

2022–23

Annual Report

Queensland Civil and Administrative Tribunal

About QCAT's annual report

The Queensland Civil and Administrative Tribunal's (QCAT) annual report summarises its performance for 2022-23 and meets accountability requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

This annual report is accessible at www.qcat.qld.gov.au/about-qcat/publications.

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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.

Letter of compliance

26 September 2023

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family
Violence
1 William Street
BRISBANE QLD 4000

Dear Attorney-General,

I present the Queensland Civil and Administrative Tribunal's Annual Report 2022–23.

This annual report complies with the Tribunal's requirements under the *Queensland Civil and Administrative Tribunal Act 2009* and the *Guardianship and Administration Act 2000*.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line extending to the right.

Hon Justice Kerri Mellifont
QCAT President

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President's message

The work of QCAT is varied, complex and fundamentally important to the lives of tens of thousands of Queenslanders every year. The following are just some examples of the almost 30 000 matters that QCAT determines each year:

- Whether a person, including a child, should be sterilised;
- Whether a person (frequently with young children) should be evicted from their home;
- Whether a lawyer, a doctor, a nurse or other health practitioner should be able to practise again, now or in the future;
- Whether a person should have received a positive notice for a blue card, so they can work in their chosen career;
- Whether an adult has capacity to make decisions for themselves, thereby continuing to live autonomously or whether someone else should be appointed to make decisions for them, and who that person should be;
- Whether and on what arrangements a child, removed from its parents, should continue to have a connection with them;
- Whether someone has been unlawfully discriminated against because of their gender or race or religion or other attribute and so were excluded from services;
- Whether to approve the use of containment or seclusion with or without another restrictive practice of a person with impaired capacity who receives disability services from a relevant service provider;
- Whether a builder should be required to rectify a house build, so the builder's clients can have the home they have saved their whole lives for;
- Whether to impose disciplinary sanction on a police officer, veterinary surgeon, teacher, engineer or other professional;
- Building disputes that run into the hundreds of thousands of dollars;
- Whether a person should have a weapons license;
- Whether a person's human rights have been breached, including whether they have been subject to torture and/or cruel, inhuman or degrading treatment;
- Whether a person's privacy has been breached by a government agency and, if so, whether they are entitled to compensation;
- Determining retail shop lease disputes up to \$750,000;
- Civil claims in the thousands of dollars;
- Disputes involving trees that may have formed part of the natural landscape for many years;
- Whether the pregnancy of a woman with impaired capacity should be terminated
- Whether to approve clinical research intended to diagnose, maintain or treat a condition affecting the participants in the research;
- Complex contractual disputes between bodies corporate and caretaker/managers often involving hundreds of thousands of dollars;
- Disputes about the rights of residents and park owners in manufactured homes parks; and
- Disputes about the rights of residents and village owners in retirement villages.

In last year's President's message, I spoke about QCAT having become a behemoth since its inception. That its jurisdiction grows year on year, with increasing breadth, diversity, complexity and volume is undeniable.

I have said previously that when I first started in this role, I was struck by the commitment of QCAT's staff and the Tribunal's decision makers to the delivery of justice services. As I write this, I remain in awe of their resolve, to get on and get the job done, as best as they can. This is despite being stretched well beyond capacity, despite the challenges of severe under resourcing, and despite the challenges of the misconceptions many members of the community have about the importance and extent of QCAT's work. Whether it is the person at reception at 259 Queen Street dealing with an enquiry at the counter, the client service officer taking any one of the over 75,000 telephone calls QCAT receives each year, a registry officer ensuring that documents are actioned appropriately, the hearing services officer supporting the conduct of the hearing, the operations and scheduling staff who somehow manage to schedule thousands of cases each month, the finance and corporate services team who deliver business services, the legal officers who support the Executive Director and President, the registrars (at all levels), case officers, case managers, members and adjudicators – every role and each piece of work performed is critical to the proper operation of the Tribunal. It does not go unnoticed. No role is less important than any other. I am particularly grateful for the collaborative approach by registry, members and adjudicators in seeking to get the work of QCAT done.

This year, I wish to give our adjudicators a particularly large 'shout out'. They deal with multiple matters every day in Brisbane and at courthouses throughout South East Queensland. They have no individual administrative staff assistance outside hearings, they manage files that not infrequently run to hundreds of pages, they have very constrained preparation time and they operate in jurisdictions where most of the parties before them are self represented. This year they coped with a very significant additional change. QCAT's adjudicators commenced hearing minor civil disputes (MCDs) in the newly introduced online environment called QCase on 6 April 2023. Because QCAT was maintaining its legacy system for MCDs which were already filed, they worked with the two systems running in parallel, on any given day conducting a mixture of digital and paper-based hearings, in busy lists, while coming themselves to understand the QCase operating environment for hearings. The inevitable 'teething problems' that come with such a significant process change have meant that hearings have, on occasion, taken longer and been more difficult. Their ongoing hard work in the MCD jurisdiction, in often very stressful situations, deserves fulsome recognition and acknowledgment. In the regions, Queensland's Magistrates do this work and we are, as ever, grateful for their ongoing professionalism.

Let me turn now to QCAT's members, our senior members, our ordinary members and our sessional members.

QCAT currently has five Senior Members, four permanent. Each of QCAT's senior members, in addition to sitting and hearing matters, carries the stewardship of day to day operations in the Tribunal and support of members and adjudicators. In no particular order, in terms of their key responsibilities:

- One of them oversees the QBCC list, the motor vehicles list, the MCDs jurisdiction and the adjudicators;
- One of them oversees the guardianship jurisdiction;
- One of them oversees the general administrative review jurisdictions, scheduling and training for members and adjudicators;
- One of them oversees the appeals and anti-discrimination lists and sits on the Rules Committee;
- One of them oversees the Building List and a range of other complex lists in the civil law areas of the Tribunal.

Effective list management is vital to trying to achieve efficient, timely, accessible and fair services. It is time consuming and can be complicated. In addition to those list management duties, each senior member is chairing and/or sitting on internal subcommittees as subject matter experts dedicated to improvement in particular jurisdictions. Further, each of them, to varying degrees, manages aspects of the administrative arrangements relevant to all the members and adjudicators, coordinating and organising raising of issues with the Deputy President and myself, as well as attend meetings of relevant stakeholders and speaking at conferences. Permanent funding is necessary for the good governance of QCAT.

Our permanent ordinary members are also extraordinary in their commitment to QCAT's work. There is nothing "ordinary" about them. Many of them assist senior members to run lists or run lists themselves, including lists within the remit of the START project, which is described in more detail later in this report. They participate in training through writing resource papers for the benefit of all QCAT's decision makers, deliver papers at training sessions, maintain internal collections of relevant information and they get involved in the work that needs to be done to be ready for additional jurisdictions which are conferred on QCAT. They do all this on top of hearing cases across all QCAT's jurisdictions, delivering decisions as quickly as is consistent with their workloads and they do so with no individualised administrative assistance. A full time executive assistant looks after the entire adjudicator and member cohort, including all sessional members. That is one full time executive assistant for the equivalent of approximately 28 full time decision-makers, and over 100 sessional members.

Given the small number of permanent members, QCAT relies heavily on our talented sessional members to hear many of the matters in the Tribunal. We cannot do without them in dealing with the Tribunal's workload. The sessional members receive minimal remuneration compared with what they might command through private work. A particular cohort of our sessional members is our judicial member cohort. The Deputy President and I are most appreciative that these colleagues and former colleagues are prepared to take on these responsibilities. For all of them it involves substantial legal work, with limited assistance, as our small number of support staff, while very competent and extremely diligent, are very pressed and spread very thin.

While the majority of QCAT service users engage appropriately with QCAT, our staff, members and adjudicators are on occasion, subjected to entirely unacceptable behaviour by some litigants. From my perspective, being subjected to such behaviour, even once, is one time too many, however it is a very sad indictment on our society that such behaviour occurs, and occurs far too often.

Like judicial officers in other tribunals and in courts, members and adjudicators are, on occasion, hectorred and disrespected by abusive language and behaviour in hearings and in communications and subjected to scandalous and vexatious attacks on their integrity and professionalism. On occasion, their safety is threatened; QCAT's security protocol is not a document which lives in a top drawer, rarely dusted off for use. Our registry personnel can similarly be exposed to unacceptable conduct either at the front counter or through telephone services and email communications. I wish to expressly recognise and applaud the resilience and the strength of our members, adjudicators and staff, who keep on keeping on in face of this adversity. Our Head of Security, Phil Essex and his team, together with the Queensland Police Service which responds to our calls when needed, also deserve our acknowledgement and gratitude for their hard work in keeping us safe.

I again this year thank the Presidents of the Land Court, respectively President Kingham and Acting President Stilgoe OAM, for permitting QCAT to use their facilities and the support of their associates and registry staff, when they can. We are also very grateful to Acting President

Stilgoe, and the Land Court Members Isdale and McNamara for giving their time voluntarily to sit when they can on QCAT matters.

I thank Chief Magistrate Brassington and her deputies who are collaborative at every turn in working in areas of overlapping jurisdiction.

Thanks also go to Chief Justice Bowskill and Senior Judge Administrator Martin AM for their support of QCAT in numerous ways over the last year. Specific thanks go to each of the sitting judges of the Supreme Court who have volunteered to hear matters in the Legal Practitioners Disciplinary List, ensuring the ongoing development of the jurisprudence in the area of the disciplining of legal practitioners and decisions of the professional bodies as to who can practice and the conditions on which they can do so. Those judges have also committed to assist by sitting on reviews of matters involving the Voluntary Assisted Dying regime, in the event any come to QCAT, which I am most grateful for.

Approximately every two years QCAT conducts a conference for its decision makers. In February 2023 we had a very successful conference, due in large part to the support we had from excellent speakers, who delivered excellent presentations. I give heartfelt thanks to every one of the speakers, whose names are listed individually in the body of this report. The sessions covered a wide range of topics from aspects of decision making through to wellbeing. Sessional members were invited and a considerable number attended, including some from the regions, which contributed to the vibrant exchanges and afforded opportunities to meet new faces, or reconnect with more familiar ones. Some senior members of the registry also attended, which has contributed to a greater understanding of the work done by the membership. I thank the Training Committee for their work in respect of making this a very successful conference and wish to pay particular note of the work performed by my Executive Assistant, Ms Jessica Sleep, and the then Member/Adjudicator Executive Assistant, Mr Wes Oliver, for their organisational and logistical work which was performed at a standard paid professional conference organisers could be proud of.

One aspect of my role as President is to provide comments on proposed legislation which may have an impact on QCAT's operations. Often this needs to be done at short notice. I thank Leanne Robertson and her busy team at Strategic Policy and Legal Services for their efforts in preparing analysis material and making time to consult.

I wish also to thank and acknowledge the tireless work done by a number of senior Registry and Departmental personnel. QCAT's Executive Director and Principal Registrar role has been filled over the reporting period by Natalie Parker and, upon her secondment, on an acting basis first by Raelene Speers and currently by Darren Davies. Each of them has utilised their skills, talents and experience to work hard in QCAT's interests.

Thank you also to Julie Steel PSM Executive Director, Supreme, District and Land Court's service whose generosity and wisdom seem to know no bounds. QCAT is particularly lucky for her graciousness in releasing Darren Davies to us on secondment.

I valued my open and constructive relationship with the former Attorney General, Shannon Fentiman greatly and I look forward to continuing to develop a constructive and collaborative relationship with the current Attorney General, Yvette D'Ath.

As longstanding Director General of the Department, David Mackie provided support for the Tribunal until his appointment as Public Sector Commissioner. Since coming to the Department in May 2023 as acting Director General, Jasmina Joldić PSM has provided significant and meaningful support for QCAT, its work and to me. She seems to have made what would have been a very steep learning curve for most appear to be only the slightest gradient.

QCAT is also grateful for the support for the work QCAT does provided by Nicola Doumany (as variously Acting Director General and Acting Deputy Director General) and Brigita Cunnington (as Acting Deputy Director General), throughout the reporting period.

Finally on the topic of gratitude, daily I think how fortunate I am to have her Honour Judge Dann as the Deputy President of QCAT. She is the very rare combination of excellent lawyer, skilled manager, thoughtful communicator, and big picture thinker. If only I could get her past her bug bear about the use of the Oxford comma.

Vale Graeme Neate AM

I wish to take this moment to observe the passing of Mr Graeme Neate AM, President of ACAT. His passing was a great loss to the communities of tribunals in Australia and New Zealand. Graeme has been described as an exceptional lawyer and human being, who provided enormous contributions to the community and the law. It was my very great privilege to have met him and had the pleasure of working with him on COAT. My deepest condolences to his family and friends.

The future

In June 2023 QCAT launched its Strategic Plan for 2023 – 2025. That document sets out QCAT's objects, its organisational values and its strategies for achieving those objects and upholding those values. This strategic plan is intended to state those matters clearly and simply, without hiding behind jargon. A number of QCAT's personnel participated thoughtfully and meaningfully in the discussions that informed much the content required for a strategic plan. QCAT will work to implement those strategies in coming years.

