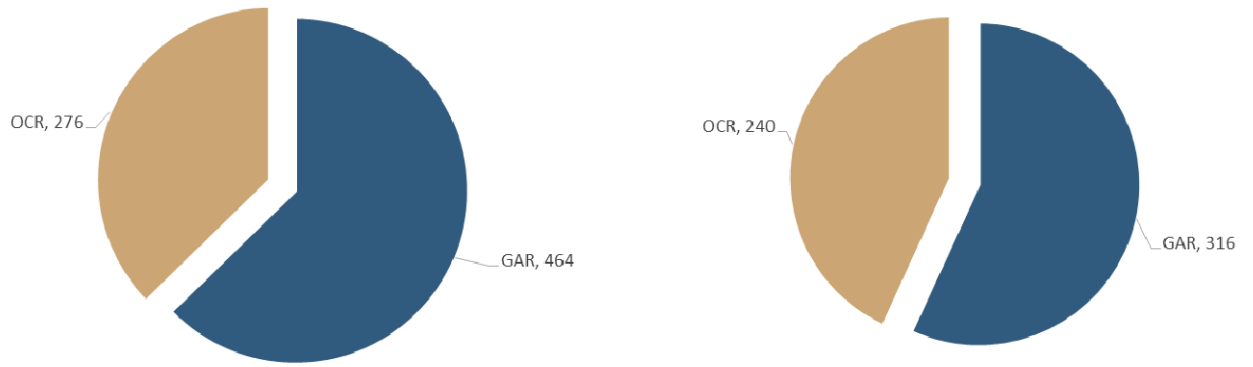


Figure 9: Administrative and disciplinary matters lodgements 2013-14 and 2014-15

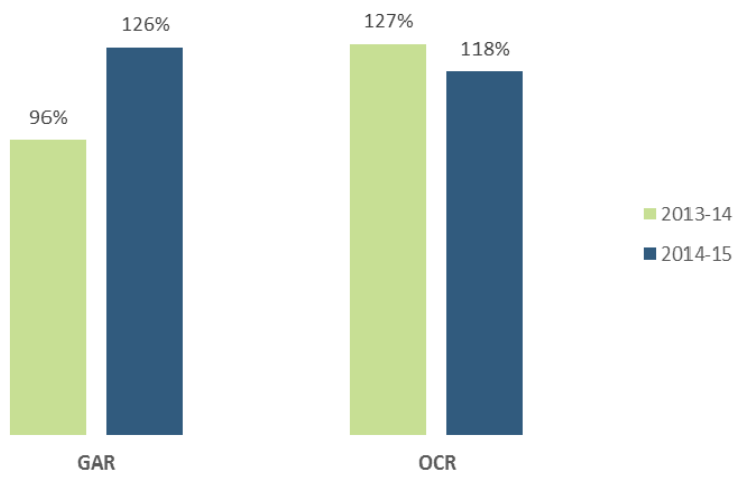


Figure 10: Administrative and disciplinary matters clearance rates 2013-14 and 2014-15

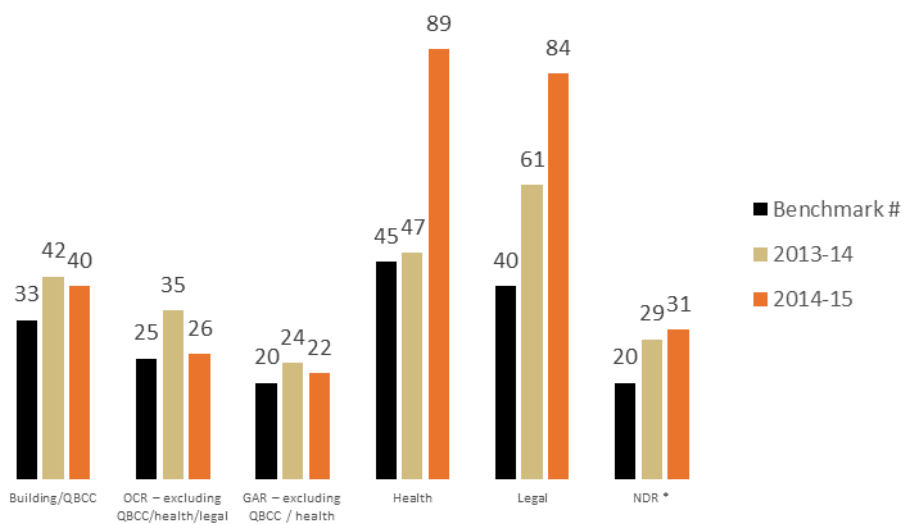


Figure 11: Civil and disciplinary matters weeks to finalisation 2013-14 and 2014-15

Human Rights

Our year

Service delivery

“QCAT helped us enormously with the daunting task we had in regards to the safety and wellbeing of our grandchild”

QCAT user, 2015

- increased applications in children and young people (+16 per cent) matters
- reduced finalisation times in all jurisdictions, including child protection matters
- increase in number of adults with guardianship or administration matters before the tribunal from 5,837 in 2013-14 to 6,054 in 2014-15
- delivery of off-site hearings for adults in guardianship and administration matters at South East Queensland hospitals
- ongoing implementation of strategies to respond to recommendations from the Queensland Child Protection Commission of Inquiry including:
 - the increased use of advocates to ensure views of children and young people are heard in QCAT proceedings
 - provision of child protection training for new tribunal members
 - stakeholder forums for government and non-government groups
 - improved monitoring and effective case management
 - development of improved reporting mechanisms for compulsory conferences and the provision of a written agreement to the parties if issues are resolved at a compulsory conference

Effective dispute resolution

- settlement rate of 61 per cent for compulsory conferences in child protection matters
- tribunal hearings within the adult guardianship and administration are less formal

“My guardianship matter was dealt with very professionally and with empathy”

QCAT user, 2015

than a court hearing, and focus on the wellbeing of the adult. The hearing is conducted as simply and as quickly as possible, and the tribunal member will provide an opportunity for anyone (including the adult) with a sufficient and continuing interest in the adult to put their views forward. This non-

adversarial approach promotes effective dispute resolution

Engaging with the community

In 2014-15, Human Rights engagement with the community and stakeholders included:

- participation in World Elder Abuse Prevention Day Expo convened by the Department of Communities to provide the community with access to information on adult guardianship and administration
- membership of the Elder Abuse Prevention Unit Reference Group to enable an opportunity to listen to the concerns of key stakeholders and provide information about adult guardianship and administration
- active engagement with range of stakeholders on procedural issues including the Department of Communities, Child Safety and Disability Services; the Office of the Public Guardian; the Anti-Discrimination Commission Queensland; the Public Trustee Queensland; independent advocacy groups and non-government organisations
- liaison with the G Force Child Protection Stakeholder Group to get feedback from Tribunal users

Looking forward

- active engagement with users and stakeholders, particularly in child protection sector
- ongoing implementation of changes as a result of recommendations of the Queensland Child Protection Commission of Inquiry
- implementation of legislative amendments arising from the Queensland Law Reform Commission's review into the guardianship and substituted decision-making regime
- support for implementation of the National Disability Insurance Scheme (NDIS) from 1 July 2016

Relationship status and anti-discrimination

Marc wanted to sign up to an online matchmaking site. The matchmaking business provides services to single people to help them develop long-term relationships. Marc had to answer screening questions, including whether he was in a relationship. Marc answered truthfully that he was. The site would not let Marc proceed on the basis the service was only available to single people.

Marc believed that he was being discriminated against because of his relationship and lodged a complaint with the Anti-Discrimination Commission Queensland (the Commission). The complaint was not able to be resolved through conciliation and was referred by the Commission to QCAT. Marc had to provide a submission explaining why he believed he was being discriminated against and the matchmaking service had to provide a response.

A compulsory conference was held to try to resolve the complaint. After the compulsory conference Marc withdrew his application. Later that year the matchmaking service lodged an application with QCAT asking to be exempted from certain sections of the *Anti-discrimination Act 1991* so they could legally advertise and offer their services to single people only. The tribunal approved this request for a period of five years.

