

QCAT

Queensland Civil and Administrative Tribunal



Information Kit:

QCAT member appointment Expression of Interest

INTRODUCTION

QCAT recognises the diversity of our community. To ensure our membership reflects the community, we encourage applicants from culturally and linguistically diverse backgrounds to apply.

This information kit is intended to assist people who may be interested in applying for appointment to the Queensland Civil and Administrative Tribunal (QCAT).

This kit provides an overview of the purpose and operations of the Tribunal and details of the selection criteria and process for appointment.

Further information about the Tribunal and its operations is available at www.qcat.qld.gov.au

AVAILABLE POSITIONS

Expressions of interest are sought from suitably qualified persons for appointment:

- Senior Member – full time basis based in Brisbane
- Ordinary Member – full time basis based in Brisbane
- Ordinary Member – sessional basis based in Mackay
- Ordinary Member – sessional basis with Retail Shop Lease expertise
- Ordinary Member – sessional basis with Child Protection expertise

PART 1: THE TRIBUNAL AND ITS ROLE

Our vision

Fair and just outcomes

Our mission

To actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive.

Our strategic priorities

Engaging with the community
Service delivery
Effective dispute resolution
Managing the Tribunal

About QCAT

QCAT is an independent statutory body established under the *Queensland Civil and Administrative Tribunal Act 2009* (the QCAT Act). QCAT began operations on 1 December 2009.

QCAT's jurisdiction is conferred on it by the QCAT Act, and over 150 pieces of legislation. The full list of acts which confer jurisdictions on QCAT may be accessed online at <http://www.qcat.qld.gov.au/qcat-legislation.htm>

To achieve the objects of the legislation, QCAT must:

- a) facilitate access to its services throughout Queensland;
- b) encourage the early and economical resolution of disputes before the Tribunal, including, if appropriate, through alternative dispute resolution processes;
- c) ensure proceedings are conducted in an informal way that minimises costs to parties, and is as quick as is consistent with achieving justice;
- d) ensure like cases are treated alike;
- e) ensure the Tribunal is accessible and responsive to the diverse needs of persons who use the Tribunal;
- f) maintain specialist knowledge, expertise and experience of members and adjudicators;
- g) ensure the appropriate use of the knowledge, expertise and experience of Members and Adjudicators;
- h) encourage Members and Adjudicators to act in a way that promotes the collegiate nature of the Tribunal; and
- i) maintain a cohesive organisational structure.

QCAT falls within the ministerial responsibility of the Attorney-General.

Jurisdiction

When QCAT began on 1 December 2009, it amalgamated the jurisdictions of 23 different bodies, including tribunals, commissions and some of the jurisdictions of the courts. The following eighteen (18) tribunals were abolished as part of the amalgamation:

- Anti-Discrimination Tribunal
- Appeal Tribunal (levee banks) under the *Local Government Act 1993*
- Children Services Tribunal
- Commercial and Consumer Tribunal

- Fisheries Tribunal
- Guardianship and Administration Tribunal
- Independent Assessor under the *Prostitution Act 1999*
- Health Practitioners Tribunal
- Legal Practice Tribunal
- Misconduct Tribunal
- Nursing Tribunal
- Panel of Referees under the *Fire and Rescue Service Act 1990*
- Racing Appeals Tribunal
- Retail Shop Leases Tribunal
- Small Claims Tribunal
- Surveyors Disciplinary Committee
- Teachers Disciplinary Committee
- Veterinary Tribunal.

The Tribunal operates in three divisions to reflect the various kinds of jurisdictions.

The **Human Rights** division deals with guardianship and administration, child protection and anti-discrimination matters.

The **Civil Disputes** division deals with minor civil disputes, minor debts, residential and retail tenancy disputes, building disputes and other complex civil disputes.

The **Administrative and Disciplinary** division deals with reviews of administrative decisions of various Queensland Government departments, local governments or regulatory authorities. It also deals with disciplinary matters for various professions.

QCAT may have original and review jurisdiction in each division.

