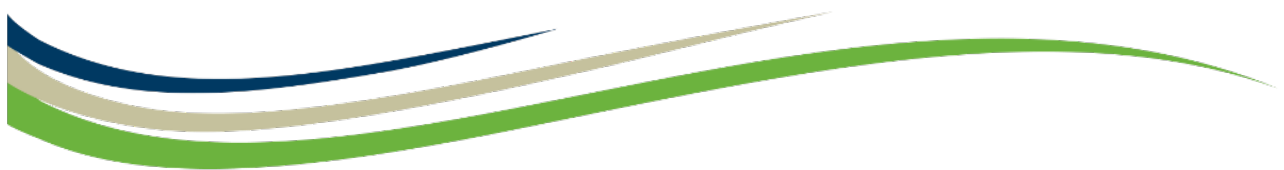


2017–18

Annual report

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Queensland Civil and Administrative Tribunal



## About QCAT's annual report

The Queensland Civil and Administrative Tribunal's annual report summarises its performance for 2017–18 and meets accountability requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

This annual report is accessible at [qcat.qld.gov.au](http://qcat.qld.gov.au).

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## Interpreter services



The Queensland Government is committed to providing accessible services to Queenslanders from all cultural and linguistic backgrounds. If you have difficulty understanding this annual report, contact us on 1300 753 228 to arrange an interpreter.

# Letter of compliance

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September 28 2018

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Office of the Attorney-General  
GPO Box 149  
Brisbane Qld 4001

Dear Attorney-General,

I present the Queensland Civil and Administrative Tribunal's Annual Report 2017–18.

This annual report complies with the tribunal's requirements under the *Queensland Civil and Administrative Tribunal Act 2009* and the *Guardianship and Administration Act 2000*.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Martin Daubney', followed by a large, stylized flourish that loops back under the signature.

Hon Justice Martin Daubney AM  
QCAT President

# Table of contents

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Letter of compliance.....	3
President's message.....	5
About Queensland Civil and Administrative Tribunal .....	8
QCAT registry .....	10
Trends and issues.....	16
Human rights division.....	21
Civil, administrative and disciplinary division.....	23
Appeals .....	24
Minor civil disputes.....	25
Major initiatives and achievements.....	27
Appendix 1 — Member and registry directory .....	33
Appendix 2 — <i>Guardianship and Administration Act (2000)</i> reporting requirements .....	38
Appendix 3 — Legislative reviews.....	41
Appendix 4 — Acronyms .....	42

# President's message

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QCAT brings civil justice to the lives of everyday Queenslanders.

But that does not mean it is a sort of glorified small claims tribunal, as seems to be the perception in some sectors of government, the legal profession, and the wider community.

In fact, nothing could be further from the truth.

QCAT is invested with an extraordinarily wide array of civil law jurisdictions. Many of those are unlimited in monetary value. All of them involve matters which are of immense, if not immeasurable, value to the individuals affected by the QCAT process.

In its guardianship jurisdiction, QCAT makes decisions every day which fundamentally touch the lives of Queenslanders who, for a variety of reasons, are unable to make decisions for themselves. Many of these decisions involve the administration of estates valued in the hundreds of thousands — and frequently many millions — of dollars. All of these decisions have a direct and immediate impact on the well-being and dignity of the particular person, and on the lives their family, friends and carers.

Investment in a home is the largest single investment which the vast majority of Queenslanders make in their lives. QCAT's jurisdiction in domestic building disputes is unlimited. Disputes are frequently technical and complex, involving many hundreds of thousands — often millions — of dollars. But in personal terms for a homeowner, the dispute is not just an arid argument about contractual terms or the technical aspects of construction; it is a fight about their home. For the builder, their reputation and expertise are at stake. These are things that do not carry a monetary value. To the parties involved, these emotions often more important than the dollars and cents tied up in the dispute.

QCAT is the disciplinary body for a wide range of professions, providing confidence for Queenslanders by ensuring that appropriate standards of professional conduct and expertise are maintained. These matters include lawyers, doctors, nurses, vets, engineers and teachers, and have profound career and reputational impacts on the individuals involved.

QCAT has the jurisdiction to review administrative decisions made under about 180 different pieces of State legislation, including decisions made about blue cards, weapons licenses, liquor licenses, and animal care. It is also the appeal tribunal for challenges against decisions by numerous statutory bodies, ranging from Right to Information applications to Racing Integrity matters. These are disputes which are difficult, if not impossible, to value in dollar amounts. But each involves a crucial function in our civilized society — the proper ordination of relations between a citizen and the State. This is not some accidental or incidental by-product of QCAT's jurisdictions. Amongst the objects articulated in the legislation which establishes QCAT are enhancement of the quality and consistency of decisions made by government decision makers and enhancement of the openness and accountability of public administration.

This report does not reveal the substantial monetary value of many of the matters which come before QCAT. Nor does it reveal the increasing complexity of many of these matters, or that every single one of these proceedings has a direct and immediate impact on the people involved. It is not hyperbolic to say that many of these proceedings are literally life-changing.

The unfortunate perception to which I referred earlier is almost certainly derived from the fact that about half of QCAT's annual filings are in its so-called 'minor civil dispute' division. That, however, is an unfortunate misnomer. The use of the word 'minor' tends to trivialize the importance of the disputes resolved in this division. They are not 'minor' to the parties involved. There is nothing 'minor' about a consumer dispute involving \$20,000 if that represents half of the claimant's net annual salary. There is nothing 'minor' about a residential tenancy dispute if a family is about to be evicted from their rental accommodation. There is nothing 'minor' about a dividing fence dispute if it affects a person's ability to feel secure in their own home.

The term also undervalues the role played by QCAT in assisting parties to resolve these disputes or, if necessary, to decide on a resolution for them. QCAT is not a 'minor' player. It is an independent forum which aims to provide quick, accessible and affordable civil justice to everyday Queenslanders.

A more accurate and appropriate title would be 'community civil dispute'. That would better encompass the nature of the disputes dealt with in this division, and pay proper respect to the parties and the tribunal. It would also suitably describe the tribunal's role in providing accessible justice to the broad range of citizens who make up our Queensland community.

Perceptions, however, have an unfortunate tendency to become reality, at least in the eyes of the beholders. A lack of appreciation in some quarters of the true ambit of QCAT's diverse jurisdictions has led to an unfortunate underappreciation of the resources necessary to provide the broad and important range of justice services which fall under QCAT's remit.

