



Queensland Civil and Administrative Tribunal

## **Tree Assessor - Information Kit**

### **Expression of Interest (EOI)**

## Table of Contents

|  |   |
|--|---|
| Introduction.....  | 3 |
| Expressions of interest.....                                 | 3 |
| Part 1: The Tribunal and its role .....                      | 3 |
| Part 2: Tree Disputes .....                                  | 4 |
| Part 3: Requirements and functions of tree assessors .....   | 5 |
| Key functions .....  | 5 |
| Part 4: Key attributes of tree assessors .....               | 5 |
| Part 5: Qualifications and experience of tree assessors..... | 5 |
| Part 6: Terms and conditions of appointment.....             | 6 |
| Local government employees .....                             | 6 |
| Indemnity .....  | 6 |
| Remuneration .....   | 6 |
| Criminal history checks .....                                | 7 |
| Further information .....                                    | 7 |
| Part 7: How to apply.....                                    | 7 |
| Part 8: Selection criteria.....                              | 8 |

## Introduction

This information kit is intended to assist suitably qualified and experienced people interested in applying for appointment to the Queensland Civil and Administrative Tribunal (QCAT) as an assessor to assist QCAT in the determination of tree disputes.

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

Tree assessors are required by QCAT to assist in the resolution of disputes filed under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*. Tree assessors do not make decisions on applications - they assist the Tribunal by providing expert evidence through their reports, about the trees, the subject of an application to QCAT.

Further information about QCAT and its operations is available at [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

## Expressions of interest

Expressions of interest are sought from suitably qualified persons for appointment as tree assessors. It is expected that persons seeking appointment will have relevant qualifications and experience as set out in Part 5 of this document.

Assessors are sought throughout Queensland; further information can be found in the *Tree Assessor Application Form*.

## Part 1: The Tribunal and its role

The Queensland Civil and Administrative Tribunal (QCAT) is an independent, accessible tribunal that efficiently resolves disputes on a range of matters.

QCAT's jurisdiction is conferred on it by the *Queensland Civil and Administrative Tribunal Act 2009* (the QCAT Act), and over 150 pieces of legislation. The full list of acts which confer jurisdictions on QCAT may be accessed online at [qcat.qld.gov.au/resources/qcat-rules-and-legislation](http://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.

In achieving the objects under the QCAT Act, QCAT is assisted by assessors. Assessors help the tribunal, for example by providing a written report or by giving expert evidence in a proceeding.

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 and Adjudicators 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.

## **Part 2: Tree Disputes**

### **Legislation:**

The *Neighbourhood Dispute (Dividing Fences and Trees) Act 2011* gives QCAT the jurisdiction to facilitate the resolution of neighbour disputes about dividing fences or trees. The Act is available at:

[Neighbourhood Disputes \(Dividing Fences and Trees\) Act 2011 \(legislation.qld.gov.au\)](http://legislation.qld.gov.au/Neighbourhood%20Disputes%20(Dividing%20Fences%20and%20Trees)%20Act%202011)

### **Background:**

Tree assessors assist QCAT to make decisions about disputes involving trees in circumstances where:

- parties are usually self-represented, without the assistance of lawyers; and
- the tree assessor is relied upon as the only expert to give evidence about the tree/s.

Whilst the tree assessor is not the decision-maker in the dispute, the evidence and recommendations that they provide play an important role in resolving tree disputes. Importantly, less than 10% of tree disputes progress to a tribunal hearing. Most resolve shortly after the tree assessment based upon the recommendations made by the tree assessor, which are incorporated into a proposed agreement drafted by QCAT.

Therefore, it is of vital importance that clear, concise and practical recommendations are made and also discussed with the parties at the on-site tree assessment.

### **Jurisdiction:**

QCAT has jurisdiction to hear and decide any matter in relation to a tree in which it is alleged that, as at the date of the application to QCAT, land is affected by the tree under the Act.

QCAT has a Practice Direction relating to tree dispute matters on the QCAT website – [Practice Direction No. 7 of 2013](#) – Arrangements for applications for orders to resolve other issues about trees. The Practice Direction sets out the procedural aspects of tree dispute matters.

### Part 3: Requirements and functions of tree assessors

The frequency of a tree assessor receiving a request to provide an on-site assessment, expert report, or other services, will vary according to the size of the region, the number of applications lodged, nature of proceedings and the needs of QCAT.

Proceedings before the Tribunal for tree disputes will vary in duration from a couple of hours to part of a day or occasionally full day's duration and will be held at a number of locations across Queensland. Proceedings may be face-to-face with the parties, or via teleconference or videoconference facilities.

#### Key functions

- Assist the management of applications to QCAT regarding tree disputes by:
  - Providing expert evidence, principally by written report, encompassing clear recommendations for resolution of the dispute by signed agreement between the parties or final Order of the Tribunal.
- Provide feedback to QCAT on processes and procedures, supporting information and training to improve tree dispute resolution outcomes.

### Part 4: Key attributes of tree assessors

Applicants will demonstrate the following key attributes as they apply to the key responsibilities of the role:

- relevant qualifications and experience in arboricultural, tree damage and tree risk assessment and report writing
- excellent written and oral communication and negotiation skills
- high-level report writing including thorough and expedient gathering of factual information and provision of plain English recommendations
- independence and fairness in upholding of QCAT's principles and processes
- willingness to undertake training for legislation, processes, procedures, conflict resolution, negotiation and reporting.