Earlier this year, the former Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence commenced a review of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) under section 240 of the QCAT Act.

DJAG statements on the review are to the effect that it will focus on procedural reform to the QCAT Act and may consider procedural provisions of an enabling Act which impedes the effective operation of the tribunal. It will not examine the type or extent of jurisdiction conferred on QCAT through enabling Acts.

Both the Deputy President and I will continue to work collaboratively with government on this statutory review, focusing on practical reform directed at improving the operation of the Tribunal to the extent that is possible through legislative change.

Trends and resources

For the past two and half years, QCAT has been operating with the benefit of temporary resourcing for a fifth Senior Member, two additional ordinary members, one adjudicator and seventeen registry staff. Even with these temporary additional resources, QCAT is challenged with burden and demand. It is difficult to conceive being without resources in addition to those temporary resources, and it is very much hoped that those temporary resources, at least, will be made permanent.

The need is clear and becoming ever increasing given increases in lodgements QCAT has been, and is currently, experiencing. The body of the report deals with figures in more detail. Relevantly, however, the reporting period saw a nine per cent increase in cases lodged from the previous year. Breaking it down into key operating areas, this represents the following increases in work.

For MCD's

As at 30 June 2023, QCAT had the equivalent of 10.5 full time adjudicators¹. In the reporting year, our adjudicators conducted 14,705 hearings and determined 2,350 interlocutory applications. This means each adjudicator determined an average of 1,624 matters in the reporting period. To achieve this number of determinations in a year, an adjudicator in SEQ is typically listed, each hearing day, with up to 6 urgent residential tenancy matters at 9.30am, 3 non-urgent residential tenancy matters at 11am and 2 MCD matters starting at 2pm, involving debt/consumer/fencing claims. It is an enormous load.

In 2022-23, there was a seven per cent increase in lodgements. With interlocutory applications possible in many of these matters, this potentially reflects a significant additional number of matters that need to be dealt with.

Apart from the fact that QCAT does not have registry support or hearing rooms to support the increase, there is no way our current number of adjudicator positions can absorb and deal with the increase.

Without significant extra resourcing in registry positions (including allocation of permanent FTE positions) permanent adjudicator positions and support services (accommodation, training and corporate services) the MCD jurisdiction is unsustainable and there will be increased backlogs and decreased clearance rates.

For Guardianship

In the reporting year, QCAT received 12,936 applications for guardianship and administration and finalised 11,793 matters. This was a twelve per cent increase in lodgements in the reporting year and equates to 1,342 applications. With interlocutory applications likely to be lodged in many of these matters, practically this represents a very significant increase in the Tribunal's workload. QCAT is grateful for resourcing announced in the 2023-24 budget, but more will be needed.

Apart from the fact that QCAT does not have registry support or hearing rooms to support the increase in lodgments, there is no way the current number of members able to be utilised within our small permanent member cohort and inadequate sessional member budget can absorb the increase.

QCAT needs significant extra resourcing in registry personnel, (including allocation of permanent FTE positions), more full time member positions and a much increased budget permitting more use of sessional members, together with necessary support services (accommodation, training and corporate services).

QCAT will continue to strive to find efficiencies within existing resources, but the reality is that without a substantial investment, times to finalisation for guardianship will continue to blow out, and potentially exponentially. The consequential effects can be significant in this jurisdiction which serves a particularly vulnerable cohort of Queenslanders, including those the subject of domestic and family violence, and the elderly. When justice services in guardianship are provided in a timely manner, they can operate in a significant way to ameliorate the prospect of violence and abuse.

¹ 8 full time positions (including 1 acting position) and 5 part time positions

So too does it ameliorate demand on other state services: for example, deterioration of health of a vulnerable person awaiting a guardianship hearing can result in the need for emergency services to attend and sometimes admissions to hospital for emergency treatment and long hospital stays, thus reducing the number of beds and health care services available to other Queenslanders.

Put shortly, there can be significant, life-altering consequences of not appointing a guardian promptly. It need hardly be said that the funding imperative in guardianship is powerful, and has reached a stage where it is critical.

For CAD

In the reporting year, QCAT received 2,842 applications and finalised 2,646 matters. That represents a five per cent increase in lodgements in the 2022-2023 year. Numerically that equates to 130 additional matters. Many of these will be complex and/or time consuming.

During 2022-2023 interlocutory applications in the CAD jurisdiction increased by thirty one per cent. There were 9,287 interlocutory applications lodged, an increase of 2,208 interlocutory applications over the previous year.

Apart from the fact that QCAT does not have registry support or hearing rooms to manage the increase, there is no prospect the current number of members are able to be utilised within our small permanent member cohort and inadequate sessional member budget can absorb the increase.

Without significant extra resourcing in registry personnel (including allocation of permanent FTE positions), more full time member positions and a substantially increased budget permitting more use of sessional members, together with necessary support services (accommodation, training and corporate services) the CAD jurisdiction is unsustainable and there will be increased backlogs and decreased clearance rates.

Hearing rooms

QCAT does not have enough hearing rooms in order to hear the number of matters it has. This is one reason I am so grateful for the assistance offered by the Land Court referred to earlier. I look forward to continuing to work with the government to find solutions to QCAT's critical accommodation issues, in particular, its shortage of hearing rooms. On matters of accommodation, I would like to thank Mr Perry Munro, Executive Director, Facilities Services Branch, DJAG and his team for the sterling work in fitting out the Level 8 accommodation for registry personnel.

Towards meeting its statutory objects

The maxim, "justice delayed is justice denied", is often used. That, perhaps, is because it is true. I am concerned that without resources being substantially increased, to put QCAT on a sustainable footing currently and into the future, QCAT will be increasingly unable to deliver on its statutory objects.

I am not the first to have voiced concerns about QCAT's current and historical underfunding.

In the 2019-20 Annual report, then President, Justice Daubney said:

We at QCAT understand that the Government must balance competing priorities across its portfolios.

We understand that it is not possible to wave a magic wand to provide an overnight solution for improving QCAT's ability and capacity to deliver essential civil justice services to the community.

But it needs to be understood that delay in facilitating the delivery of 21st century justice services at QCAT will have real and palpable consequences.

The severe limitation on QCAT's capacity to hear cases during COVID time has left us with a backlog in many of our jurisdictions. Without any enhancement of our capabilities, that backlog will become a perma-log.

The timeframes within which matters will be able to be heard and determined will inevitably blow out. The public, along with Tribunal members and registry staff, will become dissatisfied with QCAT's diminished capacity to deliver essential justice services.

All of that is anathema to QCAT's statutory mandate to deal with matters in ways that are accessible, fair, just, economical, informal and quick.

In the meantime, QCAT will continue to do its best within its constrained resources. But, as appears from the statistics in this report, the number of cases coming through the door is increasing. Many of the cases are becoming more complex. The constrained resources can only stretch so far.

In the 2017-18 Annual report Justice Daubney said:

A lack of appreciation in some quarters of the true ambit of QCAT's diverse jurisdictions has led to an unfortunate underappreciation of the resources necessary to provide the broad and important range of justice services which fall under QCAT's remit.

QCAT's members and registry staff have been stretched beyond all reasonable and proper levels of tolerance. Any further delay in appropriate resourcing for QCAT will inevitably result in the tribunal being unable to deliver anything like quick and accessible civil justice to Queenslanders.

QCAT has grown and must continue to mature in order to meet the demands of its ever-increasing workloads and the legitimate expectations of access to civil justice by the citizens of Queensland's burgeoning population.

Those expectations are not met by underestimating the importance of the role played by QCAT in the civil justice system of our state. Nor can they be met unless and until QCAT's resourcing issues are adequately addressed.

In the 2016-17 Annual report, Acting President, her Honour Judge Suzanne Sheridan said:

Despite a nine per cent growth in overall lodgements since its inception, the resourcing levels of the tribunal have effectively remained static.

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 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.

In the 2011-12 Annual report, founding President, Justice Alan Wilson said:

It is also timely to reiterate messages from previous years that, without adequate resourcing for the tribunal registry, members and adjudicators cannot be effectively utilised.

A lack of adequate funding will inevitably have adverse effects upon the ability of QCAT to function effectively and to delivery accessible, quick and inexpensive dispute resolution.

In the 2010-11 Annual report, Justice Wilson said:

The work of members, adjudicators and registry staff has overcome the daunting challenges the tribunal has faced. In its first year QCAT received 37 per cent more applications than the eighteen tribunals it absorbed – proving, from its inception, that it was something sought out by Queenslanders and, now, accessible to them.

In my perception, too, the tribunal's ability to function effectively has nearly reached its limits and there will be no further discernible scope for operational efficiencies, or cost savings. The concerted efforts of members and staff to do their very best with existing financial resources cannot overcome the fact that the tribunal lacks sufficient funding to perform its operations as well as it might.

QCAT can only, I am concerned, continue to operate within its present financial constraints by reducing the speed with which it provides ADR proceedings, and hearings.

The importance of adequate funding to the tribunal was recognised by the Independent Panel of Experts whose reports led to its creation.

Incremental budget allocations to QCAT over the years have not been sufficient.

With the greatest of respect, the Independent Panel of Experts were of course completely correct in observing the need for adequate funding. Without it, the entire premise for the creation of QCAT as a place where justice can be achieved in a timely and fair way dissolves into nothing.

I remain committed to devoting my presidency to working constructively with the government to make QCAT sustainable, so it can deliver on its statutory objects for the people of Queensland.

Hon Justice Kerri Mellifont

Queensland Civil and Administrative Tribunal

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 resolves and determines disputes, reviews and referrals in a wide range of jurisdictions, including:

- civil disputes (including building disputes, tree disputes, community living disputes² retail shop lease disputes, disputes about the sale of motor vehicles, disputes about losses resulting from the actions of real estate and other agents and information privacy disputes)
- applications in relation to appointments of administrators and guardians (e.g., where an adult has impaired decision-making capacity)
- administrative review of government and statutory authority decisions (e.g., Queensland Building and Construction Commission, liquor licensing, blue cards, child protection, weapons licensing and racing)
- occupational regulation and discipline (e.g., referrals and reviews involving lawyers, health practitioners, police, teachers, veterinary surgeons and engineers)
- minor civil disputes (MCDs) (residential tenancy, minor debt, consumer and trader, motor vehicle property damage and dividing fence disputes)
- referrals by the Queensland Human Rights Commission (complaints of alleged unlawful discrimination, sexual harassment, vilification and victimisation).

The Tribunal also has an appeal jurisdiction.

In Brisbane, proceedings other than MCDs are heard by QCAT members at QCAT's premises at 259 Queen St. Given QCAT's shortage of hearing rooms, sometimes hearings are conducted at the Land Court premises, and the Supreme and District Courts, through the generosity of the heads of jurisdiction of the Supreme Court, District Court, Land Court and Magistrates Court. In other areas of South-East Queensland (SEQ) and across regional and rural Queensland, QCAT members circuit to conduct hearings for proceedings other than MCDs. Regional sessional members also hear matters outside of Brisbane.

MCDs are heard in Brisbane by QCAT adjudicators, who also circuit to SEQ centres. In regional and rural areas, MCDs are heard by magistrates who are ordinary members of QCAT for MCD matters.

² Community title schemes disputes, manufactured homes disputes, retirement villages disputes

Objects and organisational values

QCAT has clear legislative objects and remit. The objects of the QCAT Act include having the Tribunal deal with matters in a way that is accessible, fair, just, economical, informal and quick; and promoting and enhancing the quality and consistency of Tribunal decisions.

QCAT's [Strategic Plan 2023-25](#) sets out QCAT's four key organisational values, namely being:

- accessible
- trustworthy
- timely
- inclusive.

QCAT prides itself on the professionalism, integrity and impartiality of its staff and decision-makers and strives to provide quality of service.

Jurisdiction, powers and functions of the Tribunal

QCAT commenced on 1 December 2009, amalgamating 18 tribunals and 23 jurisdictions. Since then, its range of jurisdictions has been considerably expanded. QCAT's current legislative remit consists of:

- the QCAT Act
- the *Queensland Civil and Administrative Tribunal Regulation 2009* (QCAT Regulation)
- the *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules)
- more than 180 Acts, in addition to the QCAT Act, which confer jurisdiction on QCAT.

QCAT has three different types of jurisdiction: original, review and appellate.

QCAT's **original jurisdiction** covers three broad operational areas: human rights (for example, applications to appoint guardians under the *Guardianship and Administration Act 2000*); civil disputes (e.g., disputes about retail shop leases; residential building and MCDs of \$25,000 or under); and disciplinary (e.g., applications seeking disciplinary orders against solicitors under the *Legal Profession Act 2007*).

QCAT's **review jurisdiction** is conferred by enabling Acts and provides for QCAT to review administrative decisions made by government agencies and disciplinary bodies under enabling Acts. The review is conducted by way of fresh hearing on the merits.