A reader of this report may be shocked to learn that there has been no increase in the remuneration rates paid to QCAT's sessional members since the tribunal was established in 2009. QCAT depends so heavily on its sessional members in Brisbane and across the regions of Queensland that the tribunal would literally collapse without their services. But their remuneration has remained completely static. They have not even had CPI increases. The pay rates for QCAT sessional members are now close to half those rates paid to members of comparable bodies such as the Mental Health Review Tribunal.

That is just one illustration of the dire under-resourcing issues faced by QCAT. This report contains many more examples.

QCAT's members and registry staff have been stretched beyond all reasonable and proper levels of tolerance. Any further delay in appropriate resourcing for QCAT will inevitably result in the tribunal being unable to deliver anything like quick and accessible civil justice to Queenslanders.

I am hopeful that the Executive Government will recognize and urgently address these resourcing issues.

For its part, QCAT is constantly striving to improve its processes and increase its efficiencies. To that end, and with the support of the Department of Justice and Attorney General, the tender process for a comprehensive independent review of QCAT's organisational structure and processes was completed during the year under review, with that review to be completed during the second half of 2018. At a practical level for both members and registry, the 'SLIP Rule' (described later in this report) has been introduced as a tool for simplifying and streamlining all aspects of QCAT's functions. These — and the numerous other initiatives described in this report — stand as a testament to the desire of all of QCAT's members and registry staff to fulfill QCAT's vision of fair and just outcomes and achieve its mission of actively resolving disputes in ways that are fair, just, accessible, quick and inexpensive.

I acknowledge the leadership provided to the tribunal in so many ways by the Deputy President, Judge Suzanne Sheridan, particularly during her tenure as Acting President. I owe her a personal debt of gratitude for her unstinting support and wise counsel. I express similar thanks to the senior members, and also acknowledge the very important roles they play in managing and mentoring the members and adjudicators.

The registry is an integral part of the tribunal — without an efficient and effective registry, the tribunal simply could not function. For many years, the administration of QCAT was guided with passion by its Executive Director, Ms Mary Shortland, who was seconded away from the tribunal in early 2018 and to whom a sincere vote of thanks is due. The Acting Executive Director, Ms Natalie Parker, has brought great experience and enthusiasm to the role, and I am grateful to her for her dedicated support. I also express my thanks to the Principal Registrar, Ms Melissa Meldrum, and to all in the registry who work tirelessly to ensure that QCAT serves the community.

QCAT members, adjudicators and JPs are single minded in their pursuit of justice for the parties who come before them. The QCAT registry staff are uniformly dedicated in assisting members in the work of the tribunal and, just as importantly, in their dealings with the wide variety of consumers who literally and metaphorically step through QCAT's doors every day. It is a great privilege for me to have been appointed to my current position, and to be able to witness their commitment to providing accessible justice to the community. I am grateful to them all for welcoming me to their ranks and for their ongoing support.

The changes in personnel adverted to last year by the then Acting President have continued through the current year. These have included my appointment, the appointment of new senior members, members and adjudicators, and some important changes in the registry, including the appointment of a new Principal Registrar.

These changes are inevitable in a dynamic organisation such as QCAT. They also present opportunities to build on the sure foundations of QCAT which were so capably and meticulously put in place by our predecessors.

QCAT has grown and must continue to mature in order to meet the demands of its ever-increasing workloads and the legitimate expectations of access to civil justice by the citizens of Queensland's burgeoning population.

Those expectations are not met by underestimating the importance of the role played by QCAT in the civil justice system of our state.

Nor can they be met unless and until QCAT's resourcing issues are adequately addressed.

Hon Justice Martin Daubney AM

# Queensland Civil and Administrative Tribunal

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QCAT is an independent statutory tribunal established by the [Queensland Civil and Administrative Tribunal Act 2009](#) (QCAT Act). The tribunal plays an integral role in the Queensland justice system. QCAT has significant responsibility to resolve and determine disputes, reviews and referrals in a wide range of jurisdictions, including:

- civil disputes (e.g. building, neighbourhood, bodies corporate and retail shop lease disputes)
- applications in relation to appointments of administrators and guardians (e.g. where an adult has impaired decision making capacity)
- administrative review of government and statutory authority decisions (e.g. Queensland Building and Construction Commission, liquor licensing, blue cards, child protection, weapons licensing and racing)
- occupational regulation (e.g. referrals and reviews involving lawyers, health practitioners, police, teachers, veterinary surgeons and engineers)
- minor civil disputes (e.g. residential tenancy disputes, minor debt and consumer law)
- referrals by the Anti-Discrimination Commission Queensland (e.g. complaints of alleged unlawful discrimination, sexual harassment, vilification and victimisation).

The tribunal also has an internal appeal jurisdiction providing users with an efficient and inexpensive appeals process.

## Jurisdiction, powers and functions of the tribunal

QCAT commenced on 1 December 2009 and amalgamated 18 tribunals and 23 jurisdictions. Its legislative scheme consists of:

- the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act)
- the *Queensland Civil and Administrative Tribunal Regulation 2009* (QCAT Regulation)
- the *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules)
- more than 170 Acts and Regulations (enabling Acts) which, in addition to the QCAT Act, confer jurisdiction on QCAT and sometimes provide for specific powers and procedures for certain matters.

QCAT has three different types of jurisdiction: original, review and appellate.

QCAT's **original jurisdiction** covers three broad operational areas: human rights (for example, applications to appoint guardians under the *Guardianship and Administration Act 2000*); civil disputes (for example, disputes about retail shop leases); and disciplinary (for example applications seeking disciplinary orders against solicitors under the *Legal Profession Act 2007*).



QCAT's **review jurisdiction** is conferred by enabling Acts and provides for QCAT to review administrative decisions made by government agencies and disciplinary bodies under enabling Acts.

QCAT's **appellate jurisdiction**, sitting as the Appeal Tribunal, provides for QCAT to hear appeals against both its own decisions and decisions of other entities under enabling Acts.

## Missions and values

QCAT's mission is to actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive. QCAT prides itself on the professionalism, integrity and impartiality of its staff and decision-makers and values the right of parties to have access to a quality service.

## Members

As at 30 June 2018, the decision-making cohort of QCAT comprised:

- two presidential members
- one supplementary judicial member
- four senior members
- six full-time members
- five part-time members
- 71 sessional members
- two full-time adjudicators
- six part-time adjudicators
- 72 justices of the peace (JP).

Details are contained in **Appendix 1**.

