



Our  
projects

## Project: QCAT Review

Over 100 public submissions were received in the QCAT Review consultation

Under section 240 of the *Queensland Civil and Administrative Tribunal Act 2009* (the Act), the Minister must undertake a statutory review the Act 3 years after commencement.

In 2012-13, the Department of Justice and Attorney-General released a consultation paper and undertook extensive community and stakeholder consultation to investigate if QCAT is meeting the objects of the Act and if legislative amendments are required.

Specifically, the Review considers the following issues:

- appeals in the minor civil disputes jurisdiction
- whether provisions in the Act or an enabling Act restricting who may constitute the tribunal for the exercise of specific powers are appropriate and necessary.
- whether provisions in enabling Acts setting out different powers and procedures for the exercise of QCAT's jurisdiction are appropriate and necessary
- regional service
- legal representation of parties
- the requirement for the President and Deputy President to be a Supreme Court Judge and a District Court Judge respectively
- the appellate jurisdiction.

The outcomes of the QCAT Act review will be informed by research and analysis, community feedback and submissions received in response to the consultation paper. The Review is ongoing and the Attorney-General will table a report of outcomes in Parliament.

### Objects of the Act

*(a) to establish an independent tribunal to deal with the matters it is empowered to deal with under this Act or an enabling Act; and*

*(b) to have the tribunal deal with matters in a way that is accessible, fair, just, economical, informal and quick; and*

*(c) to promote the quality and consistency of tribunal decisions; and*

*(d) to enhance the quality and consistency of decisions made by decision-makers; and*

## Project: Justice of the Peace trial



The Queensland Government has committed to support and expand the Justices of the Peace (JPs) program in Queensland. As part of this commitment QCAT have implemented a unique initiative where JPs hear some minor civil dispute matters before the Tribunal – a concept never before tested in Queensland.

*Left: JPs hear matters before QCAT.*

The trial was implemented in Brisbane, Ipswich, Maroochydore and Southport on 3 June 2013 and in Townsville from 9 October 2013. JP panels hear some minor civil disputes including non-urgent residential tenancy disputes, minor debt matters, consumer and trader disputes, dividing fence matters and motor vehicle property damage disputes.

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

In 2013-14, JPs heard a total of 3,058\* matters across the five trial locations and delivered low levels of adjournment, complaint and appeal. This delivery is a reflection on the comprehensive training and assessment provided prior to appointment.

### Evaluation of the trial

The Department of the Premier and Cabinet is responsible for trial evaluation. A mid-trial evaluation report was finalised in September 2013 and a post-trial report in March 2014.

The trial has five key objectives:

1. reduce the average time taken to finalise all MCD applications and improve the clearance rate for all MCD applications in the trial sites;
2. reduce the cost of hearing these matters;
3. enable QCAT adjudicators and magistrates (who act as QCAT members in regional areas) to deal with more complex matters;
4. recognise the substantial voluntary contribution of JPs to the community and provide opportunities to improve, develop and expand their role; and
5. contribute to Government commitments to improve the administration of **Queensland's** justice system and frontline services for Queenslanders.

The trial is ongoing while the Attorney-General considers the evaluation.

### JPs as QCAT decision-makers

Trial participant Jessica has sat on more than 80 MCD matters in Ipswich and Brisbane.

“I became a JP in 2005 to make a difference to the community,” she said.

“Having worked in the legal sector I wanted to support any initiative which encourages fair, quick and inexpensive justice.”

Jessica has particularly enjoyed the interaction with other JPs and the opportunity to become a JP (legal) after her admission to the legal profession.

“I really valued my first three months of sitting as a JP (non-legal) as I got to sit with some very experienced lawyers, barristers and even a retired Magistrate!” she said.

