

QCAT 2026 Review conducted by the Hon David Thomas

Submission by QCAT President in respect of Issues
paper 9: QCAT Justices of the Peace

2 April 2026

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Issues Paper 9: QCAT Justices of the Peace

Introduction to response

1. I observe that many of the issues raised, and questions posed, go to matters of policy, and thus are ultimately matters for Government, not something about which a sitting judge would ordinarily express a view.
2. However, the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) ('**QCAT Act**') provides that one of the functions of the President is to advise the Minister about how the QCAT Act or the enabling Acts could be made more effective,¹ and that the President may do all things necessary or convenient to be done for the performance of the President's functions.²
3. Although a Reviewer (the Hon David Thomas) has been appointed, I note that this is a statutory review by the Minister of the QCAT Act pursuant to section 240, directed to whether or not there should be legislative amendment of the Act and enabling Acts.
4. I consider it necessary in order to properly discharge my statutory functions to respond to the Minister's Review. In addition, since this will be the only response made on behalf of QCAT, I wish to provide as much assistance as possible to the Review team to enable it to make informed recommendations to the Minister.
5. I have not, however, purported to respond to, or verify the accuracy of, everything said in the issues paper.

Remit of the section 240 Review

6. As in other issues papers, some of the consultation questions posed in this paper might give the impression that the Reviewer intends to make recommendations to the Minister about non-legislative operational change. I am sure this is not the Reviewer's intent, given QCAT's status as an independent Tribunal and the terms of section 240 of the QCAT Act.

¹ Section 172(3)(b) *Queensland Civil and Administrative Tribunal Act* ('**QCAT Act**'). See also section 240(2)(d) of the QCAT Act which provides that one of the objects of the statutory review is investigate any specific issue recommended by the Minister or the President, including, for example, whether any provision of an enabling Act affects the effective operation of the tribunal.

² Section 172(4) QCAT Act.

7. Section 240 of the QCAT Act, entitled 'Review of Act', requires the Minister to review the Act, not the practice of the Tribunal. The section is, rather, directed to whether there needs to be legislative change to:
 - (a) the QCAT Act to change its objects if its currently stated objects do not remain valid; and/or
 - (b) the QCAT Act or an enabling Act or Acts to assist QCAT to be able to meet, or better meet, its objects. This may include changes that give QCAT the ability to enhance operational efficiency, such as removing legislative hurdles to that efficiency.
8. The Ministerial review contemplated by the provision does not, on its clear language, concern non-legislative operational changes.
9. It is trite to say that QCAT, as an independent tribunal, is free from the direction of the Executive as to the way in which it conducts its operations. So much is plain from convention, the separation of powers doctrine, and the Act itself:
 - (a) section 3(a) of the QCAT Act states that one of the objects is to establish an independent tribunal;
 - (b) section 162 provides that in exercising its jurisdiction, the Tribunal must act independently and is not subject to direction or control by any entity, including any Minister;
 - (c) Section 172(5) provides that the President is not subject to the direction or control of the Minister.
10. These provisions are consistent with the Explanatory Memorandum to the QCAT Bill which states that the objectives of the Bill are to 'establish an independent tribunal' and that:

"The independence of QCAT will be achieved by providing for the appointment of a Supreme Court judge as president of the tribunal and by providing that the tribunal is not subject to direction or control by the executive."³
11. I recognise that section 240(2)(d) includes among the objects of the review "investigating any specific issue recommended by the Minister or the president, including, for example, whether any provision of an enabling Act affects the effective operation of the Tribunal". This provision must be read, however, in the context of section 240's focus on the Act itself, and of course, having regard to the independence of both Tribunal and President from ministerial direction.
12. The issues and statement of 'Scope' in the Terms of Reference appear to have been drafted with these obvious propositions in mind.

³ Page 4, Queensland Civil and Administrative Tribunal Bill 2009 – Explanatory Memorandum

13. The issues set out in the Terms of Reference turn on provisions of the Act and are consistent with an examination of whether legislative reform is called for:

- whether the current legislation creates hurdles to procedural efficiency within the Tribunal;
- QCAT senior leadership structure (set out in Chapter 4, Part 3 of the QCAT Act), with comparison to tribunals in other states and the Commonwealth (including whether the President and Deputy President should be appointed to the Supreme and District Courts, and including Heads of Division);
- the role and functions of the QCAT President and Deputy President (sections 172 to 174 of the QCAT Act);
- the current appeal structure for QCAT decisions (Chapter 2, Part 1, Division 4 of the QCAT Act);
- the operation of various professional disciplinary lists (in the exercise of the Tribunal's review jurisdiction under section 17 of the QCAT Act) and whether QCAT remains the most appropriate forum for these jurisdictions;
- whether legal representation should be 'as of right' for certain, or all, types of tribunal matters (section 43 of the QCAT Act) and the impacts of any change on both the ability for QCAT to meet its objectives and the funding arrangements for legal service providers;
- the current Minor Civil Dispute jurisdiction (sections 11 to 14 of the QCAT Act) and whether the jurisdiction could be expanded, minimised, or transferred to a different forum;
- other jurisdictions conferred on QCAT through enabling Acts which have significant impact on its operations and the appropriateness of QCAT as a forum for those matters, including, for example, QCAT's role in relation to certain public housing disputes;
- the role of Justices of the Peace at QCAT (Chapter 4, Part 4B of the QCAT Act) and ways their involvement in matters and processes can alleviate pressures at the Tribunal;
- ways in which QCAT can be improved to support the small business community (presumably this concerns whether and if so how the QCAT Act should be changed to support the small business community); and
- the capacity of QCAT to hear matters, with reference to the available tribunal members and physical meeting or hearing room space (this would properly entail considering the ability of QCAT to carry out what is currently within its statutory remit pursuant to the QCAT Act and the enabling Acts; in this context it would be relevant to consider budget and resourcing); and