# QCAT registry

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The administration of QCAT falls under the Justice Services division of the [Department of Justice and Attorney-General](#) (DJAG). During the year under review, the Minister responsible for QCAT was the Honourable Yvette D'Ath, Attorney-General and Minister for Justice.

QCAT's registry is based in Brisbane but matters are heard throughout Queensland.

In South East Queensland (including Brisbane), minor civil disputes are heard by QCAT adjudicators appointed under the QCAT Act, who circuit the South East Queensland centres. In regional and rural areas, minor civil disputes are heard by magistrates who are deemed ordinary members of QCAT for minor civil dispute hearings.

In Brisbane, matters other than minor civil disputes are heard by QCAT members. In other areas of South East Queensland and across regional and rural Queensland, QCAT members circuit to conduct hearings for matters other than minor civil disputes. There is some availability of regional sessional members.

Local Magistrates Courts act as QCAT's registries across regional and rural Queensland and in South East Queensland (excluding Brisbane). Outside Brisbane, Magistrates Court registry staff accept QCAT applications and supporting documents, receive application fees, process minor civil dispute applications, assign hearing dates and manage applications through to resolution. Within Brisbane, applications and documents received at Magistrates Courts are forwarded to QCAT's Brisbane registry.

The registry manages the tribunal's administration.

## At a glance

<b>31,326</b> cases finalised	<b>100%</b> clearance rate	<b>81%</b> user satisfaction	<b>112,515</b> calls answered	<b>13,418</b> counter enquiries
<b>15,866</b> Searches of QCAT records	Call response time of <b>15.51 minutes</b>	<b>18,428*</b> proceedings scheduled	<b>347</b> confirmed interpreter bookings	Average cost per matter <b>\$717</b>

\*excludes minor civil disputes

## Administrative workforce

QCAT's administrative workforce comprises:

- the Executive Director
- the Principal Registrar
- 117 permanent registry positions.

Senior officer details are contained in **Appendix 1**.

This is a moderately-sized workforce with significant justice service delivery responsibility and experience.

QCAT supports its staff attaining relevant professional qualifications. This year, two staff accessed the departmental Study and Research Assistance Scheme with one staff member completing a Bachelor of Human Services with majors in Counselling and Child and Family Studies; and one staff member continuing her Bachelor of Laws degree.

QCAT is proud to support flexible working arrangements for people managing tertiary study, family commitments and other personal responsibilities. 21 staff work part-time and all staff are encouraged to make use of flexible work patterns.

QCAT has a high ratio of female staff at 71 per cent. The management team has an almost even gender split, with 54 per cent women.

There were no early retirement, redundancy or retrenchment packages awarded.

## Finances

<b>Government appropriation \$19.125M</b>
<b>Revenue from fees \$3.348M</b>
<b>Total operating expenses \$22.473M</b>

## Workload and outcomes

QCAT continues to observe year-on-year growth in lodgements with no corresponding increase in resources.

The 2017–18 financial year has seen a one per cent increase in lodgements across all areas. The increase in the complexity of matters — coupled with limited resources — has placed extreme pressure on the tribunal members and registry staff.

**Table 1** provides an overview of operations.

Service performance criteria	2014–15	2015–16	2016–17	2017–18
Cases lodged	28,666	30,073	30,858	31,229
Cases finalised	31,104	30,029	29,736	31,326
1300 calls managed	103,718	112,370	107,313	112,515
Call response time (average)	9.02 minutes	3.17 minutes	3.53 minutes	15.51 minutes
Search request of QCAT records	17,572	16,772	16,136	15,866
Counter enquiries	10,623	11,955	10,803	13,418
Proceedings scheduled*	17,428	17,607	17,728	18,428
Cost per matter (average)	\$653	\$721	\$728	\$717
Interpreter and translation services provided	266	290	347	347
Complaint rate	0.8%	0.9%	0.7%	0.9%
User satisfaction rating	71%	82%	82%	81%

Table 1: Overview of operations. Proceedings scheduled exclude minor civil disputes

## Clearance rates

QCAT achieved a clearance rate of 100 per cent in 2017–18, which meets service delivery standards. It must be emphasized that this result was only able to be achieved through one-off additional resources provided by DJAG in February and May 2018 (excluded from the finance statement above) that enabled additional hearings to be run.

QCAT's ability each year to meet its clearance rate is diminishing. **Figure 1** displays QCAT's clearance rates from 2012 through to 2018.

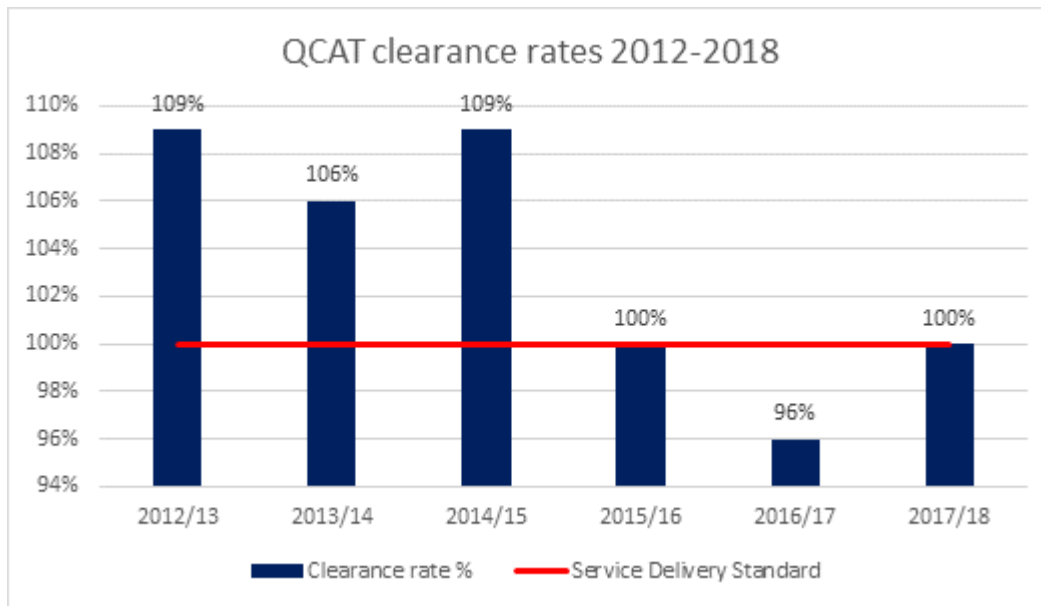


Figure 1: QCAT clearance rates 2012–2018 by percentage.

