

# QCAT

Queensland **Civil and Administrative Tribunal**



## Annual Report 2016-17

# About our annual report

The Queensland Civil and Administrative Tribunal's annual report summarises our performance for 2016-17 and meets accountability requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

This annual report is accessible at [qcat.qld.gov.au](http://qcat.qld.gov.au).

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You are invited to provide feedback on this annual report at [qld.gov.au](http://qld.gov.au) > Have your say > Comment on a consultation > View all consultations > [Annual report survey 2016–17](http://qcat.qld.gov.au). Consultation closes 30 June 2018.

You can provide general feedback on QCAT services at [qcat.qld.gov.au](http://qcat.qld.gov.au) > Contact us > [Feedback](#).

## Interpreter services



The Queensland Government is committed to providing accessible services to Queenslanders from all cultural and linguistic backgrounds. If you have difficulty understanding this annual report, contact us on 1300 753 228 to arrange an interpreter.

## 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.

28 September 2017

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice

Office of the Attorney-General and Minister for Justice  
GPO Box 149  
Brisbane Qld 4001

Dear Attorney

I am pleased to present the Queensland Civil and Administrative Tribunal's Annual Report 2016-17.

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

Yours sincerely




**Judge Suzanne Sheridan**  
**Acting QCAT President**

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# About us

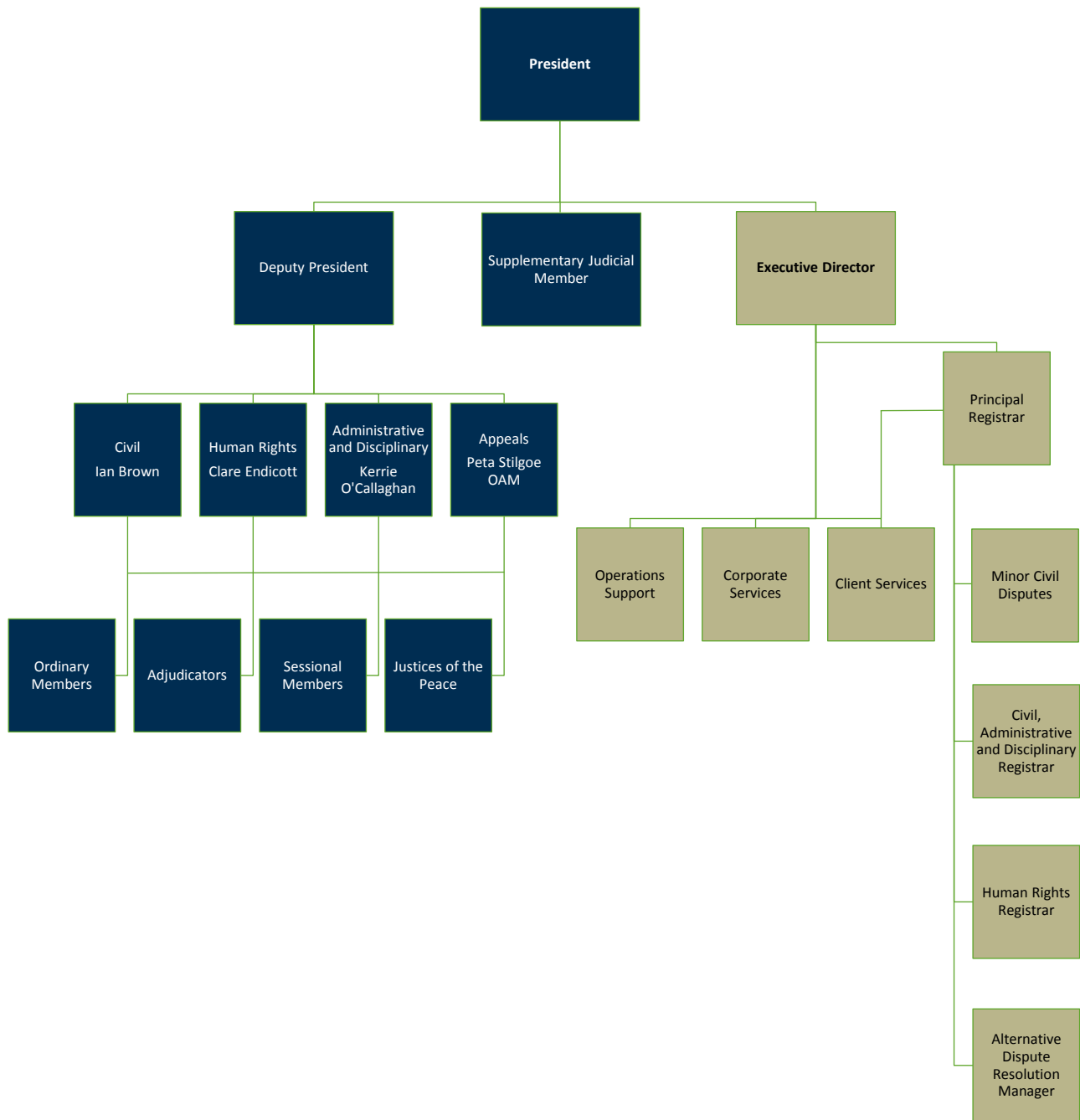
QCAT is an independent statutory tribunal established by the [Queensland Civil and Administrative Tribunal Act 2009](#) (QCAT Act). The tribunal plays an integral role in the Queensland Justice System. QCAT has significant responsibility to resolve and determine disputes, reviews and referrals in a wide range of jurisdictions, including:

- civil disputes (e.g. building, neighbourhood disputes, bodies corporate and retail shop lease)
- administrative review of government and statutory authority decisions (e.g. QBCC, liquor licensing, blue cards, child protection, weapons licensing and racing)
- occupational regulation (e.g. referrals and reviews involving lawyers, health practitioners, police, teachers, veterinary surgeons and engineers)
- minor civil disputes (e.g. residential tenancy disputes, minor debt and consumer law).

The tribunal also has an internal appeal jurisdiction providing users with an efficient and inexpensive appeals process.



# Our structure



## President's message

The tribunal continues to strive to deal with matters in a way that is *'fair, just, economical and quick'*, consistent with its objects as set out in the QCAT Act. The matters it deals with cover a wide range of disputes affecting people in their everyday lives from neighbourhood disputes, arrangements for children in care, issues concerning the elderly, the conduct of professionals, as well as very significant building and retail shop lease disputes.

Guardianship applications continue to rise, with a further six per cent increase in applications this year. It might be expected that, with an ageing population and an increased awareness of the need to protect the elderly from abuse, a continuing upward trend is likely.

The tribunal explores innovative ways to deliver its services. The guardianship jurisdiction has conducted hearings at hospitals in a successful attempt to reduce waiting times for hearings and decisions.

The occupational regulation jurisdiction has seen a 33 per cent increase this year. Such an increase, particularly in relation to the health jurisdiction, has placed enormous strain on the tribunal's resources. The occupational regulation jurisdiction is resource intensive, often with voluminous documentation which brings additional case management challenges.

The significant increase in this area has heightened the urgency for the investigation and implementation of digital technological solutions. This would improve the efficiency of adjudication of this area, and relieve the burden placed upon registry staff in handling large volumes of paper copies of documents.

The health legislation requires disciplinary proceedings involving health practitioners to be determined by a judicial member. The expansion of the health disciplinary jurisdiction to include non-registered health practitioners places increased strain on the tribunal's limited judicial resources. Whilst the relevant legislative amendments commenced on 1 July 2014, the effect of the increase in jurisdiction has only been felt by the tribunal in this reporting period.

With the continuing increase in the tribunal's caseload generally, the need to urgently address the tribunal's accommodation requirements was recognised. The inadequacy of the tribunal's accommodation has been a matter commented upon since the tribunal's inception. There has always been a shortage of hearing rooms and mediation space, making it difficult to meet the tribunal's statutory object of providing timely access to justice. Thankfully, in this reporting period, government funding was provided to enable some additional and updated hearing and mediation rooms, as well as the installation of current technology in some hearing rooms. That technology will assist in the delivery of the tribunal's services to regional Queensland using the video-conferencing equipment.

The lease for additional floor area has recently been signed by the government. It is hoped there will be sufficient funding to ensure renovations to that additional leased area and the current leased area can be undertaken to meet the needs of the tribunal and ultimately the community.

In the longer term, it would be in the interests of the community for the tribunal, perhaps with the other remaining tribunals that exist in Queensland, to have a purpose built facility.



The judicial structure of the tribunal remains inadequate to address the caseload issues, the appeal load and the provision of the necessary management support to the tribunal.

This is not a new issue. Early in the tribunal's life, on the recommendation of former President, Justice Alan Wilson, the QCAT Act was amended to allow the appointment of retired judges to act as judicial members. As at 30 June 2017, the tribunal had the benefit of access to only one retired judge, the Honourable James Thomas AM QC. His support to the tribunal has been invaluable.

For the short term, the tribunal has a supplementary judicial member. While that appointment has provided access to an additional judicial member, the heavy caseload and management issues remain. Legislation often requires that only a Supreme Court Judge or a judicial member of the tribunal can hear appeals or certain types of proceedings. Absent legislative change or the appointment of additional members with judicial status, delays are inevitable.

Since the inception of the tribunal, effective case management has always been considered to play a critical role in achieving the objects of the Act. Unfortunately, active case management places significant demands on members, particularly the four senior members, and registry staff.

Despite a nine per cent growth in overall lodgements since its inception, the resourcing levels of the tribunal have effectively remained static. The resourcing level of the registry has only very marginally increased, largely as a result of the positions created to manage the Justices of the Peace initiative in the minor civil dispute jurisdiction. Additional staff and space is urgently required. The resourcing level of the permanent members of the tribunal has only seen an increase of a half full-time equivalent, from 20 to 20.5.

In this reporting year, clearance rates of the tribunal have now fallen below 100 per cent to 96 per cent. It is apparent that the commendable clearance rate previously attained is no longer sustainable without increased resources.

The members continue to investigate innovative ways that the tribunal's processes can be refined and ways that members and the registry can work collaboratively together to improve efficiencies. The member-led review process, which commenced in the 2015-16 reporting period, culminated in the finalisation of a report in December 2016. That report is a valuable tool in driving change and improvement across all areas of the tribunal. Unfortunately, achieving many of the critical outcomes identified in the final report requires additional funding.

Funding by the present government to permit the appointment of associates to each of the senior members to assist in their enormous case management responsibilities was a welcome relief.

This reporting period has resulted in a number of significant leadership changes within the tribunal. Following the appointment of the Honourable Justice David Thomas as a Federal Court Judge and President of the Administrative Appeals Tribunal on 27 June 2017, it was my privilege to assume the role as Acting President. The tribunal is indebted to Justice Thomas for his strong stewardship of the tribunal for almost four years and it was my pleasure to have served as his deputy for 18 months.

Senior Member Endicott, who had been responsible for the guardianship jurisdiction since the tribunal's inception, commenced long leave in April 2017 prior to her retirement on 30 June 2017. Member Patricia Hanly, also an inaugural member of the tribunal, commenced long leave in December 2016 prior to her retirement on 31 March 2017. While the tribunal welcomes back Members Endicott and Hanly as sessional members, their day-to-day presence in the tribunal is sorely missed.



In July 2017, Senior Member Peta Stilgoe resigned following her appointment as a member of the Land Court. Former Senior Member Stilgoe was an inaugural member of the tribunal and played a significant role in the development of the tribunal's alternative dispute resolution processes. The tribunal hopes that her role as a member of the Land Court will enable increasing collaboration in process improvements between the Land Court and the tribunal.

The resignation or retirement of these people has led to a number of acting positions. Changes in leadership inevitably lead to additional work for the permanent members and increased work load for registry staff, in particular, the operational and scheduling teams. Their efforts and hard work are greatly appreciated.

I acknowledge the very significant contribution by all members and adjudicators during this period of change. In particular, I would like to thank Acting Deputy President Kerrie O'Callaghan for her invaluable guidance and support. The tribunal is indebted to Senior Member Ian Brown and those members who have played a role acting as senior members during this period.

The tribunal is also grateful for the assistance provided by a number of sessional members who have acted, during this period, as full-time members on a rotational basis. In the long term, this engagement with sessional members will benefit the tribunal.

Given its small permanent member base, the tribunal could not manage its caseload without the support of all its sessional members.

The tribunal plays a very vital role in the delivery of justice to the community of Queensland. Its ability to continue its role in accordance with the objects of the Act, however, will require a commitment to the provision of additional resources to the tribunal.



**Judge Suzanne Sheridan**  
Acting President  
September 2017

## Executive Director's message

2016-17 has been a year of innovation and collaboration for QCAT. Our digitisation strategy is well underway with new online services significantly reducing transaction times.

We also successfully partnered with Metro North Health and Hospital Service to reduce the time to hearing for guardianship patients in hospitals, enabling them to move to more appropriate care accommodation. In addition, we achieved a long-sought-after goal of establishing hearing support services in North Queensland.

However, despite our best efforts to make the most of existing resources and remodel some of our services, it was not enough to prevent the inevitable.



### Our performance

This year our clearance rate fell to 96% from 100% in 2015-16. This is a disappointing result borne out of the increasing complexity of QCAT matters and growth in lodgements in key jurisdictions such as guardianship. QCAT's previous ability to continually achieve +100% clearance rates is obviously no longer sustainable.

Demand in our guardianship jurisdiction has increased 26 per cent in the last five years, placing enormous pressure on our tribunal members and registry staff to deliver timely services.

Despite this pressure on demand, QCAT finished the year with a balanced budget as a result of an increase in revenue from search and copy fees.

### Our service delivery improvement projects

In light of the fiscal reality of the need for adequate funding for staff development and resources, the registry team has pushed forward with a number of innovative service improvement projects across our jurisdictions. 2016-17 highlights include:

- **Metro North Hospital and Health Service trial** – A partnership project with Metro North Hospital and Health Service reducing hearing wait times by up to 70 per cent.
- **Digitisation strategy** – This involved activity on a number of fronts, including introducing five new online services and collaborating with digital experts from Amazon on a chatbot development to improve user experience in the neighbourhood disputes jurisdiction.
- **New North Queensland service** – We have long-advocated for regional hearing support officers in North Queensland, and this year we achieved this goal in Cairns and Townsville, saving 23 per cent of our travel costs.

2016-17 was also a year of change, with a number of key people leaving QCAT. Most notably, Justice David Thomas for whom this is the last financial year he will serve as QCAT President. On behalf of the registry, I thank Justice Thomas for more than three years providing tribunal justice and organisational guidance.

I am also grateful to Senior Member Clare Endicott and Ordinary Member Trish Hanly, both much-respected members of the tribunal who worked closely with our registry teams for more than seven years.

It was with sadness I joined the registry in farewelling our long-serving Principal Registrar, Louise Logan. Louise had been with QCAT since its inception and has contributed significantly to the many reforms the tribunal has undertaken since its commencement.

Finally, my warmest thanks to everyone in the registry. Your ability to deliver innovative services and create unique collaborative relationships is, in my book, unparalleled. Thank you for your professionalism, expertise and positive attitude.

A handwritten signature in black ink, appearing to read 'Mary Shortland', with a small dot at the end of the line.