### Part 5: Qualifications and experience of tree assessors

#### Mandatory:

- \*have an [Australian Qualifications Framework](#) (AQF) Level 5 Diploma in Arboriculture, issued by a Registered Training Organisation (or verified equivalent qualification), including demonstrated competency in modules for *Assessing Trees* and *Prepare Reports*
- \*\*have at least 5 years' experience in applying arboricultural principles and practices, including tree identification, local tree species and behaviour, Visual Tree Assessment (VTA), tree hazard/risk assessment
- report writing to a standard that satisfies the tribunal.

\*Applicants will be expected to show their actual qualification documents or provide copies that have been certified as copies of the original qualification documents by a registered Justice of the Peace. Copies of the qualification documents will be held by QCAT

\*\*Details of experience must be documented and be supported by names and contact details of independent referees who can verify the experience claimed.

## Desired:

- it is recommended that the arborist also shows commitment to continued professional development through membership of a professional organisation such as:
  - [Arboriculture Australia Ltd](#)
  - [Queensland Arboricultural Association](#) Inc

## Part 6: Terms and conditions of appointment

### Local government employees

Qualified applicants already employed in local government are encouraged to apply. However, their appointment will require permission from their current employer.

### Indemnity

QCAT Tree assessors have the same protection and immunity as a Supreme Court judge in the performance of their functions and are therefore not required to provide their own professional indemnity, nor public liability insurance in the execution of their duties.

### Remuneration

Appointed Tree assessors will be paid at current rates that are consistent with other QCAT sessional specialists, in line with the [Remuneration procedures for part-time chairs and members of queensland government bodies](#), detailed in the below table.

Payments will be made within 30 days of submission and approval of a certified Claim Form at the end of each period for which the assessor been engaged.

| Claim              | Half Day (< 4 hours) | Full Day (> 4 hours) |
|--------------------|----------------------|----------------------|
| On-site assessment | \$520                | \$1,040              |

### *Additional work time*

If it is not possible to complete the report, or if the tribunal orders otherwise, an assessor can seek approval to claim for report writing at the additional work time rate.

Additional work time claim rates will apply when:

- a report cannot be completed in the time allocated under the standard rate; or
- the tribunal refers a matter to the assessor which requires a written report.

When completing the additional work time claim form, an aggregate of the number of hours worked must be recorded, e.g., one hour on three separate days is one claim of <4 hours.

### *Where significant travel is required*

'Significant travel' is where the total time spent travelling to and from an on-site assessment (round-trip) from the tree assessor's usual residence or workplace exceeds four hours.

However, tree assessors may be compensated for significant travel. This additional fee is to be calculated at 50% of the remuneration entitlement for attendance at the meeting or hearing.

## **Criminal history checks**

A criminal history check is necessary before any new appointment is made to the tribunal. Like prospective members and adjudicators, prospective assessors will be asked to consent to a check as part of the application process.

## **Further information**

For further information contact [QCATtribunal.Appointments@justice.qld.gov.au](mailto:QCATtribunal.Appointments@justice.qld.gov.au).

## **Part 7: How to apply**

Your application must include:

1. QCAT Tree Assessor Application Form – this should be used as your cover sheet and must include the names and contact details of referees who can be contacted to verify any experience claimed in the Curriculum Vitae
2. Address to selection criteria - should not exceed two (2) pages
3. Example Tree Report \*
4. Curriculum vitae – a current curriculum vitae should be included
5. A completed Consent to Criminal History Check form.

\*Your example Tree Report must include an objective/purpose/brief; tree inspection results and conclusions/ recommendations in response to the purpose/ objective client brief but need not include any personal information about the client or specific location. Please refer to attachment A for an example tree assessor report template.

Failure to address the selection criteria or provide a sample tree report may exclude an application from further consideration.

Applications should be lodged no later than the closing date specified in the expression of interest.

## **Curriculum vitae**

Your curriculum vitae should include:

- your career history
- academic qualifications
- membership of professional / community bodies

## **Lodging your application**

**Email:** Email all documents, preferably in one attachment (Word or PDF) to support your expression of interest to: [QCATtribunal.Appointments@justice.qld.gov.au](mailto:QCATtribunal.Appointments@justice.qld.gov.au).

**Post:** Marked "Private and Confidential"  
Project Officer, Corporate Services  
Queensland Civil and Administrative Tribunal  
GPO Box 1639  
Brisbane QLD 4001

**Applications close: Tuesday 15 November 2022 at 5:00pm**

## **Part 8: Selection criteria**

### **Selection criteria 1**

Extensive knowledge of and experience in the arboricultural industry, including thorough and expedient gathering and reporting relevant factual information in: -

- assessment of tree health condition
- tree structural condition
- tree risk assessment
- assessment of damage from trees.

### **Selection criteria 2**

Demonstrated high level interpersonal, oral and written communication skills, including:

- excellent listening and negotiation skills in a dispute environment
- simple verbal explanations of tree inspection findings and tree behaviour
- and plain English report writing.