**Table 2** details cases pending as at 30 June 2018.

	2015–16	2016–17	2017–18	% difference
Cases pending	5,140	6,262	6,165	-1.6%
Overall clearance rate	100%	96%	100%	4%

Table 2: Number QCAT cases pending at 30 June 2018 and percentage difference 16–17 and 17–18 financial years.

## Outcomes by jurisdiction

QCAT is required to report the number of and nature of matters (lodgements), the outcome of matters (clearance rates) and the number and nature of outstanding matters (pending at period end).

**Table 3** details outcomes by jurisdiction for 2017–18:

	Lodgements			Clearance rates			Pending at period end		
	2016–17	2017–18	% diff	2016–17	2017–18	% diff	2016–17	2017–18	% diff
<b>Human Rights</b>									
Anti-discrimination	107	52	-51%	108%	121%	13%	57	46	-19%
Children	279	318	14%	98%	94%	-4%	174	192	10%
Guardianship	12,281	12,684	3%	95%	102%	7%	2,993	2,782	-7%
<b>Civil</b>									
Building	315	333	6%	101%	101%	nil	166	183	10%
Retail shop leases	138	217	57%	107%	84%	23%	73	107	47%
Minor civil disputes	16,381	16,210	-1%	97%	101%	4%	1,858	1,767	-5%
Other civil disputes	76	77	1%	85%	101%	16%	157	160	2%
Neighbourhood disputes	207	240	16%	98%	89%	-9%	104	131	26%
<b>Administrative and disciplinary</b>									
General administrative review	320	417	30%	98%	77%	-21%	205	296	44%
Occupational regulation	288	321	11%	105%	92%	-13%	215	240	12%
<b>Appeals</b>									
QCAT Appeal Tribunal	437	348	-20%	91%	100%	9%	254	253	0%
<b>Re-openings and renewals</b>									
Re-openings	21	9	-57%	124	67	-57	4	7	75%
Renewals	7	3	-57	86	100	14	1	1	0%

Table 3: Outcomes by jurisdiction.

## Reserved decisions

As at 30 June 2018, QCAT had 172 outstanding reserved decisions, which is 65 more than at June 2017. Of these decisions, 99 were older than 90 days and 70 were older than 180 days.

Of the 172 reserved decisions, 18 were in the minor civil dispute (MCD) jurisdiction, of which 15 were more than 90 days old.

The increase in reserved decisions over previous years is largely attributable to the reduced number of full-time members and adjudicators throughout the reporting year, which had a significant impact on the time available to clear reserved decisions.

The appointment of new senior members, members and adjudicators in June 2018 is expected to ease pressure on the tribunal and enable reserved decisions to be cleared.

The President is actively managing reserved decisions.

## Complaints

QCAT has a low complaint rate of 0.9 per cent for 2017–18. A total of 300 complaints was received during this reporting year. The majority of complaints received concerned tribunal decisions and QCAT's policies and procedures.

## Code of conduct

The QCAT registry abides by the Queensland public service [Code of Conduct](#) (that specifies behavioural and service standards).

# Trends and issues

## Correct pay for QCAT sessional members

QCAT sessional members have not transitioned to current remuneration procedures<sup>1</sup> and continue to be remunerated at 2009 rates. This means there is no pay parity with comparable tribunals. The existing remuneration arrangement risks QCAT being able to retain its current sessional members and being able to attract new members in future recruitment.

This matter needs to be addressed urgently. The President has made funding submissions to the Queensland Government on this point in the strongest terms.

## Funding challenges and increased workload

Tribunal and registry resources have remained static despite year-on-year growth alongside a palpable increase in the complexity of matters. Under its current funding, QCAT is struggling to absorb increased workload as business as usual.

In real terms, QCAT has observed a less than one per cent increase in funding since its inception, despite a 14 per cent increase in actual lodgements over that time. This represents an additional 3,830 lodgements that the tribunal has dealt with without a corresponding increase in resources. The minimal 0.91 per cent lifetime growth QCAT has received has not covered wages growth and consumer price index increases.

**Figure 2** demonstrates the overall trend of increased lodgements alongside QCAT's static funding allocation.

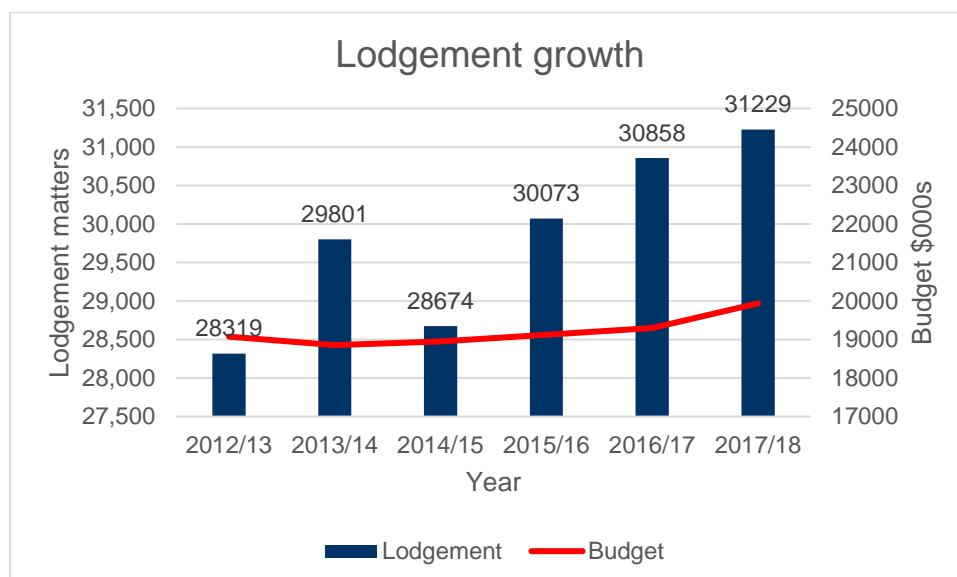


Figure 2: QCAT lodgement growth

<sup>1</sup> *Queensland Government Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies*



The President is seeking additional funding for registry and tribunal resources to enable QCAT to better respond to community needs through providing a modern, efficient, inexpensive and accessible justice service.

## Lodgement growth and complexity

Increases in the complexity of the matters lodged, coupled with QCAT's limited resources, continue to put pressure on QCAT's ability to meet its benchmarks for annual clearance rates.

The guardianship list has had the most significant volume increase in lodgements over the last year (403 lodgements equalling three per cent), which is impacting QCAT's overall clearance rate. That is hardly surprising, given the increased ageing population of the general community, and is obviously a trend which will only increase.