For example, the Administrative and Disciplinary division has original jurisdiction for the more serious disciplinary matters, as well as review jurisdiction for the review of administrative decisions. The Human Rights division has original jurisdiction to deal with guardianship and administration matters and anti-discrimination matters, and review jurisdiction for some child protection matters.

QCAT also has an appeal jurisdiction where certain decisions of QCAT and decisions of other entities may be appealed to QCAT's Appeal Tribunal.

Appeals from decisions made by the Appeal Tribunal or decisions made by Judicial Members of QCAT, lie to the Court of Appeal.

Structure

The Tribunal is led by a President who is a Supreme Court Judge and a Deputy-President who is a District Court Judge.

Members and Adjudicators decide matters before the Tribunal and are independent statutory appointments.

A diagram illustrating the membership structure of QCAT is provided at Attachment A.

The Tribunal is supported by a registry which acts as the administrative arm of the Tribunal. The registry is led by an Executive Director and Principal Registrar.

PART 2: MEMBERSHIP

President

The President's roles and responsibilities include:

- the efficient operation of the Tribunal;
- oversight of the selection process for Members and the management of members;
- developing a positive and cohesive culture;
- advising the Attorney-General about how QCAT could better meet its objectives; and
- advising the Attorney-General about the ongoing effectiveness of the QCAT Act and the enabling Acts.

In addition to managing the business of the Tribunal, including the Members and Adjudicators, the President also adjudicates in the more significant or complex matters of the Tribunal, including hearing appeals as part of the Appeal Tribunal. The President presides in disciplinary matters about legal professionals.

Deputy President

The Deputy-President's roles and responsibilities include assisting the President:

- in managing the business of the Tribunal; and
- in the management of Members.

In addition to helping the President manage the business of the Tribunal, the Deputy President also adjudicates in the more significant or complex matters of the Tribunal, including hearing appeals as part of the Appeal Tribunal. The Deputy President presides in disciplinary matters about health professionals.

Senior Members

Eligibility:

A person is eligible for appointment as a Senior Member only if the person:

- a) is an Australian lawyer of at least 8 years standing; or
- b) 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.

Senior Members hear and decide matters within the Tribunal as is determined appropriate by the President. Depending on the Senior Member's particular expertise, the Senior Member may hear matters across a number of different divisions.

Senior Members may also provide advice to the President about the allocation of Members and hearing procedures.

Senior Members may be required to participate in committees established by the President or Executive Director and to provide advice and assistance in specific areas relating to the management of the Tribunal and its resources.

Senior Members are generally appointed on a full-time basis. Part-time appointment may be considered on a case by case basis.

Qualification and practice in law is highly desirable for candidates applying for the position of Senior Member, but is not essential.

Where candidates do not possess legal qualifications, they must be able to demonstrate specialist knowledge in an area of work relevant to QCAT.

Formal qualifications in alternative dispute resolution are desirable for all candidates.

If you require further information about these positions please contact Mary Shortland, Executive Director, QCAT on (07) 3239 6554.

Ordinary Members

Eligibility:

A person is eligible for appointment as an Ordinary Member only if the person:

- c) is an Australian lawyer of at least 6 years standing; or
- d) 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.

Ordinary Members hear and decide matters within the Tribunal as determined appropriate by the President. Depending on the Ordinary Member's particular expertise, the Ordinary Member may hear matters across a number of different divisions.

Qualification and practice in law is highly desirable for candidates applying for the position of Ordinary Member, but is not essential.

Where candidates do not possess legal qualifications, they must be able to demonstrate specialist knowledge in an area of work relevant to QCAT.

Formal qualifications in alternative dispute resolution are desirable for all candidates.

If you require further information about these positions please contact Mary Shortland, Executive Director, QCAT on (07) 3239 6554.

Adjudicators

Eligibility:

A person is eligible for appointment as an Adjudicator only if the person is an Australian lawyer of at least 5 years standing.

Adjudicators are responsible for hearing minor civil disputes and other less complex or non-contentious matters before the Tribunal. Adjudicators are generally appointed on a part-time basis.

Adjudicators are required to travel throughout South-East Queensland and possession of a 'C Class' drivers licence is highly desirable.

Please Note: Adjudicators are not being appointed as part of this process.

