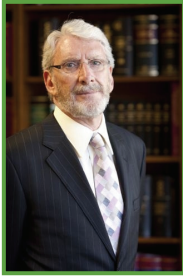


Message from the President



QCAT's second year has been one of consolidation and challenge. Important structural and operational reforms, and the commitment of members and staff, have meant that the tribunal continues to meet its statutory obligations to provide Queenslanders with dispute resolution services that are fair and just, accessible, quick and inexpensive.

In a year marked by natural disaster and inevitable strains upon public resources, the tribunal has achieved a remarkable clearance rate in 2010-11 of 91 per cent, far exceeding its 60 per cent target. In several important jurisdictions the clearance rate has exceeded 100 per cent, reflecting a reduction in waiting times and increased ability to offer speedy dispute resolution to parties.

Major reforms in the past year include:

- the increased use of Alternative Dispute Resolution (ADR) and active case management to reduce timeframes and the costs of dispute resolution
- the launch of QCAT's first Strategic Plan
- implementing the International Framework for Tribunal Excellence to enhance tribunal performance
- establishment of the QCAT Board to guide strategic operations and growth
- an extensive consultation and engagement program for clients and stakeholders
- the introduction of a member appraisal program to encourage members with the assessment and development of their ability, and skills.

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 the course of meeting these challenges QCAT has achieved a quiet revolution in ADR through use of *compulsory conferences* – a form of hearing where a tribunal member assists parties to achieve sensible mediated outcomes or clarify issues within the dispute. If the dispute cannot be resolved by agreement, the subsequent shorter and more focused hearings result in time and public resource savings. Additional savings have also been realised from a reduction in the number of members sitting in many tribunals.

The appointment of more members in major regional cities has also reduced costs and enhanced opportunities for local dispute resolution. Outside South-East Queensland, minor civil disputes continue to be determined by local magistrates, sitting as QCAT

members. I am grateful to them, and to the Chief Magistrate Judge Brendan Butler SC, for their assistance and cooperation.

The Deputy President was the moving force in creating the member appraisal program, which will ensure members' individual abilities are recognised, and enhanced. She has also shouldered a heavy case, and administrative, workload with patience and good spirit. QCAT's four Senior Members have assumed direct responsibility for specific jurisdictions and their own case lists. They have, over time, taken a more active role in QCAT's leadership and operations and developed more efficient case management techniques.

Permanent members and adjudicators continue to embrace their work with intelligence and enthusiasm. Members have applied their wide range of diverse individual aptitudes to playing an active role in training sessional members and in public and stakeholder educational programs. Sessional members have, from the first, brought the experience and knowledge they had gained in former tribunals into play at QCAT. Many of these sessional members have thoughtfully embraced our new direction towards ADR, greater expedition, and the active and interventionist management of every case.

QCAT's first Strategic Plan, the work of the Executive Director, looks to improve and enhance the focus upon ADR; use QCAT's people, and resources, effectively; create a new management structure for the tribunal; develop strategies for meeting and implementing new jurisdictions; and maintain informed stakeholder engagement and improve services to parties who come to the tribunal throughout Queensland.

The tribunal is blessed with skilled registry staff, led by the Executive Director and supported by the Principal Registrar. Staff members have undertaken regular in-house training to ensure knowledge of its processes, and its many jurisdictions, remains current.

A number of other innovations have been set in place – the development of a stakeholder engagement plan to guide focused delivery of information and educational services to stakeholders, and the community; and interaction with sessional members through a consultative group, and regular newsletters.

Significant savings and efficiencies have been achieved through QCAT's remorseless emphasis on ADR, and reducing the number of members sitting in hearings in particular jurisdictions. The tribunal has managed, to date, to achieve significant economies without reducing its level of service.

Despite the recognition and adoption, within the tribunal, of new ways by which QCAT may provide Queenslanders with quick and inexpensive justice, limitations on resources have nevertheless restricted its ability to develop in areas including sufficient and

appropriate accommodation, especially for ADR processes; effective member and staff training opportunities; meeting new jurisdictional demands, such as the *Neighbourhood Disputes Resolution Act 2011*; expanding QCAT's regional presence, including facilities; and, technological developments such as e-filing, and video link facilities for hearings and training programs.

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. QCAT has proved how effectively it can operate, and its success is vividly confirmed by continuing growth in demand – and, despite that demand, its high clearance rates. It is vital that the good purposes for which it was created should not be stymied in its formative stages.

Justice Alan Wilson
President
September 2011