This increase in lodgements does not measure the rise in interlocutory applications, reflecting the increasing complexity of issues and greater awareness from people interacting with the tribunal.

## Difficulty meeting service delivery standards

Under its current funding arrangements, the QCAT registry is struggling to meet its service delivery standards.

At the beginning of quarter four, QCAT was tracking to achieve clearance rates of 98 per cent, falling below performance service delivery standard benchmarks<sup>2</sup>.

The (real) decrease in clearance rates since 2016 is attributable to the:

- increasing complexity of QCAT matters
- growth in lodgements in key jurisdictions such as guardianship
- rise in interlocutory applications.

The continuing upward trend in lodgements means the tribunal will not be able to maintain clearance rates above 100 per cent next year unless resourcing issues are addressed.

## Guardianship jurisdiction pressures

Guardianship matters have increased 21.5 per cent for the past four years — from 10,425 to 12,684. The *Guardianship and Administration Act 2000*<sup>3</sup> requires the focus to be on the adult, as opposed to the applicant or any of the other parties. The tribunal's *inquisitorial role* means matters are resource-intense, requiring registry case managers to actively seek out information the tribunal requires in relation to an adult, ensuring QCAT members have all relevant information and material to hear a matter.

Limited one-off funding provided by DJAG in the first half of 2018 enabled additional guardianship hearings to be run over a six-week period. The funding included repurposing two

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<sup>2</sup> (QCAT monthly report, April 2018).

<sup>3</sup> s 130.

meeting rooms into hearing rooms, sessional member costs, assistant case managers and hearing support officers.

As a result of the additional resources for this project, 165 matters were heard and enabled the guardianship clearance rate to exceed the 100 per cent benchmark for the first time since 2014/15. Another significant benefit was a reduction in case managers' workloads, improving the health and wellbeing of staff.

The guardianship clearance rate now stands at 102 per cent, significantly improved from last year's result of 95 per cent. But again it must be emphasized that this current clearance rate reflects additional one-off resources received from DJAG (February to June 2018) for NDIS hearings; and one-off additional resources funded in May for seven weeks.

Without additional funding — which has been sought — backlogs in this jurisdiction will climb in 2018–19.

## NDIS

The NDIS is a Federal Government scheme providing people with a permanent and significant disability who are under 65 years with individualised support to enhance their quality of life and wellbeing.

The NDIS rollout in Queensland<sup>4</sup> is putting significant pressure on QCAT's guardianship jurisdiction.

To date, QCAT has received 455 applications for the appointment of substitute decision-makers as an NDIS requirement. It is projected that QCAT will receive up to 500 applications in the 2018/19 financial year.

The NDIS is one of the most significant social reform programs implemented in Australia. The NDIS is responsible for funding 'reasonable and necessary' disability supports for eligible Queenslanders. Approximately 66 per cent of NDIS participants present with an intellectual, cognitive or psychiatric disability and may require the appointment of a formal guardian or administrator to assist the adult to make decisions regarding personal or financial matters.

QCAT will continue to have difficulty meeting this demand without being appropriately resourced.

## Aged information technology systems

The President is seeking additional funding for investment in QCAT's information technology as part of DJAG's digital roadmap — including a new case management system and facilitating a paperless environment. These reforms are obvious and necessary for the future efficient operation of the tribunal.

The registry and members presently rely on a combination of manual and digital tools for reporting. The aged case management systems make it difficult for QCAT to accurately measure and report a true reflection of the workload pressures in the tribunal and registry.

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<sup>4</sup> over three years to June 2019

It should be noted that minor civil dispute matters are recorded in a system shared with Queensland Courts. Any new case management system must be developed in agreement with Queensland Courts.

## Accommodation

QCAT achieved tenancy security, with its lease at 259 Queen Street extended by DJAG in May 2017 for a further six years.

Some refurbishment on level 10, including upgrades to audio-visual technology in existing and new hearing rooms, was completed in July 2017 through a departmental capital allocation. This was the first such refurbishment since QCAT began in 2009.

A refurbishment of levels 9, 10 and 11 proposed for 2018/19 will enable QCAT to occupy the whole of those floors. It is expected that these capital works providing purpose-built facilities will improve the operation of the tribunal.

## Improved government decision making

The tribunal's purpose in the review jurisdiction is to make the correct and preferable decision. QCAT has had a positive impact on the quality and consistency of government decision making, providing useful guidance through:

- the potential for administrative decisions to be reviewed
- encouraging government agencies to prepare and provide applicants with a comprehensive explanation (and statement of reasons) for any action taken or decision made
- procedures, practice directions and processes that provide an educative and normative role for government agencies whose decisions are under review
- requiring the original government decision-maker to act as a model litigant in proceedings
- tribunal decisions in disciplinary proceedings that guide regulators who may also be original decision-makers
- the publication of decisions
- QCAT's role as a central body which publishes its decisions across a number of jurisdictions encouraging increased quality and consistency of administrative decision-making across Queensland<sup>5</sup>.

Feedback from tribunal users indicates they seek greater transparency through the publication of more frequent and timely decisions<sup>6</sup>.

In 2017–18, QCAT changed the way QCAT reasons look, which represents the first major change to the template of QCAT reasons since 2009.

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<sup>5</sup> Review of the *Queensland Civil and Administrative Tribunal Act 2009* Report, 2018.

<sup>6</sup> QCAT Client Satisfaction Survey, April 2018.

## ‘Lemon Laws’

The Queensland Government has advised QCAT that, consistent with an election commitment, it proposes conferring an expanded defective motor vehicle jurisdiction (‘lemon laws’) on QCAT.

Assessing vehicle defects is a specialised field and requires a specialised list. The President is seeking appropriate funding to staff this jurisdiction with dedicated registry staff and a tribunal member to enable QCAT to deal with these matters quickly and efficiently. If such funding is provided, a single time-to-hearing benchmark could be established for these disputes regardless of the quantum of defect.

# Human rights division

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QCAT's human rights division exercises functions relating to:

- guardianship and administration
- children
- anti-discrimination.

## Guardianship and Administration

Lodgements in the guardianship jurisdiction increased by three per cent in 2017–18 — an additional 403 matters — which is the most significant increase across the tribunal. Increases in lodgements each year in this jurisdiction are impacting on QCAT's overall clearance rate. The guardianship clearance rate now stands at 102 per cent, which is a significant improvement from last year's result of 95 per cent. But as previously noted, this improvement is due only to one-off funding received from DJAG to address critical backlogs in hearings.