**Mary Shortland**  
Executive Director  
September 2017

# Our year at a glance

## Our services

<b>29,736</b> cases finalised	<b>96%</b> clearance rate	<b>82%</b> user satisfaction	<b>107,313</b> calls answered	<b>10,803</b> counter enquiries
<b>16,136</b> searches of QCAT records	Call response time of <b>3.53 minutes</b>	<b>17,728</b> proceedings scheduled	<b>347</b> confirmed interpreter bookings	Average cost per matter <b>\$728</b>

## Key trends

- 3 per cent increase in total lodgements
- 6 per cent increase in guardianship lodgements
- 33 per cent increase in occupational regulation lodgements
- 20 per cent decrease in children’s matters lodgements
- 9 per cent decrease in retail shop lease lodgements
- 9 per cent decrease in internal appeals

## Our finances

\$18.7 million	Government appropriation
\$2.9 million	Revenue from fees
\$21.6 million	Total operating expenses

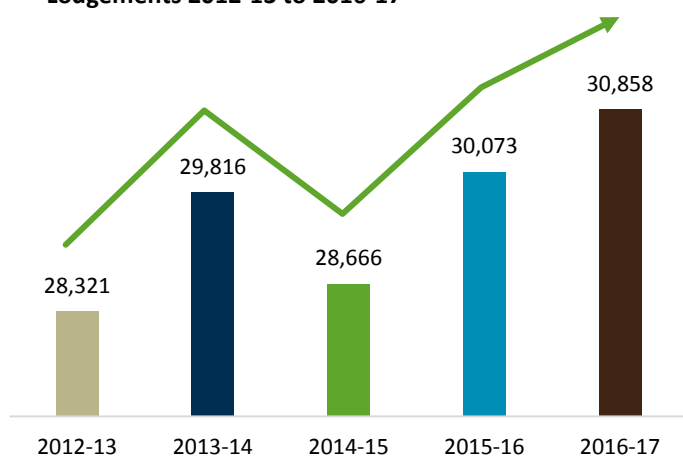
A large green diagonal bar runs from the top-left corner towards the bottom-right. A white circle with a green outline is positioned on the right side of the page, partially overlapping the green bar. The text "Our Performance" is centered within this circle.

**Our  
Performance**

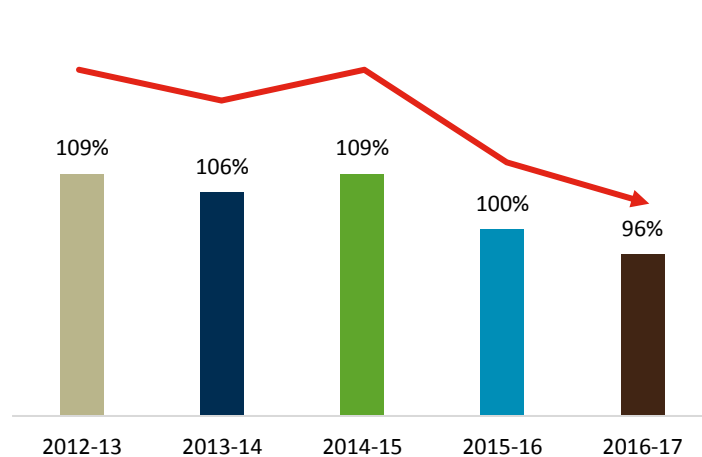
# Our performance

## Our workload and outcomes

Lodgements 2012-13 to 2016-17



Clearance rates 2012-13 to 2016-17



	2015-16	2016-17	% difference
Cases pending (period end)	5,140	6,262	22%
Overall clearance rate	100%	96%	-4%

## Our service delivery

Service performance criteria	2014-15	2015-16	2016-17
Cases lodged	28,666	30,073	30,858
Cases finalised	31,104	30,029	29,736
1300 calls managed	103,718	112,370	107,313
Call response time (average)	9.02 minutes	3.17 minutes	3.53 minutes
Search request of QCAT records	17,572	16,772	16,136
Counter enquiries	10,623	11,955	10,803
Proceedings scheduled*	17,428	17,607	17,728
Cost per matter (average)	\$653	\$721	\$728
Interpreter and translation services provided	266	290	347
Complaint rate	0.8%	0.9%	0.7%
User satisfaction rating	71%	82%	82%

\* Proceedings scheduled excludes minor civil disputes.

The average cost per matter is calculated based on total QCAT expenditure divided by the number of finalisations. This is one tool to identify associated costs in resolving matters, and assists in reviewing processes with a view to streamline and increase efficiencies.

## Outcomes by jurisdiction

	Lodgements			Clearance rates			Pending at period end		
	2015-16	2016-17	% diff	2015-16	2016-17	% diff	2015-16	2016-17	% diff
<b>Human rights</b>									
Anti-discrimination	104	107	3%	95%	108%	14%	66	57	-14%
Children	348	279	-20%	94%	98%	4%	168	174	4%
Guardianship	11,623	12,281	6%	95%	95%	0%	2,429	2,993	23%
<b>Civil</b>									
Building	307	315	3%	90%	101%	12%	168	166	-1%
Retail shop leases	150	138	-9%	91%	107%	16%	82	73	-11%
Minor civil disputes	16,222	16,381	1%	109%	97%	-12%	1,329	1,858	40%
Other civil disputes	78	76	-3%	103%	84%	-19%	155	165	6%
Neighbourhood disputes	203	207	1%	100%	98%	-2%	99	104	5%
<b>Administrative and disciplinary</b>									
General administrative review	314	320	2%	94%	99%	5%	200	203	2%
Occupational regulation	216	288	33%	104%	105%	1%	228	215	-6%
<b>Appeals</b>									
QCAT Appeal Tribunal	480	437	-9%	107%	91%	-15%	216	254	18%

There was an overall 3 per cent increase in lodgements in 2016-17.

Occupational regulation matters, for which QCAT has original and review jurisdiction, had the largest increase of 33 per cent.

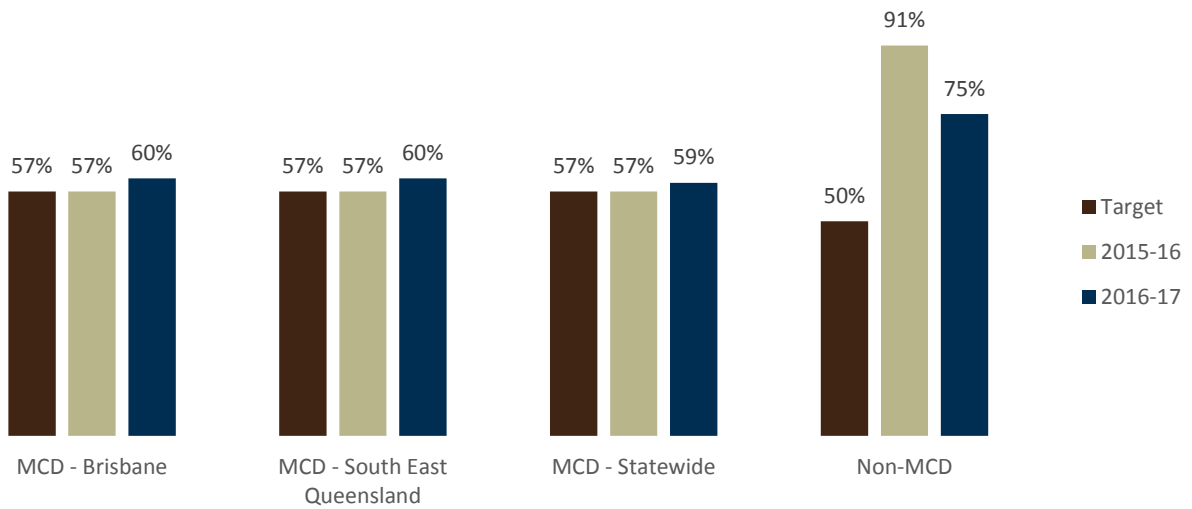
Guardianship lodgements increased by 6 per cent, and accounted for 39 per cent of total lodgements. The continuing upward trend in lodgements has led to the tribunal being unable to maintain clearance rates above 100 per cent. It is expected that the downward trend in clearance rates will continue.

# Alternative dispute resolution performance

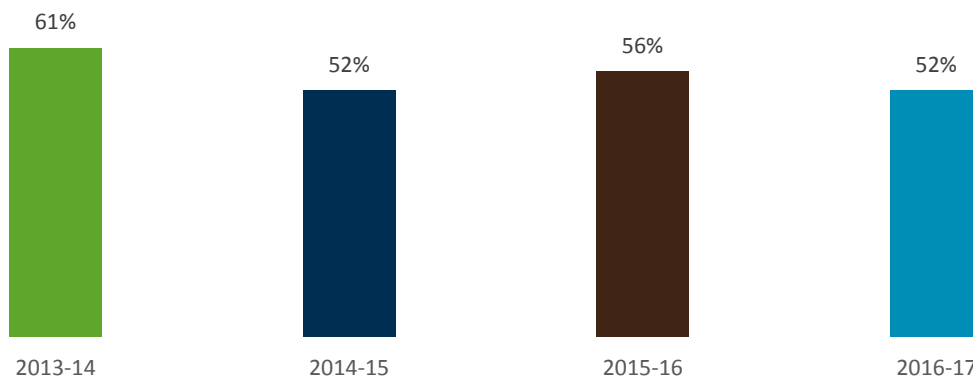
Other than residential tenancy disputes, QCAT provides alternative dispute resolution (ADR) services in most matters. The tribunal's ADR processes are largely:

- compulsory conferences conducted by tribunal members; and
- mediations conducted by QCAT registry mediators and mediators from the Dispute Resolution Branch (DRB) within the Department of Justice and Attorney-General (DJAG).

## Mediation settlement rates



## Compulsory conference settlement rates





# Our major initiatives and achievements

In 2016-17 our initiatives realised significant achievements for QCAT users across a range of jurisdictions and services including:

Project	Achievements	Challenges	Future planning
<b>Brisbane accommodation</b>			
Build accessibility through fit-for-purpose premises providing the right space to deliver our services	<i>Renovated 259 Queen Street to provide new fit-for-purpose hearing and mediation rooms and a larger user waiting area</i>	Appropriate funding to complete the project; Ensuring necessary steps are taken to secure current and expanded premises at commercially reasonable rates	<i>Identify and create fit-for-purpose premises including increased hearing rooms, a mediation centre and member and registry accommodation</i>
<b>Member-led review of QCAT process and procedures</b>			
Review process and procedures to improve tribunal performance	<i>Established short to medium term actions for improved tribunal performance</i>	Resources to implement the actions identified	<i>Members to work collaboratively with the registry to deliver actions identified</i>
<b>Child Protection Commission of Inquiry outcomes</b>			
Implementing the recommendations from the Queensland Child Protection Inquiry	<i>Finalised applications four weeks ahead of benchmark timeframes</i>	Continued finalisation of applications under benchmark timeframes	<i>Review and explore opportunities to further reduce timeframes</i>
<b>Metro North Hospital and Health Service (MNHHS) trial</b>			
Reduce guardianship hearing wait times for vulnerable adults in MNHHS	<i>70 per cent reduction in guardianship hearing wait times in hospitals</i>	Continued funding and support for the project	<i>Further rollout of the guardianship hearing initiative state-wide</i>
<b>e-Mediation trial</b>			
Enhance remote and online dispute resolution services for QCAT	<i>A settlement rate of 71 per cent, reducing user costs an average of \$372 per resolved matter</i>	Access to technology to deliver e-Mediations more efficiently	<i>Implement the use of e-Mediation into part of QCAT's usual practice</i>

<b>Justice of the Peace initiative</b>			
Deliver Justice of the Peace trial	<i>JPs continuing to hear minor civil disputes</i>	Ongoing recruitment, training and retention of suitably qualified JPs	<i>Implement the JP initiative as part of QCAT's usual practice, including ongoing management of JPs</i>
<b>North Queensland hearing support officers (HSO)</b>			
Develop options for regional access	<i>Nearly \$40,000 saved in travel costs</i>	Ongoing recruitment, training and retention of regional HSOs	<i>Implement the use of HSOs in North Queensland into part of QCAT's usual practice</i>
<b>Digitisation strategy</b>			
Implement an online service program in conjunction with the Justice Services ICT Roadmap	<i>Delivering five new online services and establishing project partnerships for development of a Chatbot</i>	Secure funding, and in absence of funding, finding resources to continue in-house development of the project	<i>Continue to deliver and expand QCAT's online strategy</i>
<b>Develop use of QCAT registry mediators in neighbourhood disputes</b>			
Develop the use of QCAT registry mediators for the mediation of neighbourhood disputes	<i>Successful trial of the use of mediation in neighbourhood disputes, resulting in registry mediators mediating 43 matters with a 79 per cent settlement rate</i>	Availability of members, mediators and mediation rooms	<i>Implement the use of mediation in neighbourhood disputes into part of QCAT's usual practice</i>
<b>Expansion of early intervention conferences (EICC)</b>			
Expansion into jurisdictions other than building	<i>Successful use of EICC in some other civil and general administrative review jurisdictions</i>	Availability of members and mediation rooms	<i>Subject to overcoming resourcing constraints, continue the expansion into other jurisdictions</i>



## **Our Divisions**

# Human Rights Division

Our Human Rights Division (HuRD) exercises functions relating to:

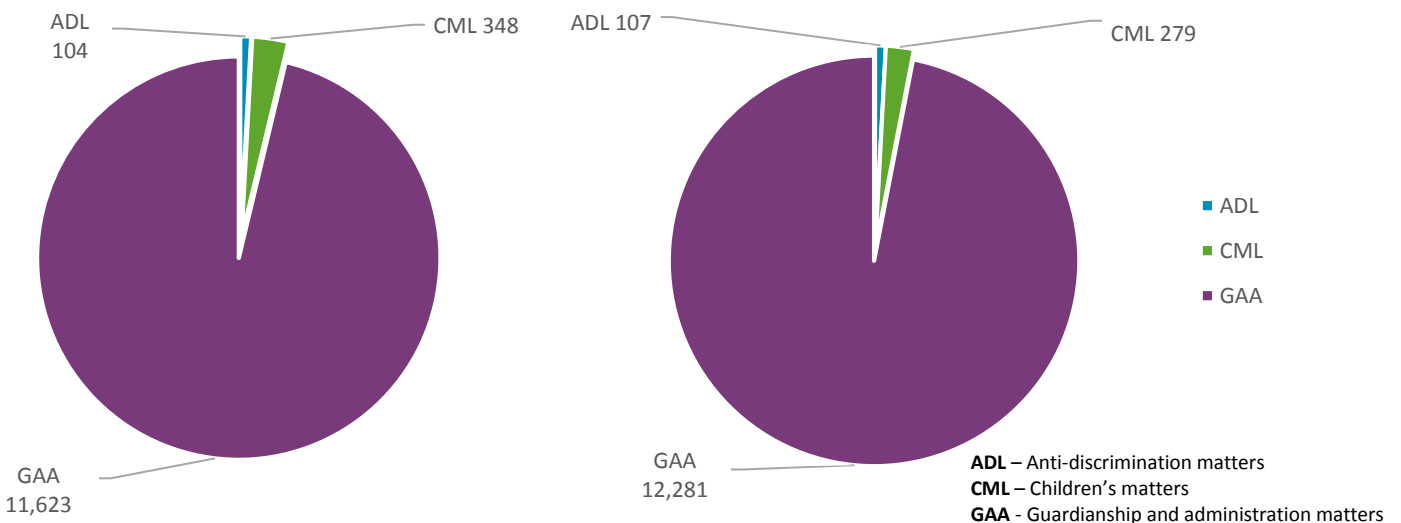
- guardianship and administration
- children
- anti-discrimination.



## Performance

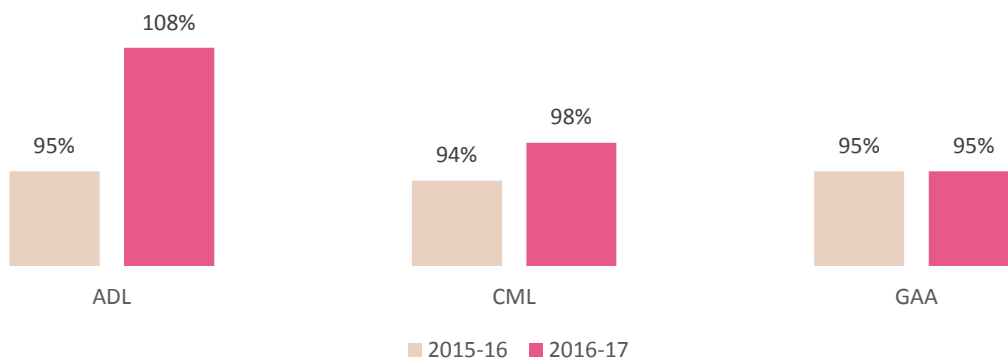
### Lodgement rates

2015-16 (left) and 2016-17 (right).



