

QCAT

Queensland Civil and Administrative Tribunal



Information Kit:

QCAT Sessional Member Application Process

March 2018

INTRODUCTION

This information kit provides an overview of the Queensland Civil and Administrative Tribunal's (QCAT's) purpose and operations and details the selection criteria and appointment process.

For more information, please see qcat.qld.gov.au

AVAILABLE POSITIONS

Applications are sought from suitably qualified persons for appointment as an:

- ordinary member on a sessional basis, based in various locations across Queensland.

QCAT seeks two categories of sessional members:

- (a) Legally qualified members who are an Australian lawyer of at least six years standing, especially in:
 - Cairns
 - Gold Coast
 - Hervey Bay
 - Ipswich
 - Toowoomba
 - Dalby
 - Mackay
 - Rockhampton
 - Sunshine Coast
 - Townsville.
- (b) Non-legal members with the following expertise, especially in Brisbane:
 - medical practice
 - veterinary practice
 - engineering
 - child protection
 - teaching
 - retail shop leases.

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

PART 1: THE TRIBUNAL AND ITS ROLE

QCAT is an independent statutory tribunal established under the *Queensland Civil and Administrative Tribunal Act 2009* (the QCAT Act).

The tribunal plays an integral role in the Queensland Justice System.

To achieve the objects of the QCAT Act, the tribunal must:

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

Jurisdiction

More than 150 pieces of legislation confer QCAT's jurisdiction. The full list of acts can be accessed at qcat.qld.gov.au > Resources > [QCAT rules and legislation](#).

QCAT is given responsibility to resolve and determine disputes, reviews and referrals in a wide range of jurisdictions. QCAT's jurisdictions are broken into four divisions:

- civil disputes (comprising building, neighbourhood, bodies corporate and retail shop leases);
- administrative review of government and statutory authority decisions (comprising QBCC, liquor licensing, blue cards, child protection, weapons licensing and racing) and occupational regulation (comprising referrals and reviews involving lawyers, health practitioners, police, teachers, veterinary surgeons and engineers);
- human rights (comprising guardianship including appointment of guardians and administrators and anti-discrimination); and
- minor civil disputes (including 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.

PART 2: THE TRIBUNAL'S STRUCTURE

The president of the tribunal is a Supreme Court judge and the deputy president is a District Court judge.

Together with the judicial members, the decision-makers of the tribunal are comprised of the members (both senior and ordinary members) and adjudicators. The members and adjudicators are independent statutory appointees.

The registry of the tribunal consists of the principal registrar and the registrars and other administrative staff of the registry, all of whom are appointed under the Public Service Act 2008 (Qld).

The president is assisted by the executive director.

PART 3: ROLES AND RESPONSIBILITIES

President

The president's roles and responsibilities include:

- managing the business of the tribunal to ensure it operates efficiently;
- giving directions about the practices and procedures to be followed by the tribunal;
- managing the members and adjudicators including developing a code of conduct, ensuring adequate training, undertaking performance management and deciding selection criteria for appointment;
- developing a positive cohesive culture throughout the tribunal;
- advising the Attorney-General about the appointment of members; and
- advising the Attorney-General about how the tribunal could improve the carrying out of its functions and how the QCAT Act or an enabling act could be made more effective.

In addition, the president presides over significant or complex matters and disciplinary matters concerning legal professionals and sits as the presiding member in hearing internal appeals.

Deputy President

The deputy president's roles and responsibilities include assisting the president:

- in managing the business of the tribunal; and
- in the management of members.

In addition, like the president, the deputy president presides over significant or complex matters and disciplinary matters concerning health professionals and sits as the presiding member in hearing internal appeals.

Senior Members

The senior members form part of the leadership group of the tribunal assisting the president in the management of the tribunal. Each senior member has responsibility for leading and managing one of the divisions of QCAT and each of the lists within those divisions.

In addition, the senior members:

- provide leadership and professional guidance to the ordinary members and adjudicators, and are responsible for their management and development;
- provide assistance to the president about the constitution of the tribunal, tribunal procedures, legislative reform and such other issues as required by the president; and
- hear and decide the more complex and/or novel matters within QCAT's jurisdictions.

Ordinary Members

Ordinary members hear and decide matters within the tribunal as the president determines appropriate, in consultation with the senior members. Members are appointed on a full-time, part-time or sessional basis.