- the extent to which previous statutory review recommendations still apply and may assist in addressing issues (the single previous review, conducted by then Minister D'Ath was confined, as s 240 requires, to legislative reform).
14. The statement of scope also makes plain that the remit of the review is to examine whether legislative reform is necessary, with a consideration of resourcing relevant in that context:
- “The review will take a genuine look at QCAT to identify ways to alleviate the significant pressures QCAT is currently facing, including an examination of any systemic operational or legislative issues impacting on the ability for QCAT to perform its statutory functions, in an accessible, economical and timely manner. ‘Systemic operational considerations’ are those linked to how the legislation is currently framed and whether there should be changes in order to alleviate the significant pressures that QCAT is facing.”
15. The reference to “systemic operational considerations”, it can be seen, is appropriately limited to a consideration of how systemic pressures on QCAT could be addressed by legislative change - that is, how pressures affecting its ability to achieve its statutory objects could be alleviated, having regard to the amount and breadth of its work, and its resourcing, (with reference, among other matters to the availability of tribunal members and physical meeting or hearing room space).
16. Obviously, the Attorney-General, as First Law Officer of the State, and possessed of a clear understanding of the independence of the Tribunal and the President’s insusceptibility to the direction of the Minister, did not frame Terms of Reference intended to extend to the Reviewer’s making recommendations to the Minister about how QCAT should run its business. (Nor, I am sure, would anyone think that a limited life, desk-top review, by an external person or group, without the requisite comprehensive and current understanding of operations, would be well-placed to make recommendations about non-legislative operational change).
17. The Terms of Reference, read as a whole, demonstrate no intent to depart from the restricted form of Ministerial review contemplated by s 240 of the QCAT Act.
18. As stated above, I am sure it is not the Reviewer’s intent to make recommendations to the Minister about non-legislative change, that is, about matters concerning which the Minister is expressly prohibited from directing the President of the Tribunal.⁴ I accept, however, that it would be reasonable to have regard to budget and resourcing, in the context of the reference in the Terms of Reference to ‘identifying the implications for other forums if transfer of jurisdiction is proposed, the key cost drivers, and any

⁴ Pursuant to section 172(5) QCAT Act. I acknowledge that section 240(2)(d) states that the objects of the review include investigating any specific issue recommended by the Minister or the president, including, for example, whether any provision of an enabling Act affects the effective operation of the tribunal. This provision must be read together with the limitation in section 172(5) in determining its ambit.

potential savings and efficiencies’ and to ‘the capacity of QCAT to hear matters, with reference to the available tribunal members and physical meeting or hearing room space’.

19. Accordingly, in providing responses to the consultation questions, I have taken the questions to be directed to whether changes to the QCAT Act or the enabling Act would be desirable in order for QCAT to better achieve its objects, taking into account any resource implications of the options posited.

Background observations

20. The Justice of the Peace program is novel. No other Australian jurisdiction has a similar program for small claims or minor civil disputes. It was instituted, first as a trial, as part of an election promise to “expand and enhance the role of justices of the peace in the community.”⁵ The Explanatory Note to the 2013 Bill stated that:

“The trial will be conducted over six months commencing June 2013 at Brisbane, Ipswich, Southport, Maroochydore and Townsville. The objectives of the trial are to:

- reduce the average time taken to finalise all minor civil dispute applications and improve the clearance rate for all minor civil dispute applications in the trial sites;
- reduce the cost of hearing minor civil disputes within the trial scope;
- enable QCAT adjudicators, judicial registrars (who act as QCAT adjudicators in regional areas) and magistrates (who act as QCAT members in regional areas) to deal with more complex matters;
- recognise the substantial voluntary contribution of JPs to the community and provide opportunities to improve, develop and expand their role; and
- contribute to Government commitments to improve the administration of Queensland’s justice system and frontline justice services for Queenslanders.”

21. In 2013, the Government committed \$840,000 to develop and implement a six-month trial of the justice of the peace program.⁶ This was part of a \$1.608 million commitment

⁵ Explanatory Memorandum, Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013 (Qld) 1. That Bill became the Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Act 2013, Act 20 of 2013.

⁶ Queensland Civil and Administrative Tribunal, *QCAT Justice of the Peace Trial: Summarised Evaluation* (Report) 3.

over 2 years.⁷ A press release of the then Attorney-General referred to the program as a “\$3.5 million pilot program”.⁸

22. I was not the President of QCAT at any time during the program’s operation. Thus, in providing this response, I have relied upon documents and feedback from those within the Tribunal who had experience of the program.
23. It is my understanding that a post-trial evaluation of the program by the Department of Premier and Cabinet found only a ‘modest’ positive contribution to the administration and processing of MCD matters within QCAT,⁹ but noted a number of difficulties with the program, as well as ancillary operational costs of the particular program, which do not appear to be operational costs associated with the usual manner of hearing minor civil disputes. (I am not privy to the post-evaluation of the program by the Department of Premier and Cabinet. I have had access to a “summary evaluation” document).¹⁰
24. The program was suspended during the COVID pandemic and remained suspended by the time I commenced as President.¹¹ From time to time, I have received enquiries from Justices of the Peace about when the program will be reinstated. Partly in consequence of these enquiries, I canvassed broadly within QCAT as to whether or not there was support for the recommencement of the program. No person I consulted within QCAT supported the recommencement of the program, citing various operational and other difficulties of the program. I have not reinstated the program. That is not to say that some of the Justices of the Peace involved in the program did not do a good job, however, based on the overall feedback I received, I was of the view that reintroducing the program would not assist QCAT in meeting its statutory objectives, and that QCAT did not have the surplus of resources that would be needed to reintroduce the program such as to justify pursuing the election commitment of providing opportunities to improve, develop and expand the role of Justices of the Peace – an extraneous objective not connected with the objects of the QCAT Act.

⁷ Explanatory Memorandum, Queensland Civil and Administrative Tribunal (Justices of the Peace) Amendment Bill 2013 (Qld) 2, which states “The Government has allocated additional funds of \$1.608 million over two years for this initiative which is related to an election commitment. This amount includes funds for evaluation and a three month extension of sittings while the trial evaluation is being finalised.”