Human Rights facts and figures

ADL – anti-discrimination

CML – children’s matters

GAA – guardianship and administration for adults

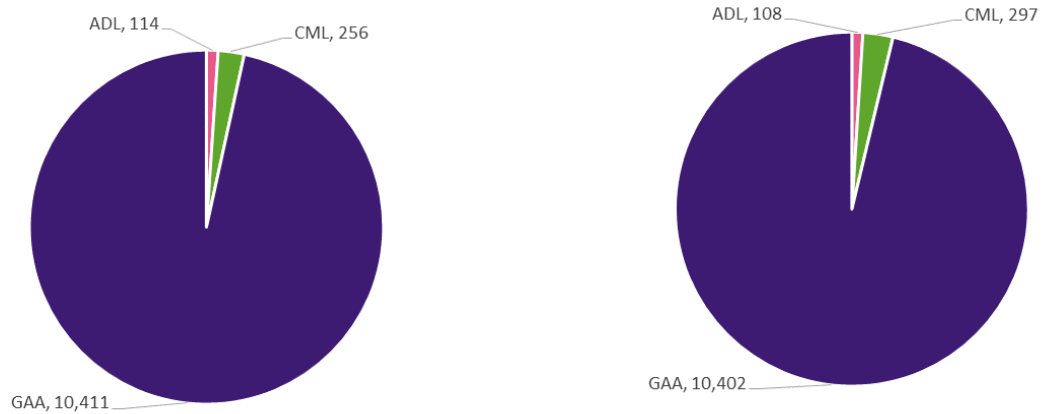


Figure 12: Human rights lodgements 2013-14 and 2014-15

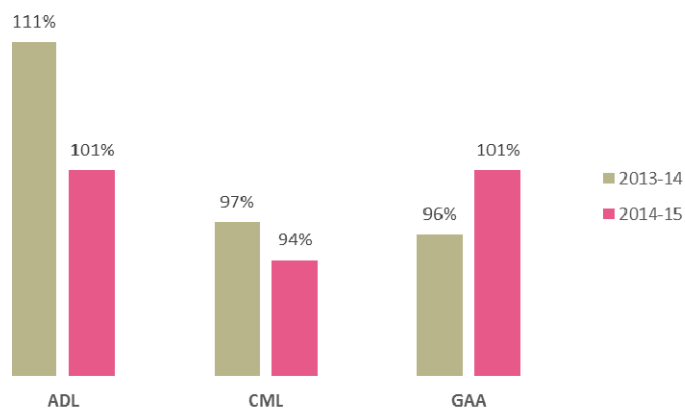


Figure 13: Human rights clearance rates 2013-14 and 2014-15

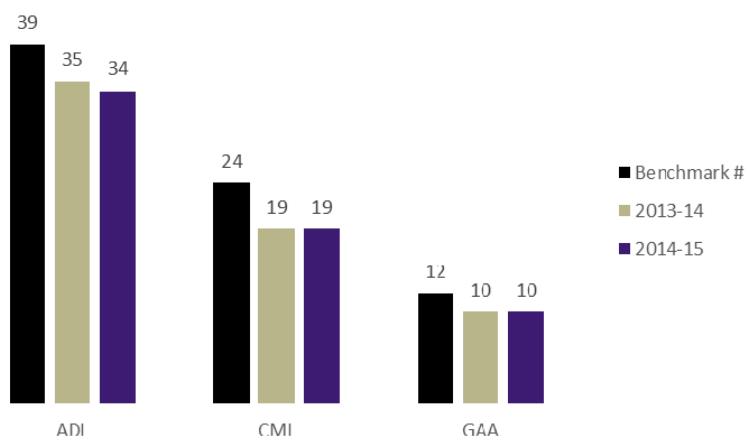


Figure 14: Human rights division matters weeks to finalisation 2013-14 and 2014-15

Limitation order type	Number made
Adult evidence order	2
Closure order	0
Non-publication order	1
Confidentiality order	31
No orders made	28
Total applications received	62

Table 5: Type and number of limitation orders made 2014-15 under the *Guardianship and Administration Act 2000*

	Guardianship for restrictive practice	Review of guardianship for restrictive practice
Order made	66	376
Dismissed / revoked	9	55
Deceased	0	1
Administrative closure	8	4
Withdrawn at hearing	13	1
Total	96	437

Table 6: Guardians for restrictive practices finalised applications 2014-15

	Approved	Dismissed / revoked	Deceased	Withdrawn / Administrative Closure	Total
Containment	9	1	0	2	12
Review of containment	37	3	0	0	40
Seclusion	2	2	0	1	5
Review of seclusion	37	1	0	0	38
Application for another restrictive practice	8	1	0	2	11
Review of application for another restrictive practice	48	1	0	0	49

Table 7: Containment, seclusion and other restrictive practices approvals 2014-15

Protecting and supporting children

Helen is the grandmother of five children who are under the care and protection of the Department of Communities, Child Safety and Disability Services. The children range from six to fifteen years of age. The Department decided all the children would be removed from the care of their grandparents. Helen made an application to QCAT to review the decision to remove the children from her care.

There was dispute between the children about where they wanted to live. One child did not want to be present in the same room with her grandparents.

Following a recommendation of the Queensland Child Protection Commission of Inquiry, the Public Guardian became responsible for protecting the rights of children and young people in out-of-home care residential care and youth detention.

The Public Guardian elected to become involved in these proceedings. They communicated the wishes of the children and worked with the tribunal to ensure the needs of the children were met to participate in the proceedings e.g. parties arriving at staggered times, support from the Public Guardian during the proceedings and separate hearing rooms connected by teleconference.

The tribunal conducted a compulsory conference which is a form of dispute resolution. Compulsory conferences are run by tribunal members and can help identify and clarify the issues the parties don't agree on, and find a solution to some or all of the dispute without proceeding to a hearing.

The compulsory conference resulted in Helen withdrawing her applications for four of the five children and a stay being placed on the decision regarding the remaining child. The stay provided an opportunity for the applicant and the Department to have further discussions to resolve the dispute. The applicant subsequently withdrew her application relating to the remaining child after reaching an agreement with the Department on future placement for the child.

Finding a solution when families disagree

Allan is an 80 year old man who owns a successful business in Brisbane. Allan also had an extensive investment portfolio managed through complex company structures.

Due to progressive dementia, Allan was no longer able to manage all of his estate. His daughter made an application to be appointed as his guardian and administrator. The matter was further complicated due to disputes between Allan's family members about his capacity, cross allegations of misappropriation of funds, competing applications and ongoing litigation.

Over the course of 18 months, the tribunal dealt with a range of applications including applications for: guardianship and administration, declarations about capacity, directions, interim orders, conflict transactions, enduring power of attorney and confidentiality. While each matter was dealt with on the merits of each application, the primary objective was to make decisions in Allan's best interest.

The tribunal made a range of decisions including setting aside the enduring power of attorney appointments, appointing guardians and administrators and approving conflict transactions. A range of compliance obligations were placed on the appointed decision makers.

These decisions ensured that Allan's personal and financial affairs were protected.

Protecting vulnerable Queenslanders

Some adults have very significant estates as a consequence of a personal injury action (e.g. following a motor vehicle accident). Often in these matters, the Public Trustee of Queensland or a private trustee company are appointed to manage the damages award.

As part of the adult guardianship and administration jurisdiction, QCAT's Financial Assessment Team examines annual financial reports and processing Financial Management Plans (FMPs) lodged by administrators for adults. The FMP details how the appointed administrator/s proposes to manage the adult's financial affairs. These checks and balances provide financial protection for vulnerable adults.

As a result of QCAT's oversight, and directions issued by the tribunal to review delays in implementing the FMPs, a private trustee company refunded clients almost \$300k in 2014-15.

Minor civil disputes

Our year

Service delivery

- 5 per cent reduction in tenancy dispute applications (impact on fee revenue)
- 6 per cent reduction in appeals of residential tenancy matters
- 27 per cent reduction in reopenings lodged
- maintenance of clearance rate of over 100 per cent (113 per cent)
- ongoing support of the JP trial hearing some minor civil disputes (MCDs) under \$5,000
- time to hearing for all MCD types below

“As soon as a hearing date was set, the respondent settled.”

QCAT user, 2015

benchmark targets

- working closely with Magistrates Courts to deliver a single case management system for civil matters in Queensland

Effective dispute resolution

- 51 per cent settlement rate for mediation of minor civil disputes

Engaging with the community

- working with the Residential Tenancy Authority to improve services to tenants and landlords
- development of minor civil dispute forms for online launch in 2015-16

Looking forward

- ongoing review of processes, forms, user education and information
- develop additional online forms and opportunities for electronic payment
- explore options for online access to basic case information for parties
- continue to partner with Magistrates Courts to provide a consistent service to users

“The decision made was fair and just”

QCAT user, 2015

MCD facts and figures



Figure 15: Minor civil dispute lodgements 2013-14 and 2014-15*

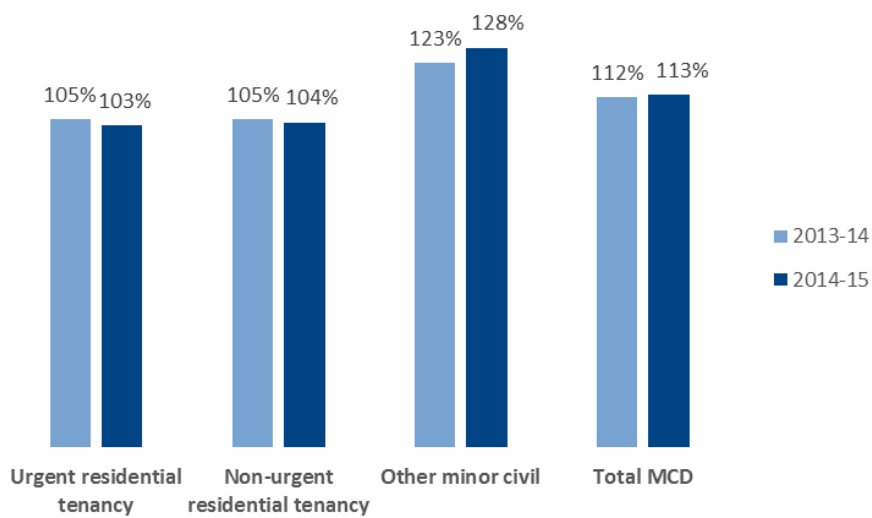


Figure 16: Minor civil dispute clearance rates to 2014-15*

*Figures for Brisbane and South-East Queensland only, where QCAT adjudicators sit. Matters in other regions are heard by magistrates sitting as QCAT members.