Increased demand in our guardianship jurisdiction is evident in lodgements increasing six per cent in 2016-17.

### Clearance rates



Anti-discrimination clearance rates increased 14 per cent. Children’s matters increased four per cent, and guardianship clearance rates remained stable at 95 per cent.

## Weeks to finalisation



Anti-discrimination and children's matters remain well below their benchmarks this year. Guardianship matters remain stable at the benchmark despite the six per cent increase in lodgements.

## 2016-17 guardianship for restrictive practice/s

	Applications for guardianship for restrictive practice matters		Reviews of guardianship for restrictive practice matters	
	2015-16	2016-17	2015-16	2016-17
Order made	53	61	53	273
Dismissed / revoked	10	8	32	78
Deceased	0	0	1	1
Administrative closure	4	6	3	8
Withdrawn at hearing	14	3	0	3
<b>Total</b>	<b>81</b>	<b>78</b>	<b>89</b>	<b>363</b>

In 2015, the maximum period for the appointment of a guardian for restrictive practice matters changed from one year to two years.

This change resulted in a marked increase in the number of reviews of these appointments this year.

## Containment, seclusion and other restrictive practices approvals 2016-17

	Approved		Dismissed / revoked		Withdrawn / Administrative Closure		Total	
	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17
Containment	18	18	1	1	4	0	23	19
Review of containment	30	31	6	1	4	1	40	33
Seclusion	11	20	2	1	3	1	16	22
Review of seclusion	34	33	3	1	2	2	39	36
Application for another restrictive practice	11	18	3	1	1	2	15	21
Review of application for another restrictive practice	45	48	6	2	5	2	56	52

The largest increase in 2016-17 applications was for ‘another restrictive practice’ and seclusion applications, although the increase in volume is relatively small.

## Limitation orders 2016-17

Limitation order type	Number made	
	2015-16	2016-17
Adult evidence order	0	3
Closure order	1	4
Non-publication order	3	1
Confidentiality order	28	11
No orders made	29	40
<b>Total applications received</b>	<b>61</b>	<b>59</b>

While the number of applications for limitation orders in 2016-17 was stable, less applications were granted.

## Highlights

- Outstanding performance by tribunal members and registry staff in maintaining stable clearance rates in guardianship and increasing clearance rates in children's and anti-discrimination proceedings, despite significant increases in guardianship applications and resourcing issues.
- Reduced time to hearing applications for appointments of guardians and administrators for some vulnerable adults who are hospitalised.

## Challenges

Tribunal resources have not increased commensurately with demand over the years of QCAT's operation.

Driven by demographic developments of an ageing population, and recent reforms of legal (international and within Australia) and human service systems (including the NDIS), increased demand in QCAT's guardianship jurisdiction has been, and will continue to be, a major ongoing issue for the tribunal.

An inability by the tribunal to meet demand by responding promptly and in the most appropriate manner according to current national, international and community expectations, due to resource limitations, poses a significant risk to persons for whom guardianship and administration applications are made. It also has the potential to compromise the trust of the broader community in the tribunal, diminishing its reputation as an effective human rights tribunal.

- As the population ages, the number of people who develop a cognitive impairment and for whom guardianship and administration (or related) applications are brought will continue to rise. The persons concerned often will have amassed substantial assets and may be vulnerable to financial, physical, emotional and psychological abuse. Unfortunately, elder abuse is all too common.
- The United Nations Convention on the Rights of Persons with Disabilities (CRPD) affirms the human rights of persons with a disability. It mandates the provision of support for decision-making to all persons. Since Australia became a signatory to this Convention, calls have increasingly been made for changes in the operation of guardianship regimes in Australia, including by the Australian Law Reform Commission. Whilst Queensland has rights-based, progressive guardianship legislation, there are calls from the Public Advocate and others for greater provision of support to adults, including by the tribunal registry. Increased resources would be required to provide a greater level of support than is currently available.
- The effect the NDIS (a significant federal government scheme designed to reform disability service in Australia) will have on QCAT is not yet clear. The NDIS is being rolled out nationally. Funded participants can choose to receive a personalised plan and financial support to access services. Applications have been made to QCAT for the appointment of a guardian to enable an adult with impaired capacity for making decisions about applications to access the scheme. QCAT expects a need for an increase in resources due to the NDIS. However, the extent of the increase is difficult to quantify until the NDIS is rolled out in regions of significant size, such as Brisbane and other areas in South East Queensland. This is expected to occur in July 2018.

## QCAT in action

### **Positive outcomes in the guardianship list**

The Public Trustee of Queensland was appointed administrator for Cheryl in 2016 following an application from a mental health worker. It was reported that Cheryl had a substance abuse problem and was non-compliant with her treatment plan. This made Cheryl vulnerable and at risk of being evicted from her home for significant rental arrears and numerous tenancy breaches.

Several months later, a referral was received by QCAT from the Children's Court to determine if there was a need for the appointment of a guardian in regard to child protection proceedings. The referral was made due to the involvement of the Director of Child Protection Litigation (DCPL), who requested the matter be referred to QCAT to determine the capacity of Cheryl to understand the child protection proceedings and whether a guardian needed to be appointed.

The DCPL is an independent statutory unit within the Department of Justice and Attorney-General (DJAG) portfolio, established to conduct child protection legal matters. The DCPL commenced on 1 July 2016 as a consequence of recommendations from the Queensland Child Protection Commission of Inquiry.

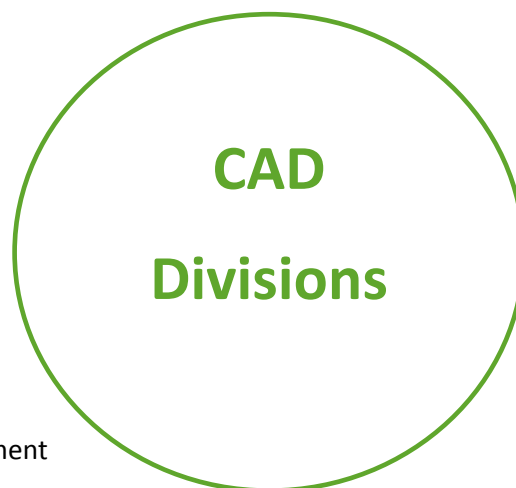
The Children's Court provided material relating to the capacity of Cheryl including a recent psychological report to assist the tribunal in reaching its decision. A hearing was scheduled in the location where Cheryl resided.

The tribunal found that Cheryl did not have capacity to understand the child protection proceedings and appointed the Public Guardian as guardian for Cheryl for legal matters not relating to Cheryl's financial or property matters.

The tribunal further ordered the appointment come to an end upon the completion of the current child protection proceeding in the Children's Court. This approach ensured Cheryl's interests were protected in the child protection proceedings and the appointment was only made to the extent necessary.



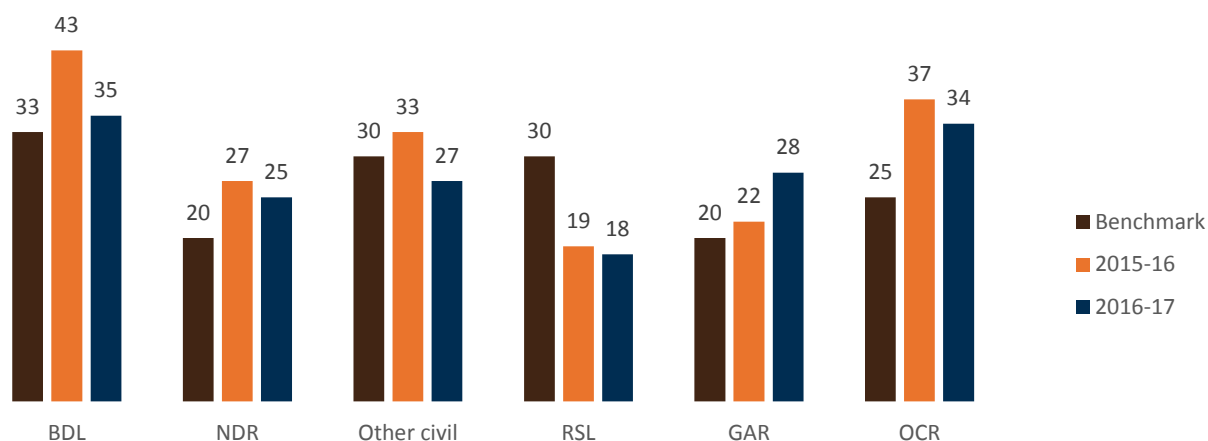
# Civil, Administrative and Disciplinary Divisions



Our Civil, Administrative and Disciplinary (CAD) Divisions incorporate a broad range of jurisdictions, including:

- domestic building disputes (no monetary limit)
- tree disputes
- community living (in community title schemes; retirement villages; manufactured home parks)
- retail shop lease disputes (up to \$750,000)
- occupational regulation (licensing)
- disciplinary matters (including lawyers; health practitioners; veterinary surgeons; engineers; teachers; police; builders; and real estate agents)
- review of a large variety of administrative decisions made by government officers.

## Weeks to finalisation



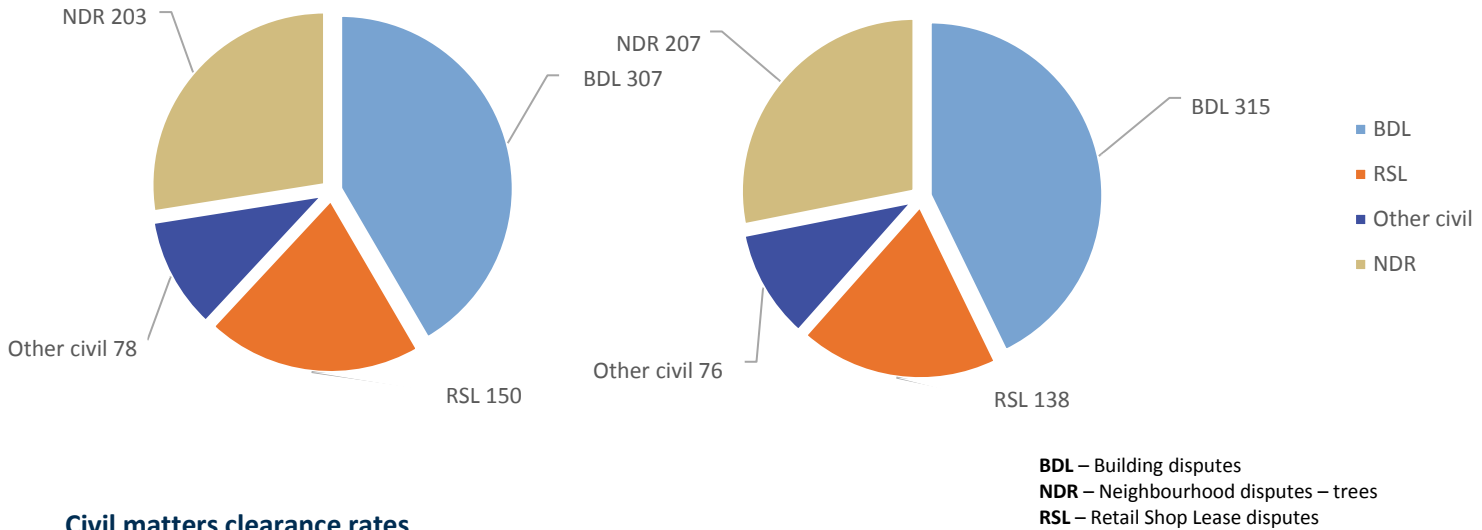
The 2014-15 financial year saw the introduction of a trial of early intervention compulsory conferences in building dispute proceedings.

The success of the trial, resulting in significantly reduced average file duration, has seen the expansion of early intervention compulsory conferences (EICC) into a number of civil and administrative jurisdictions in 2016-17. Resourcing issues have impacted adversely on the implementation of EICC in other QCAT jurisdictions.

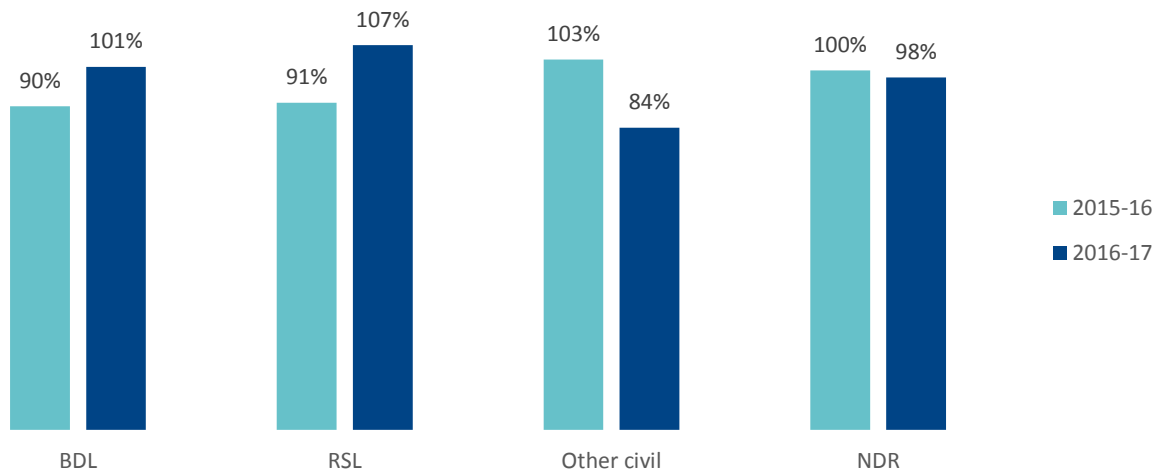
# Civil Division

## Performance

**Civil matters lodgement rates**  
2015-16 (left) and 2016-17 (right)



**Civil matters clearance rates**



The average file duration in the Civil Division has been trending downwards and is under the benchmark. Despite this success and QCAT’s continuous improvement of management of proceedings, ‘other civil disputes’ experienced a 19 per cent fall in clearance rates this year.

## Highlights

- Building disputes saw a continued downward trend in average file duration due to expeditious resolution through early intervention compulsory conferencing which commenced in 2014-15. The building disputes benchmark for weeks to finalisation is 33 weeks.
- Matters listed for an early intervention compulsory conference this year achieved, on average, 24 weeks to finalisation, compared to 34 weeks for those going to hearing.
- Implementation and consolidation of processes to expedite ADR in tree disputes.

## Challenges

- Improve clearance rates in an environment of increasing lodgements and no additional resourcing (refer [page 15](#)).
- Development of effective strategies for management of low-value claims.
- Continued identification of, and streamlining of, case management strategies to reduce file duration and to minimise costs to parties and the tribunal so as to ensure financial costs are not disproportionate to the claim.
- Voluminous documentation in some building proceedings creates challenges for file management and storage in the registry, heightening the urgency for investigation and implementation of digital technology solutions.



*QCAT reception area, Level 9, 259 Queen St, Brisbane*

## QCAT in action

*Lightweight Structures Pty Ltd v See & Anor* [\[2016\] QCAT 442](#); [\[2016\] QCAT 521](#)

Dr and Mrs See entered into a contract with Lightweight Structures Pty Ltd for the construction of a shade sail structure over the rooftop entertaining area of their penthouse apartment.

The scheme in which the apartment was located comprised three residential towers. Concept drawings of the proposed shade sails were prepared.

Dr and Mrs See complained the shade structure built by Lightweight Structures did not accord with the concept drawings and obstructed the views enjoyed by other residents in the scheme.

They refused to pay Lightweight Structures the balance of monies outstanding under the contract. Lightweight Structures was denied any further access to the building site.

Lightweight Structures filed an application for a building dispute claiming the monies owing under the contract. Dr and Mrs See counter-claimed for defective building work.

The tribunal hearing took three days. Numerous witnesses, including several building experts, gave evidence at the hearing. During the hearing, the shade structure was removed.

The Tribunal found as a result of being refused access, Lightweight Structures had been prevented from rectifying defects in the structure which could have been carried out on site at no additional cost to Dr and Mrs See.