⁸ Attorney-General and Minister for Justice, ‘Positive verdict continues for JP QCAT Trial’ (Media Statement, 6 May 2014) <https://statements.qld.gov.au/statements/74633>.

⁹ Queensland Civil and Administrative Tribunal, *QCAT Justice of the Peace Trial: Summarised Evaluation* (Report) 6.

¹⁰ Queensland Civil and Administrative Tribunal, *QCAT Justice of the Peace Trial: Summarised Evaluation* (Report) 6.

¹¹ Queensland Civil and Administrative Tribunal, *QCAT Annual Report 2020-21* (Report, September 2021) 21. QCAT’s annual report for 2020-2021 states:
Another COVID-related impact on the operations of QCAT has been the necessity to suspend the QCAT JP program as a consequence of the various mandatory COVID-19 restrictions such as social distancing, which are not able to be consistently observed in JP hearings due to the physical environs.

25. Justices of the Peace play an important role in our community. I, for one, am grateful for the work that they do, almost exclusively on a volunteer basis, in service of our community. I emphasise that nothing in this submission should be taken as diminishing the substantial and valuable contribution made by Justices of the Peace to the Queensland justice system more broadly. I also acknowledge that the feedback I received was that some Justices of the Peace performed well.

Eligibility requirements

26. As the Issues Paper notes at paragraph [25], it is not a requirement that a QCAT Justice of the Peace be an Australian lawyer, and most do not hold formal legal qualifications. Under the current legislative framework, the QCAT Act does not require both Justices of the Peace constituting the Tribunal to be legally qualified. This stands in contrast to every other category of QCAT decision-maker empowered to hear and determine minor civil disputes (aside from a small class of members who do not ordinarily sit in minor civil disputes).
27. Magistrates are legally qualified;¹² Adjudicators must have at least five years' standing as Australian lawyers;¹³ and Members and Senior Members must have at least six years' standing (eight years' standing for a Senior Member), except in the limited circumstance where a non-legally qualified Member is appointed on the basis of extensive expertise in a particular jurisdiction.¹⁴ (To the best of my knowledge, non-legally qualified Members have not been allocated to hear MCD matters).
28. This creates an undesirable dichotomy. A litigant whose matter is listed before an Adjudicator will have their dispute determined by a legally qualified decision-maker with a minimum of five years' post-admission experience, but under the current form of the legislation, another litigant, with an identical type of dispute, may have their matter determined by a panel comprising a Justice of the Peace who is an Australian lawyer of one day or more standing (and may never have practised law), sitting with a Justice of the Peace who has no legal qualifications at all. Given that all non-excluded MCDs require the application of law to facts as found, this disparity in qualification and experience is difficult to justify.
29. If, despite the matters stated above, Government considers that retaining a model involving Justices of the Peace is desirable, it is my view that all QCAT Justices of the Peace should be required to be legally qualified. If the current two-person panel model is maintained, consideration should be given to requiring each Justice of the Peace to have at least three years standing as an Australian lawyer. If a single-decision-maker model were to be contemplated, it would be appropriate to require a minimum of five

¹² *Magistrates Act 1991* (Qld) s 4.

¹³ QCAT Act s 198(6).

¹⁴ QCAT Act ss 183(3) and 183(4).

years' standing, consistent with the qualification requirements for Adjudicators. However, I do not advocate for either of those outcomes.

30. As to the categories of Justices of the Peace who may be appointed as QCAT Justices of the Peace:
 - (a) Justices of the Peace (qualified) are individuals:
 - i. appointed to be of that category by the Governor in Council;¹⁵
 - ii. *ex officio* Justices of the Peace (qualified) are excluded from being eligible for appointment as QCAT Justices of the Peace;¹⁶
 - (b) Justices of the Peace (Magistrates Court) are individuals:
 - i. appointed to be of that category by the Governor in Council;¹⁷
 - ii. *ex officio* justices of the peace (Magistrates Court) are excluded from being eligible for appointment as QCAT justices of the peace.¹⁸
31. A person who has retired or resigned from office as a Supreme Court or District Court Judge, or as a Magistrate, can be appointed as a QCAT Justice of the Peace.¹⁹ (Realistically, it is difficult to envisage that a retired Judicial Officer who would also be eligible to be a Sessional Member would pursue appointment as a QCAT Justice of the Peace. Former Judges and Magistrates bring a wealth of knowledge and experience. In my view, it would be preferable that such individuals be appointed as Sessional Members, and preferably as Sessional Senior Members. Former District and Supreme Court Judges who are appointed as Members or Senior Members can also exercise the powers of Judicial Members.²⁰ Given the numerous functions reserved for Judicial Members in the QCAT Act and the enabling Acts, and the limited number of Judicial Members available to hear matters, it is extremely unlikely that Judicial Members would be listed to constitute the Tribunal in minor civil disputes, but if such an occasion arose, they should of course be able to do it sitting alone, as a Member, and not as part of a two person JP panel).
32. Some Justices of the Peace who held office before the commencement of the *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld) may be appointed as QCAT Justices of the Peace.²¹ This category is limited to individuals who are lawyers

¹⁵ *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld) ss 15(1), 15(2)(a).

¹⁶ QCAT Act s 206O(10).

¹⁷ *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld) ss 15(1), 15(2)(b).

¹⁸ QCAT Act s 206O(10).

¹⁹ See QCAT Act s 206O; *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld) s 19(1A).

²⁰ QCAT Act sch 3 'Judicial Member'.

²¹ QCAT Act (Qld) s 206O(6)(d).

and meet the criteria set out in the transitional provisions of the *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld).²²

Role and functions

33. The observation at paragraph [30] of the Issues Paper that Justices of the Peace are not currently authorised by law to hear civil matters in the Magistrates Court accords with the historical limitation of their functions to the criminal justice system. While the office of Magistrate, once termed interchangeably with that of Justice of the Peace, has evolved into an independent judicial office, the office of Justice of the Peace has not undergone the same development.
34. I observe that QCAT has jurisdiction under the *Justices of the Peace and Commissioners for Declarations Act 1991* (Qld) to review decisions about Justices of the Peace and persons applying for appointment as Justices of the Peace.²³ This might be considered a conceptual peculiarity – that is, under the current legislation, QCAT is an independent tribunal with regulatory jurisdiction over individuals who may constitute the Tribunal, albeit only for certain types of matters.