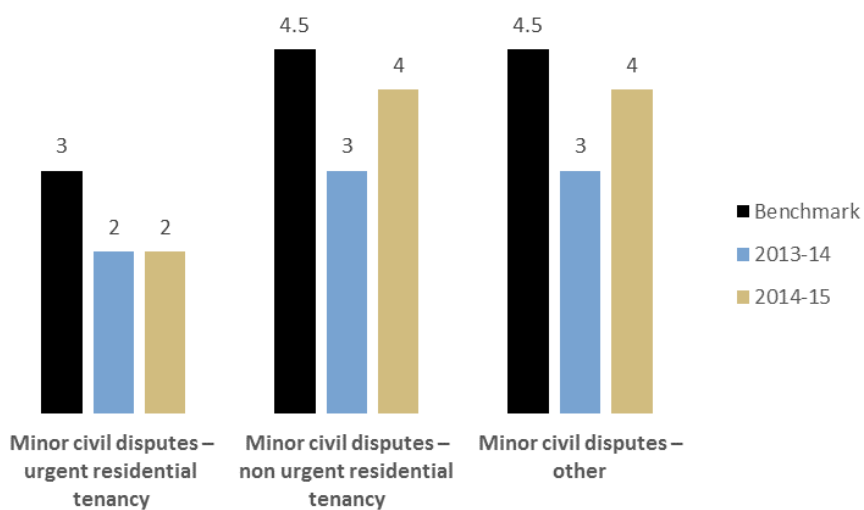


Figure 17: Minor civil dispute matters average time to hearings

Residential tenancy applications processed 2014-15	
Total received	9,831

Table 8: Residential tenancy applications lodged in 2014-15

Application types	2013-14	2014-15
Termination for rent arrears	4,480	4,311
Termination for objectionable behaviour	160	115
Termination for repeated breaches	473	341
Termination for lessor's excessive hardship	269	267
Termination for tenant's excessive hardship	318	314
Termination for domestic violence	5	8
Termination for damage/injury	58	8
Emergency repairs	36	26
Rental increase/decrease	78	61
Tribunal order on abandoned premises	31	56
Application for unjust listing	598	639
Application for proposed listing	42	47
General disputes	1,833	1943
Bond disputes	1,031	885
Miscellaneous/other	897	810

Table 9: Residential tenancy application types managed by QCAT 2013-14 and 2014-15

Includes 405 applications lodged by Department of Housing and Public Works. Figures are for Brisbane and South-East Queensland only, where QCAT adjudicators sit. Matters in other regions are heard by magistrates sitting as QCAT members.

Hearings and matters finalised	2013-14	2014-15
Adjournments	1,592	1446
Hearings	13,996	13,447
Matters finalised	10,819	10,219
Warrants of possession issued	2,681	2,877

Table 10: Residential tenancy hearings and finalisations 2013-14 and 2014-15

Reopenings and appeals	2013-14	2014-15
Reopenings lodged	170	124
QCAT Appeal Tribunal	422	395

Table 11: Residential tenancy reopenings and appeals managed by QCAT 2013-14 and 2014-15

Agreements, damages and student accommodation

Adam, Steven, James and Ben rented a house from Mr and Mrs Johnson in August 2012 for a 3-month term. Each of the four student tenants paid a \$400 bond and \$100 rent per week. The tenancy agreement included a special term requiring each tenant to pay one quarter of any bills for the property.

James and Ben moved out in October 2012 and each received their \$400 bond back from Mr and Mrs Johnson. After the tenancy agreement expired in November 2012, the tenancy continued as periodic. No further written tenancy agreement was entered into.

In March 2013 Jessica and Alison moved into the property. They were not asked to pay a bond to Mr or Mrs Johnson.

Alison and Jessica moved out of the property in June 2013. Adam and Steven continued to pay \$100 rent per week each and were the only remaining tenants.

Adam and Steven vacated the property in May 2014. In October 2014, Adam and Steven submitted a residential tenancy dispute application to QCAT each seeking the return of their \$400 bond still held by Mr and Mrs Johnson.

Mr and Mrs Johnson filed a counter-application seeking \$9,500 rent arrears. They also claimed \$500 for repairs to five broken windows.

Mr and Mrs Johnson claimed Alison and Jessica were sub-tenants of Adam and Steven so Adam and Steven should be liable for their rent after they left the property. However rent ledgers showed rent payments being made by Alison and Jessica directly to Mr and Mrs Johnson.

The Tribunal determined Adam and Steven were not liable for the rent arrears claimed. The four tenants named in the original residential tenancy agreement were not jointly liable for total rent of \$400 per week. They were required to pay \$100 per week and one quarter of any bills. The Tribunal concluded the tenancy was clearly room-by-room student accommodation.

They were also not liable for repair of broken windows. The windows were all in common areas shared by tenants and it was impossible to determine who was responsible as no entry or exit condition reports were completed.

The Tribunal found Adam and Steven should each have their \$400 bond returned by Mr and Mrs Johnson. No rental arrears were awarded to Mr and Mrs Johnson.

Appeals

Our year

The Appeal Tribunal may be constituted by one, two or three Judicial Members or if the President considers it appropriate, one, two, or three Senior or Ordinary Members of the Tribunal. For appeals from decisions of Magistrates (who decide minor civil disputes in their capacity as QCAT Members) the Appeal Tribunal must be constituted by a Judicial Member.

Not every decision can be appealed to the QCAT Appeal Tribunal. For minor civil disputes and in many other cases, there is no right to appeal a decision and a party must first obtain the leave of the Appeal Tribunal before the appeal can be heard.

In 2014-15, QCAT delivered an appeal rate of less than 2 per cent (of total lodgements).

Avenues of appeal from decisions of QCAT's judicial members or decisions of the QCAT Appeal Tribunal lie to the Court of Appeal.

QCAT's figures indicate a very low rate of appeals commenced with the Court of Appeal: 30 appeals in 2012-13, 22 in 2013-14 and 25 in 2014-15. These figures represent less than 1 per cent of all QCAT lodgements in those respective years.

Appeals facts and figures

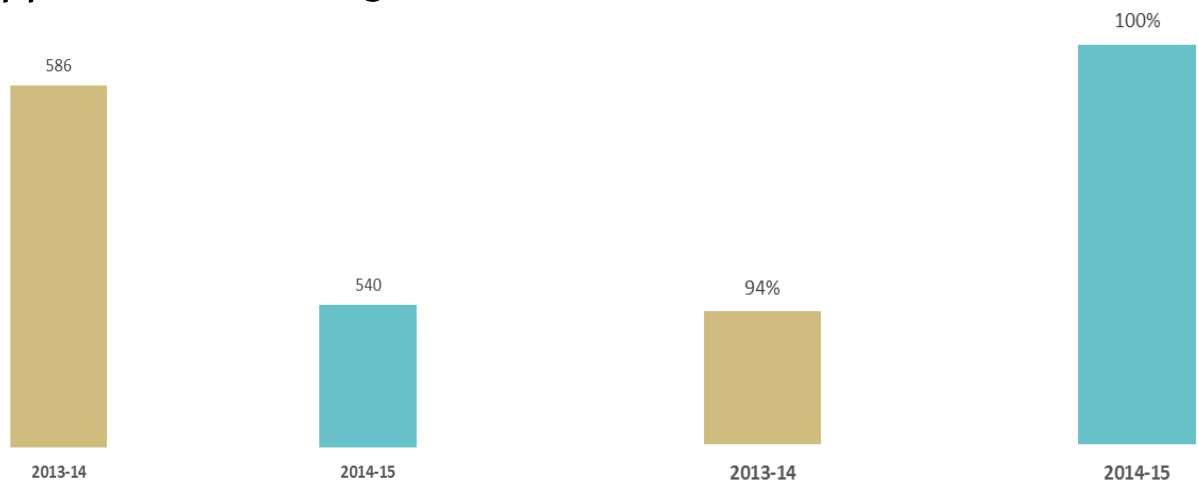


Figure 18: Appeals lodgements to Appeal Tribunal

Figure 19: Appeals clearance rates QCAT

Project: Justice of the Peace trial

Justices of the Peace (JPs) have been a part of QCAT since the trial was implemented in Brisbane, Ipswich, Maroochydore, Southport and Townsville in 2013.

JPs have brought a wealth of knowledge and experience to resolve some minor civil disputes (MCDs) including non-urgent residential tenancy disputes, minor debt matters, consumer and trader disputes, dividing fence matters and property damage disputes valued up to \$5,000.