QCAT's **appellate jurisdiction** provides for QCAT to hear appeals against decisions made by non-judicial members in its original and review jurisdictions, as well as decisions of other entities under enabling Acts. When sitting in its appellate jurisdiction, it sits as the Appeal Tribunal, commonly referred to as QCATA.

The Tribunal

Broadly speaking, the Tribunal's function is to determine proceedings filed by parties. All Tribunal decision-makers are independent statutory appointees, appointed by Governor-in-Council on the recommendation of the Attorney-General.

Members generally sit across, and hear proceedings in, a range of jurisdictional areas. Adjudicators determine MCDs and some other matters. There is also a program, (presently in abeyance) under which Justices of the Peace may sit as a panel of two (including one legally qualified JP) in MCDs where the claim is for \$5,000 or less.

As at 30 June 2023, the Tribunal comprised*:

- the President, who is a Supreme Court Judge
- the Deputy President, who is a District Court Judge
- 4 full-time Senior Members
- 1 acting Senior Member
- 10 full-time Members
- 5 part-time Members
- 1 acting Member
- 9 Judicial Sessional Members
- 94 Sessional Members (excluding Judicial Sessional Members)
- 3 Land Court Sessional Members
- 7 full-time Adjudicators
- 5 part-time Adjudicators
- 1 acting Adjudicator
- all Queensland Magistrates (Magistrates are, by operation of the QCAT Act, automatically appointed as members of QCAT to hear MCDs).

Details are contained in [Appendix 1](#).

*The precise numerical composition of the Tribunal varied over the reporting period varied. The numbers of members reflect those in the position as at 30 June 2023.

The registry

The QCAT registry, led by the Executive Director and Principal Registrar, provides administrative support for the Tribunal.

QCAT's registry is in Brisbane.

Local Magistrates Courts act as the QCAT registry across regional and rural Queensland and in SEQ (excluding Brisbane). Outside Brisbane, Magistrates Courts registry staff accept QCAT applications and supporting documents, receive application fees and assign hearing dates.

QCAT's registry is comprised of:

- The Human Rights Division (HuRD)
- The Civil, Administrative and Disciplinary Division (CAD)
- Client Services
- Operations Support
- Corporate Services.

Registry workforce

QCAT's registry workforce comprises:

- 138.5 permanent registry positions
- 59 temporary registry positions
- 5 associates to Senior Members*.

The QCAT registry workforce is supplemented by Magistrates Court registry staff providing registry services for QCAT in SEQ and regional centres.

The QCAT registry senior leadership group and management team details are detailed in [Appendix 1](#).

*Includes a temporary position to support the Acting Senior Member role.

Code of conduct and QCAT culture

The QCAT registry staff are required to abide by the Queensland public service [Code of Conduct](#) that specifies behavioural and service standards.

Further to this, all who work within QCAT, whether President, Deputy President, Tribunal Members and Adjudicators or registry, are expected to seek to uphold workplace principles and behaviours that build a positive, professional and productive workplace. This approach is encapsulated in a document entitled "*One QCAT: How we best work together*" (One QCAT) that outlines four key principles and behaviours:

- Growth and Development
- Integrity and Respect
- Inclusion and Diversity
- Trust and Collaboration.

Diversity and inclusion

QCAT's approach is drawn from our One QCAT's third principle "Inclusion and Diversity" that states we value diverse cultural and personal backgrounds and strengths; and recognise and observe our individual professional and workplace ethics and codes of conduct. It is also drawn from our organisational value of being inclusive. That value states we will operate with a culture of respect and inclusivity and engage with Queenslanders in a sensitive and culturally competent way. Within QCAT we value our people and the diverse perspectives and experiences that they bring.

QCAT's ongoing improvement approach aims to support the diversity and inclusion of tribunal users. QCAT reviews business processes and practices to make reasonable adjustments where required and to enhance accessibility for tribunal users, acknowledging their diverse perspectives and experiences.

Our approach reflects the DJAG Inclusion, Diversity and Equity Strategy which aims for the Department to create an inclusive, diverse and equitable workplace where we belong, and diversity of thought is embraced.

In the reporting period, the practical steps we have taken include:

- updating a number of forms to enable Tribunal users to provide information to the Tribunal about accessibility and assistance needs at hearings
- having staff update equity and diversity information to gain a clearer understanding of QCAT's diversity profile, noting the percentage of registry staff who elected to identify:
 - 2.6 per cent identify as Aboriginal or Torres Strait Islander peoples
 - 2.6 per cent identify as culturally and linguistically diverse peoples, who speak a language other than English at home
 - 5.2 per cent identify as living with disability
- recruiting Tribunal decision makers from First Nations' backgrounds
- ensuring attraction, recruitment and selection processes are inclusive, accessible and target core capabilities. QCAT has a high percentage of female staff at 66 per cent
- supporting flexible working arrangements for people managing tertiary study, family commitments and other personal responsibilities - 13 staff work part-time and all staff are encouraged to make use of flexible work patterns
- undertaking regular and dedicated training programs for induction, employee mental and physical health and safety, domestic and family violence, bullying, cultural diversity and First Nations capability competence
- providing support services to our staff and Tribunal decision makers in areas, including health and wellbeing
- being represented on the DJAG Just Pride Working Group and the Queensland Public Sector LGBTIQ+ Steering Committee to support people who identify as LGBTIQ+ and allies
- being represented on the DJAG Just Ability Working Group to support people living with a disability.

QCAT operations³

Funding

QCAT receives funding through government appropriation and through fees for service. In the reporting period, QCAT's total operating expense was \$30.777 million.

Government appropriation \$26.149 M
Revenue from fees for service \$4.626 M
Total operating expenses \$30.777 M*

*Figures accurate due to rounding.

In 2022-23, the Queensland Government allocated QCAT additional funding for workload demands and new jurisdictions, including \$1.787 M and 4 FTEs for six months to 31 December 2023. This includes funding for additional member and adjudicator resources.

At a glance

27,159 cases finalised	75,183 calls managed	15,184* proceedings scheduled	76% user satisfaction	9,554 counter enquiries
93% clearance rate	17.53 minutes call response time	\$1,133 Average cost per matter	452 confirmed interpreter bookings	18,229 searches of QCAT records

*Excludes MCDs.

³ s232(1)(a), (b) and (c) QCAT Act

Workload and outcomes

The reporting period saw a 9 per cent increase in cases lodged from the previous year. This is a significantly marked increase.

QCAT's guardianship workload remains very high, with 12,936 guardianship and administration applications lodged in 2022-23, a 12 per cent increase on 2021-22. Year on year, the proportion of guardianship cases which are complex increases. As such, this 12 per cent increase of guardianship matters overall signifies a far greater increase in overall workload in the guardianship jurisdiction.

Some of QCAT's other complex jurisdictions experienced a significant increase in lodgements, including the general administrative review list (36 per cent) and minor civil disputes (7 per cent) – imposing a significantly additional workload on both the Tribunal and Registry.

With these increases in lodgments and workload, it is hardly surprising that there has been a reduction in the overall clearance rate from the previous year. The clearance rates are set out later in this report.

Table 1: Overview of operations.

Service performance criteria	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Cases lodged	31,229	31,592	31,657	30,631	26,820	29,120
Cases finalised	31,326	30,395	30,610	28,727	28,952	27,159
1300 calls managed	112,515	83,426	86,847	83,522	83,331	75,183
Call response time (average)	15.51 minutes	6.87 minutes	7.82 minutes	9.95 minutes	30.89 minutes	17.53 minutes
Search request of QCAT records	15,866	13,764	15,206	21,241	23,333	18,229
Counter enquiries	13,418	12,929	13,141	10,189	9,253	9,554
Proceedings scheduled*	18,428	19,307**	19,929	19,400	16,334	15,184
Cost per matter (average)	\$717	\$777	\$866	\$945	\$1,033	\$1,133
Interpreter and translation services provided	347	357***	329	563	641	452
Complaint rate	0.90%	1.10%	0.56%	0.52%	0.69%	0.75%
User satisfaction rating	81%	82%	82%	79%	79%	76%

*Proceedings scheduled exclude MCD proceedings.

**Figure for 2018-19 was incorrectly recorded as 18,428 in annual report for 2019-20, 2020-21 and 2021-22.

***Figure for 2018-19 was incorrectly recorded as 347 in annual report for 2019-20, 2020-21 and 2021-22.

Clearance rates

QCAT achieved a clearance rate of 93 per cent in 2022-23, which was seven per cent below the service delivery standard and 15 per cent lower than 2021-22.

Figure 1 displays QCAT's clearance rates from 2019 through to 2023.

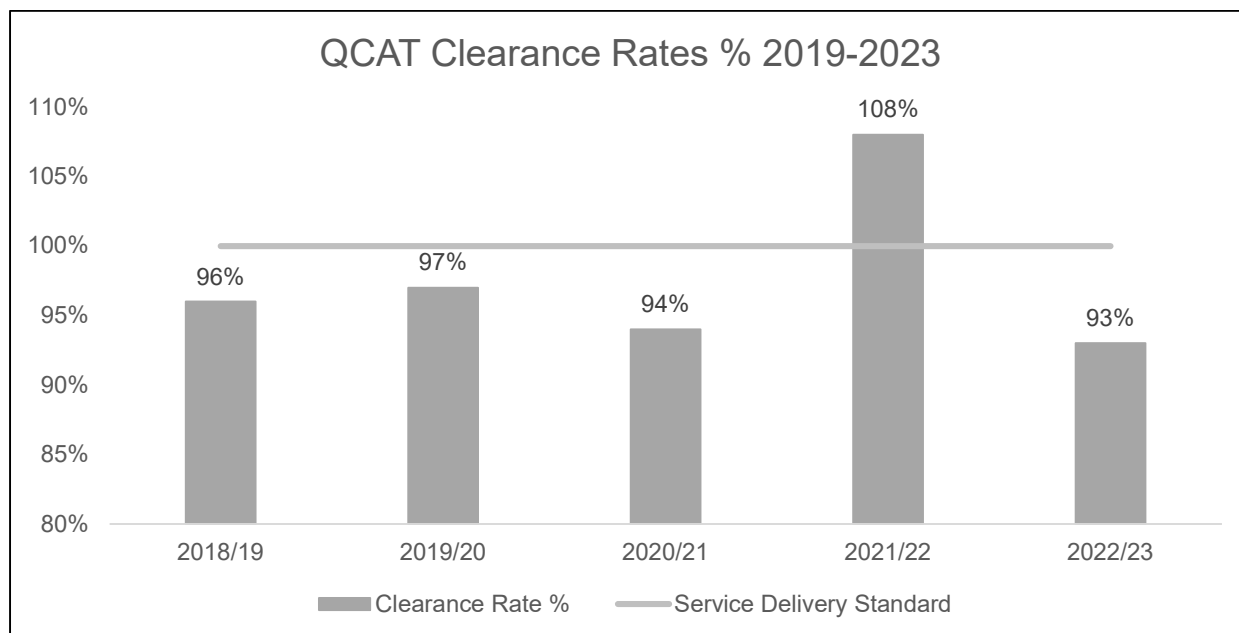


Table 2 details cases pending over the past five years.

	2018-19	2019-20	2020-21	2021-22	2022-23	% difference in 2022-23 compared to 2021-22
Cases pending	7,362	8,409	10,313	7,937	9,733	23%
Overall clearance rate	96%	97%	94%	108%	93%	-15%

Number of QCAT cases pending as at 30 June 2023 and percentage difference 2021-22 and 2022-23 financial years. Excludes MCD applications that were received by Magistrates Courts outside of SEQ.

Outcomes by jurisdiction

QCAT is required to report the number and nature of matters (lodgements), the outcome of matters (clearance rates) and the number and nature of outstanding matters (pending at period end).

Table 3: Outcomes by jurisdiction.

	Lodgements			Clearance rates			Pending at period end		
	2021-22	2022-23	% Diff	2021-22	2022-23	% Diff	2021-22	2022-23	% Diff
Human Rights									
Children – Child Protection**	215	220	2%	94%	93%	-1%	135	159	18%
Guardianship	11,594	12,936	12%	112%	91%	-21%	4,144	5,184	25%
Civil									
Anti-discrimination	104	103	-1%	66%	94%	28%	108	115	6%
Building	377	367	-3%	75%	92%	17%	442	466	5%
Children – Blue Card**	188	193	3%	112%	87%	-25%	315	317	1%
Retail shop leases	166	58	-65%	99%	183%	84%	135	90	-33%
Minor civil disputes*	12,299	13,122	7%	108%	95%	-13%	675	1,247	85%
Motor vehicles	267	288	8%	97%	78%	-19%	154	217	41%
Other civil disputes	95	93	-2%	77%	91%	14%	103	111	8%
Neighbourhood disputes	233	238	2%	70%	107%	37%	336	319	-5%
Administrative and disciplinary									
General administrative review	563	768	36%	94%	83%	-11%	721	847	17%
Occupational regulation	324	341	5%	103%	96%	-7%	317	328	3%
Appeals									
Appeal Tribunal	380	379	0%	93%	104%	11%	343	326	-5%
Re-openings and renewals									
Re-openings	15	11	-27%	87%	109%	22%	9	7	-22%
Renewals	0	3	0%	0%	100%	100%	0	0	0%

*Excludes 5,236 MCD applications that were received by QCAT and dealt with by Magistrates outside of SEQ.

