

QCAT Act Review 2026 conducted by the Hon David Thomas

Submission by QCAT President with respect
to the use of interpreters at QCAT

15 July 2026

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Use of interpreters

Submission

1. Section 29 of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) provides that one of the steps the Tribunal may take, to seek to discharge the section 29(1) obligation, to ensure proper understanding and regard, is to have an interpreter, or other person, able to communicate effectively with the person give the explanation pursuant to section 29(2).

2. Section 44 of the QCAT Act provides:

44 Use of interpreters and other persons

- (1) Unless the tribunal directs otherwise, a party to a proceeding or a witness may be helped in a proceeding by—
 - (a) an interpreter; or
 - (b) another person necessary or desirable to make the proceeding intelligible to the party or witness, including, for example, a person with appropriate cultural or social knowledge and experience.

- (2) Without limiting subsection (1), the tribunal may arrange for an interpreter or another person to help a party or witness.

- (3) In this section—

interpreter includes a person who interprets signs made or other things done by a person who can not speak or can not speak clearly enough to take part in a proceeding.

3. The Working with Interpreters in Queensland Courts and Tribunals Guideline applies to QCAT.¹
4. The guideline is to be read with chapter 11, part 2 of the *Criminal Practice Rules 1999* (Qld) (CPR) and chapter 11, part 6 of the *Uniform Civil Procedure Rules 1999* (Qld) (UCPR), and any practice directions issued by a Queensland Court or Tribunal in relation to interpreters. The purposes of those parts of the CPR and UCPR are to ensure that the court has control over the giving of evidence that is interpreted, translated or sight translated into English and to recognise the special status of an interpreter in the administration of justice by declaring the duties of an interpreter in relation to the court and the parties to a proceeding.
5. Those parts of the UCPR and the CPR do not apply to QCAT either expressly or by necessary implication.
6. The *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules) do not contain analogue provisions to those parts.

¹ Queensland Courts, 'Working with interpreters in Queensland Courts and Tribunals', *Queensland Courts* (Guideline, 25 July 2025)
<https://www.courts.qld.gov.au/__data/assets/pdf_file/0003/618384/guideline-working-with-interpreters-in-courts-and-tribunals.pdf>.

7. The Review might consider there to be benefit in addressing this gap by amending the QCAT Rules so as to include analogue provisions or to adopting those parts of the CPR's as considered desirable.²

For your consideration,

Justice Mellifont

President, Queensland Civil and Administrative Tribunal

² The *Queensland Civil and Administrative Tribunal Act* (QCAT Act) and the *Queensland Civil and Administrative Tribunal Regulation 2019* (QCAT regulation) take this type of approach with respect to contempt proceedings – see s219(2) QCAT Act, Schedule 2 “Subject matter for rules”, Item 22 QCAT Act; and section 99 of the QCAT Rules.