PART 3: RESPONSIBILITIES OF MEMBERS AND ADJUDICATORS

Generally, Members and Adjudicators appointed to QCAT are expected to meet the following commitments:

- to ensure that the objects and principles of the QCAT Act are applied to the functions of the Tribunal;
- to be available for hearings in various locations across Queensland if required;
- to attend Tribunal hearings fully prepared;
- to deal with all parties impartially, and with courtesy and professionalism;
- to make orders and give reasons pursuant to the provisions of the QCAT Act;
- to participate in meetings if/when required;
- to participate in professional development, continuing education or training activities as directed by the President;
- to bring to the attention of the President any perceived anomalies in legislation; and
- to report to the President any personal conflicts of interest.

In addition to these commitments, the Senior Members:

- provide leadership and professional guidance to Ordinary Members and Adjudicators, and are responsible for their management and development;
- provide assistance to the Presidential Members about the constitution of the Tribunal, Tribunal procedures, legislative reform and such other issues as required by the Presidential Members;
- lead and manage the effective and efficient operation of the three divisions of QCAT and each of the lists within those divisions; and
- hear and decide the more complex and/or novel matters within QCAT's jurisdictions.

PART 4: CONSTITUTION OF THE TRIBUNAL

The President is responsible for determining how the tribunal will be constituted for a particular matter, using one, two or three member panels. The President is also responsible for determining when an Adjudicator can constitute the tribunal.

In deciding which Members are to hear a matter, the President must consider the nature, importance and complexity of the matter, the need for special knowledge, expertise or experience and the provisions of an enabling Act or the QCAT Rules.

Judicial Members are required to constitute the Appeal Tribunal unless the President decides that other suitably qualified persons can hear a matter.

PART 5: TERMS AND CONDITIONS OF APPOINTMENT

Senior and Ordinary Members hold office on the conditions in the QCAT Act and as decided by the Governor in Council and stated in the instrument of appointment.

Senior and Ordinary Members are appointed by the Governor in Council on the recommendation of the Minister after consultation with the President. Appointments may be for a period of up to five years (but not less than three years).

Senior and Ordinary Members may be required to travel throughout Queensland in order to conduct hearings and are expected to adhere to any Tribunal or external policies and procedures relevant to Members.

Senior and Ordinary Members may be eligible for reappointment.

Operations of the Tribunal

Senior and Ordinary Members hear and decide matters within the Tribunal as directed by the President. The frequency with which an Ordinary Sessional Member sits on the tribunal will vary according to the needs of the Tribunal and the number and location of hearings by jurisdiction.

Hearings may be of part day, full day or of many days duration and may be held at a number of locations across Queensland. Hearings may be face to face or conducted through the use of teleconference or videoconference facilities.

Indemnity

Senior and Ordinary Members and Adjudicators of QCAT have, in the performance of their functions, the same protection and immunity as a Supreme Court Judge in the performance of their functions.

Remuneration

Member appointed on a full-time basis

Terms and conditions	Senior members	Ordinary members	Adjudicators
Commensurate Public Service Level	CEO5.5	SES3.4	SO2
Commensurate Public Service Superannuable salary (per annum)	\$236,407	\$192,104	\$132,194
Employer superannuation contribution (per annum)	12.75% (\$30,141)	12.75% (\$24,493)	12.75% (\$16,855)
Leave loading (per annum)	17.5% (\$4,137)	17.5% (\$2,577)	17.5% (\$1,773)
Vehicle allowance (per annum)	\$30,000	Nil	Nil

Members appointed on a sessional basis are paid fees as prescribed in the *Remuneration of Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities* policy at the category AA1 rate for daily and half day special assignments, as applicable:

Duration	Member	Presiding Member
Meeting – 4 hours or less	\$272	\$380
Meeting – more than 4 hours	\$543	\$759
Special Assignment – 4 hours or less	\$227	\$316
Special Assignment – more than 4 hours	\$453	\$632

Accommodation

QCAT conducts hearings at 259 Queen Street where both the Tribunal and the registry are located. Regional hearings are generally held at Magistrates' Court premises. QCAT also has a large pool of regional Sessional Members who can be called upon to hear and determine matters across the state.