**Children list split into child protection and blue card matters.

One of the largest QCAT jurisdictions is MCDs, details of which are in **Table 4** below.

Table 4: MCDs broken down by Residential Tenancy & Other MCD matters.

	Lodgements			Clearance rates		
	2021-22	2022-23	% diff	2021-22	2022-23	% diff
MINOR CIVIL DISPUTES						
SEQ	12,299	13,122	7%	108%	95%	-12%
Non SEQ	5,433	5,236	-4%	104%	100%	-4%
Total	17,732	18,358	4%			
Tenancy – urgent						
SEQ	4,824	4,337	-10%	101%	100%	-1%
Non SEQ	1,977	1,640	-17%	103%	102%	-1%
<i>sub-total</i>	<i>6,801</i>	<i>5,997</i>	<i>-12%</i>			
Tenancy – non-urgent						
SEQ	2,860	3,119	9%	118%	93%	-21%
Non SEQ	1,327	1,282	-3%	109%	100%	-8%
<i>sub-total</i>	<i>4,187</i>	<i>4,401</i>	<i>5%</i>			
Other MCDs						
SEQ	4,615	5,666	23%	109%	93%	-15%
Non SEQ	2,129	2,314	9%	103%	98%	-5%
<i>sub-total</i>	<i>6,744</i>	<i>7,980</i>	<i>18%</i>			

Reserved decisions

A reserved decision is a decision that is not made at the hearing as it requires further consideration, and is therefore given at a later date.

As at 30 June 2023, QCAT had 113 outstanding reserved decisions which is 7 higher than at June 2022. Of these decisions, 50 were outstanding for less than 90 days, 28 between 90 and 180 days, and 35 for more than 180 days.

Complaints

QCAT reports on complaints about registry under the [Complaints Management Policy \(Registry and QCAT Staff Mediators\)](#). QCAT had a complaint rate of 0.75 per cent for 2022-23. A total of 217 complaints were received during the reporting year. The majority of complaints received concerned QCAT's service delivery and policies and procedures. Over the past five years, the complaint rate has remained within the range of 0.5 per cent to 1.1 per cent (see **Table 1**).

Open data

The [Queensland Government's Open Data Portal](#) details the volume of 2022-23 QCAT application lodgements listed by postcode.

QCAT and the Magistrates Court of Queensland

QCAT's ability to provide quality justice services throughout south-east, regional and remote Queensland depends on the support provided by Magistrates Courts. They deliver frontline services through regional registries and Magistrates, in their role as QCAT members, hear and determine MCD matters in the regions.

In 2022-23, QCAT and the Magistrates Courts continued to engage through the QCAT and Magistrates Courts Collaborative Practice Network. This network works to improve QCAT's partnership with regional Magistrates Courts and to facilitate:

- a better understanding of capabilities and needs of Magistrates Courts in delivering QCAT services
- improvement of QCAT regional service delivery
- guidance to QCAT to develop a learning framework to better support Magistrates Court staff in delivering QCAT work
- consistent statewide implementation of new initiatives and operational changes.

Over the reporting period, QCAT has reviewed and redrafted the online MCD handbook for internal use by Magistrates Court registry personnel to facilitate the introduction of the new digital case management system, QCase. The handbook guides registry staff in how to manage each of the different registry processes for different types of MCD applications. It also explains how to navigate the digital system in managing each of the processes.

QCAT has increased its communications with Magistrates Court from the previous reporting year through formal communique style communication. Further, QCAT operates a Chat service with regional Magistrates Courts registry personnel, facilitated through TEAMS, which enables our registry personnel to provide real time assistance to Magistrates Court registry personnel in the regions. Registry leaders for QCAT and the Magistrates Court meet approximately every six (6) weeks through the Practice Network to focus on key needs, identify training requirements and troubleshoot issues. From time to time, QCAT conducts lunchbox training sessions for Magistrates Court registry staff, focusing on key topics which have been identified as requiring specific training.

QCAT is grateful for the significant support in the SEQ region where Magistrates Courts personnel have worked hard to facilitate QCAT's request for adjudicators to access rooms and facilities prior to 8.30am. There has also been major positive collaboration with Magistrates Court personnel in Rockhampton in enhancing the premises used by QCAT in the Rockhampton Magistrates Court, for which QCAT is also very grateful.

Two sitting Magistrates attended the major QCAT conference held in February 2023 over two days. The President and Senior Member Traves presented at the Magistrates Court annual conference.

Whole of Tribunal issues and initiatives

QCAT Act Ministerial statutory review

In February 2023, the former Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence commenced a review of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) under section 240 of the QCAT Act.

Section 240 of the QCAT Act requires the Minister to review the QCAT Act. The first statutory review of the QCAT Act was completed in 2018. Pursuant to s 240(1) of the QCAT Act, the Minister must review the QCAT Act, given the last review was undertaken in 2018. Section 240(2) of the QCAT Act provides that the objects of the review include:

- deciding whether the objects of this Act remain valid
- deciding whether this Act is meeting its objects
- deciding whether the provisions of this Act are appropriate for meeting its objects
- investigating any specific issue recommended by the Minister or the president, including, for example, whether any provision of an enabling Act affects the effective operation of the tribunal.

This is the second statutory review of the QCAT Act. More information is available [here](#).

The Minister has established a Review Team within DJAG. Given that QCAT is a key stakeholder in this review, the Review Team engages in consultation with QCAT.

Terms of reference

The full terms of reference for the 2023 QCAT Statutory Review have been [published](#) by DJAG.

Public statements made in respect of the review state that it will examine:

- whether the objects of the QCAT Act remain valid
- whether the QCAT Act is meeting its objects
- whether the provisions of the QCAT Act are appropriate for meeting its objects
- whether the provisions relating to establishment and administration of the tribunal are appropriate to meet the needs of the tribunal including the current statutory decision maker categories
- whether the current maximum term of appointment for decision makers should be retained or increased
- whether the need to get leave to be legally represented should be retained, and if so, in what cases,
- the current appeal structure for QCAT decisions
- whether the current legislation creates hurdles to procedural efficiency, in particular, in minor civil disputes
- compatibility of the QCAT Act, and any recommendations for legislative reform, with the Human Rights Act 2019.

The review will:

- focus on **procedural reform** to the QCAT Act and may consider procedural provisions of an enabling Act which impedes the effective operation of the tribunal
- **not** examine the type or extent of jurisdiction conferred on QCAT through enabling Acts.

Guardianship stakeholder engagement

In the second half of 2022, QCAT engaged with relevant statutory bodies and stakeholders in the guardianship jurisdiction, including advocacy groups and representatives of the Queensland Law Society. QCAT also attended meetings held with the Public Guardian, the Public Advocate, the Public Trustee of Queensland and the Queensland Law Society. More recently, QCAT engaged with CAT's of other jurisdictions, meeting with some heads of jurisdiction, deputy presidents, members and senior registry officers, to exchange ideas.

In the reporting period, QCAT representatives attending the stakeholder, statutory bodies and Tribunal meetings consisted, variously, of the President, Deputy President, Darren Davies, Executive Director and Principal Registrar, Senior Member J Browne and Mathew James, Deputy Principal Registrar of the HuRD.

QCAT recognises the importance of having regular engagement with statutory bodies, stakeholders and other Tribunals as it presents an opportunity to discuss issues relevant to vulnerable Queenslanders who may have impaired decision making capacity.

START project

In mid-July 2022, QCAT commenced a pilot project - the Strategic Administrative Review Transition (START) project - in four administrative review lists:

- dangerous animal destruction orders
- blue card negative notices
- weapons licensing
- building regulation by the Queensland Building and Construction Commission (QBCC).

This project is trialing a move away from a mandatory long compulsory conference model to a model that involves a long directions hearing or short compulsory conference at the outset of the matter. At that initial proceeding, the goal is that all steps necessary to be ready for a hearing are programmed and, where practicable, a final hearing date is allocated.

A "standard length" compulsory conference will only be conducted where the Tribunal considers that it is desirable to do so in a particular case. This might occur, for example, where the Tribunal forms the view that there is a realistic possibility that a compulsory conference might result in resolution of the matter, or meaningful narrow the issues; or where the Tribunal forms the view that a compulsory conference might be a better way to help a particular applicant to better understand QCAT processes.

The project includes practice directions which go beyond the usual style of practice directions to include information to parties about the litigation process and what to expect. QCAT provides the practice direction to the applicant ahead of the initial long directions hearing or short compulsory conference.

Through this project, QCAT expects to see significant reduction in the overall duration of the litigation journey and a decrease in expense to the parties, and, over time, to QCAT, without sacrificing natural justice. Feedback in respect of the START project has generally been positive, and there has been external interest in the project expanding. For example, QCAT received a request from one regulator who had seen the practice direction in the blue cards list and enquired about whether a similar approach could be taken in respect of its matters. QCAT hopes

to be able to extend this project to more than the four lists it currently operates within, however, has been hampered by resource constraints at Tribunal and registry levels in that respect.

The START project offers the promise, over time, of important efficiencies, but it is a project which requires “front loading” of resources to create economies later. This includes Registry resources in the operations and scheduling team to be able to provide sufficient registry support to provide real time listings of matters. The START project is truly an example of needing money now to save money later.

The START project’s benefits accrue because of tight list management by members. It demonstrates the critical need for additional permanent Senior Member and Member positions. The sheer number of matters the Tribunal receives, and the wide diversity of jurisdictions the Tribunal administers, means the Tribunal has a large number of different lists. These lists each need a list manager and, for the larger lists, an assistant list manager. A number of the Tribunal’s permanent members are managing one or more lists, carrying other administrative responsibilities and attempting to sit to hear cases, which is untenable. The Tribunal needs more permanent Senior Member and Member positions to enable a reasonable spread of management responsibilities across the members and to enable members to engage and work collaboratively with the registry for upskilling and to build efficiencies.

Judicial members

In this reporting period, the Tribunal has been fortunate to receive support from the Chief Justice and individual judges of the Supreme Court for dealing with disciplinary matters involving legal practitioners. Those judges have been appointed as supplementary judicial members. The judges who sat in the reporting period are Justice Boddice (until his appointment to the Court of Appeal), Justice Burns and Justice Brown. Justice Burns, Justice Brown, Justice Davis and Justice Williams have heard, and will hear, matters in the 2023-24 reporting period. Justice Applegarth has also been appointed as a supplementary member of QCAT.

The Tribunal continues to be ably supported in this list, too, by sessional Judicial Members, the Honourable Peter Lyons KC and the Honourable Duncan McMeekin KC.

The Tribunal has had, for a number of years, and continues to receive, strong support from John Robertson and John McGill SC, who sit as sessional judicial members. The Tribunal has been extremely grateful that, with some recent retirements, that in the 2021-22 financial year, it has been bolstered by the appointment of a number of experienced retired District Court and Family Court judges who have been willing to take appointment as judicial sessional members. They are Julie Dick KC, Richard Jones, David Reid, the Honourable Colin Forrest SC and the Honourable Peter Murphy SC.

Our judicial members are hearing most of the final hearings in the Legal Practitioner and Health Practitioners Disciplinary Lists. They also hear appeals and sit in right to information and contempt matters.

Tribunal education and training

The President of QCAT has statutory functions which include ensuring the members and adjudicators are adequately and appropriately trained to enable the Tribunal to perform its functions effectively and efficiently.

Consistent with that function, the Tribunal has an education committee comprised by Senior Member Aughterson, Senior Member J Browne and Member Kent. QCAT conducts an in-house program of monthly seminars and facilitates attendance by members and adjudicators at relevant conferences, such as those offered by the Council of Australian Administrative Tribunals (COAT) and the Australian Institute of Administrative Law (AIAL). From time to time, members present papers at such conferences.

The monthly seminars cover a range of topics appropriate to the diverse jurisdictions of the Tribunal, with speakers from within as well as external to the Tribunal.

Importantly, the Tribunal also holds a major conference, usually on a biennial basis. This conference took place over two days in February 2023. Attendees included permanent, part time and sessional members, adjudicators and some Registry staff. This conference provided a valuable platform for learning. It also enabled the constructive engagement and exchange of information and ideas and helped build ties with those regional sessional members who attended in person.

The 2023 conference addressed a diverse range of topics, delivered by a number of distinguished speakers from Queensland and interstate, including:

- The Honourable Chief Justice Helen Bowskill, Supreme Court of Queensland
- His Honour Judge Alexander Horneman-Wren SC, District Court of Queensland
- His Honour Judge Bernard Porter KC, District Court of Queensland
- The Honourable Justice Darryl Rangiah, Federal Court of Australia
- The Honourable Justice Sarah Derrington AM, Federal Court of Australia
- The Honourable Justice Richard O'Brien, Family Court of Western Australia
- Judicial Member John McGill SC, Judicial Member of QCAT
- Member Peta Stilgoe OAM, Member of the Land Court
- Clare Endicott, Sessional Member of QCAT
- Professor Rachael Field, ADR Specialist, Bond University
- Professor Sarah Joseph, Professor of Human Rights Law, Griffith University
- Dr Mark O'Brien, Adjunct Professor, University of Queensland, Programme Director of the Oxford Healthcare Leadership Programme and Associate Fellow at Saïd Business School, Oxford University
- Chanthalah Webster-Tight, Physiotherapist.

