

# **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 all backgrounds to apply, including Culturally and Linguistically Diverse and First Nations People.

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.

All appointments will be made on the basis of merit.

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

## TRIBUNAL POSITIONS

Suitably qualified persons may express an interest in appointment for the following positions:

- Senior Member (appointed full time) – located in Brisbane;
  - Permanent
  - Acting
- Ordinary Member (appointed full or part-time) – located in Brisbane;
  - Permanent
  - Acting
- Ordinary Member (appointed on a sessional basis) – based in various locations across Queensland;
- Adjudicator (appointed full or part-time) – located in Brisbane for work across South East Queensland;
  - Permanent
  - Acting

## 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;
- 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 180 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; and
- b) encourage the early and economical resolution of disputes before the tribunal, including, if appropriate, through alternative dispute resolution processes; and
- c) ensure proceedings are conducted in an informal way that minimises costs to parties, and is as quick as is consistent with achieving justice; and
- d) ensure like cases are treated alike; and
- e) ensure the tribunal is accessible and responsive to the diverse needs of persons who use the tribunal; and
- f) maintain specialist knowledge, expertise and experience of members and adjudicators; and
- g) ensure the appropriate use of the knowledge, expertise and experience of members and adjudicators; and
- 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 registry of the Tribunal operates** in three divisions to reflect the various kinds of jurisdictions.

The **Human Rights** division deals with guardianship and administration and child protection.

The **Civil Disputes** division deals with minor civil disputes, minor debts, residential and retail tenancy disputes, building disputes, anti-discrimination matters and other complex civil disputes.

The **Administrative and Disciplinary** division deals with reviews of administrative decision 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.

For more information about QCAT's jurisdictions see the [2020-21 QCAT Annual Report](#).

### **Senior Members' Eligibility:**

A person is eligible for appointment as a Senior Member only if the person:

- a) is an Australian lawyer of at least 8 years standing; or
- b) has, in the Minister's opinion, extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the Tribunal.

Senior Members of the Tribunal consist of full-time Members.

Senior Members hear and decide matters within the Tribunal as determined by the President or delegate. Senior Members' may also perform substantial management roles. Depending on the Senior Member's particular expertise, the Senior Member may hear matters across a number of different divisions.

Qualifications and experience in alternative dispute resolution are desirable for all candidates.

### **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 by the President or delegate. 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 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 at least five years standing.

Adjudicators hear and determine 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.

While 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' driver's licence is essential.

### **Acting Appointments:**

Acting Ordinary Members and Acting Adjudicators hold office on the conditions in the QCAT Act and as decided by the Minister.

Acting Ordinary Members and Acting Adjudicators are appointed by the Minister after consultation with the President.

Acting 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.

Acting Ordinary Members and Acting Adjudicators are appointed for a period of not more than 6 months.

## **PART 2: RESPONSIBILITIES OF SENIOR MEMBERS, 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 upheld in carrying out their work at the Tribunal;
- to be available for hearings in various locations across Queensland;
- to deal with all parties impartially, and with courtesy and professionalism;
- to hear and determine matters according to law;
- to participate in meetings if/when required;

- to participate in operational work if / when required, including management work;
- 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 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. The President is also responsible for determining when an Adjudicator can constitute the Tribunal.

In choosing the persons who are to constitute the Tribunal for a particular matter, the President must consider:

- a) the nature, importance and complexity of the matter;
- b) the need for the tribunal hearing the matter to have special knowledge, expertise or experience relating to the matter;
- c) any provisions of the QCAT Act, an enabling Act or the rules that may be relevant; and
- d) any other matter the President considers relevant.

## **PART 4: TERMS AND CONDITIONS OF APPOINTMENT**

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.

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).

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.

Members and Adjudicators may be eligible for reappointment.

### **Operations of the Tribunal**

Members and Adjudicators hear and decide matters within the Tribunal as directed by the President.