Section 83 of the *Guardianship and Administration Act 2000* requires QCAT to report on:

1. the number and type of limitation orders made by the tribunal, and
2. the number of applications, approvals and orders made under chapter 5B of the Act during the year.

**Tables 4, 5 and 6, which are set out in Appendix 2,** provide the information for those reports.

## Child protection

In its review jurisdiction, QCAT can review decisions about some child protection related matters.

In 2017–18, QCAT managed 144 child protection matters; 46 per cent of matters were finalised prior to a compulsory conference as a result of applications being withdrawn or dismissed. Of the matters which progressed to a compulsory conference, 68 per cent were resolved at the conference. A number of matters were finalised between the conference and a final hearing, with only three percent of matters proceeding to a final determination at a tribunal hearing.

During the reporting year, QCAT continued to embed processes and procedures to encourage direct child participation as recommended by the *Taking Responsibility: A Roadmap for Queensland Child Protection* report<sup>7</sup>. Priorities identified in the report included ensuring children and young people have a voice in proceedings about matters affecting them and providing ready access to compulsory conference outcomes and information.

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<sup>7</sup> Queensland Child Protection Commission of Inquiry, *Taking Responsibility: A Roadmap for Queensland Child Protection*, Recommendation 13.27, Queensland Child Protection Commission of Inquiry, Brisbane.

In the reporting year, there has been a strong increase in children having their views heard directly rather than through an intermediary. Proceedings with direct child participation increased from eight per cent to 22 per cent and indirect participation dropped from 48 per cent to 25 per cent. Matters with no child involvement increased from 45 per cent to 54 per cent.

## Anti-discrimination

QCAT's jurisdiction to hear workplace related anti-discrimination matters was amended by the passing of the *Industrial Relations Act 2016*. That Act provided the Queensland Industrial Relations Commission with exclusive jurisdiction to deal with all workplace related anti-discrimination matters. Prior to that, QCAT had jurisdiction to hear such matters. As a result, the number of applications referred to QCAT from the Anti-Discrimination Commission has dramatically reduced, dropping by 51 per cent. The number of applications is expected to remain stable moving forward.

Although numbers are small, typically anti-discrimination proceedings are resource-intensive for the tribunal and involve multiple interlocutory applications.

## Civil, administrative and disciplinary division

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The civil, administrative and disciplinary (CAD) division incorporates a broad range of jurisdictions, including:

- domestic building disputes (no monetary limit)
- tree disputes
- community living (in community title schemes; retirement villages; manufactured home parks)
- retail shop lease disputes (up to \$750,000)
- occupational regulation and disciplinary matters
- review of a large variety of administrative decisions made by government decision-makers.

Overall lodgements have increased in the CAD lists, with significant increases in retail shop lease disputes (57 per cent), general administrative review applications (30 per cent) and tree disputes (16 per cent).

While there has been an increase in lodgements, there has been no corresponding increase in resourcing, which has impacted the tribunal and the registry.

During the year, 11 new jurisdictions were conferred on QCAT in its civil, administrative and disciplinary jurisdictions without additional resourcing.

# Appeals

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The Appeal Tribunal provides an internal avenue of appeal for parties dissatisfied with a decision of the tribunal.

The President chooses a member or members to constitute the Appeal Tribunal for an appeal. The Appeal Tribunal may consist of one, two or three members. A judicial member must be constituted as the Appeal Tribunal for appeals from MCDs decided by magistrates and in external appeals brought under the *Right to Information Act 2009* (Qld) and *Information Privacy Act 2009* (Qld).

There was a 20 per cent decrease in appeals during 2017–18. This is consistent with a downward trend in appeal lodgements at QCAT. However, over the period there has also been a delayed clearance of reserved decisions due to workload issues attributable to the shortage of full-time members and adjudicators. The ongoing clearance of these decisions may impact on the number of appeals into next year.



## Minor civil disputes

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MCDs are civil claims brought by some 25,000 Queenslanders each year. They encompass a range of monetary (generally up to \$25,000) and non-monetary disputes, accounting for the largest volume of lodgements at QCAT. These disputes can have serious consequences for the welfare, dignity and daily living arrangements of people concerned.

MCDs are generally short matters, heard promptly, with limited documentation being provided by the parties. These matters include:

- residential tenancy disputes
- minor debt disputes
- consumer and trader disputes
- motor vehicle property damage disputes
- dividing fence disputes.

MCDs by volume comprise the largest jurisdiction in QCAT.

The large majority of MCDs are decided in South East Queensland by QCAT adjudicators. In regional areas, MCDs are heard by magistrates sitting as QCAT members. Magistrates heard 8,166 matters across regional Queensland in the reporting year. QCAT JPs also exercise a limited monetary jurisdiction up to \$5,000 in some MCDs.

MCDs in South East Queensland are managed as part of the functions of the client services team (CST). The team also provides advice to Magistrates Court registry staff about QCAT procedures for MCDs and other matters. The CST also performs a range of additional client services functions (including front counter and telephone enquiries) in addition to managing the large number of MCD matters.

The MCD jurisdiction achieved a clearance rate of 101 per cent in South East Queensland, exceeding benchmarks. This result is only due to additional one-off project funding from DJAG which enabled a backlog of cases from 2016–17 to be cleared. Achieving the clearance rates resulted from a much increased workload but without any corresponding increase in staffing and tribunal resources.

QCAT has benchmarks for how long it is acceptable for tribunal users to wait for their matters to be heard. Throughout the year, delays have been experienced across MCD jurisdictions due to resourcing issues, including an insufficient number of decision-makers.

There was an increased wait time-to-hearing and failure to meet benchmarks by the end of June 2018 in South East Queensland. Urgent tenancy dispute benchmarks were not being met in Brisbane, Beenleigh, Ipswich and Richlands. The lack of availability of courtrooms in some centres also contributed to extended wait times. The time-to-hearing benchmarks in other categories of MCDs were also being exceeded, in some cases significantly.

While in 2017–18 MCD lodgements in South East Queensland have remained stable, the increasing complexity of applications had a significant adverse impact on the workloads of tribunal decision-makers and the CST.

The current wait times to hearings do not align with QCATs objects to have matters dealt with in a way that is accessible, fair, just, economical, informal and quick. Increasing complexity in QCAT applications requires a dedicated MCD registry to be developed at QCAT.

It is expected that without increased investment in additional tribunal and registry resources, further delays in this jurisdiction will be inevitable.

