

QCAT Practice Direction No 2 of 2013

Allocating Legal Members to Lists in QCAT

Effective: 15 March 2013

1. Practice Direction No 13 of 2010 ('Allocating Members to a division in QCAT') is repealed.
2. The purpose of this practice direction is to enable QCAT's sessional members and adjudicators who are lawyers to nominate a list or lists within QCAT in which they will *not* sit.
3. It is relevant to those QCAT members who are lawyers and who may wish to appear in the Tribunal from time to time in some matters, representing parties. By nominating lists in which they will not sit they avoid the risk of embarrassment or the perception of a conflict of interest or bias – and, assist the Tribunal in scheduling Members for hearings.

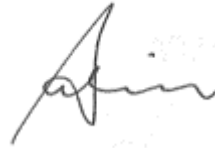
Example: Member ABC, a lawyer, sits regularly as a presiding member or member in tribunals in Guardianship and other lists within the QCAT human rights division, but has clients with matters in the Building list whom she may wish to represent there. Member ABC will nominate the Building list (and any associated lists) as those in which she will not sit.

4. QCAT is required, under its Rules, to exercise its functions in divisions¹ but the President may, by practice direction, establish lists within each division. Those lists are established, by the annexure marked 'Schedule A'.
5. Sessional members and adjudicators wishing to nominate a list or lists in which they do not wish to sit should advise their intention in writing to:
 - My Executive Assistant Ms Catherine Aird (Catherine.Aird@justice.qld.gov.au)
 - QCAT Scheduling Team (scheduling@qcat.qld.gov.au)
6. A proper consideration of the ethical issues which may arise for members and adjudicators, discretion and good sense will dictate the response of members who are interested in continuing both to sit as QCAT members in some lists, and to practice as lawyers in others. Guidance may be obtained from: COAT (*Council of Australasian Tribunals*) Practice Manual (<http://www.coat.gov.au/practicemanual>); and the Administrative Review Council's *Standards Guide for Tribunal*

¹ QCAT Rules 2009, r 5(1)

Members

<http://www.arc.ag.gov.au/Publications/Reports/Pages/Downloads/AGuideToStandardsOfConductForTribunalMembersRevised2009.aspx>.

A handwritten signature in black ink, appearing to read 'Alan Wilson', is centered on the page. The signature is fluid and cursive.

*Justice Alan Wilson
President*

15 March 2013

Schedule A

QCAT lists

1. Human Rights

- **Guardianship**
- **Child Protection**
- **Anti-Discrimination**

2. Civil

- **Building**
- **Retail Shop Leases**
- **Community living disputes²**

3. Review of administrative decisions and occupational regulation matters

- **General administrative review**
- **BSA Reviews**
- **PAMDA**
- **Review of local Government decisions**
- **Occupational regulation matters**

² Matters concerning Retirement Villages, Manufactured Homes, Body Corporate Disputes and Neighbourhood Disputes.