

QCAT

Queensland Civil and Administrative Tribunal

Legally Qualified Justices of the Peace Information Kit

Expression of Interest

INTRODUCTION

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

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

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

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

AVAILABLE POSITIONS

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

- **Legally qualified QCAT Justices of the Peace**, on a sessional basis, located at Brisbane, Ipswich, Maroochydore, Southport or Townsville.

QCAT is committed to achieving a diverse Tribunal membership and strongly encourages applications from Aboriginal and Torres Strait Islander peoples.

PART 1: THE TRIBUNAL AND ITS ROLE

Our vision

Fair and just outcomes

Our mission

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

Our strategic priorities

Engaging with the community

Service delivery

Effective dispute resolution

Investing in our people

Managing the Tribunal

About QCAT

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

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

To achieve the objects of the legislation, QCAT must:

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

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

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

Members, Adjudicators and Justice of the Peace (JPs) panels decide matters before the Tribunal and are independent statutory appointments.

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

Jurisdiction

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

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

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

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

QCAT may have original and review jurisdiction in each division.

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

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

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

QCAT Justices of the Peace Eligibility:

A person is eligible for appointment as a QCAT Justice of the Peace if they are a qualified Justice of the Peace or a Magistrates Court Justice of the Peace. To be eligible for appointment as a legally qualified QCAT Justice of the Peace, the person must be an Australian lawyer who is a Justice of the Peace. Justices of the Peace (Commissioner for Declarations) are not eligible to apply.

QCAT Justices of the Peace are responsible for hearing minor civil disputes with a value of \$5,000 or less, excluding urgent tenancy disputes, in a panel made up of two qualified JPs, one of which must be legally qualified.

Please note: Non-legally qualified JPs are not being appointed as part of this process.

PART 2: ROLE OF THE JUSTICE OF THE PEACE

Under the QCAT JP program, hearings take place in Brisbane, Ipswich, Maroochydore, Southport and Townsville.

The hearings at Brisbane will be at 259 Queen Street where both the Tribunal and the registry are located. The hearings at Ipswich, Maroochydore, Southport and Townsville will be at the Magistrates Courts for those locations.

Applicants must be able to attend hearings in one or more of these locations.

A panel of two Justices of the Peace will constitute the Tribunal and hear and decide certain minor civil disputes matters under the value of \$5,000 (excluding urgent residential tenancy disputes). At least one of the Justices of the Peace on the panel must be legally qualified. The

legally qualified JP is the presiding JP, and where the decisions of the JPs differ on a matter, the Tribunal's decision will be the decision of the presiding JP.

JPs hear and decide the following kinds of minor civil disputes matters for claims for amounts of up to \$5,000:

- consumer disputes;
- minor debts;
- non urgent residential tenancy matters;
- dividing fence and pool fence disputes;
- damage to property arising from the use of a vehicle;
- claims for repairs of a defect in a motor vehicle under the *Property Agents and Motor Dealers Act 2000*.

Hearings before JPs follow the same format as hearings of minor civil disputes matters before members and adjudicators of the Tribunal.

Hearings of minor civil dispute matters are time-limited with 6 hearings listed each day. Hearings are generally open to the public and all hearings are digitally recorded.

The JP panel hears and considers the evidence and submissions from all of the parties in a matter.

The JP panel makes findings of fact about the evidence, applying the relevant law to those facts, and makes a decision. The JP panel must provide oral reasons for the decision at the end of the hearing. The JP panel may provide written reasons for a decision in some circumstances.

Decisions made by JP panels in minor civil disputes matters will be subject to the same appeal provisions as other decisions made by members and adjudicators in minor civil disputes matters.

PART 3: RESPONSIBILITIES

Justices of the Peace (Legally Qualified and Non-legally Qualified) appointed to QCAT are expected to make the following commitments:

- to ensure that the objects and principles of the QCAT Act 2009 are applied to the functions of the Tribunal;
- to attend Tribunal hearings fully prepared;
- to deal with all parties impartially, and with courtesy and professionalism;
- to follow any relevant Practice Directions or Tribunal policies and procedures as required;
- to make orders and give reasons pursuant to the provisions of the QCAT Act 2009 or the enabling Act giving the Tribunal jurisdiction to hear the matter;
- to participate in meetings if/when required;
- to participate in professional development, continuing education or training activities as directed by the President;
- to bring to the attention of the President any perceived anomalies in legislation; and
- to report to the President any personal conflicts of interest.