His Honour Judge Alexander Horneman-Wren SC facilitated a workshop session on writing an ex tempore decision, assisted by QCAT Judicial Members:

- Julie Dick SC
- Colin Forrest SC
- Richard Jones
- Peter Murphy SC
- David Reid.

QCAT Rules Committee

The QCAT Rules Committee is established under s 223 of the QCAT Act. The functions of the Rules Committee include developing and reviewing the QCAT Rules, approving forms for use under the QCAT Act and subordinate legislation and any other function conferred on the Rules Committee under the QCAT Act or an enabling Act.

From July 2022, the Rules Committee consisted of the Honourable Justice Mellifont, Her Honour Judge Dann, A/Senior Member Fitzpatrick, Member Howe and Member Ford, assisted by registry legal officers, Madeline King, Jovana Krkeljas, and Mario Samios.

In the reporting period, the Rules Committee were consulted on the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation 2022* and consented to amendments to the QCAT Rules. The amendments were made in support of the new case management system (QCase) for the electronic filing and management of MCD matters and to reflect amendments to the *Oaths Act 1867* by the *Justice and Other Legislation Amendment Act 2021* which provided for affidavits and statutory declarations to be signed electronically and witnessed via audio visual link.

During the reporting period, the Rules Committee reviewed and approved the following QCAT forms:

- Form 34 – Application for an order to resolve a retail tenancy dispute – Retail Shop Leases Act 1994
- Form 35 – Referral of a matter (non-disciplinary) – agency
- Form 65 – Referral by a mediator of a retail tenancy dispute
- Form 66 – Application for a review of a voluntary assisted dying decision.

Registry issues and initiatives

Trial of second Deputy Principal Registrar

Prior to this reporting period, QCAT was supported by only one Deputy Principal Registrar, who was responsible for the effective day to day management of all registry services to support QCAT.

QCAT's broad legislative remit across the CAD and HuRD and overall workload means that this is not enough.

In this reporting period, QCAT, through a senior leadership restructure within existing resources, commenced a trial of a second Deputy Principal Registrar dedicated to the guardianship jurisdiction in HuRD. As detailed further in this annual report, the guardianship jurisdiction is one of QCAT's largest jurisdictions and continues to significantly increase, both in quantum and complexity. It presents enormous challenges for QCAT, given the lack of resources to keep up with demand.

The second Deputy Principal Registrar's remit also includes Operations Support.

The second Deputy Principal Registrar's focus on the guardianship jurisdiction has included activities such as:

- dedicated support of Registrars and their teams in the face of increasing workloads
- identifying and implementing improvements to existing practices
- continuing to develop the technical skills of registry staff
- procedural reform, which is responsive to an ever-changing environment
- building relationships with stakeholders, including Queensland Health, Public Guardian, Public Advocate and the Public Trustee
- representing QCAT at guardianship stakeholder meetings and forums
- meeting interstate counterparts at other CATS, exchanging ideas, and implementing ideas which offer possible improvement to QCAT's approach
- monitoring workload and environment within the guardianship jurisdiction at QCAT and making adjustments to seek to best manage those matters
- supporting the QCAT Executive Director and Principal Registrar, President and Tribunal members with specialised knowledge of the guardianship jurisdiction and registry operations.

The second DPR role has proved critical in QCAT's efforts to deliver services to Queenslanders. Apart from the invaluable benefits to the guardianship jurisdiction, it has freed up the other DPR to concentrate on CAD. The absolute need for the two DPR roles reflects the increasing diversity and complexity of jurisdictions across QCAT, combined with the increasing volume of work and the qualitative value to be gained by leadership able to focus on one division each.

QCAT will continue the trial through 2023-24. Given the critical importance of the second DPR role, QCAT will work with government to seek to embed this necessary resource as part of the funded permanent registry leadership structure.

Online application for guardianship and administration

Over the reporting period, significant progress was made to develop a fully-guided online application form for the appointment or review of an administrator or guardian for Adults who may have impaired decision-making capacity. This online application builds on work completed on the guardianship reform project as part of Phase 2 of a three-year business transformation program.

With accessibility to QCAT users as the primary focus, the online form has been developed with reference to human centred design principles to improve the user experience. It provides options for the form to be saved and completed later.

With increasing workloads and complexity in the guardianship jurisdiction, digitisation is critical for QCAT's continued operations. This online form will assist QCAT users to complete applications in a time effective manner by guiding users to address sections in the form relevant to their application. It is hoped it will thereby reduce demand on registry staff to seek additional information from applicants.

It is anticipated that the new online application for the appointment or review of an administrator or guardian for Adults who may have impaired decision-making capacity will be rolled out by the end of 2023.

Digital transformation – QCCase Phase 2

On 6 March 2023, a new online case management system, called QCCase, went live at QCAT Brisbane for people to securely file, manage and respond to MCD cases (see [Major achievements 2022-23](#)). QCCase heralds a significant step towards modernising how Queenslanders access justice services.

Except for MCD matters commenced in Brisbane, all other QCAT files remain in paper format. Digital file management remains QCAT's key business transformation goal.

QCAT continues to work with the DJAG Courts and Tribunals Digitisation Program (CTDP) as part of the five-year DJAG ICT Strategy to digitise Queensland courts and tribunals. Over the reporting period, substantial progress was made to map the existing business processes of the CAD and HuRD jurisdictions.

Lessons learnt and system enhancements from QCCase in the MCD jurisdiction will be harnessed in this next phase of digitisation. As a paperless portal, QCCase provides some contemporary features, including managing lodgements, enabling payment of fees, providing self-service for parties to upload evidence and materials, facilitating scheduling and providing file management tools across all of its jurisdictions.

In 2023-24, QCAT will continue working with the CTDP to complete current and future state analysis and commence planning for development activities to extend QCCase to all of QCAT's jurisdictions.

Legislative changes conferring further jurisdiction on QCAT

Voluntary Assisted Dying

The *Voluntary Assisted Dying Act 2021* (the VAD Act) was passed on 16 September 2021 and the provisions relevant to QCAT commenced on 1 January 2023.

Voluntary assisted dying allows eligible people in the late stages of advanced disease to take medication prescribed by a doctor to bring about their death at a time they choose.

Under the VAD Act, an application can be brought to QCAT to review a decision made by a coordinating medical practitioner in the first assessment or the consulting medical practitioner in the consulting assessment, about whether the person:

- has been ordinarily resident in Australia for at least 3 years immediately before the person made their first request; or
- has been ordinarily resident in Queensland for at least 12 months immediately before the person made their first request; or
- has capacity to make decisions in relation to voluntary assisted dying; or
- is acting voluntarily and without coercion.

An application can also be brought to QCAT to review a decision made by a coordinating medical practitioner at the final review, about whether the person:

- has capacity to make decisions in relation to voluntary assisted dying; or
- is acting voluntarily and without coercion.

QCAT cannot review decisions about disease related eligibility criteria (i.e., diagnosis and prognosis).

In the reporting period, QCAT took various steps to ensure that, by the commencement date of the legislation, QCAT was able to receive such applications and hear and determine same as efficiently as possible. These steps include:

- introducing a new Form 66 on and from 1 January 2023 – Application for review of voluntary assisted dying decisions
- developing QCAT Practice Direction 12 of 2022 – Applications for review of decisions made about voluntary assisted dying, effective from 1 January 2023
- creating a dedicated webpage on the QCAT website about reviewing a voluntary assisted dying decision and the application process
- the registry and Tribunal working together to develop workflows, manuals, templates, an internal resource paper and training materials.

In the reporting period, QCAT has not received any applications to review a reviewable voluntary assisted dying decision.

Residential rental changes

In October 2021, the Queensland Government passed the *Housing Legislation Amendment Act 2021*, which introduced a staggered approach to changes in the *Residential Tenancies and Rooming Accommodation Act 2008*.

From 1 October 2022, QCAT was vested with jurisdiction to:

- resolve disputes between tenants and lessors where the lessor unreasonably refuses a tenant to have a pet in the tenancy; and
- determine disputes in relation to the:
 - expanded reasons to end a tenancy early, or
 - strengthened repair and maintenance obligations for tenancies.

From 1 September 2023, prescribed minimum housing standards will apply for **new** residential tenancies. From 1 September 2024, prescribed minimum housing standards will apply for **all** residential tenancies. QCAT will have jurisdiction to resolve disputes where the minimum housing standards have not been met.

QCAT has applied registry and Tribunal resources to seek to ensure that QCAT is able to deal with such applications within a reasonable period after commencement of these reforms.

In preparation for these reforms, QCAT reviewed and developed resources relating to the residential rental legislative changes, including:

- updating the Appendix and instructions to QCAT's Form 2 – Application for minor civil dispute – residential tenancy dispute
- developing and amending QCAT website content relevant to the reforms
- developing relevant training and internal resources for Tribunal and registry personnel.

In addition to readiness of the Tribunal and registry, a fundamental consideration of the implementation activities was to optimise the community's access to QCAT services. QCAT has consulted with the Residential Tenancy Authority in the course of its preparatory work.

Racing changes

On 31 October 2022, the *Racing Integrity Amendment Act 2022* was assented to and introduced changes to the *Racing Integrity Act 2016*. The provisions relevant to QCAT commenced on 31 March 2023. The changes established a new Racing Appeals Panel (RAP) independent from QCAT and the Queensland Racing Integrity Commission (QRIC). The RAP's functions replaced QCAT's internal and external review processes relating to decisions made by stewards on the rules of racing.

Under the changes, decisions by the RAP may be appealed to QCAT's Appeal Tribunal, in limited circumstances. A decision can only be appealed to QCAT in relation to a disqualification action where the penalty imposed by the stewards is three (3) months or more and only on a question of law. Further, QCAT may consider an application to stay a decision of the RAP, but not if the matter involves a finding of a serious risk to animal welfare, human safety or the integrity of racing.

QCAT continues to have jurisdiction to review decisions made by QRIC in the regulation of racing personnel such as:

- refusal to grant or renew a licence
- taking disciplinary action relating to a licence
- taking an exclusion action against a person
- imposing a monetary penalty on a person
- imposing any other non-monetary penalty on a person.

In the reporting period, QCAT took practical steps to seek to be ready for the commencement of changes, which involved collaboration between Registry and the Tribunal, including:

- consultation with the Department of Agriculture and Fisheries (DAF) and QRIC
- reviewing and analysing existing webpages relating to QCAT's racing jurisdiction
- developing new website content relevant to the racing reforms
- delivering training to Registry staff.

Major achievements 2022-23

Digital Transformation – QCase go-live

On 6 March 2023, phase one of QCase, the new civil case management system, went live in the QCAT registry at QCAT Brisbane for MCDs. Currently, it enables people to securely file, manage and respond to MCD cases. The fully digital case management system gives QCAT users greater accessibility to file and manage their MCD cases 24/7. QCase includes guided processes for initiating MCD applications and guided functionality when lodging further documentation.

In the reporting period, more than 2,000 initiating MCD applications were commenced in QCase. 50 per cent of these applications were lodged directly through the online portal, reducing the need for registry to process manual documents and create physical files.

In addition to initiating applications, more than 21,000 supporting documents were lodged in QCase. 51 per cent of these documents were lodged directly through the online portal, reducing the need for registry staff to process these manual documents and place them on physical files.

This is a significant first step in QCAT developing the capability to conduct its business operations through electronic workflow, with enhanced ability to monitor emerging backlogs through better data collection and increased reporting functionality.

To ensure equity of access for all QCAT users, QCAT will continue to accept paper-based filing and convert paper-based material received in the Registry to electronic format. It should be noted that this places ongoing demands on registry personnel, but is important in ensuring accessibility and inclusion, two of QCAT's organisational values.

The rollout of QCase to QCAT throughout the rest of the state for MCD matters, together with some further functionality coming as part of that rollout through enabling entities (individuals and corporate entities) to use the online portal, will continue through 2023-24.

QCAT's adjudicators commenced hearing MCD matters filed in QCase on 6 April 2023. More is said about this in the [MCDs section](#) of this report.

Recording and transcription

On 10 October 2022, the new recording and transcription service delivery model went live at QCAT Brisbane and all courthouses across Queensland.

The new recording and transcription service delivery model brings the provision and management of recording back to the Department of Justice and Attorney-General under the responsibility of Queensland Courts Services. Transcription is outsourced to a panel of providers.

The [QTranscripts](#) portal is the communication pathway for court and QCAT users to request and receive transcripts and audio recordings. This portal enables direct communication in relation to requests and allows requests to be tracked in real time.

CAD file management reform project

In 2022-23, QCAT completed the CAD Division file management reform project.