The Tribunal found Dr and Mrs See had not mitigated their loss. The Tribunal found Lightweight Structures was entitled to recover the final payment under the contract of \$40,832.90.

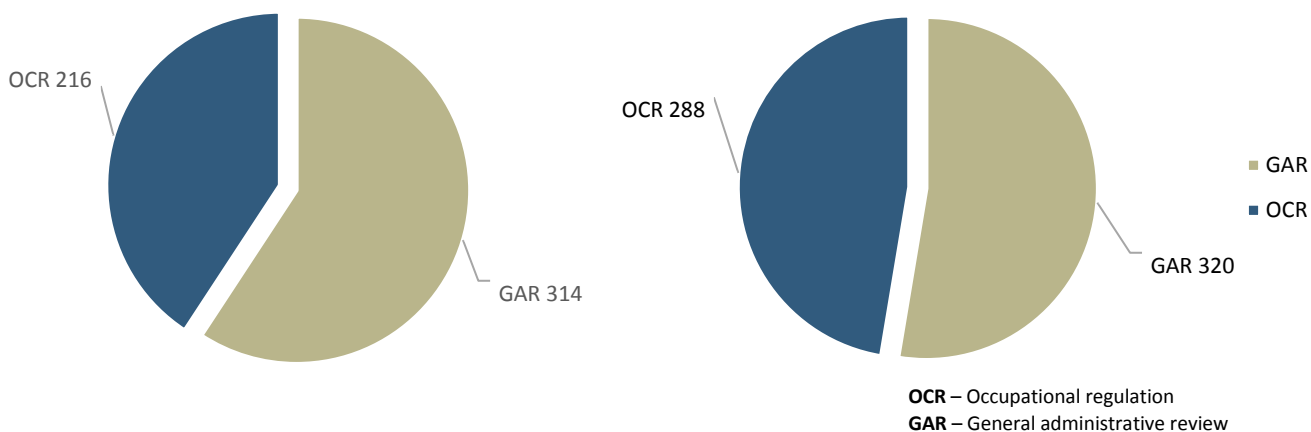
The counter-claim by Dr and Mrs See was dismissed. In addition, Dr and Mrs See were ordered to pay Lightweight Structures' legal costs in the amount of \$30,000.

# Administrative and Disciplinary Division

## Performance

### Administrative and disciplinary matters lodgement rates

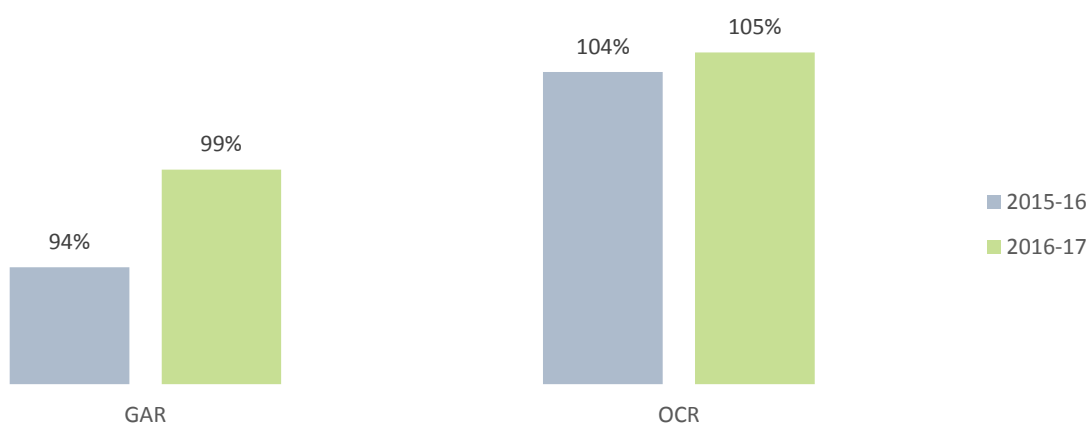
2015-16 (left) and 2016-17 (right)



Occupational regulation and disciplinary proceedings fall across QCAT’s original and review jurisdictions. Occupational regulation applications and disciplinary referrals increased by 33 per cent in 2016-17. This emerging trend has the potential to significantly impact on resource requirements and clearance rates owing to the resource intensive nature of the proceedings.

Legal practitioner disciplinary proceedings must be decided by a Supreme Court Judge. Health practitioner proceedings must be decided by a judicial member of the tribunal. These proceedings together represent 24 per cent of QCAT’s occupational regulation and disciplinary matters. This places significant strain on the tribunal’s limited judicial resources.

### Administrative and disciplinary matters clearance rates



Although occupational regulation clearance rates appear to have remained constant, a reduction in the backlog of reserved decisions from a previous financial year has created this apparent constancy. Unless judicial resources increase, clearance rates for 2017-18 are expected to trend downwards.

## Highlights

- Introduction of early intervention compulsory conferences in blue card proceedings.
- Implementation of early intervention compulsory conferences into other administrative and disciplinary proceedings.
- Improved procedures for early education of self-represented parties about relevant issues in their proceeding and broadly about QCAT practices and procedures to ensure parties are well-prepared earlier in the proceedings to represent themselves.

## Challenges

- Resource limitations have delayed broader introduction of early intervention conferences in the administrative and disciplinary division.
- The requirement for judicial members to determine legal practitioner and health practitioner occupational regulation and disciplinary proceedings is burdensome having regard to the tribunal's limited judicial resources. The impost has worsened as a result of the expansion of the tribunal's jurisdiction to non-registered health practitioners.
- Disciplinary proceedings are generally resource intensive for the tribunal and the parties.
- Voluminous documentation in some disciplinary proceedings creates challenges for file management and storage for the registry, heightening the urgency for investigation and implementation of digital technological solutions.

## QCAT in action

### **Onus of proof in reviews of disciplinary action**

[Officer JGB v Deputy Commissioner Gollschewski and Anor \[2016\] QCAT 348](#)

Officer JGB was a senior constable in the QPS until he was dismissed because the Deputy Commissioner decided certain disciplinary proceedings against him.

Officer JGB sought a review of the Deputy Commissioner's decision. He accepted some disciplinary charges and challenged others. One of the issues to be determined by the Tribunal on review was whether the respondent decision-maker, the Deputy Commissioner, bears the onus of proof.

The Tribunal considered this a question of general importance for the conduct of police disciplinary reviews. In the circumstances, the Tribunal, after seeking submissions from the parties, joined the Crime and Corruption Commission as the second respondent in the proceedings in light of its role in police discipline.

The Tribunal, in determining the issue of onus of proof, considered the relevant legislation and various disciplinary decisions.

The Tribunal member concluded that in police disciplinary review proceedings, the decision-maker bears the onus of proof.

The Tribunal observed that if it was wrong about the decision-maker bearing a formal onus of proof, its findings about the allegations made on the charges would be unchanged.

## Minor Civil Disputes

Minor Civil Disputes (MCDs) encompass a range of monetary (up to \$25,000) and non-monetary disputes, accounting for a significant volume of applications filed in QCAT.

In regional areas, MCDs are heard by Magistrates, sitting as supplementary QCAT members. MCDs are otherwise usually heard by Adjudicators and Justices of the Peace.

MCDs are generally short matters, heard promptly, with limited documentation being provided by the parties. These matters include:

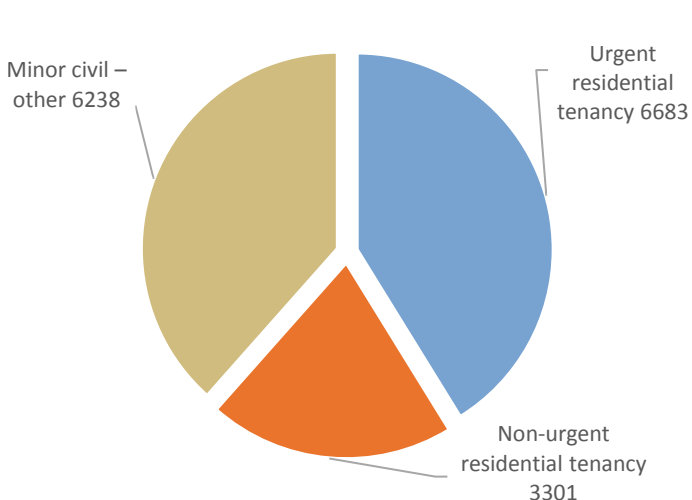
- residential tenancy disputes
- minor debt disputes
- consumer and trader disputes
- motor vehicle property damage disputes
- dividing fence disputes.



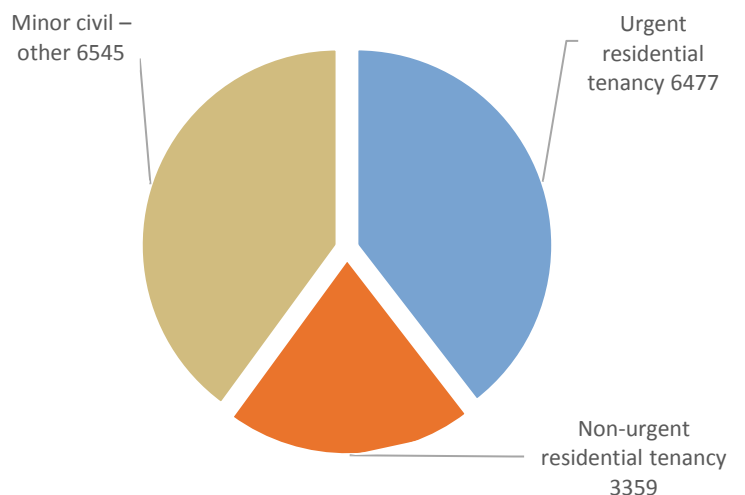
## Performance

### Lodgement rates

2015-16



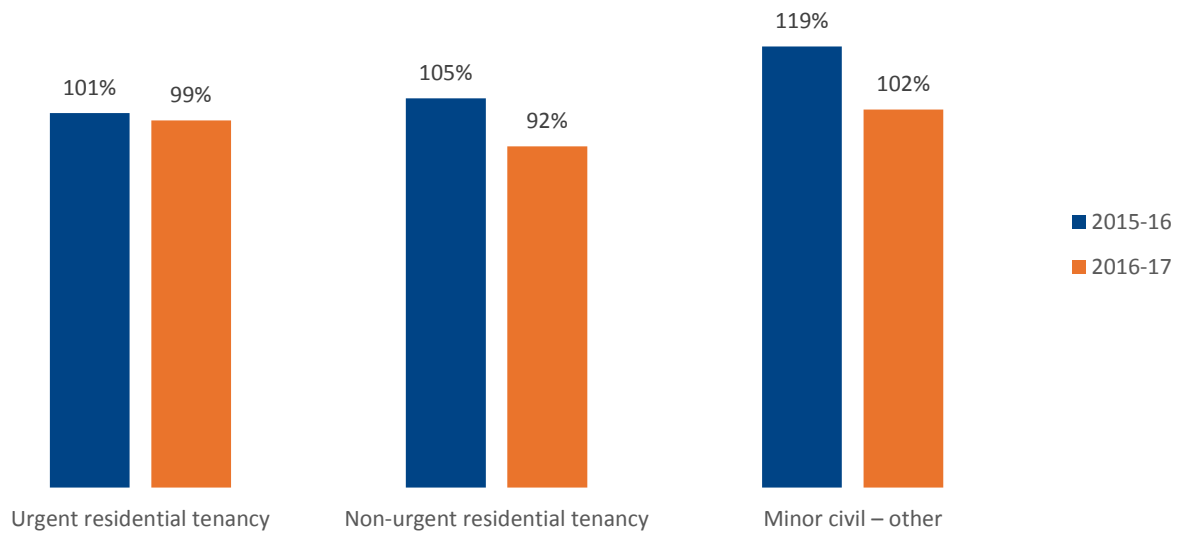
2016-17



Overall there was a small increase in lodgements of MCD applications.

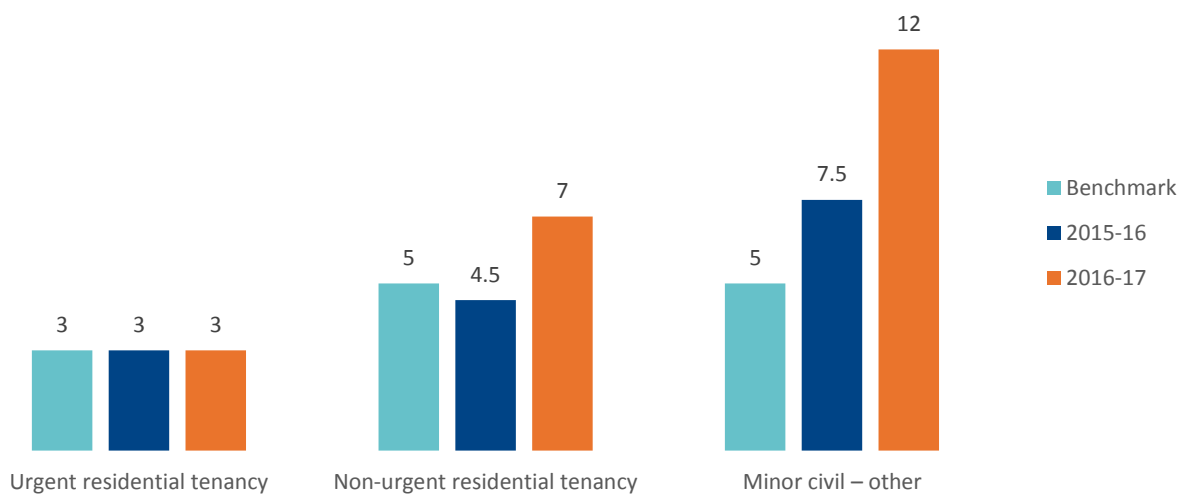


## Clearance rates



Clearance rates for non-urgent residential tenancy and other minor civil disputes fell 13 per cent and 17 per cent respectively.

## Weeks to hearing



The number of weeks to hearing for non-urgent residential tenancy and other minor civil matters increased.

### Residential tenancy applications processed

	2015-16	2016-17	Difference
Total received	10,019	9,889	-1%

### Residential tenancy application types

	2015-16	2016-17	Difference
Termination for rent arrears	4,312	4,204	-3%
Termination for objectionable behaviour	151	152	1%
Termination for repeated breaches	289	313	8%
Termination for lessor's excessive hardship	308	366	19%
Termination for tenant's excessive hardship	315	344	9%
Termination for domestic violence	7	6	-14%
Termination for damage/injury	36	44	22%
Emergency repairs	31	53	71%
Rental increase/decrease	79	102	29%
Tribunal order on abandoned premises	68	67	-1%
Application for unjust listing	626	343	-45%
Application for proposed listing	37	26	-30%
General disputes	1,638	1,505	-8%
Bond disputes	1,038	1,167	12%
Miscellaneous/other	1,084	1,197	10%
<b>Total</b>	<b>10,019</b>	<b>9,889</b>	<b>-1%</b>

### Residential tenancy hearings and matters finalised

	2015-16	2016-17	Difference (n)	Difference (%)
Adjournments	1,440	1,087	-353	-25%
Hearings	13,989	13,279	-710	-5%
Matters finalised	10,253	9,522	-731	-7%
Warrants of possession issued	2,636	2,646	10	0%

### Residential tenancy reopening and appeal lodgements

	2015-16	2016-17	Difference
Reopening lodgements	140	165	18%
QCAT Appeal Tribunal lodgements	345	286	-17%

## Highlights

- Increased digitisation of minor civil dispute forms and processes, and enhanced online information and video-links, has provided better support to tribunal users in their interactions with QCAT, and assisted them to understand QCAT processes and procedures.
- The trial involving Justices of the Peace hearing MCD matters under \$5,000 was embedded into part of QCAT's usual practice as a result of legislative amendments.
- e-Mediation trial which achieved a high settlement rate (refer [page 17](#)).