Criminal history checks

A criminal history check is necessary before any new appointment is made to the Tribunal. Prospective members will be asked to consent to a check as part of the application process.

Further information

For further information about statutory appointments please refer to the following general information guide:

[Welcome Aboard: A Guide for Members of Queensland Government Boards, Committees and Statutory Authorities – Governing Queensland](#)

PART 6: HOW TO APPLY

Your expression of interest must include your curriculum vitae outlining your qualifications, experience and where relevant, your publications and presentations.

Selection criteria describe the particular abilities, skills, knowledge, qualifications (if applicable) and other requirements needed to achieve the outcomes of the position.

Your response to the selection criteria should not exceed two **(2)** pages.

Answering the four member questions will enable you to reflect upon the QCAT Act, QCAT Rules and Practice Directions. Your response should not exceed 200 words per question.

Failure to address the selection criteria, answer the member questions and provide your curriculum vitae may exclude an application from further consideration.

Selection criteria and the member questions are included at the end of this information kit.

Form of application

Your application for a position with QCAT must include:

1. QCAT Application Form – this should be used as your cover sheet;
2. Application – your application must address all of the selection criteria relevant to the position you are applying for (included at the end of this information kit);
3. Curriculum Vitae – a current curriculum vitae should be included **(No more than 2 pages)**;
4. Answers to member questions (included at the end of this information kit); and
5. A completed forms package (included at the end of the application form) including:
 - Appointment to Government Body: Personal Particulars form
 - Consent to Criminal History form

- Statutory Appointments and Public Service Employments Currently Held form.

Please note we do not require copies of qualifications or certificates at this stage.

Your application will be kept on file for any future requirements of the Tribunal.

Curriculum vitae

Your curriculum vitae should be no more than two (2) pages and should include:

- career history;
- academic qualifications (if applicable);
- membership of professional/community bodies ;
- publications written, edited or contributed to in your professional capacity (if applicable); and
- experience on boards and tribunals (if applicable).

Lodging your application

Your application must be lodged in **one** of the following ways:

In person:

Marked "Private and Confidential"
Attention: Executive Director
Queensland Civil and Administrative Tribunal
Level 9, 259 Queen Street
Brisbane QLD 4000

Post:

Marked "Private and Confidential"
Executive Director
Queensland Civil and Administrative Tribunal
GPO Box 1639
Brisbane QLD 4001

Email: QCAT.Projects@justice.qld.gov.au

Applications must be lodged by 5.00pm Friday 24 March 2017

SELECTION CRITERIA:

Senior Member and Member application

Selection Criteria 1

Demonstrated special knowledge, expertise, or experience in relation to the functions exercised by QCAT.

Selection Criteria 2

Demonstrated understanding of the rules of natural justice and procedural fairness and the ability to analyse and apply legislation including the ability to make sound and timely decisions.

Selection Criteria 3

Demonstrated high level interpersonal, oral and written communication skills, including the ability to conduct hearings involving a wide range of parties, make orders and give reasons (orally or in writing) and deal with vulnerable people and difficult situations sensitively.

Senior Member application only

Selection Criteria 4

Demonstrated ability to fulfil a leadership and management role including the capacity to inspire respect and confidence appropriate for a person in a Senior Member role.

Additional Factors for all applications

- experience as a mediator would be highly regarded, but is not mandatory;
- applicants must be able to travel throughout Queensland to attend hearings;
- applicants must possess sound computer literacy and word processing skills; and
- applicants relying on legal qualifications must be an Australian lawyer of at least 6 years standing to be an Ordinary Member and 8 years standing to be a Senior Member.