## JP trial facts and figures

### Hearings

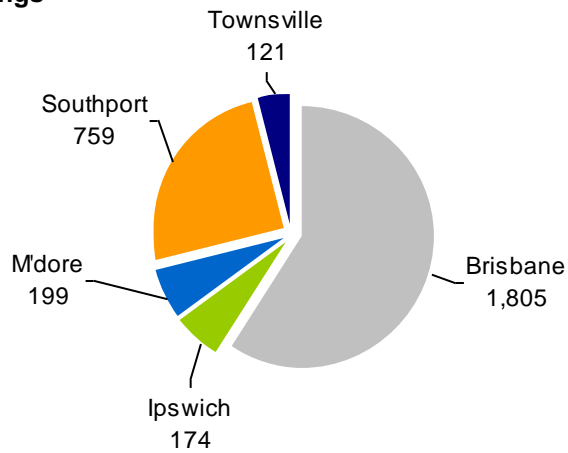


Figure 18: JP trial hearings

### Adjournments

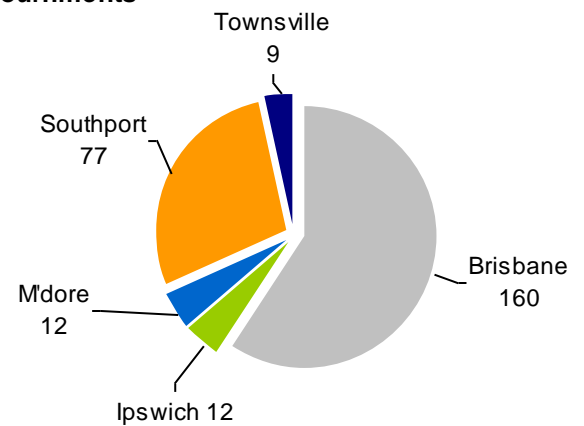


Figure 19: Adjournments

### Adjournment rate

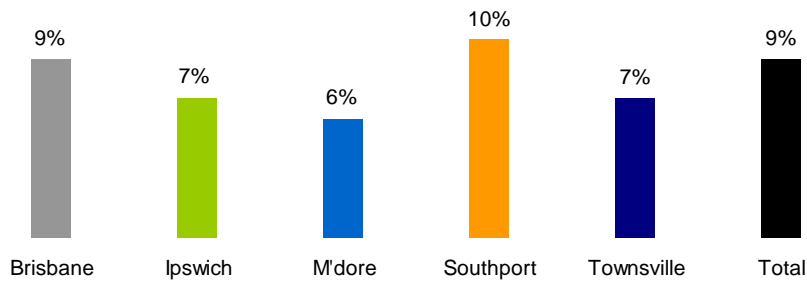


Figure 20: Adjournment rates for matters heard by a JP panel

Site location	Legally qualified	Non-legally qualified	Total
Brisbane	18	32	50
Ipswich	4	8	12
Maroochydore	3	13	16
Southport	7	16	23
Townsville	3	6	9
<b>Total</b>	<b>35</b>	<b>75</b>	<b>110</b>

Table 13: JPs appointed to QCAT (see also Appendix 4)

Trial site	Appeals lodged*	% of matters heard	Finalised*	% of lodged appeals	Upheld*	% of finalised appeals
Brisbane	46	3%	36	78%	8	22%
Ipswich	3	2%	3	100%	1	33%
Maroochydore	2	1%	2	100%	0	0%
Southport	15	2%	10	67%	3	30%
Townsville	1	1%	0	0%	0	0%
<b>Total</b>	<b>67</b>	<b>2%</b>	<b>51</b>	<b>76%</b>	<b>12</b>	<b>24%</b>

Table 14: Appeals filed on matters heard by a JP panel\*

Trial site	Number*	Complaint rate
Brisbane	12	0.7%
Ipswich	0	0.0%
Maroochydore	2	1.0%
Southport	2	0.3%
Townsville	0	0.0%
<b>Total</b>	<b>16</b>	<b>0.5%</b>

Table 15: Complaints filed on matters heard by a JP panel

*\*Figures are indicative of FY2013/14 only and not the full trial period*