## Challenges

- The large volumes of urgent MCD proceedings (which represent over 20 per cent of total QCAT lodgements and almost 40 per cent of MCD lodgements) pose ongoing management issues in ensuring non-urgent residential tenancies and other MCDs do not experience undue delays.
- As lodgement rates increase, clearance rates have trended downwards.
- Achieving consistency in decision-making across Queensland in MCDs.
- Working with the Magistrates Court to maintain clearance rates state-wide.

## QCAT in action

[Lorkin v John Payne t/as J P Racing \[2016\] QCAT 295](#)

Robert, a motor vehicle enthusiast, paid \$21,280.00 to J P Racing to restore, modify and effectively rebuild his XR8 Falcon V8 motor to a street machine. J P Racing took two years to complete the work.

After collecting the XR8 Falcon, and having only driven the car about six or seven times, approximately a month later, while travelling to college the motor failed.

Robert contacted J P Racing who said they couldn't fix the car for three or four months, so Robert found another provider and took the vehicle to Tru Blu Burpengary.

Tru Blu Burpengary found numerous faults with the work done by J P Racing and charged Robert \$15,336.50 to rectify the defective workmanship and to get the car back on the road.

Robert filed a minor civil dispute claim of \$15,336.50 against J P Racing for the cost of rectification work as they had not properly or adequately restored and rebuilt the V8 motor in his XR8 Falcon.

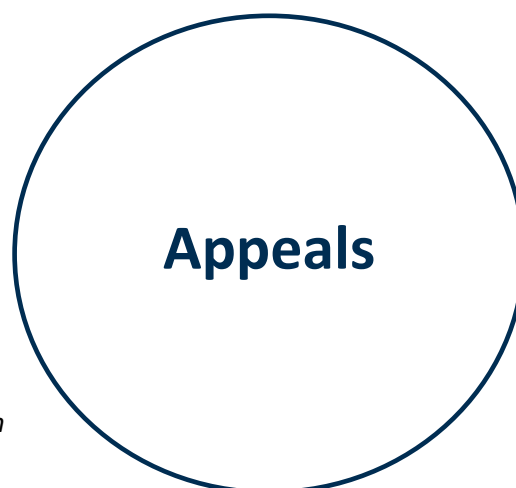
The Tribunal found Robert should be fully compensated for his additional cost in having the motor brought back to the operational standard he was entitled to expect in the first instance when he collected the vehicle from J P Racing.

The application filing fee of \$305.00 was allowed.

## Appeals

The Appeal Tribunal provides an internal avenue of appeal for parties dissatisfied with a decision of the Tribunal.

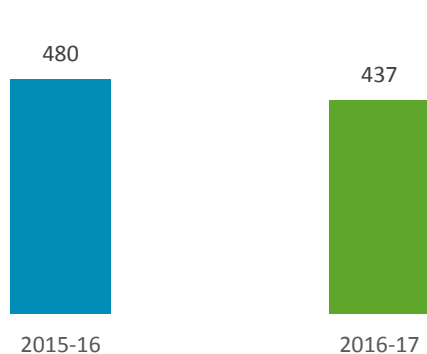
The President chooses a member or members to constitute the Appeal Tribunal for an appeal. The Appeal Tribunal may consist of one, two or three members. A judicial member must form part of the Appeal Tribunal for appeals from MCDs decided by Magistrates and in external appeals brought under the *Right to Information Act 2009 (Qld)* and *Information Privacy Act 2009 (Qld)*.



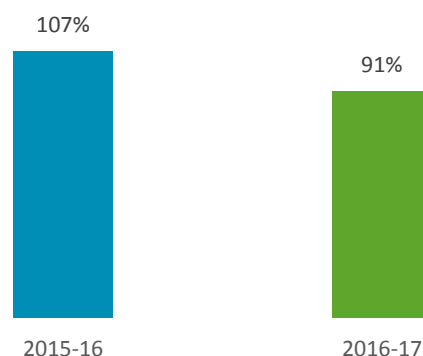
In 2016-17, QCAT's internal appeal rate was 1.4 per cent of total lodgements.

## Performance

Lodgements to the QCAT Appeal Tribunal



QCAT Appeal Tribunal clearance rates



Appeals to the Appeal Tribunal in 2016-17 decreased by 9 per cent.

### Appeals to the Court of Appeal

	2015-16	2016-17
Appeals from decisions of the Appeal Tribunal	18	13
Appeals from QCAT in its original jurisdiction	5	9

## Challenges

- Limited resources present ongoing challenges in providing timely determination of appeals, including applications for leave to appeal.
- In recommending an internal Appeals Tribunal, it was envisaged by the Tribunals Review Independent Panel of Experts that the constitution of the Appeal Tribunal would generally include a judicial member. Given the demands on the President and Deputy President, it is often not possible to constitute the Appeal Tribunal so as to include a judicial member.



**Our Strategic  
Priorities**

## Strategic priority 1: Engaging with the community

*We will continue to engage with the community to ensure understanding of QCAT's role and processes.*

This year we sought feedback, worked with stakeholders, encouraged support and assistance and raised awareness and understanding in keeping with our strategic priority of engaging with the community.

The data collected from our user surveys provides valuable feedback to our decision-makers and registry staff.

### Highlights

- We achieved improvements in performance results.
- Our overall user satisfaction rating of 82 per cent was maintained.
- We updated and improved website content.
- We continued to engage with a number of stakeholders.

### Challenges

- Due to funding cuts there was a 20 per cent decrease from 2015-16 in the number of people supported at QCAT through Court Network. QCAT strongly advocated on behalf of Court Network to DJAG to retain this valuable service. Continued funding for LawRight in 2017-18 is also uncertain.
- Having the resources to continue improvements and updates to our website.

*Objective: Ask for feedback*

### Our 2016-17 user satisfaction

This year's annual user survey achieved an overall satisfaction rating of 82 per cent (the same as 2015-16), reflecting a high level of satisfaction with QCAT service delivery regardless of case outcomes. The user satisfaction rating includes assessment of accessibility, service delivery, outcomes, knowledge and skills, fairness, and member conduct and professionalism. The key results from the annual user survey are extracted below:

#### 2016-17 member performance results

Criteria	2015-16	2016-17
The QCAT member treated all parties equally and fairly.	75%	74%
The QCAT member acted professionally.	79%	78%
The QCAT member had appropriate knowledge and skills.	77%	76%
I understand the reasons for the decision.	75%	75%

## 2016-17 staff performance results

Criteria	2015-16	2016-17
QCAT staff promptly responded to my queries.	75%	74%
It was easy to access QCAT services.	74%	73%
QCAT staff treated me with courtesy and respect.	79%	79%
QCAT staff were knowledgeable and provided excellent advice.	72%	72%

## Jurisdictional performance

Based on user satisfaction through the jurisdictions:

- human rights matters had a 79 per cent satisfaction rating, a decrease of 1 per cent from 2015-16
- minor civil disputes had a 66 per cent satisfaction rating, an increase of 3 per cent from 2015-16
- civil, administrative and disciplinary matters had a 64 per cent satisfaction rating, the same as 2015-16.

## MCD mediation client satisfaction

At the end of a mediation, QCAT provides surveys for completion by users attending the mediation to seek feedback on their satisfaction with how the mediation was conducted and its outcome.

In 2016-17, mediation services continued to maintain exceptional user results.

Feedback included:

- I was treated with courtesy and respect (95 per cent strongly agreed)
- the mediator acted in a professional manner (95 per cent strongly agreed)
- the mediator demonstrated appropriate knowledge and skills (95 per cent strongly agreed)
- the mediator listened carefully to all parties views (91 per cent strongly agreed)
- all parties were treated fairly and equally (91 per cent strongly agreed).

Overall, respondents were satisfied with the outcome of their mediation (82 per cent either strongly agreed or agreed) and how the mediation was conducted (95 per cent either strongly agreed or agreed).



## *Objective: Work with stakeholders*

In 2016-17 we engaged with a number of stakeholders including:

- Australian Health Practitioner Regulation Agency
- Bar Association of Queensland
- Department of Justice and Attorney-General
- Office of the Health Ombudsman
- Magistrates Court Service
- Office of the Public Advocate
- Public Trustee of Queensland
- Office of the Public Guardian
- Queensland Building and Construction Commission
- Queensland Law Society
- Metro North Hospital and Health Service
- Residential Tenancies Authority.

## *Objective: Encourage support and assistance*

### Court Network



In 2016-17, Court Network supported 7,909 people at QCAT. This was a 20 per cent decrease when compared to the previous year.

This valuable service relies on funding to train and support volunteers who assist court and tribunal users in Brisbane, Townsville and Cairns.

We are pleased to report Court Network funding was restored for 2017-18, with services having a more specific focus on vulnerable clients.

### LawRight



LawRight, formerly the Queensland Public Interest Law Clearing House (QPILCH), provides eligible QCAT users with free legal advice. This year, LawRight supported 212 QCAT users through its Self-Representation Service.

LawRight relies on government funding, the future of which remains uncertain. Funding restrictions will impact on the support and assistance LawRight can give to QCAT users, in 2017-18.

## *Objective: Raise awareness and understanding*

### Online information and education

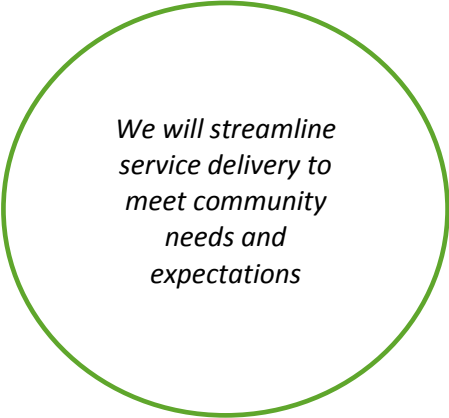
This year we reviewed our website in response to annual user survey analysis and in consultation with divisional registrars.

We updated 70 pages, capturing a range of matter types, and we highlighted user information needs.

The 70 pages which were updated amassed 210,304 unique page views this year. This figure will be used as a benchmark to assess information take-up in 2017-18.

Further enhancements planned in the coming year include improving the printability of the website's pages, working towards making the website layout responsive across multiple technology platforms, developing new web content to more clearly illustrate the process between application lodgement and hearing, and assessing the information structure for the 16 'matter type' sections on the website.

## Strategic priority 2: Service delivery



*We will streamline service delivery to meet community needs and expectations*

The delivery of justice services in a state as decentralised as Queensland presents unique challenges.

Where tribunal resources are largely centralised in Brisbane, critical to service delivery is the need for modern, fit-for-purpose premises, including hearing rooms and mediation rooms capable of facilitating the attendance of tribunal users by remote means in regional Queensland.

The efficient, effective and innovative use of technology is also central to service delivery.

### Highlights

- The refurbishment of hearing rooms and mediation rooms commenced.
- One of the hearing rooms was equipped with audio/visual and computer technology, enabling improved remote conferencing.

### Challenges

- Completing the refurbishment of hearing rooms and mediation rooms.
- Constructing a state of the art, fit-for-purpose, mediation centre with modern mediation and break out rooms, and waiting areas which provide privacy and comfort.
- Equipping all hearing rooms and mediation rooms with appropriate furnishings and audio/visual and computer technology.
- Creating modern, accessible and comfortable public and waiting spaces for tribunal users.

*Objective: Engage with regional Queensland*

### Working effectively with the Magistrates Court

Queensland's Magistrates Court is central to QCAT's state-wide service delivery. The tribunal's ability to provide consistent, quality justice services throughout Queensland hinges on the Magistrates Court's capabilities in managing minor civil disputes.

This year, we engaged with the Magistrates Court through a state-wide survey in December 2016. The survey resulted in the establishment of QCAT's Magistrates Court Engagement Strategy. The strategy identifies a range of activities to improve and enhance state-wide service delivery.

The strategy establishes a learning framework for ongoing professional development, improved day-to-day communication with Magistrates Court staff by establishing a dedicated minor civil dispute "click to chat" Skype for Business channel, a minor civil disputes online handbook to equip both QCAT and

Magistrates Court staff with working knowledge of processes and procedures, and a governance framework to ensure engagement activities are occurring and remain on track.

## New regional service: We deliver for North Queensland

We have long advocated for improved QCAT regional justice service delivery.

This year, we made encouraging progress in this space, bringing on board three new North Queensland team members, funded through existing QCAT resources, as part of a regional service trial to provide essential justice support services to users, stakeholders and QCAT members in Cairns and Townsville. The hearing support officers recruited in Cairns and Townsville as part of the trial supported 280 days of tribunal hearings and compulsory conferences.

To date, the trial has been successful in its aims to:

- **Reduce costs** of staff travel and other travel-related expenses
  - At 30 June 2017, the trial saved 23 per cent of QCAT's travel costs.
- **Reduce delays** to parties and stakeholders when staff flights are delayed or cancelled
  - There have been no delays to the commencement of any QCAT proceedings as a result of staff travel delays.
- **Improve efficiency** of registry teams
  - Time savings are estimated at 12 hours per week.

QCAT's North Queensland team have so far helped 583 North Queenslanders, supporting the tribunal in providing an efficient and effective justice service.

*Objective: Support vulnerable Queenslanders*

## Metro North Hospital and Health Service Trial

During the past five years, guardianship matters at QCAT have increased by 26 per cent. This is an increase of 2,535 cases. In the same period of time, approximately 1,200 Queenslanders with impaired decision-making capacity experienced lengthy stays in Metro North Hospital and Health Service (MNHHS) hospitals while awaiting a tribunal hearing.

This year, QCAT and MNHHS worked together on a number of process-based activities which formed the foundation of the Metro North Hospital and Health Service Trial.

The trial has resulted in improved outcomes for adults with impaired decision making capacity. These outcomes include reduced waiting times for hearings and a consequent reduction in the time spent by adults as an inpatient where there is no longer a clinical need for them to remain in the hospital environment.

Over the course of the trial, we worked with Queensland Health to:

- create additional hearings and dedicated QCAT hearing days for MNHHS patients on site at MNHHS hospitals
- develop a model which was focussed on the needs of the adult, with justice services delivered to MNHHS facilities, reducing patient transport requirements
- train QCAT and MNHHS staff in the processes to coordinate and manage guardianship applications
- educate Queensland Health’s social work coordinator
- establish standardised resources for guardianship hearings across MNHHS facilities.

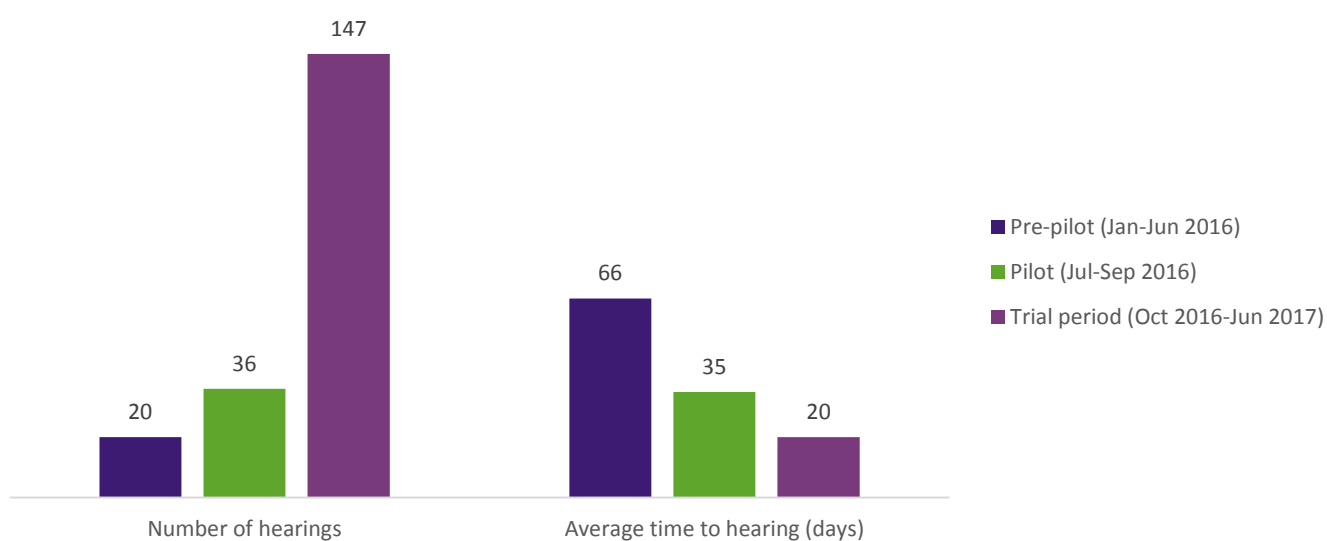
Based upon the outcomes identified in the evaluation report prepared following the trial, in 2016-17 the trial achieved:

- 70 per cent hearing wait time reduction from 66 to 20 days (see graphs)
- 66 per cent reduction in the number of interim order applications across two of Brisbane’s largest hospitals, the Prince Charles Hospital and Royal Brisbane and Women’s Hospital.