# Major initiatives and achievements

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## SLIP innovation

The President's SLIP rule was implemented at QCAT in early 2018:

Is it **S**IMPLE?

Is it **L**EGAL?

Will it **I**MPROVE?

Is it **P**ROPORTIONATE?

The SLIP rule is a tool which seeks to ensure that QCAT's work models and the relationships between the members, management and all the registry staff are optimised to achieve a common mission — resolving disputes in a way that is fair, just, accessible, quick and inexpensive.

## New appointments

The Hon Justice Martin Daubney AM was appointed President of QCAT on 16 October 2017.

In September 2017:

- Member Michelle Howard was appointed as a Senior Member.

In June 2018:

- Professor Ned Aughterson and Tina Guthrie were appointed as senior members
- Michael Howe, Barbara Kent and Paul Kanowski were appointed as ordinary members
- Wayne Stanton was appointed as a full-time adjudicator and Linda-Anne Griffiths as a part-time adjudicator.

Delays in the appointments resulted in considerable workload and financial pressures across the tribunal and registry.

QCAT is indebted to all tribunal decision-makers — including sessional members, adjudicators and JPs — who contributed greatly to ensure the tribunal continued to hear and determine matters during this difficult time.

The tribunal lost a number of decision makers in the reporting year, including:

- Senior Member Peta Stilgoe, appointed as a member of the Land Court of Queensland
- Senior Member Kerrie O'Callaghan, appointed as a magistrate
- Member Bridget Cullen, appointed as a member of the Administrative Appeals Tribunal.

Sessional member Nathan Jarro was appointed as a Judge of the District Court of Queensland, and sessional members Phillipa Beckinsale and Michelle Dooley were appointed as magistrates.

Adjudicator Alex Crawford passed away during the reporting year. He is sadly missed by all at the tribunal.

The resignation or retirement of these people led to a number of acting positions. The President gratefully appreciates all members who went above and beyond the call of duty to fill gaps in capacity, particularly members Tina Guthrie and Joanne Browne who acted as senior members for extended periods during the reporting year, and the numerous sessional members who shouldered the burden of extra sittings. He also recognises the efforts of the registry's operational and scheduling teams that admirably dealt with additional workloads.

The President is confident the tribunal, and through it the people of Queensland, will be well-served by the new appointments to QCAT.

## Temporary hearing rooms

For a limited period and with limited funding, QCAT was able to repurpose vacant meeting rooms into hearing rooms. This allowed some improvement in hearing wait times in the guardianship jurisdiction but was an ad-hoc stop-gap measure.

Limited additional funding received in May from DJAG enabled QCAT to fund sessional member costs and additional case managers to deliver an additional 30 hearings per week for six weeks leading up to 30 June 2018. The ad-hoc nature of the measure, however, meant that its usefulness was limited. Due to security constraints, only simple matters could be heard in these rooms.

The program enabled these matters to be heard within hearing benchmarks by the end of the financial year. The other significant benefit was a drop in the case file load for case managers, aligning by the end of June with acceptable workloads. As noted elsewhere, these metrics will degenerate without ongoing funding.

## Digitisation through Hackathon

QCAT's vision to hold a Hackathon — to find new and innovative ways to engage the community to help solve justice issues — became a reality in 2018.

The '*Hackcess to Justice*' was held over three days in partnership with DJAG during Law Week in May, with law and IT students developing and pitching commercially-viable solutions for resolving neighbourhood disputes.

Three QCAT registry officers volunteered as mentors for the event and Senior Member Michelle Howard was on the judging panel. The QCAT President opened the event.

The winning solution was a chatbot that consolidated neighbourhood dispute information into a personalised customer journey to help neighbours resolve their issues. It will be launched in 2018 in parallel with QCAT's own already planned chatbot that provides information about tree and fence disputes.

QCAT's visionary chatbot has been initiated and driven by staff in its information technology and client services teams.

## QCAT mentoring future lawyers

QCAT continues to play a role in mentoring the state's future lawyers through participation in a professional legal training program (PLT) that exposes young lawyers to civil justice and the operations of the tribunal.

Law students report they are securing graduate jobs thanks to their on-the-job placements at QCAT.

QCAT's PLT program provides a unique opportunity for students, with direct access to the judiciary and the opportunity to be mentored by experienced lawyers across multiple jurisdictions.

PLT is an essential study requirement for law graduates wanting to practice law and be admitted to the Supreme Court in Queensland and all other Australian states. Law graduates must complete a PLT course or serve as a supervised trainee in a law firm.

## LawRight self-representation service

QCAT supports the delivery of a self-representation service in the Brisbane QCAT registry.

LawRight — an independent, non-profit community based legal organisation — provides free legal advice in the Brisbane registry, or by phone for people living outside of Brisbane.

Equal access to the courts is a fundamental pillar of the justice system and LawRight enables this by connecting self-represented people with volunteer lawyers.

Assistance is provided for matters relating to anti-discrimination, blue cards, child safety, guardianship and administration, right to information and information privacy, victim assistance and appeals of decisions made by QCAT in one of the above areas.

LawRight is expanding its service at QCAT to provide a duty lawyer and drop-in service for people impacted by domestic violence.

## Volunteering at the front-line

The Court Network has expanded its front-line services to better support vulnerable tribunal users.

Court Network volunteers are often the first point of contact when tribunal users attend in person.

Volunteers helped more than 12,500 people with information and general enquiries in the Brisbane registry, and also assist tribunal users in Cairns and Townsville.

Nine highly-trained volunteers provided non-legal information, support and referrals to more than 260 people in residential tenancy matters.

The President gratefully acknowledges the generous contribution of more than 1,000 hours of Court Network volunteers' time.

## Justice of the Peace signing service

A new dedicated JP signing site in the QCAT Brisbane registry has been a resounding success, helping 2,700 tribunal users with almost 7,500 documents witnessed (January to June 2018).

This one-stop-shop initiative streamlines the tribunal process, particularly for people who do not understand the witnessing requirements of applications and documents to QCAT.

With the assistance of DJAG's JP Branch, QCAT has a roster of 17 volunteers working two shifts a day to volunteer 864 hours of community service for QCAT during the reporting year.

## Taking the tribunal to the community

QCAT is reaching out to all Queenslanders through conferencing technology and by expanding in-hospital hearings.

The tribunal has pursued videoconferencing and teleconferencing technology to prioritise accessibility for regional and rural Queenslanders, as well as for people who otherwise would have difficulty in physically attending at the tribunal.

QCAT has continued to hear guardianship applications in Metro North Hospital and Health Service facilities.

