

# 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](http://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 or part-time;
- **Legally qualified Ordinary Member**, based in various locations across Queensland – appointed on a sessional basis;
- **Adjudicator**, located in Brisbane for work across South East Queensland – appointed full or part-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 but particularly candidates for an Ordinary Full-time or Part-time Member position.

### **Adjudicators' Eligibility:**

A person is eligible for appointment as an Adjudicator only if the person is an Australian lawyer of at least five years standing.

Adjudicators are responsible for hearing minor civil disputes (including residential tenancy disputes) up to the value of \$25,000 and other less complex or non-contentious matters before the Tribunal. Hearings for minor civil disputes are time limited and dealt with in an expedited manner; and up to six matters can be heard per day. Adjudicators are appointed on a full-time or a part-time basis.

Whilst adjudicators are based in Brisbane, they are required to travel throughout South-East Queensland to preside over hearings in local Magistrates Courts. For this reason, possession of a 'C Class' drivers licence is essential.

## **PART 2: RESPONSIBILITIES OF MEMBERS AND ADJUDICATORS**

Generally, and subject to whether the appointment is on a full-time, part-time or sessional basis, Members and Adjudicators 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. The President is also responsible for determining when an Adjudicator can constitute the Tribunal.

In deciding which Members and whether an adjudicator 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 and Adjudicators 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 and Adjudicators 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 and Adjudicators may be eligible for reappointment.

### Operations of the Tribunal

Ordinary Members and Adjudicators hear and decide matters within the Tribunal as directed by the President, based on whether they are appointed on a full time or part time basis.

Ordinary Sessional Members are engaged on a part day or daily basis and sit on the Tribunal as required.

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

Senior and Ordinary Members and Adjudicators 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

Member appointed on a full-time basis.

Terms and conditions	Ordinary Members	Adjudicators
Commensurate Public Service Level	SES3.4	SO2
Commensurate Public Service Superannuable salary (per annum)	\$196,907	\$135,499
Employer superannuation contribution (per annum)	12.75% (\$25,106)	12.75% (\$17,276)
Leave loading (per annum)	17.5% (\$2,642)	17.5% (\$1,818)
Vehicle allowance (per annum)	Nil	Nil
Total Remuneration Package	\$224,655	\$154,593

Ordinary Members appointed on a sessional basis are paid fees at Level 2, Adjudication and Determination, as prescribed in the 2014 *Remuneration Procedures for Part-Time Chairs and Members of Government Bodies (remuneration procedures)*. The fees paid are listed below:

Duration	Member	Presiding Member
Meeting – 4 hours or less	400	520
Meeting – more than 4 hours	800	1040

## 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 and Adjudicators 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:

#### **In person:**

Marked "Private and Confidential"  
Attention: Executive Director  
Queensland Civil and Administrative Tribunal  
Level 9, 259 Queen Street  
Brisbane QLD 4000

#### **Post:**

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

**Email:** [QCATtribunal.Appointments@justice.qld.gov.au](mailto:QCATtribunal.Appointments@justice.qld.gov.au)

**Applications must be lodged by 5.00pm Friday 13 September 2019**



## **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 and 5 years standing to be an Adjudicator.

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