Extensive stakeholder interviews were undertaken with various organisations including Aged and Disability Advocacy Australia and Zillmere Interim Care. Stakeholder feedback was largely positive.

For adults transitioning into supported accommodation, improved coordination between the tribunal and Queensland Health enhanced outcomes for adults, including an increased preparedness by service providers to offer places to patients.

### Metro North Hospital and Health Service trial results



It is anticipated other Queensland Health Hospital and Health Service areas will partner with QCAT in 2017-18 to progressively extend the benefits of the trial statewide.

## Child protection

This year, QCAT finalised the incorporation of outcomes from the *Taking responsibility: A Roadmap for Queensland Child Protection* report into part of QCAT's usual practice. Priorities identified in the report included:<sup>1</sup>

- ensuring QCAT provides child inclusive and age-appropriate processes, for example increased use of child and youth advocates
- providing timely consideration of matters to reduce unnecessary delays and dismissal
- publishing compulsory conference outcome themes.

The purpose of these priorities was to:

- have in place mechanisms providing all children and young people with a voice in proceedings about matters affecting them
- provide young people, parents, family and stakeholders with ready access to compulsory conference outcomes and information, in order to support awareness and understanding of rights of review of decisions affecting young people and their families.

In 2016-17, QCAT continued updating its website and compulsory conference outcomes information, worked inclusively with child advocates, and maintained improvements in proceeding timeframes. Specifically, the tribunal:

- consulted with stakeholders, including the Office of the Public Guardian, Queensland Family and Child Commission and Foster Care Queensland, on the development and enhancement of web links to advocacy organisations and fact sheet content. Access to web links increased 56 per cent on the previous year
- achieved an average of 20 weeks to finalisation of children and young people applications, four weeks below the benchmark
- where possible, prioritised the use of compulsory conferences in matters involving children and young people. Compulsory conferences offer children and young people the opportunity to voice their concerns to an advocate and other relevant parties and empower decision-making by children and young people, often leading to outcomes which do not require the matter to proceed to a tribunal hearing.

In 2016-17, QCAT managed 129 child protection matters; forty per cent of matters were finalised prior to a compulsory conference as a result of applications being withdrawn or dismissed. Of the matters progressing to a compulsory conference, 58 per cent were resolved at the conference. A number of matters were finalised between the conference and a final hearing, with only 12 per cent of matters proceeding to a final determination at a tribunal hearing.

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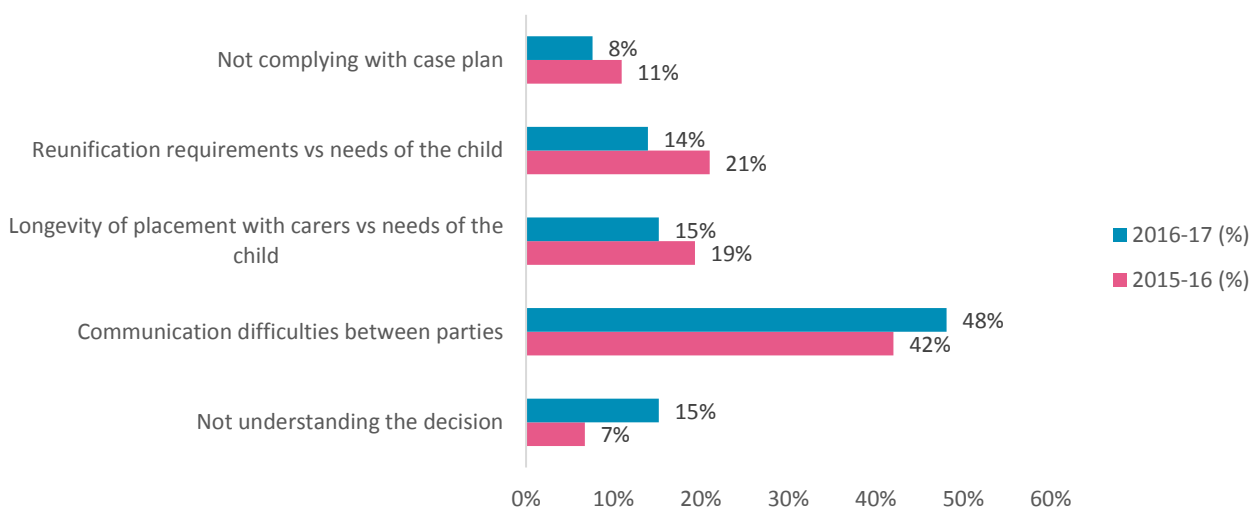
<sup>1</sup> Queensland Child Protection Commission of Inquiry, [Taking Responsibility: A Roadmap for Queensland Child Protection](#), Recommendation 13.27, Queensland Child Protection Commission of Inquiry, Brisbane, p. 496.

Conference outcomes published and circulated to child advocate stakeholders highlighted common conference themes:

- communication difficulties between parties (48 per cent)
- longevity of placement with carers versus needs of the child (15 per cent)
- not understanding the decision (15 per cent).

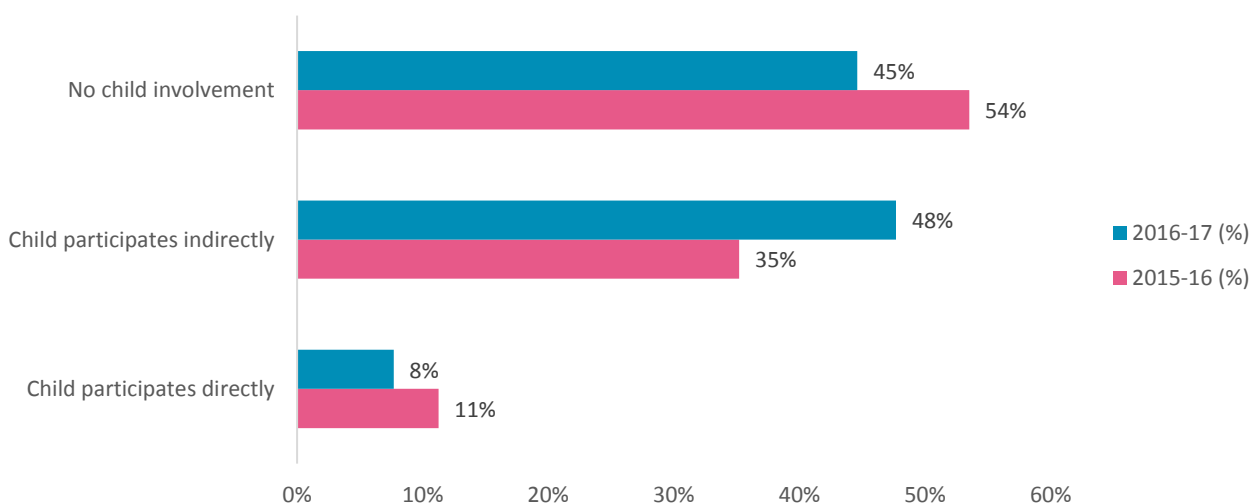
These outcomes are illustrated in the following table together with child participation in child protection compulsory conferences this year.

### 2016-17 child protection compulsory conference outcome themes



This year there was an increase in the number of parties reporting that they did not understand the decision of the Department of Communities' (Child Safety). The tribunal works with parties to assist them in understanding the basis for departmental decisions.

### 2016-17 child protection proceeding participation



Indirect child participation (i.e. when an advocate represents the child) increased 8 per cent this year, while conferences with no child involvement fell 9 per cent.

This is an encouraging result as we aim to involve children in decision-making and the legal process to ensure they have a voice and their needs are met. QCAT will continue to monitor the progress of Queensland's child protection journey to ensure the tribunal's information, processes and services meet the needs of vulnerable children and families.

## QCAT in action

### **Child participation in the child protection reviews**

An application for a review of a decision made by the Department of Communities, Child Safety and Disability Services (DOCS) was received from Anne. Anne is the grandmother of the children and a decision was made by DOCS to restrict contact between Anne and three of her grandchildren. The matter was set down for a compulsory conference.

QCAT was informed that the children wanted to express their views and wishes to the tribunal and would be attending the compulsory conference.

Following the Queensland Child Protection Commission of Inquiry, QCAT developed comprehensive procedures to ensure children and young people are able to attend QCAT proceedings in a safe environment that encourages them to express their views and wishes about decisions affecting them.

QCAT consulted with DOCS and the Child Advocate from the Public Guardian to determine how best to meet the needs of each of the children and subsequently made arrangements for the children to speak with the tribunal based on their requests and needs.

This included the children arriving at the tribunal at splintered times and being placed in a different location to the parties for their discussion with the Tribunal. One of the children also advised he wanted to provide his views separately from his siblings. Arrangements were made to accommodate this request.

The compulsory conference resulted in the applicant withdrawing her application to review the decision of DOCS and entering into discussions with DOCS about future contact arrangements.



## *Objective: Find the right facilities*

### Accommodation improvements

Effective delivery of justice services requires appropriate accommodation. It is essential QCAT members and the tribunal registry have contemporary hearing and mediation rooms which meet current and future service demands, are of an appropriate size and layout, and which are equipped with modern computer, audio-visual and recording technology.

Tribunal users have expressed dissatisfaction with the general state of waiting areas. Cramped and uncomfortable mediation rooms with substandard furnishings and lacking amenity, and hearing rooms with suboptimal technology and furniture, reflect a lack of investment over the life of the tribunal.

Until 2016-17, QCAT had not benefitted from any significant upgrade to its premises since commencing in 2009.

In 2016-17, improved technology was installed in four hearing rooms, including teleconferencing and videoconferencing equipment and upgraded audio-visual systems. In addition, significant renovations commenced to create:

- four hearing rooms, three mediation rooms and four break-out rooms, all with improved facilities
- a larger waiting area for tribunal users
- office and technology facilities for members and registry.

Looking to the future, the tribunal's vision is for all hearing rooms to be properly furnished and equipped with technology. This will enable regional tribunal users, and those who are otherwise not able to attend in person, to appear remotely in the tribunal and to ensure hearings of complex civil disputes involving significant numbers of documents are efficiently and cost effectively conducted.

The tribunal's vision is for an alternative dispute resolution centre where all mediation rooms and break out rooms are appropriately furnished and equipped with technology to enable ADR processes to be undertaken in complex civil and disciplinary matters.



*QCAT hearing room, Level 10, 259 Queen St, Brisbane.*

## *Objective: Connect online*

### Digitisation strategy

In recent years we have focused on creating online services for users which make our services easier and quicker to access – whether they are submitting an application or simply seeking information to avoid a dispute.

In 2016-17, this focus brought to life major improvements to QCAT's online search service for proceeding records, four new online forms which have decreased processing times for applications for minor debt processes, extensions of time or compliance waivers, and increased efficiencies in searching tribunal records.

The digitisation strategy is part of an ongoing program with the Department's Digital Transformation Unit (DTU) which was created in response to users' expressed desire for greater online service capability and faster turnaround times.

We are progressively implementing interactive web-based services to provide people with:

- easier navigation through the form completion process with step-by-step instructions and clearer content
- faster turnaround for applications as sealed copies can be returned by email
- automatic data validation to ensure documents are correct at the time of application.

We will prioritise the online conversion of the remaining forms based on how frequently users access them, the volume of lodgements and the ease of online conversion. To ensure ongoing accessibility, the PDF versions of the forms are retained online.

### Chatbot – here for our users 24/7

This year we developed the neighbourhood disputes chatbot prototype by working with DTU and DRB and an external technology partner.

Chatbots allow people to conduct online conversations with a computer program, providing them with human-like interactions. The global growth in demand for chatbots motivated QCAT to harness the use of chatbot technology to reduce the dependency on QCAT resources and to improve engagement for those using the tribunal.

The key feature of QCAT's chatbot is the use of artificial intelligence to provide a conversational interface which answers questions relating to neighbourhood disputes. The chatbot can be accessed on both fixed and mobile devices.

The chatbot provides real-time responses to people interacting with the tribunal 24 hours a day, seven days a week. Transitioning to alternate communication channels aims to reduce service delivery costs and decrease customer interactions with the numerous agencies who support neighbourhood disputes. A three month trial of the chatbot will be released for registry telephone staff in 2017. If successful, further development will be undertaken to expand the reach and services of the chatbot.

## Strategic priority 3: Effective dispute resolution

*We will continue to support quick and effective resolution of matters, with lasting outcomes.*

QCAT is required to deal with matters in a way that is accessible, fair, just, economical, informal and quick.

It is also required to encourage the resolution of disputes, if appropriate, through alternative dispute resolution processes.

QCAT fulfils these requirements through the delivery of a range of alternative dispute resolution (ADR) mechanisms including mediations, compulsory conferences and hybrid hearings.

**Mediations** – Mediation services are provided by QCAT registry staff, the DRB, panel mediators and specialist external mediator panels. Mediators assist parties to clarify points of dispute, consider options and move towards a mutually acceptable resolution of their differences

**Compulsory Conferences** – Compulsory conferences are conducted by a member of the tribunal. The purpose of a compulsory conference is to resolve the dispute, or clarify and narrow the issues in dispute. If the conference does not result in a resolution, the presiding member will make targeted directions to progress the matter to hearing.

**Hybrid Hearings** – The use of hybrid hearings in dispute resolution is decreasing and is now primarily limited to being used in animal management matters. These hearings are presided over by a QCAT member who hears the dispute and makes a decision which is placed in a sealed envelope.

The parties then attend a mediation which is also conducted by the member. If agreement is not reached, the member's decision determines the outcome.



*QCAT mediation room, Level 10, 259 Queen St, Brisbane.*

## Highlights

- Expansion of early intervention compulsory conferences beyond building disputes and into a variety of other civil, administrative and regulatory jurisdictions.
- Settlement rates exceeding 79 per cent in our neighbourhood dispute mediation trial.
- Positive outcomes following the e-Mediation trial, including a 71 per cent settlement rate.

## Challenges

- Access to technology to deliver e-Mediations more efficiently.
- Availability of members, mediators and mediation rooms.

## *Objective: Just outcomes through innovative dispute resolution*

During the 2016-17 year QCAT formally trialled the use of mediation in the management of tree disputes in the Neighbour Dispute Resolution (NDR) jurisdiction.

This trial included the application of 'on-call' compulsory conferencing and mediation which immediately followed parties' attendance at a directions hearing.

Settlement rates during this trial exceeded 79 per cent, with exceptional client satisfaction results also being achieved. Following formal evaluation of this trial, registry mediation will continue to be used together with compulsory conferences as an ADR strategy in tree disputes.

## *Objective: Innovate online*

During the 2016-17 year QCAT also trialled the use of Skype for Business to conduct Minor Civil Dispute mediations online (e-Mediation). The trial was initiated as a result of client feedback which indicated an interest in attending such sessions remotely.

Client satisfaction results for the e-Mediation trial matched those received for face to face mediations, while settlement rates exceeded those achieved through either face to face or telephone mediation. Following a formal evaluation of this trial, QCAT intends to adopt e-Mediation for minor civil dispute mediations as part of QCAT's usual practice in 2017-18.