The members appointed to QCAT are expected to:

- ensure that the objects and principles of the QCAT Act are applied;
- be available for hearings in various locations across Queensland, if required;
- deal with all parties impartially, and with courtesy and professionalism;
- make orders and give reasons pursuant to the provisions of the QCAT Act; and
- participate in professional development, continuing education and training activities.

Adjudicators

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

Adjudicators primarily hear and decide minor civil disputes valued up to \$25,000. JPs hear and decide minor civil disputes up to the value of \$5,000 (excluding urgent residential tenancy matters).

The adjudicators appointed to QCAT are expected to meet the same commitments as the members.

PART 4: ELIGIBILITY FOR APPOINTMENT AS AN ORDINARY MEMBER ON A SESSIONAL BASIS

An ordinary member includes a person appointed to such position on either a full-time, part-time or sessional basis. Currently, the tribunal is seeking applications for the appointment of ordinary members on a sessional basis (sessional members).

An applicant will be eligible for appointment as an ordinary member only if they:

- (a) are an Australian lawyer of at least six years standing; or
- (b) have, in the Minister's opinion, special knowledge, expertise or experience relating to a class of matter for which the tribunal may exercise functions.

Formal qualifications in alternative dispute resolution are desirable.

Applicants should note that the tribunal is currently seeking applications from both lawyers who satisfy the criteria in paragraph (a) above and non-lawyers who have a special knowledge or expertise in one or more of the areas listed below:

- child protection;
- engineering;
- medical practice;
- retail shop leases;
- teaching; and / or
- veterinary practice.

Ordinary members hear and decide matters within the tribunal as the president determines appropriate. Depending on their particular expertise, including whether they are lawyers or non-lawyers, the member may hear matters across a number of different jurisdictions.

PART 5: TERMS AND CONDITIONS OF SESSIONAL MEMBER APPOINTMENT

Sessional members hold office on the conditions in the QCAT Act and as the Governor in Council decides, consistent with the instrument of appointment.

The Governor in Council appoints sessional members on the Minister's recommendation after consultation with QCAT's president. Appointments may be for a period of up to five years (but not less than three years).

Sessional members may be reappointed.

Tribunal frequency

The frequency with which a sessional member sits on the tribunal will vary according to QCAT's needs and the number and location of hearings in the member's jurisdiction.

Indemnity

Sessional members of QCAT have, in the performance of their functions, the same protection and immunity as a Supreme Court Judge.

Remuneration

Members appointed on a sessional basis are paid fees as prescribed in the *Remuneration of Part-time Chairs and Members of Government Boards, Committees and Statutory Authorities* policy (Attachment 5) at the category AA1 rate for daily and half day special assignments, as applicable.

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

Accommodation

QCAT conducts hearings at the tribunal's 259 Queen Street location. Regional hearings are generally held at Magistrates' Courts. QCAT also retains a large pool of regional sessional members who can be called upon to hear and determine matters across the state.

Criminal history checks

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

PART 5: HOW TO APPLY

Your expression of interest must include your curriculum vitae outlining your qualifications, experience and, where relevant, your publications, presentations and a covering letter demonstrating your suitability for the relevant role (maximum two pages).

Selection criteria for ordinary members on a sessional basis

1. an understanding of the rules of natural justice and procedural fairness and the ability to analyse and apply legislation, including the ability to make sound and timely decisions;
2. a high level of interpersonal, oral and written communication skills involving a wide range of parties;
3. the experience or ability to deal with vulnerable people and difficult situations sensitively;
4. highly developed analytical and conceptual skills and an ability to present relevant findings;
5. an ability to manage complex hearings; and
6. personal drive and integrity.

Form of application

Your application for a position with QCAT must include the following documents **saved as separate PDF attachments**:

1. QCAT application form – this should be used as your cover sheet;
2. Application – your application must address all of the selection criteria;
3. Curriculum vitae – a current curriculum vitae should be included (no more than two pages); and
4. A completed forms package (included at the end of the application form) with your:
 - Appointment to government body: personal particulars form;
 - Consent to criminal history form – including copy of drivers licence **and** passport or birth certificate;
 - Statutory appointments and public service employments currently held form.

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

Your application will be kept on file for any future QCAT requirements.

Curriculum vitae

The curriculum vitae should be no more than two pages and include information on your:

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

For more information

For more information, please visit qcat.qld.gov.au.

Lodging your application

Your application must be lodged as follows:

Email: qcattribunal.appointments@justice.qld.gov.au

Note: Please save each document as a separate PDF attachment.

Applications must be lodged by midnight AEST Friday 27 April 2018.