A panel of two JPs, one of whom must be legally qualified, constitute the tribunal as part of the initiative.

In 2014-15, JPs heard a total of 3,424* matters across the five trial locations.

There is a low number of adjournments (9 per cent*), complaints (0.4 per cent*) and appeals (2 per cent*) on matters heard by JPs. The average time to hear all QCAT MCDs has significantly reduced to just over three weeks (from 6 weeks), and high clearance rates maintained in the MCD jurisdiction.

Ongoing research shows user satisfaction for minor civil disputes heard by a JP panel is comparable to overall user satisfaction in the MCD jurisdiction.

The trial will continue in the current five locations through 2015-16.

**Figures for 2014-15 only.*

JP panels working together

Wayne Stanton, a legally qualified JP now appointed as a part-time adjudicator, outlines his experience of legally qualified and non-legally qualified JPs working together.

The QCAT Act sets out that the legally qualified JP is the presiding member of the panel.

Under the Act, if the decisions of the two QCAT JPs differ, or if a question of law arises in a proceeding, the tribunal's decision on the question is the decision of the presiding member.

The role of the QCAT JP who is not presiding is nevertheless very significant. The utilisation of the knowledge and skills of both the QCAT JPs is important to the conduct of the hearing.

In some instances, after the completion of evidence and submissions, the matter may be adjourned briefly to enable the two QCAT JPs to confer and formulate a decision. During this time, the JPs may discuss the relevant facts, the law that applies to the matter and the reasoning process being followed to arrive at a decision.

JP trial facts and figures

Appointed JPs

Site location	Legally qualified	Non-legally qualified	Total
Brisbane	19	30	49
Ipswich	4	8	12
Maroochydore (M'dore)	3	13	16
Southport	7	16	23
Townsville	3	6	9
Total	36	73	109

Table 12: 2014-15 JPs appointed to QCAT (see also Appendix 3)

Hearings

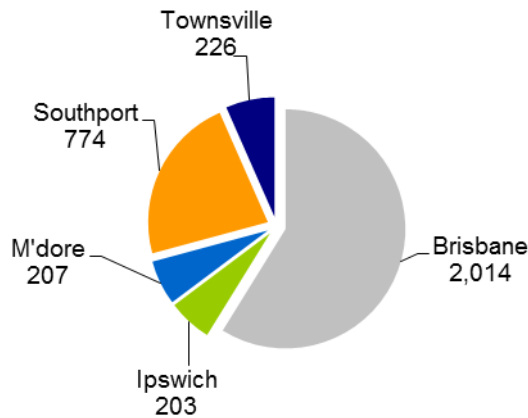


Figure 20: 2014-15 JP hearings

Adjournments

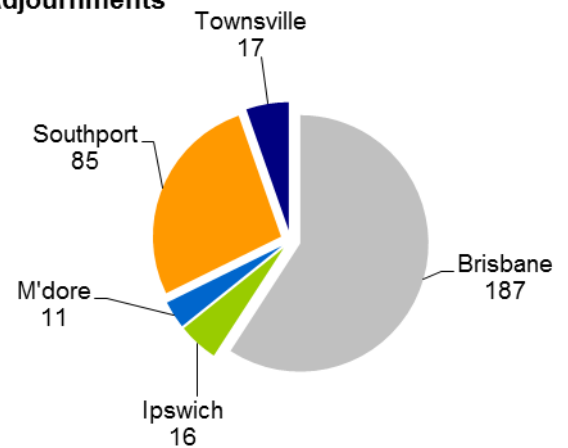


Figure 21: 2014-15 JP adjournments

Adjournment rate

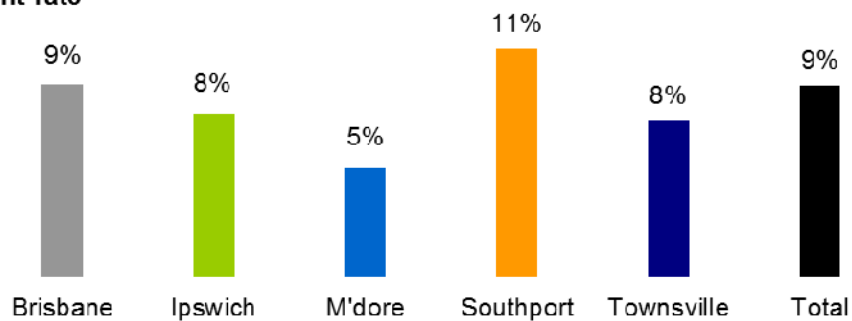


Figure 22: 2014-15 adjournment rates for matters heard by a JP panel

Appeals

Trial site	Appeals lodged*	% of matters heard	Finalised*	% of lodged appeals	Upheld*	% of finalised appeals
Brisbane	46	2%	27	59%	9	33%
Ipswich	3	1%	2	67%	1	50%
Maroochydore	0	0%	0	0%	0	0%
Southport	19	2%	10	53%	2	20%
Townsville	5	2%	3	60%	1	33%
Total	73	2%	42	58%	13	31%

Table 13: 2014-15 appeals filed on matters heard by a JP panel*

Complaints

Trial site	Number*	Complaint rate
Brisbane	6	0.3%
Ipswich	1	0.5%
Maroochydore	0	0.0%
Southport	5	0.6%
Townsville	1	0.4%
Total	13	0.4%

Table 14: 2014-15 complaints filed on matters heard by a JP panel

**Figures are indicative of FY2014/15 only and not the full trial period.*

OUR GOVERNANCE

Practice directions

Practice directions are guidelines for QCAT proceedings. The directions provide information on specific issues and complement existing QCAT legislation and rules. Practice directions are available from <http://www.qcat.qld.gov.au/using-qcat/practice-directions> (see [Appendix 4](#) for practice directions published or amended in 2014-15).

“The professional manner in which our hearing and experience was handled was excellent. The friendly and helpful advice was great, it made everything much easier to deal with.”

QCAT user, 2015

Tribunal Excellence Framework

In 2011, QCAT adopted a performance assessment program; the Tribunal Excellence Framework. The framework uses self-assessment and research to assess performance across independence, professionalism and integrity, leadership and effective management, fair treatment, accessibility, accountability, efficiency and client needs and satisfaction.

In 2013-14 QCAT achieved a score of 6, indicating “an exceptionally well-defined, innovative and strategic approach, that is fully integrated with organisational needs and implemented consistently in all areas”.

In 2015-16 QCAT is developing a new methodology for assessment of its functions against the Tribunal Excellence Framework incorporating feedback from Senior Members, user research and stakeholder engagement.

Open Data

In support of the Queensland Government’s Open Data initiative, QCAT has published data for applications lodged by postcode. The QCAT dataset is available at <https://data.qld.gov.au/dataset/qcat-matters-2013-14>

Boards and committees

Rules Committee

The Rules Committee is established under the Act and consists of the President, the Deputy President, a full-time senior or ordinary member, a member who is not an Australian lawyer, and other members or adjudicators nominated by the President.

The functions of the Rules Committee include developing and reviewing the *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules), the approval of forms for use under the QCAT Act and any other function conferred on the Rules Committee under the QCAT Act or an enabling Act. The Rules Committee is also required to provide consent for any proposed amendments to the QCAT Rules.

In 2014-15 the Rules Committee approved nine QCAT forms which were reviewed. The Rules Committee has also supported development of new practices and procedures for the tribunal, including the facilitation of electronic filing for applications and documents in the Tribunal. The Rules Committee has supported in principle the development of amendments to the QCAT Rules which would modernise procedures for filing at QCAT.

Alternative Dispute Resolution Committee

The Alternative Dispute Resolution (ADR) committee consists of the President, the Deputy President, one senior member, four members, the Principal Registrar and the Alternative Dispute Resolution Manager.

The committee works to ensure the tribunal encourages early and economical resolution of disputes including through ADR processes through coordinating ADR training for staff and members and promoting the effective use of ADR to increase the early resolution of matters.

Education, Training and Resources Committee

The Education, Training and Resources committee consists of the President, Deputy President, Executive Director, a senior member, two ordinary members and other members as required. It was established to ensure that all members and adjudicators are up to date with legislation, decisions and processes.

Regulatory changes

Changes to QCAT legislation

The following Acts amended the *Queensland Civil and Administrative Tribunal Act 2009* in 2014-15:

- *Health Ombudsman Act 2013*
- *Motor Dealers and Chattel Auctioneers Act 2014*
- *Public Guardian Act 2014*.

The above legislation included consequential amendments to provisions in the QCAT Act arising from those legislative reforms.

QCAT Rules and Regulation amendments

The *Queensland Civil and Administrative Tribunal Rules 2009* were amended by the *Queensland Civil and Administrative Tribunal Amendment Regulation (No. 1) 2014* and the *Property Occupations Regulation 2014*. Both Regulations effected consequential changes to the QCAT Rules.

Amendments to the *Queensland Civil and Administrative Tribunal Regulation 2009* were also made in 2014-15 including changes to the prescribed fees and Schedules.