PART 4: CONSTITUTION OF THE TRIBUNAL BY JP PANELS

The President is responsible for determining how the Tribunal will be constituted for a

particular matter, using one, two or three member panels. The President is also responsible for determining when an adjudicator or JP panel can constitute the Tribunal.

JPs (Legally Qualified and Non-legally Qualified) will only be chosen to constitute the Tribunal for certain minor civil disputes matters for claims of up to \$5,000.

JPs (Legally Qualified and Non-legally Qualified) will not be chosen to constitute the Tribunal for any other matters where the Tribunal has jurisdiction.

PART 5: TERMS AND CONDITIONS OF APPOINTMENT

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

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

JPs may be eligible for reappointment.

Operations of the Tribunal

JPs hear and decide matters within the Tribunal as directed by the President. The frequency with which a JP sits on the Tribunal will vary according to the needs of the Tribunal and the number and location of hearings by jurisdiction.

Hearings may be face to face or conducted through the use of teleconference or videoconference facilities.

Allowance

JPs (Legally Qualified) are remunerated at a prescribed sitting fee of \$100.00 per day. No other fee will be payable.

JPs (Non-legally Qualified) are remunerated at a prescribed sitting fee of \$100.00 per day. No other fee will be payable.

Criminal history checks

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

Indemnity

QCAT JPs have, in the performance of their functions, the same protections and immunity as a Supreme Court Judge in the performance of their functions.

Further information

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

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

PART 6: HOW TO APPLY

Your expression of interest must include your resume outlining your qualifications and experience.

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

Your response to the selection criteria must not exceed **two** pages.

The selection criteria is included at the end of this information kit.

Form of application

Your application for a position with QCAT must include:

1. QCAT Application Form – this should be used as your cover sheet;
2. Application – your application must address all of the selection criteria relevant to the position you are applying for (included at the end of this information kit);
3. Resume – a current resume should be included (**No more than two pages**);
4. A completed forms package (included at the end of the application form) including:
 - Appointment to Government Body: Personal Particulars form;
 - Consent to Criminal History form;
 - Statutory Appointments and Public Service Employments Currently Held form.
5. Copy of your Certificate of Appointment as a Justice of the Peace; please note that Justices of the Peace (Commissioner for Declarations) are not eligible to apply.
6. Certified copy of Certificate of Admission to the Supreme Court of relevant State or Territory.
7. A copy of all relevant qualifications.

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

Resume

Your resume should be no more than two pages and should include:

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

Please ensure all of the above documents are submitted as part of your application. If you do not include these documents, your application may be excluded from the selection process.

Lodging your application

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

In person:

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

Post:

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

Email: QCATTribunal.Appointments@justice.qld.gov.au

Applications must be lodged by 5.00pm Friday 4 October 2019

SELECTION CRITERIA AND QUESTIONS TO BE ADDRESSED JUSTICES OF THE PEACE FOR QCAT

Your statement addressing the selection criteria and questions to be addressed should be no more than 2 pages.

Justice of the Peace (Legally Qualified)

Mandatory criteria:

- An Australian lawyer.
- A Justice of the Peace in Queensland; however Justices of the Peace (Commissioner for Declarations) are not eligible to apply.
- Sound computer literacy and word processing skills.

Justice of the Peace (Non-legally Qualified)

Mandatory criteria:

- A Justice of the Peace in Queensland; however Justices of the Peace (Commissioner for Declarations) are not eligible to apply.
- Sound computer literacy and word processing skills.

Australian lawyer

Mandatory criteria:

- An Australian lawyer.
- Willing to give an undertaking to make an application for appointment as a Justice of the Peace (Qualified) prior to the commencement of training at QCAT.
- Sound computer literacy and word processing skills.

All applicants:

Please also provide detailed answers to the following questions:

Selection Criteria 1

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

Selection Criteria 2

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

Selection Criteria 3

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

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