Through engagement with the Queensland Supreme and District Court (SDC), QCAT was given the opportunity for a partner agency of the Justice Services division to provide valuable input into file management processes used in SDC and ways QCAT may adopt these methods or benefit from the learnings in another forum.

This project focused on internal process reform. It built on work completed in 2021-22, which was Phase 3 of a three-year business transformation program aimed at improving the efficiency of administrative processes for both the registry and Tribunal for CAD matters. Earlier work involved the redesign of QCAT's website content for CAD, adopting a human-centred design approach to provide guided and targeted delivery of relevant information to external QCAT users.

Key achievements of the CAD file management reform project led by the QCAT Registry Business Transformation Office during the reporting period included:

- identifying file management issues in the CAD registry
- implementing viable recommendations to improve processes and efficiencies in CAD registry, including the review of:
 - processes for non-compliant initiating proceedings
 - tribunal memoranda
 - correspondence management
 - pre-hearing file audits
 - tribunal standard directions
- updating registry procedures manuals and templates.

These recommendations will contribute to improving processes and efficiencies in the CAD registry and, it is anticipated, ultimately assist with increasing workload pressures. However, even with these process improvements, and even if they work as well as can be hoped, QCAT will still struggle to keep up with the ever increasing demands on it.

Strategic Plan 2023-25

Year on year, QCAT experiences lodgements increasing in volume, a significant portion of lodgements increasing in size and complexity, an expanding legislative remit and changes in society's needs and expectations. Given these features, and as with any large and complex organisation, it is imperative for QCAT to determine its desired future state to ensure scarce resources are allocated accordingly.

During the second half of 2022-23, and following extensive collaboration between the Registry and Tribunal, QCAT developed a 3-year strategic plan that was released on 30 June 2023 and is to commence on 1 July 2023.

The objects of the Strategic Plan align with those contained in the QCAT Act.

The four organisational values will guide the way QCAT carries out its functions:

- Accessible
- Trustworthy
- Timely
- Inclusive.

The [Strategic Plan 2023-25](#) outlines four strategies:

1. A contemporary QCAT

The business of both the Tribunal and Registry will seek to meet the needs of a contemporary and changing Queensland society. This includes seeking to ensure that:

- QCAT procedures and case management are fit-for-purpose and technology is strategically used across the organisation, and
- Opportunities for legislative and business reform are identified to better meet our statutory objectives.

2. Dealing with matters in a timely way

QCAT will seek to deal with matters as effectively and efficiently as possible. This includes using alternative dispute resolution processes where data and experience indicate they are likely to be effective.

3. Accessible services and functions

QCAT will seek to ensure that citizens have equitable access to QCAT.

4. Skilled, diverse and empowered people

QCAT will seek to ensure that all of QCAT's people are supported to work to their full potential.

Over the next reporting period, QCAT will progress implementation work of the Strategic Plan 2023-25.

Acts and Regulations

QCAT Act

The QCAT Act was not amended during the 2022-23 reporting year.

QCAT Regulation amendments

The QCAT Regulation was amended during the reporting period as follows:

- the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Regulation 2022* removed reference to the *Retail Shop Leases Act 1994* in Schedule 2 (Part 2) of the QCAT Regulation to ensure QCAT can charge fees for retail tenancy disputes as a result of the *Small Business Commissioner Act 2022*
- the *Queensland Civil and Administrative Tribunal (Fees) Amendment Regulation 2022* increased fees from 1 January 2023 for minor civil dispute applications and applications for a Notice to Produce and/or Witnesses to Attend
- the *Acts Interpretation (Fee Unit) Regulation 2023* increased QCAT's regulatory fees in accordance with the government indexation rate for the 2023-24 financial year.

Enabling acts and regulations

The enabling Acts and Regulations affecting QCAT that were assented to in the 2022-23 period were:

- *Animal Care and Protection Amendment Act 2022*
- *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2022*
- *Housing Legislation Amendment Act 2023*
- *Nature Conservation and Other Legislation Amendment Act 2022*
- *Racing Integrity Amendment Act 2022*
- *Industrial Relations and Other Legislation Amendment Act 2022*
- *Casino Control and Other Legislation Amendment Act 2022*
- *Tobacco and Other Smoking Products Amendment Act 2023*
- *Births, Deaths and Marriages Registration Amendment Act 2023*
- *Health and Other Legislation Amendment Act 2023.*

2022-23 practice directions

There were five practice directions issued in the reporting period:

- QCAT Practice Direction No. 9 of 2022 – *Applications for review of decisions made by the Queensland Building and Construction Commission*, effective 4 July 2022
- QCAT Practice Direction No. 10 of 2022 – *Proceedings by remote conferencing*, effective 17 October 2022
- QCAT Practice Direction No. 11 of 2022 – *Participation in Guardianship Proceedings*, effective 4 November 2022

- QCAT Practice Direction No. 12 of 2022 – *Applications for review of decisions made about voluntary assisted dying*, effective 22 December 2022
- QCAT Practice Direction No. 1 of 2023 – *Emailing of documents by QCAT to parties, rather than posting, where practicable*, effective 8 March 2023.

Human rights division

In its human rights division, referred to as HuRD, the Tribunal exercises functions relating to guardianship and administration and child protection.

Guardianship and administration

The guardianship jurisdiction is one of QCAT’s largest jurisdictions. The guardianship list considers applications primarily brought under the *Guardianship and Administration Act 2000*. The work undertaken by the Tribunal in guardianship includes:

- making decisions about the capacity of an adult
- appointing guardians and administrators and reviewing their appointment
- approving the use of restrictive practices under Chapter 5B, that is, for a particular cohort of adults, in certain settings – such as approving the use of containment, seclusion or other restrictive practices
- making declarations, orders, recommendations and giving directions and advice to guardians and administrators
- approving decisions or proposed decisions by informal decision-makers
- consenting to special health care
- assessing the actions of appointed administrators by examining annual accounts of administration.

The Tribunal may also make a “limitation order”, in a guardianship matter but only to the extent necessary to avoid serious harm or injustice to a person. The types of limitation orders which can be made include adult evidence orders, closure orders, pre-hearing non-publication and confidentiality orders. Pre-hearing non-publication and confidentiality orders are vacated at hearing of the substantive application, at which time the parties and any person with standing can be heard in respect of any further limitation order/s sought.

The Public Advocate is provided with a copy of all limitation orders, the reasons for making such an order and all information which was before the Tribunal when considering the request for a limitation order to be made.

Guardianship and administration work in the Tribunal is fundamental in upholding the rights and dignity of vulnerable adults in our community. When the Tribunal’s work is able to be undertaken in a timely manner, QCAT plays a critical role in maintaining and safeguarding a protective mechanism for adults with impaired capacity, who may be subject to elder abuse and/or domestic and family violence.

Lodgements in the guardianship jurisdiction increased by 12 per cent in 2022-23. This is 1,342 more matters than 2021-22 and represents a very significant increase in workload on an already overstretched Tribunal.

Table 5: Number of lodgements 2021-22 and 2022-23

Application type	2021-22	2022-23
Lodgement - Guardianship	9,536	11,161
Lodgement – Administrator compliance	1,747	1,775

It is expected that QCAT’s guardianship jurisdiction will continue to significantly increase, both in quantum and complexity.

With the increase in numbers, it is hardly surprising that there was a sizeable decrease in clearance rates from 2021-22 to 2022-23. The clearance rate for 2022-23 was 91 per cent. The clearance rate for 2021-22 was 112 per cent, if one takes into account a special project to clear a substantial backlog in the assessment of annual reports which was undertaken in that year, or 103 per cent, if those matters are not included in the clearance rate.

Since QCAT commenced, the demand for its services has vastly increased in the guardianship jurisdiction, probably at levels which were not necessarily foreseeable. With an increasing and ageing population, increased awareness of the effect of coercive control, exploitation and abuse of vulnerable Queenslanders, increased diagnosis and treatment of mental health and significant reform in the aged and disability sectors, the guardianship list is ever increasing in size, volume and complexity.

This increase in demand has not been met with a corresponding increase in resources to support decision makers and to try to cope with the demand.

The role of the QCAT registry is unique in the guardianship jurisdiction. Guardianship is an inquisitorial jurisdiction. The process is not 'party driven' in that once an application is made, the adult subject to the application is the primary focus, not the applicant (or any respondent). Section 130 of the *Guardianship and Administration Act 2000* places the onus on QCAT to ensure it has all relevant information and material (with limited statutory exceptions to this requirement, as set out in section 131, that is "urgent or special circumstances").

QCAT seeks to meet these obligations by ensuring the adult's views, wishes and preferences, along with the views of those people in a supportive relationship with the adult are considered. QCAT seeks to ensure it has all relevant information and material it may require and where possible, assists the adult to participate in proceedings in a way that suits their individual needs. This inquisitorial jurisdiction is different from most other QCAT jurisdictions which are adversarial in nature. In practice, ideally this means the QCAT registry needs to assist in discharging this inquisitorial function, identifying shortfalls in information provided by parties, exercising judgement in identifying key issues to explore, and ensuring there is sufficient information available for the Tribunal to make an informed decision. The wholly inadequate resourcing of QCAT makes these objectives and needs incredibly challenging.

In 2010, QCAT set a 12-week benchmark for matters to proceed to final hearing. Due to insufficient resourcing that goal has not been able to be achieved since January 2020. The average time to final hearing has been on a steady upward increase since that time. During the reporting period, open applications awaiting a final hearing have increased by 12 per cent and the average time to finalise a matter has increased from 16 to 19 weeks, while some matters take considerably longer. Increases in time to finalise matters can have an exponential effect on the cost and use of QCAT's resources required to progress to a final hearing. This is because increases in time to finalisation can lead to interlocutory applications which would otherwise be unnecessary, and which consume substantial resources, and registry time otherwise being consumed by dealing with communications from persons making enquiries about matters which are awaiting listing for final hearing.

In last year's [annual report](#), the President stated that QCAT will continue to work with government to find sustainable solutions in this extremely important jurisdiction in order to assist one of Queensland's most vulnerable cohorts. It is apparent, now more than ever, that the only solution to creating a sustainable QCAT is a significant and realistic investment in QCAT and its work. This investment is needed in a number of areas, including the allocation of additional funding, the allocation of more permanent Full Time Equivalent positions to enable recruitment of permanent registry staff and more permanent member positions, with associated support staff,

accommodation and services. One of these, without the others, simply transfers the bottleneck from one location to another.

Reporting obligations

Section 83 of the *Guardianship and Administration Act 2000* requires QCAT to report on:

- the number of applications, approvals and orders made under chapter 5B of the Act during the year. The purpose of Chapter 5B is to provide a framework for the approval of practices used to respond to the behaviour of an adult with an intellectual or cognitive disability that causes harm to the adult or others for those adults that receive disability services from a relevant service provider.
- the number and type of limitation orders made by the Tribunal.

Tables 6, 7 and 8, which are set out in [Appendix 2](#), provide the information for those reports.

QCAT hospital hearing program

QCAT conducts some hearings for guardianship and administration matters in public hospitals where the adult is a patient (hospital hearings program). The permanent program is conducted in hospitals administered by the Metro North Hospital and Health Service (MNHHS) and the West Moreton Hospital and Health Service (WMHHS).

In 2020, the hospital program was temporarily expanded to incorporate additional hearings in hospitals and health services across Queensland. These are hearings for adults who may have impaired decision-making capacity, are otherwise clinically well and ready for discharge, but due to possible impaired decision-making may not be able to be safely discharged, pending a determination of guardianship and/or administration applications before the Tribunal.

To enable the adult to participate as fully as possible in the hearing, QCAT holds hearings via remote conferencing. QCAT utilises a variety of remote conference technology to support the programme, with most hearings conducted via “TEAMS” hearing.

The hospital hearings program has been able to operate to this point because of the provision of specifically dedicated resources by government.

Not all matters are considered appropriate to be dealt with by way of this program. Matters for hospital patients involving high levels of conflict between members of the support network and other issues of complexity (e.g., unclear capacity diagnosis, complex financial arrangements; issues with an Enduring Power of Attorney document) cannot proceed to hearing in the shorter time frame and, accordingly, are dealt with as part of the general guardianship list.

Applications which are regarded as being suitable to be heard and determined under this program generally are finalised at between 4 to 7 weeks, compared to 19 weeks in the general guardianship list. As already noted earlier, that average of 19 weeks to finalisation is projected to continue to increase without substantial further resources being provided to QCAT.

In the 2022-23 reporting period, hearing time in the hospitals hearing program has remained at between 4 to 7 weeks. The average time for the MNHHS program was 32 days. The average time for the statewide program was 45 days.

Since inception in July 2016, 2,961 hearings have been conducted within the initial MNHHS program, and the expanded Statewide Program. QCAT and Queensland Health continue to review the effectiveness of the initiative, with the view of making the arrangement permanent in

the future. It is fundamentally clear that this program provides very significant benefits to the adult, the focus of guardianship jurisdiction, in that it's specifically dedicated resourcing enables decisions to be made in a timely way. It's ancillary benefits of ensuring that hospital beds are not being occupied by those who would be more appropriately accommodated elsewhere are obvious, at a human level, as well as fiscally.