Constitution of QCAT by justices of the peace

35. The current statutory framework requires a panel of two Justices of the Peace (one of whom must be an Australian lawyer) to constitute the Tribunal to hear minor civil disputes.²⁴ The legally qualified Justice of the Peace is the Presiding Member. Where the views of the panel differ, the decision of the presiding (legally qualified) Justice of the Peace prevails.²⁵ The presiding (legally qualified) Justice of the Peace must also decide all questions of law.²⁶
36. If the QCAT Act is to continue to involve Justices of the Peace in decision-making at all, the structure should be simplified. The QCAT Act should allow the Tribunal to be constituted by one Justice of the Peace. However, the QCAT Act should also restrict eligibility for appointment as a QCAT Justice of the Peace to Australian lawyers of at least five years' standing (equivalent to the eligibility requirement for an Adjudicator). This would obviate the need to train non-legally qualified Justices of the Peace, avoid the logistical burden of constituting panels in MCD matters, and ensure that all MCD matters are determined by appropriately qualified decision-makers. That proposal, however, invites the obvious question: rather than have the JP program, why not instead appoint additional Adjudicators? I cannot at this point in time provide a precise cost-benefit analysis, but it seems likely that when all matters are taken into

²² See *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld) ss 41, 42.

²³ *Justices of the Peace and Commissioner for Declarations Act 1991* (Qld) ss 15A(8)(b), 17B(8)(b).

²⁴ QCAT Act s 206E.

²⁵ QCAT Act s 206H.

²⁶ QCAT Act s 206I.

consideration, the cost of appointing additional Adjudicators is not likely to be more than (or much more than), the cost of using JP panels, and carries with it the benefit of having in-house full or part-time Adjudicators.

37. Another alternative, and one which I consider has benefits of the JP program, is to change the QCAT legislation so that it expressly states that Adjudicators can be appointed on a sessional basis.
38. If suitably qualified Justices of the Peace are capable of determining minor civil dispute matters, then it would be more consistent with the Tribunal's objectives and structure to appoint such individuals as Sessional Adjudicators, with appropriate remuneration and qualification requirements. This would avoid the anomalies inherent in the current Justice of the Peace model and align decision-making standards across the minor civil dispute jurisdiction.
39. Senior and Ordinary Members and Adjudicators are appointed by Governor in Council on recommendation by the Minister, on the conditions stated in chapter 4, part 3, division 3 and chapter 4, part 4 respectively and on "the conditions decided by the Governor-in-Council and stated in the member's instrument of appointment, to the extent the conditions are not inconsistent" with the relevant division.²⁷ The Senior Member or Ordinary Member or Adjudicator is entitled to be paid the remuneration and allowances decided by the Governor in Council.²⁸
40. The QCAT Act expressly provides that a Senior or Ordinary Member may be appointed on a full-time or part-time or on a sessional basis,²⁹ whereas an Adjudicator may only be appointed on a full-time or part-time basis.³⁰

Types of matters that can be heard by justices of the peace

41. The QCAT Act limits the types of matters that Justices of the Peace may hear. This may create inefficiencies. For example, if it were to become apparent during a hearing that a claim must be amended to exceed the \$5,000 jurisdictional limit for Justices of the Peace, the Tribunal would need to be reconstituted by an Adjudicator or Member. This results in duplication of effort, delay for the parties, and inefficient use of hearing room and registry resources. I am not aware of how frequently this occurred in practice during the operation of the Justice of the Peace program, but the potential for wasted time and resources is inherent in the current model. This difficulty would not arise if the qualification requirements for Justices of the Peace were aligned with those of Adjudicators and the jurisdictional limits were removed. The same would be true if Adjudicators (full-time, part-time, or sessional) hear minor civil disputes instead.

²⁷ QCAT Act ss 183(2),(6), 186(1) and 198(2),(7), 201(1).

²⁸ QCAT Act ss 186(2) and 201(2).

²⁹ QCAT Act s 183(8).

³⁰ QCAT Act s 198(9).

Trial objectives

42. One of the stated objectives of the original Justice of the Peace trial was to 'enable judicial officers to deal with more complex matters.'³¹ However, the list of non-excluded minor civil disputes does not correlate with simplicity. A dispute may involve a very small monetary amount yet raise complex legal issues. For example, a minor civil dispute can involve complex jurisdictional questions, questions of contract formation, statutory interpretation, or the application of the Australian Consumer Law. The assumption that lower-value disputes are inherently less complex does not reflect the reality of the minor civil dispute jurisdiction.
43. Another stated objective was to "recognise the voluntary contribution of justices of the peace and provide opportunities to improve, develop and expand their role." While I acknowledge the important contribution of Justices of the Peace to the broader justice system, QCAT does not have the capacity or statutory mandate to direct its resources toward enhancing the professional development or career pathways of Justices of the Peace. The objects of the QCAT Act focus on accessible, fair, efficient and quality dispute resolution for the public.³² They do not extend to creating or expanding roles for volunteer community leaders.

Evaluation of the trial

Mid-trial evaluation findings

44. The mid-trial evaluation identified several operational challenges, many of which remain relevant to any consideration of reinstating the Justices of the Peace program.
45. The Issues Paper states that one of the findings of the mid-trial review was that the adjudicator helpline successfully supported new Justices of the Peace, building confidence and fostering a collegiate environment.³³ QCAT does not have the resources to reinstate or maintain such a support mechanism. The Tribunal is already operating with a limited pool of Adjudicators, and current workloads do not permit diverting Adjudicator time to provide real-time legal assistance to Justice of the Peace panels. Any model that assumes the availability of such support is not operationally feasible without additional resources. It also begs the question as to why should a litigant have their matters heard and determined by a category of decision-makers who are regarded as in need of having a dedicated help line?