Significant changes to enabling legislation

There are over 150 legislative Acts and Regulations which confer jurisdiction on the tribunal. During 2014-15 enabling legislation was amended, changing the jurisdiction of the tribunal or amending the operational framework for tribunal practices and procedures.

See [Appendix 6](#) for a list of significant amendments in 2014-15.

OUR DECISION-MAKERS

Tribunal members and adjudicators

Tribunal members, adjudicators and other decision-makers reflect the diversity of the community. In keeping with the QCAT Act, QCAT must maintain specialist knowledge, expertise and experience of members and adjudicators; and use that knowledge, expertise and experience appropriately.

“The Members I dealt with made a difficult time so much easier. I can't praise them enough for their help and assistance.”

QCAT user, 2015

Of QCAT's 25 senior and ordinary members and adjudicators appointed on a full-time or part-time basis, 52 per cent are women.

Presidential members

Justice David Thomas, President



The appointed President must be a Supreme Court judge who is recommended for appointment by the Attorney-General after consultation with the Chief Justice. The President holds office for the period of at least three years but not more than five years.

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

Following admission as a solicitor of the Supreme Court of Queensland in 1979, Justice Thomas has gained more than 30 years experience in dispute resolution and administration. Not only an eminent lawyer, he is also actively involved in community organisations. He is the current Deputy Chair of the Queensland Ballet, President of the Royal National Agricultural and Industrial Association of Queensland, the Chairman of the Queensland Maritime Museum and a Director of The Society of the Sacred Advent Schools.

Justice Thomas is only the fourth solicitor to be appointed as a Justice to the Supreme Court.

Judge Alexander Horneman-Wren SC, Deputy President



The Deputy President must be a District Court judge recommended for appointment by the Minister after consultation with the Chief Judge. The Deputy President holds office for the period of at least three years but no more than five years.

Judge Horneman-Wren has extensive experience in administrative, industrial and employment law in both federal and state jurisdictions. He was appointed

Senior Counsel in 2009, appearing before both the Court of Appeal and High Court of Australia.

Judge Horneman-Wren was sworn in concurrently as a District Court Judge and appointed as Deputy President of QCAT in October 2012.

Senior members

Members must be recommended for appointment by the Minister after advertisement of the vacancy and consultation with the President. A person is eligible for appointment as a senior member only if the person:

- *is an Australian lawyer of at least eight years standing, or*
- *has in the Minister’s opinion, extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the tribunal.*

As at 30 June 2015 QCAT has four appointed senior members:

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

Senior member appointments are included in [Appendix 1](#).

Ordinary members

A person is eligible for appointment as an ordinary member only if the person:

“The member explained all that was expected and what was going to happen at the hearing.”

QCAT user, 2015

- *is an Australian lawyer of at least six years standing, or*
- *has in the Minister’s opinion, special knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the tribunal.*

A senior member or ordinary member holds office for the period of at least three years but not more than five years.

As at 30 June 2015, QCAT has 12 appointed ordinary members, three of whom work part-time. Member appointments are included in [Appendix 1](#).

Sessional members

Sessional members are ordinary members and meet the eligibility criteria outlined above. Most appointments are for three years.

As at 30 June 2015, QCAT has 79 sessional members including three who are concurrently part-time Adjudicators and one who is concurrently appointed as a part-time Ordinary Member. Sessional member appointments are included in [Appendix 1](#).

Adjudicators

A person is eligible for appointment as an adjudicator only if the person is an Australian lawyer of at least five years standing. An adjudicator holds office for the period of at least three years but not more than five years.

“The adjudicator was knowledgeable, fair and reasonable and remained focused on the legislation.”

QCAT user, 2015

As at 30 June 2015, QCAT has nine appointed adjudicators including six appointed on a part-time basis. Adjudicator appointments are included in [Appendix 1](#).

Justices of the Peace

QCAT justices of the peace have undergone specialised training and assessment before being recommended to Governor-in-Council for appointment. A person appointed as a QCAT justice of the peace holds office for the period, of at least three years but not more than five years, stated in the person’s instrument of appointment.

A person is eligible for appointment as a QCAT justice of the peace if the person is:

(a) a justice of the peace (qualified) or

(b) a justice of the peace (magistrates court) or

(c) a justice of the peace under the Justices of the Peace Commissioners for Declarations Act 1991, section 19(1A) or

(d) a lawyer who is a justice of the peace under the JPCD Act, section 41(a).

“All parties had equal amounts of time to speak and all opinions were given equal respect.”

QCAT user, 2015

As at 30 June 2015, QCAT has 109 appointed justices of the peace including 36 who are legally qualified, and 73 who are non-legally qualified. Justice of the Peace appointments are included in [Appendix 3](#).

Assessors and mediators

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, trained arborists, may conduct on-site assessment for tree issues, provide written reports to the tribunal and give expert evidence in a proceeding.

As at 30 June 2015, 19 trained arborists provide services on a casual basis throughout Queensland including Cairns, Hervey Bay, Gold Coast, Rockhampton, South East Queensland and Townsville. Assessor appointments are included in [Appendix 2](#).

Retail shop lease mediators

Mediators under the *Retail Shop Lease Act 1994* are appointed by the Attorney-General to assist in mediation after a dispute notice is lodged. If the dispute cannot be resolved the mediator is able to refer the dispute to QCAT.

Legal and lay panel members

Under the *Legal Profession Act 2007*, the tribunal must be constituted by a member who is a Supreme Court judge for hearing and deciding disciplinary matters for legal practitioners. The Tribunal must be assisted by a lay panel member and a legal practitioner panel member. The members of the lay and practitioner panels are appointed by the Governor-in-Council.

In July 2014, six members of the lay panel and six members of the practitioner panel were appointed for a 3 year term. In September 2014, an additional member was appointed to the lay panel and eight members appointed to the practitioner panel.

Health assessors

Under the *Health Ombudsman Act 2013*, the tribunal is required to be constituted by a judicial member for hearing and deciding disciplinary matters for health practitioners. An assessor from the public panel of assessors and two assessors from the professional panel of assessors assist QCAT in these matters.

The panels, appointed by the Governor-in-Council on the recommendation of the Minister for Health, are classified by specialisation (e.g. pharmacists and physiotherapists).

OUR STAFF

QCAT registry staff work with our decision-makers and Magistrates Courts staff to deliver tribunal services across Queensland.

Our workforce

“QCAT was clear in all communications and direction. The process was communicated well and support or contact was offered at all levels.”

QCAT user, 2015

As at 30 June 2015, QCAT has an establishment of 111 permanent positions, and five temporary Hearing Support Officers employed for the Justice of the Peace Trial. In 2014-15 seven trainees commenced a Certificate III in Business Administration and one trainee commenced a Certificate III in Information, Digital Media and Technology.

Of the staff working in the registry there are 100 women (71 per cent) and 41 men (29 per cent), with 17 staff employed on part-time arrangements.

There were no early retirement, redundancy or retrenchment packages awarded in 2014-15.

During this reporting period, there has been a 5.4 per cent separation rate.

Workforce Reinvigoration Program

In 2014-15 QCAT has continued to implement the Workforce Reinvigoration Program (WRP). The WRP combines a number of projects which invest in our workforce so staff are ready to meet new challenges in service delivery. In phase 1, the focus is on ensuring internal processes are clear for staff, and introducing new projects for staff development. Projects delivered under the WRP have included:

- review of internal processes for recruitment, selection and flexible working practices
- revitalised QCAT orientation program to encourage staff engagement
- new performance and evaluation plan (PEP) and probation processes linked to strategic planning
- launch of the QCAT Leadership Development Program to provide skill development and career pathways
- business process improvement projects including reviews of register searches and file archiving
- development of a workforce plan to plan for skill, development and recruitment needs
- launch of a reward and recognition program for staff.

Staff are regularly engaged in events to support charities such as The Smith Family and Cancer Council.

A day in the life of a QCAT Hearing Support Officer (HSO)

HSOs are on the frontline of delivering tribunal services. A team of over 20 HSOs provide support to tribunal decision-makers and parties in over 17,000 QCAT hearings each year.

From Kingaroy to Palm Island to Southport, HSOs can travel up to 25 locations throughout Queensland.

Regardless of the jurisdiction, HSOs are responsible for facilitating the recording all proceedings, managing evidence and exhibits, swearing in witnesses, and preparing orders and directions for parties. They often deal with parties who may be vulnerable or distressed.

After travelling from Brisbane to Cairns on an early morning flight, the Hearing Support Officer (HSO) arrives at the Cairns Magistrates Court.

While waiting for decision-makers and parties to begin arriving for the day, the HSO prepares the hearing room for the member and parties, and checks for any last-minute updates on matters scheduled.

Before the start of the first hearing at 9.30am, the HSO takes appearances (confirms all parties are present) and advises the member.

The HSO guides all parties to take their place in the hearing room. The first hearing is an anti-discrimination matter where one party is appearing by phone, so the HSO connects the party to the hearing via speaker phone when the member and all parties are ready.