Child protection

In its review jurisdiction, the Tribunal reviews particular child protection decisions made by the Department of Child Safety, Seniors, and Disability Services. These include decisions relating to contact with children who are under the care of the Department and the removal or placement of children.

In 2022-23, 220 child protection applications were lodged in QCAT. This is a slight increase from the 215 received in 2021-22. 205 applications were finalised, resulting in a clearance rate of 93 per cent for the year.

This jurisdiction is one within QCAT in which the success rate of compulsory conferences is relatively high. As such, soon after an application is received, the Tribunal often convenes a compulsory conference which aims to:

- identify and clarify the issues the parties don't agree on
- find a solution to the dispute without proceeding to a hearing
- identify the questions to be decided by the Tribunal
- make orders and give directions to resolve the dispute.

In the reporting year, 90 applications progressed to a compulsory conference. Of these, 33 applications were resolved, 24 were partially resolved (where a number of the issues at hand were settled, leaving the substantive matter to progress) and 18 were not resolved.

While the compulsory conference is the primary tool in assisting the parties to reach agreement, it should also be noted that only 12 applications needed to be finalised by a final Tribunal hearing, with the balance of applications not resolved at compulsory conference otherwise resolving by being withdrawn (sometimes because an agreement was reached after the compulsory conference) or dismissed.

Applications which need to be suspended pending other proceedings

Some applications are filed with QCAT while there are matters still active before other forums, such as the Childrens Court. When this occurs, the child protection review proceedings before QCAT are suspended pending finalisation of the matters in the other forum.⁴ This is a legislative requirement intended to ensure that issues relevant to more than one proceeding are not dealt with by two separate jurisdictions simultaneously.

In this jurisdiction, the main principle is that the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount. Consistent with this

⁴ Section 99M *Child Protection Act 1999* (Qld); See -- page 5 - <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2015-249> for explanation of the rationale underpinning section 99M

principle, the Tribunal seeks to ensure that all relevant material is available for the review and that all appropriate parties are joined in the proceedings.

Children and young people have the right to express their views to the Tribunal about matters relevant to the review and the Tribunal takes steps to seek to ensure they are able to voice their concerns and to be appropriately represented. Usually, children and young people are given the opportunity to express their voice to the Tribunal in an age appropriate, confidential way, in a private space away from the other parties. Making provisions for children and young people to speak to the Tribunal in this way assists the Tribunal to obtain a better understanding of how the decisions affect children and young people.

Civil, administrative and disciplinary division

The Tribunal determines proceedings in a broad range of jurisdictions in its Civil Disputes Division and its Administrative and Disciplinary Division, referred to as CAD, including:

- domestic building disputes (no monetary limit)
- commercial building disputes (no monetary limit, subject to a requirement for consent of the parties where the claim or the counter claim exceeds \$50,000)
- tree disputes
- disputes relating to the purchase of motor vehicles (up to \$100,000)
- anti-discrimination matters (complaints of alleged unlawful discrimination after they have been referred to QCAT by the Queensland Human Rights Commission; and consideration of exemptions under the law)
- community living disputes (community titles schemes; retirement villages; manufactured home parks)
- retail shop lease disputes (up to \$750,000)
- information privacy disputes
- disputes involving claims against agents for monetary loss
- occupational regulation and disciplinary matters
- review of a large variety of administrative decisions made by government decision-makers.

The increase of average time to finalisation of CAD matters is significant. The causes of this are multifactorial. More CAD matters are becoming more and more complex. Navigating CAD litigation, particularly large and/or complicated litigation, can prove quite difficult for parties, particularly those who are inexperienced in litigation. Sometimes this leads to increased interlocutory applications seeking directions and varied requests which parties consider will assist their matter.

In 2022-23, interlocutory applications in the CAD increased significantly by 31 per cent, with 9,287 interlocutory applications lodged. The most notable increase in interlocutory application lodgements have been in the anti-discrimination list (88 per cent increase), neighbourhood disputes (49 per cent increase), general administrative review list (43 per cent increase), building list (41 per cent increase), motor vehicle list (28 per cent), occupational regulation matters (27 per cent increase), children's matters (23 per cent increase) and appeals (22 per cent increase).

Non-compliance with directions is also not uncommon. Following up parties in breach, or dealing with applications for extensions of time, increases the administrative workload of Tribunal members and registry personnel substantially, with little reward to show for the effort involved. When each of these matters is considered against the background of severe under resourcing, and that some lists are seeing increases in lodgements, it is easy to understand the wait times to finalisation of CAD matters.

The most notable increase in lodgements have been in the general administrative review lists, with a 36 per cent increase across each of the administrative review categories.

Applications to review decisions made by the Queensland Building and Construction Commission (QBCC) and applications to review decisions made about weapons constitute approximately 76 per cent of all general administrative review applications filed in 2022-23. Applications to review decisions made by the QBCC have increased by 58 per cent, and applications to review decisions made about weapons have increased by 66 per cent.

While it is not possible to pinpoint a single cause for the increase in lodgements in general administrative review applications, there are a number of contributing factors, including legislative changes which have introduced or resulted in expanded areas of review jurisdiction in the Tribunal.

A notable exception to increasing lodgements, is that there has been a 65 per cent decrease in retail tenancy disputes under the *Retail Shop Leases Act 1994*. This is likely attributable to establishment of the Queensland Small Business Commissioner from 3 May 2022, pursuant to the *Small Business Commissioner Act 2021* (SBC Act). The Queensland Small Business Commissioner is to provide mediation and dispute resolution services for eligible retail tenancy disputes under the *Retail Shop Leases Act 1994*, which has resulted in a decrease of 65 percent in lodgements relating to such disputes.

The Tribunal is heavily reliant on its sessional member cohort to discharge its functions. However, QCAT's sessional member budget remains utterly insufficient to meet the increased workload of the Tribunal, especially given the small permanent member and adjudicator cohort.

The Tribunal and the registry have worked together to implement changes aimed at addressing backlogs, shortening finalisation timeframes and providing better services to people who interact with the Tribunal. The START project, referred to elsewhere in this report, is for four general administrative review lists in the CAD jurisdiction. Benefits from START to this point have included providing parties with detailed information regarding the conduct of proceedings and the clear articulation of requirements for party participation in a stepped process via targeted Practice Directions at the commencement of the matter, with real time scheduling of timeframes for compliance with procedural requirements and setting dates for future proceedings.

There have been increases in the clearance rates for neighbourhood disputes (107 per cent - up by 37 per cent), appeals (104 per cent – up by 11 per cent), anti-discrimination matters (94 per cent – up by 28 per cent), building disputes (92 per cent – up by 17 per cent), and other civil disputes (91 per cent – up by 14 per cent). These increases in clearance rates are consistent with the fact that lodgements in these lists were similar in number to that in 2021-22 (anti-discrimination matters, other civil disputes, neighbourhood disputes and appeals) or slightly reduced (building disputes). They also reflect the enormous effort by the list managers, the members hearing matters and registry staff.

Notwithstanding the various initiatives to streamline operations and the hard work and dedication of registry and Tribunal personnel, inadequate resourcing and increased lodgements across the Tribunal have likely contributed to a decrease in clearance rates for blue card review applications (87 per cent – down by 25 per cent), general administrative review applications (83 per cent – down by 11 per cent) and motor vehicle disputes (78 per cent – down by 19 per cent).

Minor Civil Disputes

In the reporting year there were over 18,350 civil claims filed in the MCD jurisdiction in registries throughout Queensland. They comprised both monetary disputes (up to \$25,000) and non-monetary disputes. There were more claims filed in the MCD jurisdiction than in any other jurisdiction of QCAT.

These disputes can have serious consequences for the welfare, dignity and daily living arrangements of the people concerned.

MCDs include:

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

Most MCDs in SEQ⁵ are decided by QCAT adjudicators. In regional areas, MCDs are heard by Magistrates sitting as QCAT members.

In SEQ the MCD jurisdiction saw a 7 per cent lodgement increase. In the non-SEQ regions the lodgements decreased by 4 per cent. Overall, there was a 4 per cent increase across Queensland.

Throughout the reporting period, the wait times from lodgement to hearing or mediation were over target timeframes. Over the reporting period in SEQ, the average weeks were:

- to hearing urgent Tenancy = 5 weeks (3 week target)
- to hearing non-urgent tenancy = 19 weeks (5 week target)
- to hearing other matters = 12 weeks (5 week target)
- to mediation = 10 weeks (5 week target).

As noted earlier in this report, on 6 March 2023 QCAT launched its new digital online case management system, QCCase, initially for MCDs in Brisbane. QCAT has had to maintain its legacy case management system, CLAIMS, for MCD matters filed prior to QCCase commencing, to avoid having to perform data migration of existing files. This legacy case management system is over 30 years old. However, this has meant Adjudicators and registry personnel have carried a significant additional load in working in both the old paper based system whilst learning to use and manage the new digital system. This challenging and demanding work should be specifically acknowledged.

QCCase will be rolled out to all Queensland Magistrates Courts in a staged approach in due course.

The 7 per cent increase in lodgements in QCAT Brisbane for 2022-23 compared with 2021-22 reflect lodgement trends consistent with the 2018-19 pre COVID rates.

To assist with wait times, QCAT, in consultation with the Dispute Resolution Branch (DRB), Department of Justice and Attorney General, reviewed the allocation of DRB's state-wide mediation resources resulting in an 11 per cent increase in mediations conducted across the Motor Vehicle, Minor Debts, Consumer Disputes and Dividing Fence jurisdictions. In 2022-23, the DRB conducted 2,771 mediations in these jurisdictions, compared to 2,488 in 2021-22.

Given the increasing lodgements in the MCD jurisdiction, to try to increase clearance rates and decrease wait times, the Tribunal held two "blitzes" of two and three weeks respectively including over Tribunal recess periods when the Tribunal usually does not sit. During each blitz additional adjudicators and hearing room facilities were allocated so more MCD hearings could continue to be listed and determined. QCAT targeted paper-based cases in the legacy CLAIMS system, with the object of clearing that system to reduce inefficiencies caused by having the old system and

⁵ SEQ comprises the following areas: Beaudesert, Beenleigh, Brisbane, Caboolture, Cleveland, Coolangatta, Holland Park, Ipswich, Pine Rivers, Redcliffe, Richlands, Sandgate, Southport, Wynnum.

the new system coexisting. The additional listings assisted QCAT to reduce the number of outstanding cases in the old CLAIMS system, thereby facilitating further the transition to QCase.

Notwithstanding an increase in lodgements in the reporting year compared to 2021-22, the MCD jurisdiction achieved a clearance rate of 95 per cent in SEQ and 100 per cent in non-SEQ regions. Given the demands “blitzes” place on QCAT staff and adjudicators, they cannot occur frequently. They are not considered a sustainable means of trying to manage increased filings and to reduce backlog. Only proper resourcing will adequately do that. Further, diverting resources to a blitz has the effect of ‘robbing Peter to pay Paul’ in that other areas inevitably fall behind when resources are allocated away from their area to achieve a ‘blitz’ in another jurisdiction of the Tribunal’s workload.

Anti-discrimination

The Tribunal hears complaints made under the *Anti-Discrimination Act 1991 (Qld)* following referral from the Queensland Human Rights Commission. Principally, claims relate to alleged unlawful discrimination, sexual harassment, vilification, and victimisation.

Matters are often complex and involve numerous interlocutory applications requiring decisions and written reasons. Interlocutory applications include applications to expand complaints beyond those referred to the Tribunal, claims for extension of time to make complaints, jurisdictional issues as to the reach of the Act, whether a matter should be a representative complaint and applications for injunctions to stop allegedly discriminatory conduct. The Tribunal is also increasingly referred allegations of a breach of human rights linked to acts or decisions of public entities, said to be unlawful under the *Anti-Discrimination Act 1991 (Qld)*.

103 lodgements were made in the reporting period. The clearance rate of matters was 94 per cent, an improvement of 28 per cent over the previous year. 115 matters are progressing through compliance with directions or awaiting allocation of a hearing date.

Appeals

The Appeal Tribunal provides an internal appeal process from decisions of the Tribunal made in its original or review jurisdictions. The majority of appeals arise from the Minor Civil Disputes jurisdiction of the Tribunal.

The Appeal Tribunal also hears appeals on questions of law from decisions made by other decision-makers under the *Body Corporate and Community Management Act 1997* and the *Right to Information Act 2009* and *Information Privacy Act 2009*.

The President constitutes appropriate Members or Judicial Members to hear appeals. A Judicial Member must be constituted as the Appeal Tribunal for appeals from Magistrates sitting as Members in the MCD jurisdiction, and in external appeals brought under the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

379 appeals were filed in 2022-23 being similar to the previous year. The clearance rate of matters was 104 per cent an improvement of 11 per cent over the previous year and a testament to the indefatigable work of the list manager, the members who hear appeals and the registry personnel involved. That having been said, the work rate, which like many areas in QCAT, was above and beyond, is not sustainable. 326 appeals are progressing through compliance with directions or awaiting allocation of a hearing date.