³¹ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [54].

³² QCAT Act s 3.

³³ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [56].

46. More broadly, it is doubtful that the implementation and operating costs identified during the original trial fully captured the practical burdens associated with the program. The administrative effort required to constitute panels, the increased appeal rate, and the ongoing need to provide guidance and support to Justices of the Peace, all impose significant demands on registry and member resources. These are all matters which have been commented on as problematic by people who were at QCAT at the time the Justice of the Peace program was in operation. These pressures are not easily quantified but are operationally challenging.
47. The mid-trial evaluation noted “difficulties in recruiting sufficient legally qualified Justices of the Peace.”³⁴ Recruiting, providing induction for, and training of decision-makers is resource-intensive. It is all the more so when there are insufficient willing recruits to select from. Recruitment of Sessional Adjudicators might be less difficult, given Sessional Adjudicators would be remunerated at a higher rate and might attract more lawyers who are prepared to do this important work in a system which includes remunerative recognition of their qualifications and the work being performed, even if such remuneration doesn’t fully approximate what they might be paid in their usual (past or present) “day job”.
48. The mid-trial evaluation also referred to “negative perceptions of the trial among some stakeholders,” “limitations in the structure and content of certain elements of the training program,” and “the provision of conflicting information to operational staff.”³⁵ I cannot speak to the specifics underlying these comments as I was not in QCAT, however, the fact that such issues were identified suggests that the model required a level of coordination, communication and training support that would be difficult to sustain within QCAT’s current resourcing, and some dissatisfaction amongst some stakeholders.
49. The mid-trial evaluation further noted “a lack of support for the trial model among some staff.”³⁶ As stated above, the feedback I received across QCAT was not supportive of the program. The consistent theme from those who actually lived and breathed the program at QCAT has been that the program was more resource-intensive than anticipated. Panel constitution was administratively burdensome, including instances where some³⁷ Justices of the Peace were unwilling to sit with others. Training obligations placed additional strain on limited resources. Matters heard by Justice of

³⁴ The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [58].

³⁵ The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [58].

³⁶ The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [58].

³⁷ But not all.

the Peace panels also generated a higher number of appeals, which in turn increased the workload of the Appeal Tribunal.³⁸

50. The mid-trial evaluation also referred to “limited opportunities for feedback and ongoing professional development for Justice of the Peace panel members.”³⁹ I have assumed the reference to “feedback” is a reference to feedback to the Justices of the Peace, not by the Justices of the Peace. Given its historical underfunding, I doubt whether QCAT would have had the capacity to undertake individualised assessment of Justice of the Peace’s performance, provide structured feedback, or deliver bespoke professional development programs. QCAT is not resourced, nor is it within the objects of the QCAT Act, to direct resources toward enhancing the professional development or career pathways of Justices of the Peace. There may be other ways, entirely independent of QCAT, in which Government can pursue its past election objective of expanding and enhancing the role of Justices of the Peace in the community. That objective should not be prioritised over assisting QCAT to meet its statutory objects, and, it would seem, from the weighty body of feedback, and on proper analysis of the evaluations, that the election commitment objective of uplifting Justices of the Peace is not consistent with assisting QCAT to meet its statutory objects.
51. The mid-trial evaluation also stated that the trial “did not appear to have resulted in delays or negatively impacted on access to justice.” That conclusion warrants caution. If the trial resulted in a higher number of successful appeals,⁴⁰ then the program may well have had an adverse impact on access to justice. An increase in appeals means that parties were required to re-litigate matters, incurring additional time, cost and inconvenience. It also increases the workload of the Appeal Tribunal, diverting resources from other jurisdictions. These downstream impacts are not always captured in headline clearance rates or time-to-finalisation metrics, or “cost per matter”, but they are nonetheless significant.

Post-trial evaluation findings

52. The post-trial evaluation noted that the cost advantages of the Justices of the Peace model were reduced by “member support, lower daily listing capacity, and a slightly higher appeal rate.”⁴¹ The reduction in daily listing capacity is particularly significant. A

³⁸ The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [87].

³⁹ The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [58].

⁴⁰ As stated by the Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [87] having reference, I believe, to the Summary Evaluation of the DPC report.

⁴¹ As stated by the Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [62], having reference, I believe to the Summary Evaluation of the DPC report.

Justice of the Peace panel requires the same hearing room, registry support and hearing support officer as any other minor civil dispute. The daily listing capacity being lower for the Justice of the Peace panels than it is for an Adjudicator or Member represents an inefficient use of critical limited hearing resources.

53. Further, the examples of operating costs identified in the evaluation do not appear to account for several substantial operational burdens. These include the administrative effort required to organise two-person panels, the need to process and coordinate arrangements for two decision-makers for each matter, and the additional support needed to assist Justices of the Peace in performing their functions.
54. The evaluation identified an increase in adjournments during the Justice of the Peace trial period.⁴² This is a significant operational concern. Each adjournment consumes hearing support officer time, registry preparation time, and hearing room availability. It also contributes to delays in the overall time to finalisation of matters. Even a modest increase in adjournments has a compounding effect across the MCD list, given the volume of matters and the tight scheduling required to maintain clearance rates.
55. It is not clear how the adjournment rate for Justices of the Peace constituted hearings compared with matters heard by Adjudicators at the time, and QCAT does not have data now that would allow a direct comparison. However, the fact that adjournments increased during the trial itself might be an adverse effect of the Justice of the Peace model. This aligns with broader operational feedback that the model required more support, more intervention, and more re-listing than matters heard by Members and Adjudicators.
56. These impacts must be viewed alongside the other inefficiencies identified in the evaluation, including lower daily listing capacity and increase (albeit small increase) numbers of appeals. Taken together, they suggest that the Justice of the Peace model did not improve efficiency and, in some respects, may have reduced it.