The second matter for the day – a guardianship matter – is due to start at 11:15 am. The HSO receives advice from a registry case manager that the adult and carer can no longer attend the hearing in person and they now request to attend by phone. Despite the late notice, the HSO obtains permission from the member and arranges a conference call for all parties.

At the conclusion of the second hearing, there is a short break between hearings. The HSO types tribunal orders and updates case management documentation.

At 1:45 pm it is time for the next proceeding. The HSO receives an email with further documents needed for the hearing. The HSO checks the documents and provides to the member to review.

The final hearing for the day begins at 3pm – another guardianship matter. The HSO provides the parties with information about the Statutory Health Attorney, and posts the same information to the parties who attended by phone.

At 4.30pm the last hearing concludes. The HSO ensures all orders and case management documentation is up to date and does a final check on preparation for the next day of hearings.

Appendices

Appendix 1 – Member appointments 2014-15

Name	Position	Appointment start date	Appointment end date	Notes
Clare Endicott	Senior member	1/12/2009	30/11/2014	
Clare Endicott	A/Senior member	1/12/2014	28/05/2015	
Clare Endicott	Senior member	29/05/2015	28/05/2020	
Ian Brown	Senior member	29/05/2015	28/05/2020	
Kerrie O'Callaghan	Senior member	1/01/2010	31/12/2019	
Peta Stilgoe	Senior member	3/01/2012	2/01/2017	
Richard Oliver	Senior member	1/12/2009	30/11/2014	
Adrian Ashman	Member	1/12/2009	30/11/2014	
Bridget Cullen	Member	1/12/2009	30/11/2019	
David Paratz	Member	26/10/2012	25/10/2017	
Elisabeh Benson	Member	1/12/2009	30/11/2014	
James Allen	Member	1/12/2009	30/11/2019	
Jeremy Gordon	Member	29/05/2015	28/05/2020	
Joanne Browne	Member	18/7/2014	17/11/2019	
Julie Ford	Member	1/12/2009	30/11/2019	
Michelle Howard	Member	1/12/2009	30/11/2019	
Patricia Hanly	Member	1/12/2009	30/11/2019	
Ronald Joachim	Member	1/12/2009	30/11/2014	
Samantha Traves	Member	29/05/2015	28/05/2020	
Susan Gardiner	Member	1/12/2009	30/11/2014	
Susan Gardiner	Member	29/05/2015	28/05/2020	
Tina Guthrie	Member	29/05/2015	28/05/2020	
Alexander Crawford	Adjudicator *	17/06/2011	30/11/2019	
Anna Walsh	Adjudicator	29/05/2015	28/05/2020	
Bevan Hughes	Adjudicator *	1/12/2011	30/11/2014	Appointed ordinary member 18/7/2014
Christine Trueman	Adjudicator	1/12/2009	30/11/2014	
Gabrielle Mewing	Adjudicator	29/05/2015	28/05/2020	
Jeremy Gordon	Adjudicator **	1/12/2011	30/11/2019	Resigned 28/5/2015
John Bertelsen	Adjudicator	1/12/2009	30/11/2019	
Marcus Katter	Adjudicator	29/05/2015	28/05/2020	
Michael Howe	Adjudicator *	17/06/2011	30/11/2019	
Trevor Davern	Adjudicator	1/01/2010	31/12/2014	
Wayne Stanton	Adjudicator	29/05/2015	28/05/2020	
William LeMass	Adjudicator *	1/12/2009	30/11/2019	

Name	Position	Appointment start date	Appointment end date	Notes
Aaron Suthers	Sessional member	1/12/2009	30/11/2014	
Anthony Sidwell	Sessional member	1/12/2011	30/11/2014	
Barry Cotterell	Sessional member	1/12/2009	30/11/2014	
Adrian Ashman	Sessional member	1/12/2014	30/11/2017	
Alexander Crawford	Sessional member *	1/12/2009	30/11/2017	
Alison Colvin	Sessional member	26/09/2014	25/09/2017	
Andrew Williams	Sessional member	12/11/2010	30/11/2017	
Angela Julian-Armitage	Sessional member	26/09/2014	25/09/2017	
Ann Fitzpatrick	Sessional member	1/12/2009	30/11/2017	
Ann-Maree Roche	Sessional member	26/09/2014	25/09/2017	
April Freeman	Sessional member	26/09/2014	25/09/2017	
Barbara Bayne	Sessional member	1/12/2009	30/11/2017	
Bernadette Rogers	Sessional member	1/12/2011	30/11/2017	
Bevan Hughes	Sessional member	1/12/2011	30/11/2014	Appointed ordinary member 18/7/2014
Carolyn Windsor	Sessional member	1/12/2011	30/11/2017	
Catherine Benson	Sessional member	12/11/2010	30/11/2017	
Cathy McLennan	Sessional member	26/09/2014	25/09/2017	Resigned 17/12/2014
Christine Jones	Sessional member	12/11/2010	30/11/2017	
Christine Roney	Sessional member	1/12/2011	30/11/2017	
Clare Endicott	Sessional member	1/12/2014	30/11/2017	Resigned 28/5/2015
David King	Sessional member	12/11/2010	30/11/2014	
David Lewis	Sessional member	1/12/2011	30/11/2014	
Deanne Drummond	Sessional member	1/12/2011	30/11/2014	
Desmond Lang	Sessional member	1/12/2011	30/11/2017	
Dianne Pendergast	Sessional member	1/12/2011	30/11/2014	
Dominic Katter	Sessional member	26/09/2014	25/09/2017	
Donald McBryde	Sessional member	1/12/2009	30/11/2017	
Elissa Morriss	Sessional member	1/12/2009	30/11/2017	
Elizabeth Hulin	Sessional member	1/12/2009	30/11/2017	
Fiona Fitzpatrick	Sessional member	1/12/2011	30/11/2017	
Geoffrey Gunn	Sessional member	26/09/2014	25/09/2017	
Gerald Byrne	Sessional member	12/11/2010	30/11/2017	
Gilbert Trafford-Walker	Sessional member	19/10/2012	18/10/2015	
Graham Quinlivan	Sessional member	1/12/2009	30/11/2017	
Gwenn Murray	Sessional member	1/12/2009	30/11/2017	
James White	Sessional member	1/12/2011	30/11/2017	
Jeffrey Bowles	Sessional member	12/11/2010	30/11/2014	
Jennifer Felton	Sessional member	1/12/2009	30/11/2017	
Jennifer Sheean	Sessional Member	26/09/2014	25/09/2017	

Name	Position	Appointment start date	Appointment end date	Notes
Jeremy Gordon	Sessional member **	1/12/2011	30/11/2017	
Joanna Jenkins	Sessional member	12/11/2010	30/11/2014	
Joanna Lindgren	Sessional member	12/11/2010	30/11/2017	Resigned 25/5/2015
Joanne Browne	Sessional member	1/12/2009	30/11/2014	Appointed ordinary member 18/7/2014
Joanne Collins	Sessional member	26/09/2014	25/09/2017	
John Carey	Sessional member	12/11/2010	30/11/2017	
John Forbes	Sessional member	1/12/2011	30/11/2017	
John Milburn	Sessional member	1/12/2011	30/11/2017	
John Tanzer	Sessional member	12/11/2010	30/11/2014	
Julia Casey	Sessional member	1/12/2009	30/11/2017	
Katherine Lindsay	Sessional member	1/12/2011	30/11/2017	
Katherine Schmider	Sessional member	1/12/2009	30/11/2014	
Katina Perren	Sessional member	1/12/2011	30/11/2014	
Keith Dodds	Sessional member	17/02/2012	16/02/2015	
Kenneth Barlow	Sessional member	1/12/2009	30/11/2017	
Keta Roseby	Sessional member	12/11/2010	30/11/2017	
Leslie Clarkson	Sessional member	1/12/2009	30/11/2017	
Louise McDonald	Sessional member	1/12/2009	30/11/2017	
Louise Pearce	Sessional member	12/11/2010	30/11/2017	
Malcolm Macrae	Sessional member	1/12/2009	30/11/2014	
Margaret McLennan	Sessional member	1/12/2009	30/11/2014	
Mark Johnston	Sessional member	1/12/2009	30/11/2017	
Mark Plunkett	Sessional member	12/11/2010	30/11/2014	
Michael Howe	Sessional member *	12/11/2010	30/11/2017	
Michael McCarthy	Sessional member	1/12/2009	30/11/2017	
Michael Wood	Sessional member	1/12/2009	30/11/2017	
Michelle Dooley	Sessional member	1/12/2009	30/11/2017	
Murray Green	Sessional member	1/12/2011	30/11/2017	
Nathan Jarro	Sessional member	1/12/2009	30/11/2017	
Neil Judge	Sessional member	1/12/2009	30/11/2017	
Nelson Cooke QC	Sessional member	26/09/2014	25/09/2017	
Pamela Goodman	Sessional member	1/12/2009	30/11/2017	
Paul Favell	Sessional member	1/12/2009	30/11/2017	
Paul Kanowski	Sessional member	1/12/2011	30/11/2017	
Paul Wonnocott	Sessional member	1/12/2011	30/11/2017	
Penelope Feil	Sessional member	1/12/2009	30/11/2017	
Peter Apel	Sessional member	12/11/2010	30/11/2014	
Peter Krebs	Sessional member	12/11/2010	30/11/2017	
Peter McDermott	Sessional member	11/06/2010	30/11/2017	
Peter Richards	Sessional member	1/12/2009	30/11/2014	