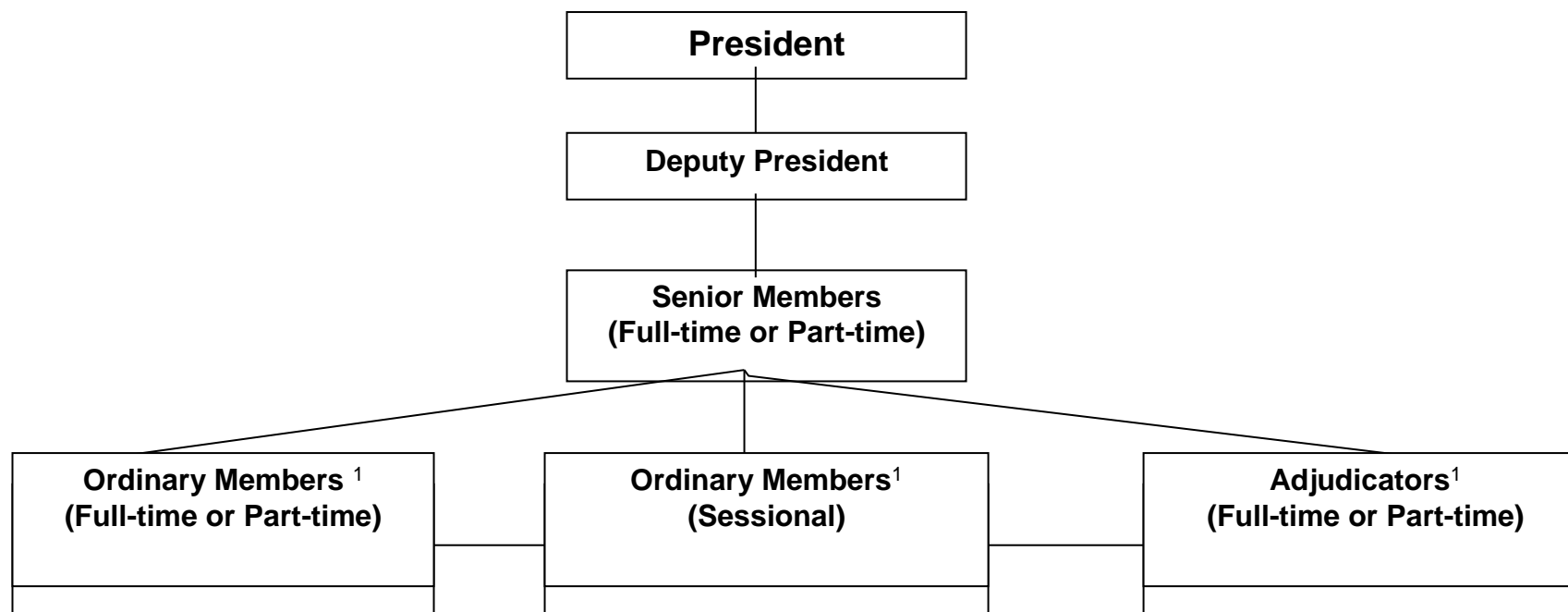
It is important to address all relevant selection criteria in your application.

Member Questions

Please answer all 4 questions that follow. The objective is to produce short answers, no more than 200 words per question maximum. Other than by reference to the QCAT Act, Rules and Practice Directions, no research is required. Your commentary is intended to reflect upon those materials specifically.

1. QCAT's service charter records that our vision is 'fair and just outcomes'. How does the QCAT Act support the tribunal achieving that vision?
2. Section 29 of the QCAT Act imposes a statutory obligation to ensure parties to proceedings understand the practices and procedures of the tribunal; the nature of assertions made in the proceedings and the legal implications of the proceedings; and any decision of the tribunal relating to the proceeding. How would you fulfil that obligation in a hearing where only one of the parties is represented? What potential issues can you identify in fulfilling your statutory obligation?
3. QCAT is not bound by the rules of evidence. How would you deal with objections to evidence during a hearing and ensure procedural fairness?
4. **(Ordinary Members)** The provision of effective alternative dispute resolution is central to QCAT's obligation, and ability to fulfil its statutory obligations. What tools does the QCAT Act provide and how does your experience enable you to use these tools effectively?
5. **(Senior Members)** Senior Members are responsible for managing the lists, liaising with registry and, as part of the senior leadership group, they have a role in administering the tribunal. Give examples, from your experience, of your understanding of the issues involved in managing a busy tribunal and your ability to provide the necessary leadership.

Attachment A: Membership Structure



1. Members and adjudicators will only sit across multiple divisions if suitably skilled and qualified.