Currently on hold

57. As to paragraph [67] of the Issues Paper, in my view, reinstating the Justices of the Peace program would diminish QCAT's resources in other jurisdictions.
58. I should also relate a very strongly held concern by a senior Adjudicator, and well respected leader in the legal profession. That concern was around the prospect of Justices of the Peace performing their 'usual' role in the community, for example, witnessing documents, finding themselves hearing matters in the same community with the increased prospect of coming across someone they have dealt with in their "usual" role in hearings.

⁴² The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [74].

How it operated in practice

59. As to paragraph [70] of the Issues Paper, the Tribunal was always constituted by two Justices of the Peace. This is a statutory requirement.⁴³
60. As to paragraph [71], it is not correct to say that hearings were conducted in the same manner as MCD hearings before tribunal Members and Adjudicators. It is correct that MCD matters are subject to expedited hearings, however, they are scheduled as follows:
- a) 15 minutes in duration for urgent tenancy matters, allowing 6 matters to be listed between 9.30am and 11am);
 - b) 45 minutes in duration for non-urgent tenancy matters, allowing 3 matters to be listed from 11am; and
 - c) 60 minutes in duration for other minute civil dispute matters, allowing 2 matters to be listed in the afternoon timeslot.
61. Justices of the Peace hearings were listed for 60 minutes duration, even for non-urgent tenancy matters. As such, this meant that only 6 matters per day were able to be listed. I understand that part of the reason for this is that the panel format required additional time to be scheduled to allow for the panel to consult before delivering their decision.⁴⁴

Considerations for reinstating the QCAT Justices of the Peace program

Relevance of the original policy objectives

62. The Issues Paper states that “QCAT’s operating environment has evolved” since the Justice of the Peace initiative was placed on hold,⁴⁵ and suggests that this may raise questions about whether the original policy objectives remain relevant. That observation is framed at a high level and does not identify any specific changes that would materially alter the assessment of whether the Justice of the Peace program should be reinstated.

⁴³ QCAT Act s 206E(1).

⁴⁴ I have tried to identify what the reference to the program “saving... valuable Queensland court time” might relate to (see <https://statements.qld.gov.au/statements/74633>, 6 May 2014), but cannot discern information consistent with this. The evidence appears to be that more, not less, court time is used per matter. It is *possible* that this is a reference to Justices of the Peace hearing some matters that would have been determined by Magistrates in the non-SEQ pilot program matters.

⁴⁵ The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [81].

63. In my view, the central question is a more practical one: does the Justice of the Peace program, as currently framed in the legislation, assist the Tribunal to finalise matters more efficiently? On the available evidence, and based on QCAT's operational experience, I consider the answer to be 'no'.
64. The Issues Paper suggests that "whilst any backlog remains, the original policy objective remains valid."⁴⁶ Some aspects of the original objectives may remain relevant, particularly those aimed at improving the timeliness of minor civil dispute finalisations. However, other stated objectives, such as recognising the voluntary contributions of Justices of the Peace and providing opportunities to enhance their roles, do not align with the Tribunal's statutory objectives.
65. If it is considered useful to contextualise the discussion, the Tribunal's current performance data may be relevant. QCAT operated under a reduced cohort of Members for a substantial period last year while awaiting appointments, yet clearance rates and listing performance continued to improve. This demonstrates that improvements in timeliness can be achieved through targeted operational measures within the existing legislative framework, without the need to reinstate a model that has previously imposed significant administrative and resource burdens.
66. The Issues Paper asks whether the QCAT Justices of the Peace initiative would provide a measurable benefit in the current operating context and suggests that the reforms explored in Issues Paper 3 might, on their own, adequately achieve the original objectives.⁴⁷ Based on the information available to me, the Justice of the Peace program, as presently framed in the QCAT Act, would not deliver measurable benefit. On the contrary, the structural features of the current Justice of the Peace model make it prone to the opposite effect.

Status as a Court

67. The Issues Paper notes that the role or expanded use of QCAT Justices of the Peace may have implications on the Tribunal's status as a Court of the State, particularly given the involvement of non-legally qualified volunteers in the exercise of judicial power in contested matters between private parties.⁴⁸ That observation aligns with a broader concern that decision-makers without minimum legal qualifications or experience are not well-suited to independently adjudicate disputes that require applying the law to facts.

⁴⁶ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [82].

⁴⁷ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [83].

⁴⁸ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [84].

Recruitment and retention of justices of the peace

68. The Issues Paper notes that of the 42,887 registered Justices of the Peace, only 258 have reported that they are legally qualified, and that there are currently only three legally qualified QCAT Justices of the Peace.⁴⁹ To deliver the program effectively, even if only in the five prescribed locations, a substantial increase in the number of legally qualified Justices of the Peace would be required.
69. Such an expansion would require the allocation of significant resources to recruitment, induction, training and ongoing professional support. These activities are resource-intensive and would require a dedicated budget allocation. Without additional resources, the Tribunal would not be able to reinstate the program without a negative impact on its operations.
70. In 2013, the Queensland Law Society made submissions to the Legal Affairs and Community Safety Committee of the Legislative Assembly that matters under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* and matters concerning pool boundaries should be excluded from the jurisdiction of Justices of the Peace, on the basis that these disputes often involve significant complexity and reliance on expert evidence.⁵⁰ I agree, with respect, to this suggested exclusion. These matters frequently require the interpretation of survey plans, arborist or engineering evidence, and the application of statutory tests that are not straightforward.
71. The Review asks stakeholders to identify the types of matters that should be determined by QCAT Justices of the Peace if the program were to be reinstated.⁵¹ In my view, the answer to that question depends entirely on the minimum qualification requirements for Justices of the Peace.
72. In my view, the preferable approach would be to amend the QCAT Act to:
 - a) remove chapter 4, part 4B; and
 - b) amend section 198(9) of the QCAT Act to enable the appointment of Sessional Adjudicators.
73. It would be open for Justices of the Peace who meet the minimum qualifications for an Adjudicator to apply for appointment as a Sessional Adjudicator.

⁴⁹ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [89].

⁵⁰ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [94].

⁵¹ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [96].

Responses to consultation questions

Consultation question 1

Q1 Should the QCAT Justices of the Peace initiative (as provided for in Chapter 4, Part 4B of the QCAT Act) be reinstated operationally? If not, why?