Name	Position	Appointment start date	Appointment end date	Notes
Peter Roney	Sessional member	1/12/2009	30/11/2014	
Peter Walker	Sessional member	12/11/2010	30/11/2014	
Philippa Beckinsale	Sessional member	1/12/2009	30/11/2017	
Richard Roylance	Sessional member	1/12/2009	30/11/2017	
Robert King-Scott	Sessional member	12/11/2010	30/11/2017	
Robyn Oliver	Sessional member	12/11/2010	30/11/2014	
Ronald Joachim	Sessional member	1/12/2014	30/11/2017	
Rosemary Stafford	Sessional member	1/12/2009	30/11/2017	
Ross Lee	Sessional member	26/09/2014	25/09/2017	
Roxanne Clifford	Sessional member	1/12/2009	30/11/2014	
Russell Duigan	Sessional member	1/12/2009	30/11/2014	
Sandra Deane	Sessional member	12/11/2010	30/11/2017	
Sandra Kairl	Sessional member	1/12/2009	30/11/2017	
Sharon Mills	Sessional member	1/12/2009	30/11/2014	
Shirley Watters	Sessional member	1/12/2009	30/11/2014	
Simon Coolican	Sessional member	12/11/2010	30/11/2017	
Simon Grant	Sessional member	26/09/2014	25/09/2017	
Stephen Lumb	Sessional member	26/09/2014	25/09/2017	
Steven Holzberger	Sessional member	26/09/2014	25/09/2017	
Stuart MacDonald	Sessional member	1/12/2009	30/11/2017	
Susan Burke	Sessional member	1/12/2011	30/11/2014	
Susan Sullivan	Sessional member	1/12/2011	30/11/2017	
Susann Holzberger	Sessional member	1/12/2009	30/11/2017	
Tammy Williams	Sessional member	1/12/2009	30/11/2017	
The Hon Charles Brabazon	Sessional member	1/11/2011	30/10/2014	
The Hon James Thomas	Sessional member	1/12/2011	30/11/2014	
The Hon Keiran Cullinane	Sessional member	1/11/2011	31/10/2014	
Thomas Cowan	Sessional member	12/11/2010	30/11/2014	
Thomas O'Donnell	Sessional member	26/09/2014	25/09/2017	
Virginia Ryan	Sessional member	1/12/2011	30/11/2017	
Wayne Pennell	Sessional member	12/11/2010	30/11/2017	
Wendy Grigg	Sessional member	12/11/2010	30/11/2017	
William Allen	Sessional member	26/09/2014	25/09/2017	
William Crane	Sessional member	26/09/2014	25/09/2017	
William LeMass	Sessional member *	17/06/2011	30/11/2017	

* Appointed concurrently as a sessional member and part-time adjudicator.

** Appointed concurrently as a sessional member and part-time ordinary member.

Appendix 2 - Tree assessor appointments 2014-15

Name	Position	Appointment start date
Jan Allen	Tree assessor	1/11/2011
Anthony Cockram	Tree assessor	1/11/2011
Noel Fitzpatrick	Tree assessor	1/11/2011
Sean Freeman	Tree assessor	1/11/2011
Goetz Graf	Tree assessor	1/11/2011
David Gunter	Tree assessor	1/11/2011
Jonathon Hobbs	Tree assessor	1/11/2011
Benjamin Inman	Tree assessor	1/11/2011
Cameron James	Tree assessor	1/11/2011
David Roberts	Tree assessor	1/11/2011
Michael Sowden	Tree assessor	1/11/2011
Andrew Stovell	Tree assessor	1/11/2011
Roxanne Taylor	Tree assessor	1/11/2011
Willem Taylor	Tree assessor	1/11/2011
Adam Tom	Tree assessor	1/11/2011
Jeremy Young	Tree assessor	1/11/2011
Garry Rangi	Tree assessor	4/10/2013
Simon Lonsdale	Tree assessor	4/10/2013
Steven Richards	Tree assessor	4/10/2013

Appendix 3 - Justice of the Peace trial appointments 2014-15

Name	Legally qualified or non-legally qualified JP	Appointment start date	Appointment end date	Trial site	Resigned
Adam Ozdowski	Legal	3/06/2013	2/06/2016	Brisbane	
Arron Hartnett	Legal	3/06/2013	2/06/2016	Brisbane	
Bruce Starkey	Legal	3/06/2013	2/06/2016	Brisbane	
Bryan Pickard	Legal	3/06/2013	2/06/2016	Maroochydore	
Carmel McMahon	Legal	3/06/2013	2/06/2016	Brisbane	
Chiu-Hing Chan	Legal	3/06/2013	2/06/2016	Southport	
David Barkley	Legal	3/06/2013	2/06/2016	Brisbane	
David Phipps	Legal	3/06/2013	2/06/2016	Maroochydore	
Gloria Beyers	Legal	3/06/2013	2/06/2016	Southport	
Keith Stanton	Legal	3/06/2013	2/06/2016	Southport	
Linda Renouf	Legal	3/06/2013	2/06/2016	Brisbane	
Linda-Anne Griffiths	Legal	3/06/2013	2/06/2016	Ipswich	
Paul Arthur	Legal	3/06/2013	2/06/2016	Brisbane	
Ross Lee	Legal	3/06/2013	2/06/2016	Southport	
Samuel Hardin	Legal	3/06/2013	2/06/2016	Southport	
Suzanne McCormack	Legal	3/06/2013	2/06/2016	Brisbane	
Wayne Stanton	Legal	3/06/2013	2/06/2016	Maroochydore	
Angela Yin	Non Legal	3/06/2013	2/06/2016	Brisbane	
Angela-Marie James	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Anthony Friel	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Arthur Fry	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Barry McPhee	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Barry Vickers	Non Legal	3/06/2013	2/06/2016	Brisbane	
Bruce Cook	Non Legal	3/06/2013	2/06/2016	Southport	
Bruce Little	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Catherine O'Donnell	Non Legal	3/06/2013	2/06/2016	Brisbane	
Charles Richard Hammersla	Non Legal	3/06/2013	Resigned	Brisbane	3/10/2014
Christine Cuthbert-Steele	Non Legal	3/06/2013	2/06/2016	Ipswich	
Darren Swindells	Non Legal	3/06/2013	2/06/2016	Ipswich	
Darryl Schmidt	Non Legal	3/06/2013	2/06/2016	Brisbane	
Erin Horell	Non Legal	3/06/2013	2/06/2016	Townsville	
Fay Twidale	Non Legal	3/06/2013	2/06/2016	Ipswich	
Gary Gibson	Non Legal	3/06/2013	2/06/2016	Brisbane	
Gary Kirby	Non Legal	3/06/2013	2/06/2016	Brisbane	
Helen Staines	Non Legal	3/06/2013	2/06/2016	Southport	
James Stackpoole	Non Legal	3/06/2013	2/06/2016	Brisbane	
Jane Hawkins	Non Legal	3/06/2013	2/06/2016	Brisbane	
Jason Lawler	Non Legal	3/06/2013	2/06/2016	Brisbane	