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

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	Senior Members	Ordinary Members	Adjudicators
Commensurate Public Service Level	CEO5.5	SES3.4	SO2
Commensurate Public Service Superannuable salary (per annum)	\$254,584	\$206,875	\$145,917
Employer superannuation contribution (per annum)	12.75% (\$31,818)	12.75% (\$26,377)	12.75% (\$18,604)
Leave loading (per annum)	17.5% (\$3,346)	17.5% (\$2,775)	17.5% (\$1,958)
Vehicle allowance (per annum)	\$30,000	Nil	Nil
Total Remuneration Package	\$319,748	\$236,027	\$166,479

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.

## 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. 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);
2. Resume – a current resume should be included (**No more than two pages**);
3. A completed forms package including:
  - Appointment to Government Body: Personal Particulars form (Form A);
  - Consent to Criminal History form (Form B);
  - Copy of driver's licence/passport
  - Statutory Appointments and Public Service Employments Currently Held form (Form C); and
  - QCAT Tribunal Recruitment Application Form (Form D).
4. A copy of all relevant qualifications and admission information.

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

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).

Expressions of interest can be lodged at any time during the year (commencing 1 July) and will automatically lapse on 30 June each year. If your details change in this time, email updated details to [QCATTribunal.Appointments@justice.qld.gov.au](mailto:QCATTribunal.Appointments@justice.qld.gov.au).

If you want to continue your expression of interest, you will need to re-apply each year. Applications lodged in 2021-22 and 2022-23 will remain current until 30 June 2023, thereafter each application will be dealt with as expressed above.

## SELECTION CRITERIA:

Your application is to address the following areas, demonstrating your skills and experience in:

### 1. Intellectual capacity

- Legal or other relevant expertise;
- Litigation experience or familiarity with Tribunal and/or court processes, including alternative dispute resolution, and ability to carry out the work of hearing and determining matters in an efficient and high-quality manner;
- Ability to absorb and analyse information;
- Appropriate knowledge of the law and its underlying principles, and/or the ability to acquire knowledge of the law; and
- the ability to acquire new knowledge.

### 2. Personal qualities

- Integrity and independence of mind;
- Sound judgement;
- Decisiveness;
- Objectivity;
- Diligence;
- Sound temperament; and
- Ability and willingness to learn and develop professionally and to adapt to change.

### 3. An ability to understand and deal fairly

- Impartiality;
- Awareness of, and respect for, the diverse communities which QCAT serves and an understanding of differing needs;
- Commitment to justice, independence, public service and fair treatment;
- Willingness to listen with patience and courtesy; and
- Commitment to respect for all Tribunal users.

#### 4. Authority and communication skills

- Ability to explain the procedure and any decisions reached clearly and succinctly to all those involved;
- Ability to inspire respect and confidence;
- Ability to maintain authority when challenged; and
- Ability to communicate orally and in writing in clear standard English.

#### 5. Efficiency

- Ability to work expeditiously;
- Ability to organise time effectively to discharge duties promptly;
- Ability to manage workload effectively; and
- Ability to work constructively with others.

#### 6. Leadership and management skills

- Ability to form strategic objectives and to provide leadership to implement them effectively;
- Ability to engage constructively and collegially with others in QCAT, including Tribunal administration;
- Ability to represent QCAT appropriately including to external bodies, including stakeholders;
- Ability to motivate, support and encourage the professional development of others in the Tribunal;
- Ability to manage change effectively; and
- Ability to manage available resources.

#### 7. Experience in (or ability to gain knowledge and understanding of) working with First Nations persons; people from culturally and linguistically diverse communities; trauma informed practice; respectful engagement with others.

#### **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 (subject to reasonable adjustment);
- Applicants must possess sound computer literacy and word processing skills; and
- QCAT strongly encourages applications from First Nations and Culturally and Linguistically Diverse People (legally qualified or holding other relevant qualifications).

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