74. The question of whether to reinstate the QCAT Justices of the Peace initiative is an operational matter for the President. It is not a matter within the statutory remit of the Review.
75. Reinstating the Justice of the Peace program would require substantial resources to recruit, train and support Justices of the Peace. As noted in the Issues Paper, reinstatement “would require additional resourcing to train, manage and supervise the Justices of the Peace... [and] a Senior Member, Member or Adjudicator would likely need to be diverted to support this program, potentially diminishing QCAT’s capacity in other jurisdictions.”⁵² In practice, such diversion would definitely diminish QCAT’s capacity, given current workloads, hearing room constraints, and registry pressures.
76. The Justice of the Peace program, as currently provided for in the QCAT Act, does not provide a model that would meaningfully alleviate pressure on the Tribunal. The requirement for two Justices of the Peace per matter, the absence of minimum legal qualifications, and the need for ongoing support mechanisms (such as the former ‘hotline’ to adjudicators) all impose additional burdens on QCAT’s limited resources.
77. See also my comments about the undesirable dichotomy of the minimum qualifications necessary for the Justice of the Peace program, compared to Adjudicators, at paragraph 28 above.
78. Ultimately, it is my view as President that the Justice of the Peace program does not present a model that would be prudent to reinstate.

⁵² The Honourable David Thomas, ‘QCAT Justices of the Peace’ (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [67].

Consultation question 2

Q2 If yes to Q1, should any changes be made to the QCAT Justices of the Peace program? For example:

- (a) What types of matters should QCAT Justices of the Peace be empowered to hear and determine?
- (b) Is the current \$5,000 monetary limit for MCDs appropriate?
- (c) What should be the eligibility requirements for a QCAT Justice of the Peace?
- (d) What qualifications should a QCAT Justice of the Peace have?
- (e) Should the current tribunal composition requirements for QCAT Justices of the Peace panels be changed? For example, should a QCAT Justice of the Peace panel include a legally qualified Justice of the Peace?
- (f) What initial and ongoing training or professional development should be provided to QCAT Justices of the Peace?
- (g) Should the initial and ongoing training for QCAT Justices of the Peace be funded by Government?
- (h) What measures, if any, might be necessary to support QCAT Justices of the Peace decision making? For example, telephone support or legal guidance, random audits, quality assurance checks or ongoing professional development training;
- (i) What is the appropriate appeal pathway from decisions made by Justices of the Peace panels?
- (j) Should there be any changes to the remuneration payable to QCAT Justices of the Peace, including for a legally qualified Justice of the Peace?

- 79. In addressing this question, I limit my response to matters properly within the remit of the review under s 240 QCAT Act.
- 80. Although operational reinstatement is outside the Review's remit, if the Justice of the Peace program is to be retained in the QCAT Act, significant legislative amendment would be required to make the model viable. The following responses address each sub-question.

What types of matters should QCAT Justices of the Peace be empowered to hear?

81. The answer depends entirely on the minimum qualifications required of QCAT Justices of the Peace.
82. Under the current legislative framework, the jurisdictional categories (non-excluded minor civil disputes up to \$5,000) do not reliably filter out legally complex matters. Minor civil disputes routinely involve complex jurisdictional questions, contract formation issues, statutory construction, and application of the Australian Consumer Law. These matters require legal training and experience.
83. If the Justice of the Peace model is retained, but the minimum requirements increased to 5 years standing as a lawyer, the jurisdiction should only extend to matters appropriate for a decision-maker with at least the same minimum qualifications as an Adjudicator (five years' post-admission experience).

Is the current \$5,000 monetary limit appropriate?

84. The monetary limit does not reliably correlate with complexity. Disputes involving small sums can raise complex legal issues. The more relevant question is the decision-maker's qualifications and experience, not the quantum.
85. If the Justice of the Peace model is retained with appropriate qualification requirements, the monetary limit becomes less significant. If qualifications remain minimal, even a \$5,000.00 limit is inadequate to ensure that litigants receive high-quality adjudications of their disputes.

What should be the eligibility requirements for a QCAT Justice of the Peace?

86. The current eligibility requirements are not appropriate. The minimal eligibility requirements create a problematic dichotomy: a litigant in one hearing may appear before a legally qualified adjudicator with at least five years standing, while another litigant may appear before a Justice of the Peace who is an Australian lawyer but does not need to have five years standing (in fact, doesn't even need to have one month's standing under the current model), sitting with a Justice of the Peace who has no legal qualifications at all.
87. If the Justice of the Peace model is retained, eligibility should require legal qualification and a minimum of five years' post-admission experience, consistent with Adjudicators.

What qualifications should a QCAT Justice of the Peace have?

- 88. Only legally qualified persons with post-admission experience should be eligible, preferably those with at least 5 years standing as an Australian lawyer.
- 89. Anything less will create inequity in the qualifications and experience that a litigant experiences.

Should tribunal composition requirements be changed?

- 90. Yes. The requirement for two Justices of the Peace is inefficient and resource-intensive.
- 91. If the model is retained, which is not recommended, it should be amended to a single decision-maker model, with qualification requirements equivalent to Adjudicators.

What initial and ongoing training should be provided?

- 92. Training requirements are largely operational and outside the statutory remit of the Review. However, the Issues Paper notes that the previous model required five days of training and ongoing monthly education.⁵³ QCAT does not currently have the resources to deliver such training.
- 93. If the Justice of the Peace model is retained and the QCAT Act is amended to address minimum qualifications, training requirements can be assessed according to the model landed on. I refer also to my comments at paragraph 83 to 88 above. If Justices of the Peace are required to have at least five years' post-admission experience, training needs would be somewhat reduced.

Should training be funded by Government?

- 94. Yes. Any training, recruitment, induction, supervision or support costs must be fully funded by the Government, on an ongoing basis (not merely a one-off injection). QCAT cannot absorb these costs within existing resources.

What measures might be necessary to support Justice of the Peace decision-making?

