

QCAT

Queensland Civil and Administrative Tribunal

Tribunal Recruitment
Information Kit

Expression of Interest

INTRODUCTION

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

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

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

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

AVAILABLE POSITIONS

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

- **Ordinary Member**, located in Brisbane – appointed full-time.

QCAT is committed to achieving a diverse Tribunal membership and strongly encourages Aboriginal and Torres Strait Islander peoples (**legally qualified or any other relevant qualifications**) to apply.

PART 1: THE TRIBUNAL AND ITS ROLE

Our vision

Fair and just outcomes.

Our mission

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

Our strategic priorities

Engaging with the community

Service delivery

Effective dispute resolution

Investing in our people

Managing the Tribunal.

About QCAT

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

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

To achieve the objects of the legislation, QCAT must:

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

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

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

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

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

Jurisdiction

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

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

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

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

QCAT may have original and review jurisdiction in each division.

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

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

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

Ordinary Members' Eligibility:

A person is eligible for appointment as an Ordinary Member only if the person:

- a) is an Australian lawyer of at least 6 years standing; or
- b) has, in the Minister's opinion, special knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the Tribunal.

Ordinary Members of the Tribunal consist of both full-time and part-time Members and sessional Members.

Ordinary Members hear and decide matters within the Tribunal as determined appropriate by the President. Depending on the Ordinary Member's particular expertise, the Ordinary Member may hear matters across a number of different divisions.

Qualification and practice in law is highly desirable for candidates applying for the position of Ordinary Member, but is not essential.

Where candidates do not possess legal qualifications, they must be able to demonstrate specialist knowledge in an area of work relevant to QCAT.

Formal qualifications in alternative dispute resolution are desirable for all candidates.

Ordinary Members hold office for the period of at least 3 years, but not more than 5 years, pursuant to the Act.

PART 2: RESPONSIBILITIES OF MEMBERS

Members appointed to QCAT are expected to meet the following commitments:

- to ensure that the objects and principles of the QCAT Act are applied to the functions of the Tribunal;
- to be available for hearings in various locations across Queensland if required;
- to attend Tribunal hearings fully prepared;
- to deal with all parties impartially, and with courtesy and professionalism;
- to make orders and give reasons pursuant to the provisions of the QCAT Act;
- to participate in meetings if/when required;
- to participate in professional development, continuing education or training activities as directed by the President;
- to bring to the attention of the President any perceived anomalies in legislation; and
- to report to the President any personal conflicts of interest.

PART 3: CONSTITUTION OF THE TRIBUNAL

The President is responsible for determining how the Tribunal will be constituted for a particular matter, using one, two or three member panels.

In deciding which Members will hear a matter, the President must consider the nature, importance and complexity of the matter, whether the matter can be expedited, the need for special knowledge, expertise or experience and the provisions of an enabling Act or the QCAT Rules.

Judicial Members are required to constitute the Appeal Tribunal unless the President decides that other suitably qualified persons can hear a matter.

PART 4: TERMS AND CONDITIONS OF APPOINTMENT

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

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

Ordinary Members may be required to travel throughout Queensland in order to conduct hearings and are expected to adhere to any Tribunal or external policies and procedures relevant to Members.

Ordinary Members may be eligible for reappointment.

Operations of the Tribunal

Ordinary Members hear and decide matters within the Tribunal as directed by the President.

Hearings may be of part day, full day or of many days duration and may be held at a number of locations across Queensland. Hearings may be face to face or conducted through the use of teleconference or videoconference facilities.

Indemnity

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

Remuneration

Remuneration outlined in the table below are based on a 12-month period and on a full-time basis.

Terms and conditions	Ordinary Members
Commensurate Public Service Level	Senior Executive Service level 3.4 (as varied from time to time)
Commensurate Public Service Superannuable salary (per annum)	\$196,907
Employer superannuation contribution (per annum)	12.75% (\$25,106)
Leave loading (per annum)	17.5% (\$2,642)
Vehicle allowance (per annum)	Nil
Total Remuneration Package (as varied from time to time)	<u>\$224,655</u>

Accommodation

QCAT conducts hearings at 259 Queen Street where both the Tribunal and the registry are located. Regional hearings are generally held at Magistrates Court premises. QCAT also has a large pool of regional Sessional Members who can be called upon to hear and determine matters across the state.

Criminal history checks

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

Further information

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

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

PART 5: HOW TO APPLY

Your expression of interest must include your resume outlining your qualifications, experience and where relevant, your publications and presentations.

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

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

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

Form of application

Your application for a position with QCAT must include:

1. QCAT Application Form – this should be used as your cover sheet;
2. Application – your application must address all of the selection criteria relevant to the position you are applying for (included at the end of this information kit);
3. Resume – a current resume should be included (**No more than two pages**);
4. A completed forms package (included at the end of the application form) including:
 - Appointment to Government Body: Personal Particulars form
 - Consent to Criminal History form
 - Statutory Appointments and Public Service Employments Currently Held form.
5. A copy of all relevant qualifications.

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

Resume

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

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

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

Lodging your application

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

Post:

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

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

Applications must be received by 5.00pm 15 September 2021.

SELECTION CRITERIA:

Selection Criteria 1

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

Selection Criteria 2

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

Selection Criteria 3

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

Additional Factors for all applications

- experience as a mediator would be highly regarded, but is not mandatory;
- applicants must be able to travel throughout Queensland to attend hearings;
- applicants must possess sound computer literacy and word processing skills;
- QCAT strongly encourages applications from Aboriginal and Torres Strait Islander peoples (legally qualified or holding other relevant qualifications); and
- applicants relying on legal qualifications must be an Australian lawyer of at least 6 years standing to be an Ordinary Member.

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