## *Objective: Partner with others*

### **Working with DRB**

The QCAT registry continued to work closely with the DRB in 2016-17. The DRB assisted QCAT to deliver over 2,400 MCD mediations state-wide. QCAT and the DRB collaborated on the training, development and supervision of mediators across Queensland and were successful in improving settlement rates for these matters.

In 2016-17, QCAT and DRB also reviewed and re-drafted our Service Level Agreement which guides our working relationship.

### **Developing our ADR practitioners and resources**

In 2016-17, QCAT provided mediation training to a further six registry staff and assisted five staff to achieve national mediator accreditation. We also invested in ongoing professional development for all ADR practitioners. More than 15 hours of professional development training was provided by QCAT in 2016-17, with plans to provide further training in 2017-18 in collaboration with ADR experts from institutions including Bond University and the University of Queensland.

In September 2016, QCAT staff and members attended the National Mediation Conference conducted on the Gold Coast. As well as attending presentations, members and mediators presented papers on the innovative ADR work being conducted by QCAT.

In 2016-17, QCAT continued to be an active member of the National Alternative Dispute Resolution Network (NADRN). The network provides a valuable hub for sharing the latest information on best practice mediation methodology and delivery, and professional development collaboration.

Meeting agendas in 2016-17 canvassed a range of topics including new mediation technologies and the development of innovative dispute resolution models.

## QCAT in action

Over several years the Brennans had approached their neighbours, the Cliffords, to remove a large tree adjacent to the boundary line of their adjoining properties. The trunk of the tree had recently begun to cause damage to the existing timber fence. The tree was planted before the Brennans and Cliffords moved into their houses in the early 1990s.

While the tree provided shade for the Cliffords it was a nuisance to the Brennans because it continually dropped leaves which fell into their spa and entertainment area. In the past, the Brennans had trimmed the branches of the tree on their side of the property, but felt the tree was becoming too large to safely maintain. Recently, the tree's root system had also begun to lift pavers in the Brennans' entertainment area.

The Brennans filed an application in QCAT for the removal of the tree and the application was scheduled for a tribunal hearing. After working through several different scenarios during the two hour hearing, the parties agreed and reached a consent order for the Cliffords to arrange within a one month period for the tree to be removed and the stump ground.

The Cliffords agreed to meet the cost of removal works, but because of limited access to the Cliffords property, the Brennans allowed access to their property for the safe removal and on-site mulching of the tree. The tree mulch was to be deposited on the Cliffords' property to be used for future garden projects.

The parties also agreed to equal contribution towards repairs to the timber fence once the tree was removed. Again, the Brennans allowed access to the fencing contractors for the fence work.

## Strategic priority 4: Managing the tribunal

Our focus this year was on ensuring retention and training of decision-makers and staff.

*We will continue to provide expert decision-makers and staff to deliver tribunal services.*

### Highlights

- A member conference held over two days which brought together permanent, local and regional sessional members for training and networking.
- A strategic workforce plan was developed for registry staff.
- The JP trial became a part of QCAT's usual practice.

### Challenges

- Managing competing priorities in the allocation of limited funds available for training.
- Recruitment and appointment of members.

### *Objective: Build decision-maker expertise*

QCAT's capacity to deliver high quality services to the community is dependent upon the expertise of our tribunal decision-makers.

During this period, Senior Member Endicott and Member Hanly retired after 7 years with the tribunal. A recruitment process was undertaken to fill those positions and we anticipate senior member and member appointments to be made early in 2017-18.

In 2016-17, we reintroduced our member appraisal and professional development process.

QCAT's Education, Training and Resources (ETR) Committee continued to work to develop training for the members and adjudicators to ensure they have the skills and knowledge to perform their role at the highest level. The members and adjudicators participated in monthly sessions, which covered issues including procedural fairness, application of costs, and the efficient conduct of hearings.

The tribunal held a two day conference for all permanent and sessional members, and adjudicators. This was invaluable not only for the training of members but also for enhancing collegiality amongst members – particularly the regional members.

On the second day of the conference, members of the Commonwealth Administrative Appeals Tribunal and Magistrates joined tribunal members for a joint session on managing litigants in person.

A two day intensive guardianship training conference was held in June 2017. This recognised the importance of ensuring all permanent members and sessional members who sit in this jurisdiction have up-to-date knowledge and have a consistent approach to decision making in this expanding jurisdiction.

The tribunal was also represented by members on the organising committee for the Australian Institute of Administrative Law (AIAL) Conference held in Brisbane. Members presented papers at the AIAL Conference and attended the Council of Australasian Tribunals (COAT) Conference in Sydney.

Associates were appointed for each senior member as part of a trial to gain efficiencies in tribunal operations. The associates have provided invaluable assistance not only to the senior members, but to the members generally in assisting with research and decision proofing. They have also provided case management assistance to the registry.

### *Objective: Engage and develop our staff*

During 2016-17, QCAT developed a strategic Workforce Plan for our registry staff. The plan provides a systematic identification and analysis of our needs to achieve current and future objectives, and will allow QCAT to:

- respond quickly and strategically to change as the tribunal recognises emerging challenges
- ensure employees possess the right skills for the position
- facilitate strategic staffing and planning for future workforce requirements
- strengthen our capability to support the achievement of business outputs now and in the future
- gain a better understanding of the tribunal's workforce profile
- identify and manage people with the knowledge critical for effective and efficient business operations.

Registry staff are involved in the delivery of front line services to tribunal users and play a critical role in ensuring the efficient and effective progress of matters through QCAT.

It is imperative QCAT continue to invest in the professional development of registry staff.

In addition to information sessions on specific QCAT jurisdictions, staff were offered during 2016-17 an array of development opportunities including, managing client conduct, delivering exceptional client service, communication skills & phone etiquette, stress management, time management and receiving feedback.

QCAT has also continued to invest in the development of its registry leaders. In 2016-17, QCAT developed and delivered a highly successful "Emerging Leaders" program, and in 2017-18 it will support a similar program being delivered across DJAG. Leaders have also been supported through the local delivery of professional development programs including providing effective feedback, team building, and building rapport and mindfulness in the workplace.

In 2017-18, a review of QCAT's training services will be conducted to ensure learning and development continues to provide opportunities for staff to reach their full potential.

## *Objective: Deliver Justice of the Peace trial*

### JP initiative

Justices of the Peace (JPs) hear and decide matters in Brisbane, Ipswich, Maroochydore, Southport and Townsville. QCAT has 83 appointed JPs, comprising 28 legally qualified and 55 non-legally qualified.

Prior to commencing the use of JPs, adjudicators would hear and decide all minor civil disputes in South East Queensland (SEQ), while magistrates (sitting as QCAT members) or judicial registrars would decide minor civil disputes outside SEQ.

The use of JPs in the five locations has enabled QCAT adjudicators, magistrates and judicial registrars to hear and decide minor civil disputes valued between \$5,000 and \$25,000.

In February 2017, six registry positions were approved for permanent appointment to enable the use of JPs to continue as part of QCAT's usual practice. These registry staff members provide important coordination support to the JPs, and manage the recruitment and training of JPs.

In line with other tribunal decision-makers, JPs receive monthly education sessions which have included updates and training on hearing management. These training sessions are part of their ongoing professional development and help to ensure consistent decision-making. Ongoing training has contributed to a six per cent decrease in adjournment rates.

Following an evaluation in 2015-16, the QCAT Act was amended to give permanency to the use of justices of the peace (JPs) to decide minor civil dispute matters valued up to \$5,000 (excluding urgent residential tenancy disputes).

## *Objective: Respond to QCAT review*

### QCAT Review

QCAT reviews, scheduled in accordance with s 240 of the QCAT Act, provide for the periodic assessment of the tribunal's performance and needs.

The first [QCAT Review](#) commenced in 2012, with consultations concluding in 2015. The tribunal has provided submissions through the review process. The review outcomes are yet to be published.

### Complaints

QCAT's complaint management policy provides users an avenue to submit a complaint about conduct of a registry staff member, a tribunal member, registry processes or procedures, provision of quality service or breach of privacy.

In 2016-17, QCAT achieved a 22 per cent decrease in the overall complaint rate to 0.7% of total lodgements. QCAT is committed to managing complaints fairly, promptly, sensitively and efficiently, and using feedback to improve service delivery.





**Our  
Governance**

# Our governance

## Our Senior Leadership Group

QCAT's Senior Leadership Group comprises the [President](#), [Deputy President](#), [four Senior Members](#), [Executive Director](#) and [Principal Registrar](#). The Senior Leadership Group meets fortnightly and is responsible for formulating the tribunal's strategic direction and policies, guiding stakeholder relations, supporting the professional development of members and registry staff and monitoring and managing the tribunal's performance.



*Our decision-makers (l to r): Senior Member Kerrie O'Callaghan, Senior Member Peta Stilgoe OAM, Deputy President Judge Suzanne Sheridan, Senior Member Ian Brown, A/Principal Registrar Tonya Marshall, Executive Director Mary Shortland, President Justice David Thomas and Senior Member Clare Endicott.*

## Presidential members

The QCAT President and Deputy President represent the tribunal's judicial leadership.

### **Justice David Thomas, President**

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

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

Justice Thomas resigned as President in June 2017 to take up his appointment as a Federal Court Judge and President of the Administrative Appeals Tribunal.



### **Judge Suzanne Sheridan, Deputy President**

Judge Suzanne Sheridan was appointed as a Judge of the District Court of Queensland in November 2014, and as Deputy President of QCAT in November 2015.

Prior to her appointment, her Honour had spent more than 25 years in a major law firm, ten of them as a partner, where she specialised in commercial litigation and dispute resolution.

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



Judge Sheridan became Acting President of QCAT following the resignation of Justice Thomas.

### **Supplementary members**

Upon request from the President, the Attorney-General and Minister for Justice may appoint a person as a supplementary member of the tribunal for a specific period of time.

Appointees can be a Supreme Court Judge, District Court Judge or Magistrate. QCAT's 2016-17 supplementary members are detailed in Appendix 1.

## **Senior members**

As at 30 June 2017, QCAT has four appointed senior members.

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

The senior members are responsible for managing the lists of the divisions which they head. Case management is a cornerstone to the delivery of QCAT's mission and within their lists it is the senior members who are responsible for ensuring matters before the tribunal are actively managed to efficiently achieve fair and just outcomes.

The senior members play a central role with the presidential members in managing the tribunal's decision-makers.

### **Senior Member Ian Brown**

Senior Member Ian Brown was appointed to the tribunal in 2015. Mr Brown manages the tribunal's civil lists including building disputes, tree disputes, retail tenancy disputes, body corporate and community management disputes, manufactured home disputes, retirement village disputes and PAMDA and Agents Financial Administration Act disputes.

Prior to his appointment to the tribunal, Mr Brown was a partner in Queensland and national law firms. He was President of the Queensland Law Society in 2014 and previously held executive positions with national legal organisations including the Law Council of Australia.



### **Senior Member Clare Endicott**

Clare Endicott was the senior member of the Human Rights Division since the inception of QCAT until her retirement on 30 June 2017.

Prior to QCAT, Ms Endicott had been a member of the Guardianship and Administration Tribunal, the Social Security Appeals Tribunal, the Solicitor's Complaints Tribunal and held a position on the practitioners' panel of the Legal Practice Tribunal.

Prior to her tribunal roles, Ms Endicott was a litigation solicitor for 28 years and had been a Senior Counsellor of the Queensland Law Society for 10 years.



### **Senior Member Kerrie O'Callaghan**

Senior Member Kerrie O'Callaghan has been with QCAT for seven years and has extensive experience across the tribunal's civil jurisdiction. Ms O'Callaghan currently manages the administrative review and disciplinary lists.

Prior to QCAT, she had been a partner in a national law firm and the in-house lawyer of a national construction company. Ms O'Callaghan has sat on a number of tribunals including the Queensland Building Tribunal and the Guardianship and Administration Tribunal.



### **Senior Member Peta Stilgoe OAM**

Peta Stilgoe OAM has been a QCAT Senior Member for five years, and a QCAT Member since the tribunal's inception. Ms Stilgoe managed the minor civil dispute (including residential tenancies), appeal, anti-discrimination and trees lists.

Prior to joining the tribunal, Ms Stilgoe was the first Registrar of the Planning and Environment Court, following 20 years as a commercial litigation lawyer.

She received a Medal of the Order of Australia (OAM) for her services to dispute resolution in the Queen's Birthday 2013 Honours List.



## Registry leadership

### **Mary Shortland, Executive Director**

Mary Shortland has been the Executive Director of the tribunal for seven years and has extensive executive experience in implementing major Government and Private sector reforms.

Prior to joining the tribunal, Ms Shortland held key executive roles with Brisbane City Council and a number of international companies including Dairy Crest UK Ltd and DHL International.

Ms Shortland is a member of the Chartered Institute of Cost and Management Accountants and a member of the Australian Institute of Company Directors.



### **Principal Registrar**

The Principal Registrar is responsible for the QCAT registry and the delivery of tribunal registry services throughout Queensland, including case management and application processing.

### **Tonya Marshall, Acting Principal Registrar**

Tonya Marshall was appointed Acting Principal Registrar in March 2017, following the resignation of Louise Logan, who had served the tribunal for seven years.

Ms Marshall was admitted as a solicitor of the Supreme Court in 2005. Ms Marshall has extensive experience in government, most recently in the Department of Justice and Attorney-General's in-house legal service where she worked as a Principal Lawyer.

In her previous roles, Ms Marshall has provided legal advice to both senior management and individual business units on a wide range of matters relevant to the department's business, including administrative law, commercial law and prisoner management issues.



## Our members

Ordinary members hear and decide matters within the tribunal as the President determines appropriate, in consultation with the senior members. Members are generally appointed on a full-time or sessional basis, though a small number of members are part-time. As at 30 June 2017, the tribunal had nine full-time members, three part-time members and 96 sessional members.

The full-time and part-time members assist the leadership group in managing the tribunal. These members play an active role in the tribunal by participating in the various committees of the tribunal. In 2016-17, these members worked tirelessly with the presidential and senior members in the member-led review process.

The members, together with the senior members, assist in the delivery of training to members, adjudicators and JPs.

## Our adjudicators

Adjudicators hear and decide minor civil disputes throughout South East Queensland.

Following the confirmation of the use of JPs, adjudicators primarily hear and decide minor civil disputes valued between \$5,000 and \$25,000.

As at 30 June 2017, the tribunal had nine adjudicators, six of whom were part-time. Three adjudicators are also appointed sessional members and sit across the tribunal's other jurisdictions.

Adjudicators play a vital role in the work of the tribunal, with minor civil disputes comprising just over 50 per cent of all lodgements.

## Our JPs

JPs hear and decide minor civil disputes up to the value of \$5,000 (excluding urgent residential tenancy matters) in five locations throughout Queensland.

They are critical in delivering justice efficiently in this high volume jurisdiction.

As at 30 June 2017, the tribunal had 83 justices of the peace, including both legally qualified and non-legally qualified.

# Our registry staff

QCAT registry staff work with the members of the tribunal and Magistrates Court staff to deliver tribunal services across Queensland.

## Our workforce

As at 30 June 2017, QCAT has 117 permanent registry positions. It is a moderately sized workforce with significant justice service delivery responsibility and experience. We support our staff attaining relevant professional qualifications.

This year, five staff accessed the departmental Study and Research Assistance Scheme with one staff member completing a Bachelor of Business and one completing a Bachelor of Laws.

We generally support flexible working arrangements for people managing tertiary study, family commitments and other personal responsibilities with 16 per cent of staff working part-time.

We have a high ratio of female staff at 72 per cent. This is reflected in the gender make up of management, with 54 per cent women and 46 per cent men.

There were no early retirement, redundancy or retrenchment packages awarded in 2016-17.

## Workforce Plan 2017-22 details our staff needs

Our Workforce Plan 2017-22 details the range of staff skills and attributes QCAT requires in the medium term, from now to 2022. Recently finalised, the plan examined:

- QCAT's workforce risks (e.g. retention of staff and the changing labour market)
- our internal and external source of staff (e.g. identifying staff for promotion, external registries)
- how we attract and select staff (e.g. highlighting career progression, reviewing our current selection tools)
- our staff development channels (e.g. PEP process, improving people's feedback skills)
- how we retain staff (e.g. flexible working arrangements, giving rein to innovation).