- 95. Measures such as telephone support, legal guidance, audits or quality assurance processes are operational and outside the Review's remit. However, the need for such measures underscores the inadequacy of the current qualification requirements. No other category of QCAT decision-maker requires a dedicated 'hotline' to another decision-maker.

⁵³ The Honourable David Thomas, 'QCAT Justices of the Peace' (Issues Paper 9, Queensland Civil and Administrative Tribunal Act Statutory Review 2025–26, February 2026) at [115], [118].

96. If the Justice of the Peace model is retained and the QCAT Act is amended to address minimum qualifications, the President will need to be consulted on resourcing for support needs. Again, it would be preferable not to have a category of decision makers that need more support than Adjudicators and Members. Litigants are entitled to expect the decision maker is someone who is at least as qualified and does not need more support than Adjudicators.

What is the appropriate appeal pathway?

97. The existing appeal pathway is appropriate. No legislative change is required.

Should remuneration be changed?

98. Yes. If the Justices of the Peace model is retained and Justices of the Peace are required to meet qualification standards equivalent to those of Adjudicators, remuneration should be set on a sessional basis.

Consultation question 3

Q3 Should a program be established to enable QCAT Justices of the Peace or Justices of the Peace generally to conduct mediations or conciliations of particular matters in QCAT, including MCD matters? If so, which matters?

99. The QCAT Act already allows for individuals who are not members or Adjudicators to conduct conciliations or mediations.⁵⁴ In practice, the Tribunal does not currently facilitate or refer matters to conciliation. There is, however, an external mediation program.
100. If Justices of the Peace wish to conduct mediations, they of course may apply to join the mediation panel, provided they meet the same accreditation requirements as all other mediators. There is no need for legislative amendment to facilitate this.
101. If there is a specific proposal for the Act to be amended to introduce a separate mediation or conciliation process to be facilitated by Justices of the Peace, QCAT would welcome the opportunity to comment on that specific proposal. Any proposal would need to address specific logistics. Just some of those logistics would include:
- including whether it is an in-house or external program which is contemplated, and if an in-house program is contemplated, how and where would mediation facilities be provided;

⁵⁴ QCAT Act ss 66F(1)(d), 66F(2), 79(1)(e), 79(2).

- what arrangements are intended for the preparation of the material for the Justices of the Peace (under the external mediation program, the parties have the responsibility of putting together the material);
 - whether it is intended that Justices of the Peace do this on an unpaid or fee basis, and if the latter, whether the fees are to be paid by the parties or by QCAT;
 - whether the program is intended to intersect, or not, with the program run by the DRB and/or the external mediation program;
 - who would be responsible for recruiting Justices of the Peace for the program;
 - how would the process of recommendation and appointment be facilitated, and by who;
 - what conduct standards are to be applied to the QCAT Justices of the Peace (for example, are the standards to be applied the same as for accredited mediators, or does the Government have in contemplation some lesser or other standard, and if the latter, what is the rationale for that?).
102. These are just some of the logistical matters that the Government would need to consider if it chose to implement a Justice of the Peace mediation program.
103. As said above, Justices of the Peace who are accredited are already at liberty to seek to be included within the current external mediation program that exists at QCAT. No legislative change would be necessary for Justices of the Peace to apply to be part of that program, provided they are appropriately qualified.

Consultation question 4

Q4 If yes to Q3:

- (a) What eligibility, qualifications or experience should a Justice of the Peace have to perform this role?
- (b) What training should be provided?
- (c) Should the training be funded by Government?
- (d) What remuneration should be paid to QCAT Justices of the Peace, or Justices of the Peace, for conducting the mediation or conciliation?

104. The answers to these questions very much depends on the model. As no specific model has been proposed, it might be more prudent for QCAT to provide answers to these types of questions if and when a model is articulated by the Review or by Government.
105. What I can say is that all costs associated with recruitment, training, implementation and operation must be fully funded by the Government.

Conclusion

106. The Justice of the Peace model currently set out in chapter 4, part 4B of the QCAT Act does not assist the Tribunal in better achieving its statutory objects. The model did not substantially increase efficiency and imposed additional administrative, training, and support burdens on already-constrained Tribunal resources. The Justice of the Peace program, as currently provided for in the QCAT Act, is structurally unsuited to resolving minor civil disputes in a way that is fair, economical and quick.
107. The core difficulty is not merely operational, but structural. The absence of minimum legal qualification requirements, the mandatory two-person panel constitution, the limited jurisdiction, and the reliance on referral mechanisms for questions of law or complex matters are all indicative of a model that lacks coherence with the Tribunal's broader decision-making framework. These features create disparity in decision-making standards, introduce unnecessary procedural complexity, and undermine the consistency that litigants are entitled to expect from an independent statutory Tribunal.
108. In my view, the more effective approach to improving the Tribunal's capacity to efficiently handle minor civil disputes is legislative reform that would align decision-maker qualifications, jurisdiction, and structure with the Tribunal's existing model for Adjudicators and Members. In my view, that objective would be better achieved by removing chapter 4, part 4B from the QCAT Act and instead providing for the appointment of Sessional Adjudicators, who would be subject to the same eligibility criteria.
109. I emphasise that nothing in this submission should be taken as diminishing the substantial and valuable contribution made by Justices of the Peace to the Queensland justice system more broadly. However, the objects of the QCAT Act are directed to providing accessible, fair, just, economical, informal, and quick dispute resolution for the public. The Justice of the Peace program should be evaluated against those statutory objects rather than against an extraneous policy objective concerned with expanding or recognising the roles of community leaders. As stated above, the experience of those within QCAT who experienced the Justice of the Peace program is that the statutory objects and the policy objective were not able to both be achieved. In those circumstances, the first of the two⁵⁵ must, of course, prevail.

⁵⁵ I.e. the statutory objects of the QCAT Act.

110. I hope this response is of some assistance to the Review in carrying out its remit. As always, please do not hesitate to contact me should you have any queries or if I am able to be of assistance.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

The Honourable Justice Kerri Mellifont

Supreme Court of Queensland

President of the Queensland Civil and Administrative Tribunal