Trends emerging in 2022-23 and forecast of workload⁶

QCAT has seen a 9 per cent increase in the total number of lodgements in 2022-23 compared to 2021-22.

The MCD jurisdiction (largest by volume and includes residential tenancy matters) increased by 7 per cent from 2021-22 (13,122 lodgements in 2022-23 compared to 12,299 lodgements in 2021-22).

There was also an increase in lodgements in some of QCAT's complex jurisdictions. Compared to 2021-22, QCAT experienced increases in lodgements across the general administrative review list (36 per cent increase), motor vehicle disputes list (8 per cent increase) and occupational regulation matters (5 per cent), resulting in significant increases in active files as at 30 June 2023 in these lists.

QCAT's guardianship workload remains high, with 12,936 guardianship and administration applications lodged in 2022-23, a 12 per cent increase from 2021-22. Active guardianship files case managed monthly has increased by 25 per cent in 2022-23 with an average of 2,616 guardianship files managed by QCAT each month (increased from 2021-22 average of 2,100 files per month).

As forecast in 2021-22, QCAT has observed increases in guardianship and administration lodgements and interlocutory applications. An analysis of trends to date indicates that in 2023-24, the increase in lodgements will continue year by year, particularly in guardianship, given factors such as an ageing population.

⁶ s232(d) and (e) QCAT Act

Proposals for improving the operation of the Tribunal in the present financial year⁷

During the present financial year, in addition to the ongoing work in various registry projects already referred to, the following projects are anticipated to improve the operation of the Tribunal, or to generate proposals for improving the operation of the Tribunal:

- QCase will continue to be implemented in QCAT in its MCD jurisdiction outside Brisbane
- digitisation is critical for QCAT's continued operations and QCAT processes will continue to be reviewed and mapped to ensure future state readiness to introduce QCase to all remaining QCAT jurisdictions
- online template directions for the conduct of matters will be implemented
- QCAT will commence implementing the QCAT Strategic Plan 2023-25.

QCAT will work collaboratively with Government, providing such contributions as possible, focusing on practical suggestions for legislative change to facilitate improving the operation of the Tribunal.

⁷ s232(f) QCAT Act

Proposals for improving quality of decision making across government⁸

It is accepted that the publication of decisions on QCAT's website adds to the body of law available to government decision-makers, and those engaging with government in respect of those decisions, and can, in this way, improve the quality of decision making.

Currently QCAT resourcing means that there are limitations on the number of decisions which are able to be published. If additional funding is provided by government for this issue, that situation can be improved.

⁸ s232(g) QCAT Act

Appendix 1 — Member and registry directory

Presidential Members

The Honourable Justice Kerri Mellifont, President

Her Honour Judge Geraldine Dann, Deputy President

Acting President

Her Honour Judge Geraldine Dann (30 August 2022 – 12 September 2022, 13 September 2022 – 23 September 2022, 23 January 2023 – 3 February 2023, and 27 March 2023 – 7 April 2023)

Acting Deputy President

Ian Brown (12 December 2022 – 13 January 2023, and 19 June 2023 – 7 July 2023)

Senior Members

Professor Ned Aughterson

Ian Brown

Joanne Browne (from 15 February 2023)

Tina Guthrie (until 27 February 2023)

Michelle Howard (until 19 August 2022)

Samantha Traves (from 15 February 2023)

Acting Senior Members

Joanne Browne (from 15 August 2022 – 14 February 2023)

Ann Fitzpatrick (from 22 August 2022 - 24 November 2022, 25 November 2022 - 21 February 2023, 27 February 2023 - 30 June 2023 and from 17 July 2023 - 29 December 2023)

Paul Kanowski (17 November 2022 – 1 December 2022)

Samantha Traves (until 12 August 2022 and 31 October – 14 February 2023)

Ordinary Members

John Bertelsen	Pam Goodman
Jane Bishop	Michael Howe
Joanne Browne (until 15 August 2022)	Paul Kanowski
Glen Cranwell	Marcus Katter
Sandra Deane	Barbara Kent
Ann Fitzpatrick (until 21 August 2022)	Michelle Lember
Julie Ford	David Paratz
Susan Gardiner	Hugh Scott-Mackenzie

Acting Ordinary Members

John Bertelsen (30 July 2022 –14 October 2022)
Talitha Burson (until 12 August 2022)
Glen Cranwell (26 September 2022 – 6 October 2022)
Pam Goodman (until 12 August 2022 and 9 January 2023 – 14 February 2023)
Jeremy Gordon (15 August 2022 – 11 November 2022)
Marcus Katter (15 August 2022 – 14 February 2023)
William LeMass (5 September 2022 – 30 September 2022)
Michelle Lember (until 29 July 2022 and 22 August 2022 – 24 November 2022)
Simone Matthews (until 12 August 2022)
Sasanka Munasinghe (9 January 2023 – 24 March 2023 and 27 March 2023 – 30 June 2023)
Hugh Scott-Mackenzie (3 January 2023 –14 February 2023)

Adjudicators

David Bancroft	Hugh Scott-Mackenzie
John Bertelsen (until 29 July 2022)	Jodie Stroud
Peter Eardley	Derek Struik
Elizabeth Gaffney	Alan Walsh
William LeMass	Anna Walsh
Gabrielle Mewing	

Acting Adjudicators

David Bancroft (15 August 2022 – 14 February 2023)

Peter Eardley (until 6 October 2022)

Tonya Marshall (2 December 2022 – 2 June 2023 and 19 June 2023 – 30 June 2023)

Simone Matthews (22 August 2022 – 24 November 2022)

Sasanka Munasinghe (17 October 2022 – 16 December 2022)

Hugh Scott-Mackenzie (4 July 2022 – 30 September 2022 and 3 October 2022 – 2 January 2023)

Danae Younger (until 12 August 2022, 22 August 2022 – 29 September 2022, 17 October 2022 – 2 December 2022 and 23 January 2023 – 23 June 2023)

Judicial Sessional Members

Julie Dick SC

Hon. Duncan McMeekin KC

Hon. Colin Forrest SC

Hon. Peter Murphy SC

Richard Jones

David Reid

Hon. Peter Lyons KC

John Robertson

Douglas (John) McGill SC

Sessional Members

James Allen

Colleen Cartwright

Dr Brian Fitzgerald

Stephen Armitage

Julia Casey

Dr John Forbes

Margaret Arthur

Les Clarkson

Karen Garner

Brydget Barker-Hudson

Tina Cockburn

Christopher George

Dr Sandra Baxendell

Simon Coolican

Peter Goodwin

Barbara Bayne

William Cooper

Jeremy Gordon

Dr Christopher Bridges

Andrew Corrigan

Dr Wendy Grigg

Peter Bridgman

John Davies

Tina Guthrie

Danielle Brown

Rodrigo De Luca

Geoffrey Gunn

Susan Burke

Raelene Ellis

Renea Hart

Talitha Burson

Clare Endicott

Carolyn Hemingway

Lisa Butson

Richard English

Steven Holzberger

Christopher Carrigan

Jennifer Felton

Noel Jensen

Adam Johnson	Timothy Matthews KC	Vass Poteri
Neil Judge	Donald McBryde	Graham Quinlivan
Sandra Kairl	Louise McDonald	Dr Robert Rees
Dr Dominic Katter	Jennifer McVeigh	Linda Renouf
Shelley Keane	Gabrielle Mewing	Peter Roney KC
Benjamin Kidston	Elissa Morriss	Keta Roseby
Robert King-Scott	Sasanka Munasinghe	Dr Richard Roylance
Patricia Kirkman-Scroope	Natalie Myatt	Jennifer Sheean
Vincent Knox	Roslyn Newlands	Annette Sheffield
Peter Krebs	Jon Norling	Dr Daniel Stepniak
Ross Lee	Ross Oden	Derek Struik
William LeMass	Robert Olding	Christopher Taylor
Darren Lewis	Richard Oliver	Benjamin White
John Lobban	Robyn Oliver	Paul Williams
Stephen Lumb	Louise Pearce	Lindy Willmott
Mary (Lynne) Matsen	Bryan Pickard	Michael Wood
Simone Matthews	Charles Pinkerton	Danae Younger

Land Court Sessional Members

William Isdale

James McNamara

Peta Stilgoe OAM (Acting President Land Court at the time of this report)

Justices of the Peace

James Anderson	John Crighton	Arthur Fry
Mark Anthony	Christine Cuthbert-Steele	Sean Goodsir
Lawrence Ballinger	Peter Dollman	Jane Hawkins
Leigh Bernhardt	Malcolm Edmiston	Marilyn Heath
Robert Brummell	Kevin Erwin OAM	John Howie
Bryan Carpenter	Katherine Jane Fenwick	Raymond Kelly
Michael Corlett	Anthony Friel	Jason Lawler

Bruce Little

Susan Lindsay

Karl McKenzie

Barry McPhee

Shirley Murray

Joanne Myers-Cave

Catherine O'Donnell

Stephen Osachuk

Noel Payne OAM

Graeme Rogers

Hedley Rye

Darryl Schmidt

Stuart Smith

Alan Snow

Darren Swindells

Carole Watson

Jodie Wrench

Legally qualified

Paul Arthur

Michael Francis

Samuel Hardin

Trudi Jobberns

Jessica Mills

Adam Ozdowski

David Phipps

Registry Senior Leadership Group

Executive Director and Principal Registrar

- Natalie Parker (seconded from 14 November 2022 to lead the team undertaking the Ministerial Review of the QCAT Act)
- Raelene Speers (acting from 19 September 2022 – 29 January 2023)
- Darren Davies (acting from 30 January 2023)

Director, Registry Improvement and Support

- Brendan Carlson

Deputy Principal Registrar, CAD

- Melissa Meldrum

Deputy Principal Registrar, HuRD

- Mathew James

Principal Legal Officer*

- Aidan McBarron (1 December 2022 – 27 January 2023)
- Maria Samios (from 18 April 2023)

Registry Management

Registrar CAD

- David Bancroft (resigned 14 February 2023, appointed Adjudicator 15 February 2023)
- Brett Newsome (22 August 2022 – 19 May 2023)
- Letecia Diete (from 22 May 2023)

Registrar HuRD

- Tonya Marshall (until 1 December 2022)
- Elisa Robbins (from 3 December 2022)

Executive Manager*

- Madeline King (until 3 November 2022)

Client Services Manager

- Brett Newsome (until 21 August 2022)
- Rhiannon Phillips (from 22 August 2022)

Business Services Manager

- Nerida Mead (until 24 July 2022)
- Varuni Weerasinghe (25 July 2022 – 11 September 2022)
- Kate Targato (from 12 September 2022)

Operations Support Manager

- Chontelle Wells

ICT Strategy Manager

- Xin Yan

Communications Manager

- Andrew Dunne

Human Resources Manager

- Terry McDonald

*Executive Manager redesignated to Principal Legal Officer

Appendix 2 — *Guardianship and Administration Act 2000* reporting requirements

Section 83 of the *Guardianship and Administration Act 2000* requires QCAT to report on:

- the number and type of limitation orders made by the Tribunal
- the number of applications, approvals and orders made under chapter 5B of the Act during the year.

Tables 6, 7 and 8 provide the information for those reports.

Table 6: Applications and review of guardianship for restrictive practice matters.

	Application for guardianship for restrictive practice matters		Review of guardianship for restrictive practice matters	
	2021-22	2022-23	2021-22	2022-23
Order made	212	171	306	308
Dismissed / revoked	45	113	48	97
Deceased	8	7	1	0
Withdrawn at hearing	26	33	1	3
Rejected	6	5	1	0
Total	297	329	357	408

The number of reviews of guardianship for restrictive practice are cyclical due to legislative changes in 2015 to allow two-year appointments of guardians. Prior to 2015, only one-year appointments were permitted. As such, the number of reviews varies significantly each year, due to the post-2015 appointments being on a two-year review cycle.

Containment, seclusion and other restrictive practices approvals

Table 7: Containment, seclusion and other restrictive practices approvals.

	Approved		Dismissed/ Revoked		Withdrawn/ Administrative Closure/Rejected		Total	
	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23
Containment	12	9	7	3	10	15	29	27
Review of containment	35	38	2	2	2	3	39	43
Seclusion	9	6	1	2	1	8	11	16
Review of seclusion	26	27	2	0	1	7	29	34
Application for another restrictive practice	13	14	4	2	4	14	21	30
Review of application for another restrictive practice	47	42	3	1	1	4	51	47

Limitation orders

Table 8: Limitation orders.

Limitation order type	2021-22	2022-23
Adult evidence order (s.106)	5	14
Closure order (s.107)	4	17
At Hearing Non-publication order (s.108)	18	6
Pre-Hearing Non-Publication Order (s.110)	6	19
At Hearing Confidentiality order (s.109)	50	42
Pre-Hearing Confidentiality order (s.110)	37	36