# Looking within – how we rate

## QCAT's staff satisfaction

Two important 2016-17 metrics for staff satisfaction are the recent introduction of new performance and evaluation plan (PEP) templates and our employee separation rate. The PEP and its execution determines QCAT's ability to manage its workload and meet its annual objectives. We revised the PEP form this year and therefore postponed our next staff PEP survey until 2017-18.

QCAT's separation rate increased by 3.2 per cent this year to 6.8 per cent. Our separation rate is important as the tribunal's purpose is to provide efficient, cost effective justice services and staff turnover reduces efficiency, while increasing cost.

This is a considerable increase mainly due to staff successfully obtaining other positions within government. We hope to address this result as our Workforce Plan 2017-22 is activated.

## QCAT results from department's staff survey

In addition to our internally managed assessments, QCAT participated in the Government's Employee Opinion survey, the results of which we received this year.

An impressive 69 per cent of staff participated, more than enough to validate the results which demonstrated QCAT's strengths in user service and teamwork:

- team members lending each other help and support (91 per cent positive, up 7 per cent on 2015)
- treating users with respect (91 per cent positive, up 3 per cent)
- user service excellence (86 per cent positive, up 5 per cent).

Across the three drivers of agency engagement, organisational leadership and innovation, QCAT staff averaged 60 per cent positive results compared to the previous survey's 57 per cent.

We have taken action on identified areas for improvement. These areas for improvement reflect QCAT's resource constraints which also hinder staff development, such as:

- people feeling overloaded with work (48 per cent negative, up 4 per cent)
  - In addition to registry's initiatives to cross-train staff and fast-track certain matter types, staff can attend tailored QCAT training on stress and time management.
- people feeling burnt out by their work (38 per cent negative, no change on 2015)
  - Feelings of burn out are closely associated with QCAT staff's workloads. We offer flexible working hours and 20 per cent of staff work part-time or a compressed week.
- satisfaction with career development opportunities (36 per cent negative, but a 12 per cent improvement on previous results)
  - Staff development channels are an integral component of QCAT's Workforce Plan 2017-22.



# Our 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 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 2016-17, the committee commenced review of five forms due to legislative, practice direction or procedural change.

## Education, Training and Resources Committee

The Education, Training and Resources committee is established to provide decision-makers with ongoing professional development, and to enhance decision-making consistency and knowledge.

The committee meets monthly, and is chaired by the Deputy President. Members of the committee include the Executive Director, a senior member, two ordinary members and other members as required, and registry staff.

## Member Process Review Committee

The Member Process Review committee was established following the delivery of the final Review Report of the Member-Led Review Process in December 2016.

The committee is led by the Deputy President and Senior Members and meets monthly. All permanent members are welcome to attend the monthly meetings and contribute to furthering the committee's goals.

The role of the committee is to ensure the members continue to undertake the process improvements, identified in the Review Report.

## Alternative Dispute Resolution Committee

Following a period of inactivity, QCAT's ADR Committee will be re-invigorated during 2017-18. The committee will be led by Senior Member Ian Brown and ADR Manager Peter Johnstone.

In recognising the important role played by ADR in the management of QCAT matters, the new committee will seek to promote the use and evolution of ADR techniques through:

- reviewing the efficacy of existing ADR practices
- overseeing the development and evaluation of new ADR practices
- overseeing the development of policy to support ADR practices

- overseeing the development of professional development of QCAT's ADR practitioners.

The committee will also be particularly active in considering the application of emerging technology in the delivery of ADR services.

### **e-Strategy Committee**

The e-Strategy Committee was an initiative identified through the Member-Led Review Process. The committee is responsible for issues and innovation in technology solutions for the tribunal, including technology-based projects feasibility, business plan and achievement of outcomes.

The membership of the committee includes a Senior Member (chair), the Executive Director, two members and nominated registry staff.

### **Online Services Committee**

The Online Services Committee oversees the QCAT online services (including forms), project development and implementation.

The committee manages these online services and is responsible for project outputs and attainment of relevant trial outcomes.

The committee meets quarterly, and membership includes the Executive Director (chair), Principal Registrar, registry staff, and a representative from the Digital Transformation Unit within DJAG.

### **Minor Civil Disputes Committee**

The Minor Civil Disputes Committee is a joint QCAT and Magistrates Court undertaking to support consistent service, efficient operations and effective knowledge management across the tribunal and courts for minor civil disputes (QCAT's largest jurisdiction). The committee meets quarterly.

The committee meets quarterly, and membership includes the Executive Director (chair), QCAT members, registry staff and senior Magistrates Court executives.

# Member directory – Appendix 1

## Judicial Members

- Justice David Thomas
- Judge Suzanne Sheridan

## Supplementary Judicial Members

- Justice Tim Carmody
- Justice Clifton Ralph Russell Hoeben AM RFD
- Justice Martin Burns

## Senior member

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

\*Resigned 2016-17

## Ordinary Members

- Bevan Hughes
- Bridget Cullen
- David Paratz
- James Allen
- Jeremy Gordon\*\*
- Joanne Browne
- Julie Ford
- Michelle Howard
- Patricia Hanly\*
- Samantha Traves
- Susan Gardiner
- Tina Guthrie

\*Resigned 2016-17

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

## Sessional Members

- Adrian Ashman
- Alexander Crawford\*\*
- Alison Colvin
- Andrew Williams
- Angela Julian-Armitage
- Ann Fitzpatrick
- Ann-Maree Roche
- April Freeman
- Barbara Bayne
- Benjamin Kidston
- Bernadette Rogers
- Beverley Day
- Carolyn Windsor
- Catherine Benson\*
- Christine Jones
- Christine Roney
- Daniel Stepniak (Dr)
- David Lewis
- Desmond Lang
- Dianne Pendergast
- Dominic Katter
- Donald McBryde
- Elisa Kidston
- Elissa Morriss
- Elizabeth Hulin
- Emma Lanigan
- Fiona Fitzpatrick
- Geoffrey Gunn
- Gerald Byrne
- Glen Thorpe
- Graham Quinlivan
- Gwenn Murray
- James Thomas
- James White
- Jennifer Felton
- Jennifer Sheean
- Jeremy Gordon\*\*\*
- Joanne Collins
- John Carey
- John Forbes
- John Milburn
- Julia Casey
- Katherine Lindsay
- Kenneth Barlow
- Keta Roseby
- Leslie Clarkson
- Linda Renouf
- Louise McDonald
- Louise Pearce
- Margaret McLennan
- Mark Johnston
- Mary (Lynne) Matsen
- Michael Howe\*\*
- Michael McCarthy
- Michael Wood
- Michelle Dooley\*
- Murray Green
- Nathan Jarro
- Neil Judge
- Nelson Cooke QC
- Pamela Goodman
- Paul Favell
- Paul Kanowski
- Paul Wonnocott\*
- Penelope Feil
- Peter Bridgeman
- Peter Krebs
- Peter McDermott
- Peter Roney QC
- Philippa Beckinsale
- Richard Roylance
- Robert King-Scott
- Robert Olding
- Ronald Joachim
- Rosemary Stafford
- Ross Lee
- Roxanne Clifford
- Sandra Deane
- Sandra Kairl
- Simon Coolican
- Simon Grant
- Stephen Lumb
- Steven Holzberger
- Stuart MacDonald
- Susan Burke
- Susan Sullivan
- Susann Holzberger
- Tammy Williams
- Terence King
- Thomas O'Donnell
- Virginia Ryan
- Wayne Pennell
- Wendy Grigg
- William Allen
- William Crane
- William LeMass\*\*

\* Resigned 2016-17

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

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

## Adjudicators

- Alan Walsh
- Alexander Crawford\*
- Anna Walsh
- Gabrielle Mewing
- John Bertelsen
- Marcus Katter
- Michael Howe\*
- Wayne Stanton
- William LeMass\*

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

## Justices of the Peace

- Adam Ozdowski – Legal JP
- Alan Collier – Legal JP
- Alan Snow – Non Legal JP
- Angela Yin – Non Legal JP
- Angela-Marie James – Non Legal JP
- Anthony Friel – Non Legal JP
- Arron Hartnett – Legal JP
- Arthur Fry – Non Legal JP
- Barry McPhee – Non Legal JP
- Barry Vickers – Non Legal JP
- Bruce Little – Non Legal JP
- Bruce Starkey – Legal JP
- Bryan Carpenter – Non Legal JP
- Bryan Pickard – Legal JP
- Carmel McMahon – Legal JP
- Carol Ann Rolls – Legal JP
- Carole Watson – Non Legal JP
- Catherine O'Donnell – Non Legal JP
- Chiu-Hing Chan – Legal JP
- Christine Cuthbert-Steele – Non Legal JP
- Christopher John Mills – Legal JP
- Darren Swindells – Non Legal JP
- Darryl Schmidt – Non Legal JP
- David Barkley – Legal JP
- David Phipps – Legal JP
- Dayle Smith – Legal JP
- Deanna Minchio – Non Legal JP
- Derek Struik – Legal JP
- Gary Gibson – Non Legal JP
- Gloria Beyers – Legal JP
- Graeme Rogers – Non Legal JP
- Hedley Rye – Non Legal JP
- Helen Staines – Non Legal JP
- James Anderson – Non Legal JP
- James Stackpoole OAM – Non Legal JP
- Jane Hawkins – Non Legal JP
- Jason Lawler – Non Legal JP
- Jessica Mills – Legal JP
- Joanne Myers-Cave – Non Legal JP
- Jodie George – Non Legal JP
- John Crighton – Non Legal JP
- John Howie – Non Legal JP
- Karl McKenzie – Non Legal JP
- Katherine Jane Fenwick – Non Legal JP
- Kevin Erwin OAM – Non Legal JP
- Lawrence Ballinger – Non Legal JP
- Leigh Bernhardt – Non Legal JP
- Linda-Anne Griffiths – Legal JP
- Lisa Butson – Legal JP
- Lynette Maguire – Non Legal JP
- Malcolm Edmiston – Non Legal JP
- Marian Goddard – Non Legal JP
- Marilyn Heath – Non Legal JP
- Mark Anthony – Non Legal JP
- Mejrem Mustafa – Non Legal JP
- Michael Corlett – Non Legal JP
- Michael Francis – Legal JP
- Michael Lai – Non Legal JP
- Dr William Thomas\* – Legal JP
- William Thomas – Legal JP
- Noel Payne OAM – Non Legal JP
- Paul Arthur – Legal JP
- Peter Cleary – Legal JP
- Peter Dollman – Non Legal JP
- Raymond Kelly – Non Legal JP
- Rob Martin – Legal JP
- Robert Brummell – Non Legal JP
- Robert Denaro – Legal JP
- Roslyn Newlands – Non Legal JP
- Samuel Hardin – Legal JP
- Sean Goodsir – Non Legal JP
- Shirley Murray – Non Legal JP
- Simon Cox – Non Legal JP
- Stacey Morton – Non Legal JP
- Stephen Osachuk – Non Legal JP
- Stephen Royce – Non Legal JP
- Stuart Smith – Non Legal JP
- Susan Maree Stubbings – Non Legal JP
- Suzanne McCormack – Legal JP
- Trudi Jobberns – Legal JP
- Victoria Laing-Short – Legal JP
- Vincent Everett – Non Legal JP

\*Resigned 2016-17

# Legislative reviews – Appendix 2

This year we clarified our fee regulations, monitored legislative reviews which have the potential to significantly impact the tribunal, created and edited five practice directions and finalised our tailored recordkeeping requirements.

## QCAT clarifies fees with regulation amendments

In December 2016, a number of amendments to the *Queensland Civil and Administrative Regulation 2009* commenced to improve the fairness and efficiency of QCAT's fees, and included:

- applying one default fee in the fee regulation instead of detailing an extensive list of enabling Acts
- instituting a fee for counter-applications as per existing applicant fees
- removing refunds when an application for leave to appeal is refused
- instituting copying fees for documents produced to QCAT with exemptions for the human rights division; parties to matters can still inspect documents free of charge
- applying a reduced fee of \$100 for appeals (full fee normally \$631.40), if the financial hardship criteria is met.

## Future legislative reviews

### Neighbourhood disputes law inquiry

Recommendations from the Queensland Law Reform Commission's report on the statutory review of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* affect the scope of QCAT's fence and tree disputes jurisdiction.

These recommendations and supporting documents can be accessed on the [Queensland Law Reform Commission's website](#).

### Guardianship legislation review

The [QLRC's guardianship legislation review](#) is a comprehensive assessment of the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*, and aims to:

- protect the interests of adults with impaired capacity
- ensure the powers of guardians, administrators and other legislated parties can protect the interests of adults with impaired capacity
- ensure adequate and accessible legislated procedures for decision reviews
- ensure adults with impaired capacity are not deprived of necessary health care

- ensure these adults only receive treatment which is necessary and appropriate to maintain or promote their health or wellbeing, or is in their best interests
- ensure legislated confidentiality provisions applied to proceedings balance parties' right to privacy of persons and promote QCAT's accountability
- consider how to support parents of a person with impaired capacity (whether or not an adult), to make a binding direction, appointing a guardian or administrator for a matter for the adult, to apply when the parents are no longer alive or are no longer capable of exercising a power for a relevant matter for the adult.

# Practice Directions – Appendix 3

A number of practice directions were either introduced or amended in 2016-17, as detailed below.

Practice direction	Title
2017/01	<a href="#">Working with Children (Risk Management and Screening) Act 2000 - change of name (PDF, 511.0 KB)</a> Effective 1 October 2016 Updated 9 January 2017
2016/02	<a href="#">QCAT registry Christmas closure 2016 (PDF, 298.8 KB)</a> Effective 2 September 2016
2016/01	<a href="#">Completing and submitting approved QCAT forms online (PDF, 1.6 MB)</a> Effective 4 April 2016 Updated 10 April 2017
2015/06	<a href="#">Process for administrative reviews in child protection matters (PDF, 212.4 KB)</a> Effective 23 November 2015 Updated 26 May 2017
2015/05	<a href="#">Searching QCAT proceedings and obtaining copies of QCAT documents (PDF, 1.6 MB)</a> Effective 9 January 2017 Updated 12 December 2016
2011/04	<a href="#">Arrangements for the mediation and determination of minor civil disputes (PDF, 1.6 MB)</a> Effective 31 January 2017

## On the records

The QCAT retention and disposal schedule was endorsed and implemented after being authorised by the state archivist on the 31 August 2016.

The schedule was specifically developed for our core business records and sets out for how long they are retained, how they are stored and when and how they can be disposed of. This helps with record identification and retrieval and protects against incorrect disposal.

The schedule includes functions created for the tribunal under the QCAT Act, the *Queensland Civil and Administrative Tribunal Regulation 2009* and the *Queensland Civil and Administrative Tribunal Rules 2009* – for example recordkeeping requirements for case management and practice directions.

## Open Data

The [Queensland Government's Open Data website](#) details the volume of 2016-17 QCAT application lodgements listed by postcode.



## Acronyms – Appendix 4

<b>Acronym</b>	<b>Meaning</b>
ADL	Anti-Discrimination Matters
ADR	Alternative Dispute Resolution
BDL	Building Matters
CAD	Civil, Administrative and Disciplinary (Division)
CML	Children’s Matters
DJAG	Department of Justice and Attorney-General
DRB	Dispute Resolution Branch
GAA	Guardianship and Administration Matters
GAR	General Administrative Review Matters
HURD	Human Rights Division
MCD	Minor Civil Dispute
NDR	Neighbourhood Dispute Matters
OCR	Occupation Regulation Matters
OPG	Office of the Public Guardian
PTQ	Public Trustee of Queensland
QCAT	Queensland Civil and Administrative Tribunal
QSTARS	Queensland Statewide Tenants Advisory Service
REIQ	Real Estate Institute of Queensland
RSL	Retail Shop Lease Matters
RTA	Residential Tenancies Authority

