

QCAT

Queensland Civil and Administrative Tribunal



Motor Vehicle Assessor - Information Kit

Expression of interest (EOI)



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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 motor vehicle 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.

Assessors will be required by QCAT to undertake the functions set out in QCAT *Practice Direction No. 2 of 2019 – Motor Vehicle List* (attached for reference) which prescribes the process for managing motor vehicle disputes and allows for QCAT to appoint an assessor to provide independent expert evidence.

Assessors may be directed by QCAT to inspect the motor vehicle (the subject of the application) and provide a report addressing the issues raised. The evidence provided by assessors will assist the parties to reach agreement on their motor vehicle dispute and/or assist QCAT to make decisions.

Further information about motor vehicle disputes and QCAT and its operations is available at qcat.qld.gov.au

Expression of interest

Expressions of interest are sought from suitably qualified persons for appointment as assessors. It is expected that persons seeking appointment will have relevant motor vehicle qualifications and/or extensive experience in the motor vehicle industry.

Assessors are sought throughout Queensland.

Assessors have the same protection and immunity as a Supreme Court judge in the performance of their functions.

Part 1: The Tribunal and its role

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 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, Adjudicators and Justice 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.

Part 2: Motor Vehicle Disputes

Legislation:

- [Fair Trading Act 1984 s50A](#)
- [Motor Dealers and Chattel Auctioneers Act 2014 Sch 1, s14.](#)

Background:

In 2015 the Legal Affairs and Community Safety Committee released a report, '*Lemon Laws-Inquiry into consumer protections and remedies for buyers of new vehicles*' which recommended an increase to QCAT's jurisdictional limit. In 2017 the government made an election commitment to introduce legislation to provide greater consumer protection to Queenslanders who purchase a defective new or used vehicle.

To deliver on this commitment and recommendation the government passed the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019* on 11 April 2019. The amendments commenced on 1 September 2019.

Jurisdiction

QCAT can hear motor vehicle disputes against a motor dealer for failure to repair a defect of a warranted vehicle under the *Motor Dealers and Chattel Auctioneers Act 2014* or for failure to comply with a consumer guarantee under the *Fair Trading Act 1984* (Consumer Law Provisions).

QCAT's jurisdiction is limited to motor vehicle disputes in which the relief or amount sought is **not more than \$100,000**.

QCAT has a Practice Direction relating to motor vehicle matters on the QCAT website – [Practice Direction No. 2 of 2019](#) – Motor Vehicle List. The Practice Direction sets out the procedural aspects of motor vehicle dispute matters.

Part 3: Requirements and Functions of Motor Vehicle Assessors

The frequency of an assessor receiving a request to provide an expert report 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 motor vehicle disputes will vary in duration from a couple of hours to part of a day or occasionally a full day's duration and will be normally conducted from Brisbane. Proceedings may be conducted face-to-face with the parties, or via teleconference or videoconference facilities.

Key functions

- Assist in the management of applications to QCAT regarding motor vehicle disputes by:
 - providing advice to the Tribunal, including conducting an inquiry or investigation and providing a written report;
 - providing expert evidence in a proceeding upon request; and
 - provide any other function as directed or ordered by the Tribunal.

Part 4: Key attributes of Assessors

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

- relevant qualifications and/or extensive experience in the motor vehicle industry;
- excellent written and oral communication and negotiation skills;
- high-level report writing incorporating the provision of plain English recommendations;
- independence and fairness in upholding of QCAT's principles and processes;
- willingness to undertake training for QCAT legislation, processes, procedures, negotiation and reporting.

Part 5: Qualifications and experience of Assessors

Mandatory:

- relevant motor vehicle qualifications and/or extensive experience in the motor vehicle industry.

Desired:

- professional affiliations with relevant motor vehicle organisations, such as RACQ, MTAQ, etc.;
- experience in the preparation of technical reports relating to motor vehicles;
- experience as an expert witness.

Part 6: Terms and conditions of appointment

The conditions of your appointment by QCAT's President, are detailed in the letter from the Principal Registrar.

Indemnity

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

Remuneration starts at \$520 for up to four hours' work, or \$1,040 for one day's work, per motor vehicle assessment.

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 QCAT by phone on 1300 753 228 or via email at QCATTribunal.Appointments@justice.qld.gov.au.

Part 7: How to apply

Your application must include:

1. **QCAT 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. **Response to selection criteria** - should not exceed two (2) pages.
3. **Curriculum vitae** – a current curriculum vitae which includes the details of two referees who can attest to your experience.
4. **A completed Consent to Criminal History Check form.**

Failure to address the selection criteria 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:

- work history
- qualifications (including copies of certified qualification from registered training organisation)
- membership with professional/community bodies.

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

A letter of appointment will be sent to successful applicants from QCAT's President.

Part 8: Selection criteria

Selection criteria 1

Relevant motor vehicle qualifications and/or extensive experience in the motor vehicle industry, including in:

- assessing the condition of motor vehicles;
- assessing defect(s) in motor vehicles;
- assessing the cause of defect(s);
- estimating the cost of repairs.

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 motor vehicle inspection findings and estimate of cost of repair,
- plain English report writing.