Name	Legally qualified or non-legally qualified JP	Appointment start date	Appointment end date	Trial site	Resigned
Joanne Myers-Cave	Non Legal	3/06/2013	2/06/2016	Maroochydore	
John Crighton	Non Legal	3/06/2013	2/06/2016	Southport	
John Howie	Non Legal	3/06/2013	2/06/2016	Brisbane	
Karl McKenzie	Non Legal	3/06/2013	2/06/2016	Townsville	
Katherine Jane Fenwick	Non Legal	3/06/2013	2/06/2016	Brisbane	
Kevin Erwin	Non Legal	3/06/2013	2/06/2016	Brisbane	
Lawrence Ballinger	Non Legal	3/06/2013	2/06/2016	Townsville	
Leigh Bernhardt	Non Legal	3/06/2013	2/06/2016	Southport	
Lexene Andrews	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Lynette Maguire	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Lynne Matsen	Non Legal	3/06/2013	2/06/2016	Brisbane	
Malcolm Edmiston	Non Legal	3/06/2013	2/06/2016	Townsville	
Marian Goddard	Non Legal	3/06/2013	2/06/2016	Townsville	
Marilyn Heath	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Mejrem Mustafa	Non Legal	3/06/2013	2/06/2016	Southport	
Michael Corlett	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Michael Lai	Non Legal	3/06/2013	2/06/2016	Brisbane	
Miles Heffernan	Non Legal	3/06/2013	2/06/2016	Southport	
Noel Payne	Non Legal	3/06/2013	2/06/2016	Southport	
Raelene Kell	Non Legal	3/06/2013	2/06/2016	Brisbane	
Robert Brummell	Non Legal	3/06/2013	2/06/2016	Brisbane	
Roberta Scrivner	Non Legal	3/06/2013	2/06/2016	Brisbane	
Rodney Hilditch	Non Legal	3/06/2013	2/06/2016	Brisbane	
Roslyn Newlands	Non Legal	3/06/2013	2/06/2016	Brisbane	
Samantha Angus	Non Legal	3/06/2013	2/06/2016	Ipswich	
Sarah Bregonje	Non Legal	3/06/2013	2/06/2016	Ipswich	
Sean Goodsir	Non Legal	3/06/2013	2/06/2016	Ipswich	
Shirley Murray	Non Legal	3/06/2013	2/06/2016	Southport	
Stacey Morton	Non Legal	3/06/2013	2/06/2016	Brisbane	
Stephanie Wehrend	Non Legal	3/06/2013	2/06/2016	Brisbane	
Stephen Osachuk	Non Legal	3/06/2013	2/06/2016	Southport	
Stephen Royce	Non Legal	3/06/2013	2/06/2016	Southport	
Susan Maree Stubbings	Non Legal	3/06/2013	2/06/2016	Brisbane	
Toby Latcham	Non Legal	3/06/2013	2/06/2016	Brisbane	
Troy Davison	Non Legal	3/06/2013	2/06/2016	Brisbane	
Vincent Everett	Non Legal	3/06/2013	2/06/2016	Maroochydore	
Wendy Clark	Non Legal	3/06/2013	2/06/2016	Southport	
Andrew Harris	Legal	28/06/2013	27/06/2016	Brisbane	
Carol Ann Rolls	Legal	28/06/2013	27/06/2016	Ipswich	
Jessica Mills	Legal	28/06/2013	27/06/2016	Ipswich	
Jim Gordon	Legal	28/06/2013	27/06/2016	Brisbane	

Name	Legally qualified or non-legally qualified JP	Appointment start date	Appointment end date	Trial site	Resigned
Lisa Rennie	Legal	28/06/2013	27/06/2016	Brisbane	
Marcus Katter	Legal	28/06/2013	27/06/2016	Brisbane	
Michael Francis	Legal	28/06/2013	27/06/2016	Brisbane	
Rob Martin	Legal	28/06/2013	27/06/2016	Southport	
Victoria Laing-Short	Legal	28/06/2013	27/06/2016	Ipswich	
Alan Guyder	Non Legal	28/06/2013	27/06/2016	Brisbane	
Alan Snow	Non Legal	28/06/2013	27/06/2016	Brisbane	
Andrew Mckenzie	Non Legal	28/06/2013	27/06/2016	Brisbane	
Bryan Carpenter	Non Legal	28/06/2013	27/06/2016	Brisbane	
Carole Watson	Non Legal	28/06/2013	27/06/2016	Maroochydore	
Deanna Minchio	Non Legal	28/06/2013	27/06/2016	Townsville	
Graeme Rogers	Non Legal	28/06/2013	27/06/2016	Ipswich	
James Anderson	Non Legal	28/06/2013	27/06/2016	Southport	
Jodie George	Non Legal	28/06/2013	27/06/2016	Southport	
Mark Anthony	Non Legal	28/06/2013	27/06/2016	Ipswich	
Peter Dollman	Non Legal	28/06/2013	27/06/2016	Brisbane	
Raymond Kelly	Non Legal	28/06/2013	27/06/2016	Maroochydore	
Simon Cox	Non Legal	28/06/2013	27/06/2016	Brisbane	
Stuart Smith	Non Legal	28/06/2013	27/06/2016	Southport	
William Thomas	Non Legal	28/06/2013	27/06/2016	Southport	
Alan Collier	Legal	4/10/2013	3/10/2016	Brisbane	
Dayle Smith	Legal	4/10/2013	3/10/2016	Brisbane	
Derek Struik	Legal	4/10/2013	3/10/2016	Brisbane	
Geoffrey Gunn	Legal	4/10/2013	3/10/2016	Brisbane	
Lisa Butson	Legal	4/10/2013	3/10/2016	Townsville	
Peter Cleary	Legal	4/10/2013	3/10/2016	Brisbane	
Robert Denaro	Legal	4/10/2013	3/10/2016	Brisbane	
Trudi Jobberns	Legal	4/10/2013	3/10/2016	Southport	
Hedley Rye	Non Legal	4/10/2013	3/10/2016	Southport	
Christopher John Mills	Legal	21/02/2014	20/02/2017	Townsville	
William Thomas	Legal	21/02/2014	20/02/2017	Townsville	

Appendix 4 – QCAT practice direction updates 2014-15

Practice direction	Date effective	Version
QCAT Practice Direction No 3 of 2015 Completing and submitting approved QCAT forms online	23/4/2015	new
QCAT Practice Direction No 2 of 2015 Proceedings relating to legal costs agreements under the <i>Legal Profession Act 2007</i>	4/3/2015	new
QCAT Practice Direction No 1 of 2015 Providing accounts of administration for private administrator/s	24/2/2015	new
QCAT Practice Direction No 3 of 2014 QCAT Registry Christmas Closure – 2014/15	20/10/2014	new
QCAT Practice Direction No 6 of 2011 Access to documents in applications for review and referral matters	18/11/2014	amended
QCAT Practice Direction No 2 of 2011 Electronic filing of applications and other documents in minor debt proceedings	18/7/2011 (updated regularly)	amended

Appendix 5 – QCAT form reviews 2014-15

Nine QCAT approved forms were reviewed in 2014-15:

- Form 6 (version 4) - Request for decision by default - minor civil dispute - minor debt
- Form 22 (version 2) - Application or referral - disciplinary proceeding
- Form 25 (version 3) - Application for commercial building disputes
- Form 26 (version 3) - Application for domestic building disputes.
- Form 32 (version 2) - Application for a reimbursement order - *Agents Financial Administration Act 2014*
- Form 33 (version 2) - Application for marketeer proceeding – *Property Occupations Act 2014*
- Form 42 (version 2) - Application to extend or shorten a time limit or for waiver of compliance with procedural requirement
- Form 48 (version 2) - Certificate of Mediation Outcome
- Form 50 (version 3) - Request for decision by default - unliquidated damages

Appendix 6: Legislative amendments 2014-15

Significant amendments include:

- Amendments arising from Queensland Child Protection Commission of Inquiry including:
 - commencement of the *Public Guardian Act 2014*
 - *Commission for Children and Young People and Child Guardian Act 2000* renamed to the *Working with Children (Risk Management and Screening) Act 2000*
 - commencement of the *Family and Child Commission Act 2014* and *Child Protection Reform Amendment Act 2014*.
- The *Health Ombudsman Act 2013* repealed the *Health Practitioners (Disciplinary Proceedings) Act 1999* and amended the *Health Practitioner Regulation National Law Act 2009* in relation to occupational regulation matters for health practitioners.
- Amendments from the *Criminal Law (Criminal Organisations Disruption) and Other Legislation Amendment Act 2013*. This Act included amendments to enabling Acts which confer review jurisdiction on QCAT, and in particular procedures for how reviews involving criminal intelligence may be conducted under those Acts, including the *Liquor Act 1992*, *Racing Act 2002*, *Second-hand Dealers and Pawnbrokers Act 2003*, *Security Providers Act 1993*, *Tattoo Parlours Act 2013*, *Tow Truck Act 1973* and *Weapons Act 1990*.
- Amendments to the *Queensland Building and Construction Commission Act 1991*, *Plumbing and Drainage Act 2002*, *Building Act 1975* and *Professional Engineers Act 2002* as amended by the *Professional Engineers and Other Legislation Amendment Act 2014* and *Queensland Building and Construction Commission and Other Legislation Amendment Act 2014*. Amendments included introduction of new internal review at the Queensland Building and Construction Commission (QBCC), a change of original jurisdiction for disciplinary matters at the Tribunal to review jurisdiction for disciplinary matters, and significant other amendments for the QBCC and the Tribunal.
- Repeal of the *Property Agents and Motor Dealers Act 2000* and commencement of the *Property Occupations Act 2014*, *Motor Dealers and Chattel Auctioneers Act 2014*, *Debt Collectors (Field Agents and Collection Agents) Act 2014*, *Agents Financial Administration Act 2014* under which the Tribunal's original and review jurisdiction was continued.
- Commencement of new review jurisdiction under:
 - *Tattoo Parlours Act 2013*
 - *Police Powers and Responsibilities Act 2000*
 - *Environmental Offsets Act 2014* and *Environmental Offsets Regulation 2014*.
- *Education (Queensland Studies Authority) Regulation 2002* replaced by *Education (Queensland Curriculum and Assessment Authority) Regulation 2014* (minor additional review jurisdiction for QCAT).
- Repeal of *Travel Agents Act 1988* (which included review jurisdiction under that Act).
- Amendment of the *Community Services Act 2007* including removal of review jurisdiction under Part 9, Division 3 of the Act.
- Amendment of the *Disability Services Act 2006* including removal of review jurisdiction under previous Part 14 and other consequential amendments.