Hospitals will not discharge some adults with impaired decision-making until QCAT considers whether a substitute decision-maker should be appointed.

QCAT heard 518 in-hospital guardianship applications in 2017–18.

Significant work has been undertaken to review the funding arrangements for these hearings to ensure that the tribunal maintains — and is seen to maintain — its independence from the hospital and health service.

QCAT is establishing social media channels in 2018–19 and will publish key decisions to educate the community in this format as well as on the Supreme Court Library website.

## Virtual reality dementia training

QCAT is using virtual reality to better understand the difficulties people with dementia face.

Registry staff completed Virtual Dementia Tour training, undertaking basic tasks while wearing virtual reality devices that altered their senses.

The program is recognised as the closest way someone with a healthy brain can experience dementia.

QCAT case managers deal daily with people with dementia — or their families and carers — and tools like this allow them to understand the feelings of confusion, isolation, helplessness apprehension and vulnerability that people with dementia experience.

QCAT staff reported their shock, frustration and confusion at how difficult it was to complete simple tasks.

Staff reported the training gave them greater understanding and empathy for the amount of time dementia sufferers require to answer questions, as well as understanding the amount of care needed for a person with this condition.

## Magistrates Court engagement

Queensland's Magistrates Courts hear minor civil disputes throughout regional Queensland and are central to QCAT's state-wide service delivery.

QCAT registry staff actively engaged with Magistrates Court registry staff, travelling to most major South East Queensland courthouses.

QCAT also supported the rollout of the Regional Services Outlet project, providing training support in regional and remote Queensland about QCAT services. Registries have transferred to Department of Transport and Main Roads (DTMR) under the project to provide critical government services under a multi-agency model.

QCAT holds regular teleconferences with registry officers and has rolled out a Skype for Business chat channel to improve communication with registries by providing staff a 'real time' chat facility to quickly respond to their queries.

QCAT has also released the online minor civil dispute handbook, accessed by registry staff in the tribunal and courts.

## Developing our registry workforce

QCAT established a training committee this reporting year, delivering innovative professional development opportunities including the '*Cinema QCAT*'.

The committee provides a forum for consultation on training and education issues that allows staff to enhance their skills, knowledge, thinking and learning ability and to reach their full potential.

Training for staff focussed on building resilience with a series of tool kit tips circulated on topics including 'Dealing with Unreasonable Conduct', 'After an Unacceptable Interaction Ends' and 'Tips to Manage Workloads'.

In addition, Cinema QCAT was opened. Staff attended screenings at the QCAT Cinema of popular Ted talks on 'The Happy Secret to Better Work' and 'The Mind of a Master Procrastinator'.

New methods of delivering training for staff will continue to be the focus in 2018-19.

## Using technology to aid dispute resolution

During the year, significant work was undertaken to investigate several ground-breaking projects allowing parties to negotiate online, often without human assistance.

The President is considering how technology can influence and improve the delivery of dispute resolution, ensuring QCAT continues to provide services that are accessible, fair, just, economical, informal and quick.

QCAT's Alternative Dispute Resolution team commenced national and international research around online dispute resolution and shortlisted providers to begin a trial program.

Online dispute resolution allows clients to access services at any time and from any location to resolve high volume and low-cost disputes.

The successful trial of e-mediation — using video conferencing to conduct QCAT mediations — will shortly begin as business as usual at QCAT following a review of platforms to improve user experience.

## Indigenous and multi-cultural awareness training

Members and registry staff attended Indigenous and multi-cultural awareness training as part of the tribunal's ongoing commitment to improving cultural knowledge and understanding.

The special training session was run by the Banaam organisation and focused on sharing indigenous cultural knowledge and providing communication and engagement strategies.

The tribunal was joined by representatives of the Land Court, as part of the ongoing commitment to work with other courts and tribunals in presenting joint training opportunities.

The training event brought together a significant number of people within QCAT. Collectively, QCAT staff come from 22 different nationalities.



# Appendix 1 — Member and registry directory

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## Judicial members

Hon Justice Martin Daubney AM, President (appointed 16 October 2017)

Judge Suzanne Sheridan, Deputy President (Acting President 1 July 2017 to 15 October 2017)

## Supplementary Judicial member

Hon Justice Timothy Carmody

## Senior members

Professor Ned Aughterson (appointed 1 June 2018)

Ian Brown

Tina Guthrie (Acting from 1 July 2017 until being permanently appointed 1 June 2018)

Michelle Howard

Joanne Browne (Acting from 4 September to 27 December 2017; 23 January 2018 to 30 June 2018)

## Ordinary members

Jim Allen

Joanne Browne

Glen Cranwell

Julie Ford

Susan Gardiner

Jeremy Gordon

Michael Howe

Bevan Hughes

Gwenn Murray

David Paratz

Samantha Traves

## Sessional members

Stephen Armitage	Wendy Grigg	Donald McBryde
Adrian Ashman	Patricia Hanly	Louise McDonald
Kenneth Barlow QC	Ian Hanger AM QC	Andrew McLean Williams
Barbara Bayne	Renea Hart	Margaret McLennan
Philippa Beckinsale	Steven Holzberger	John Milburn
Peter Bridgeman	Elizabeth Hulin	Elissa Morriss
Susan Burke	Nathan Jarro	Robert Olding
Alan Collier-Brisbane	Ronald Joachim	Louise Pearce
John Carey	Mark Johnston	Dianne Pendergast
Julia Casey	Christine Jones	Wayne Pennell
Les Clarkson	Neil Judge	Graham Quinlivan
Roxanne Clifford	Sandra Kairl	Linda Renouf
Simon Coolican	Paul Kanowski	Christine Roney
Kristy Crabb	Dominic Katter	Peter Roney QC
Alexander Crawford	Benjamin Kidston	Keta Roseby
Rosemary Dalby	Elisa Kidston	Richard Roylance
Beverley Day	Terry King	Sharon Schoneveld
Sandra Deane	Robert King-Scott	Jennifer Sheean
Raelene Ellis	Patricia Kirkman-Scroope	Annette Sheffield
Clare Endicott	Peter Krebs	Rosemary Stafford
Paul Favell	Emma Lanigan	Daniel Stepniak (Dr)
Penelope Feil	Ross Lee	Hon James Thomas AM
Jennifer Felton	William LeMass	Glen Thorpe
Ann Fitzpatrick	David Lewis	Suellan Walker-Munro
John Forbes	Stephen Lumb	Michael Wood
April Freeman	Hon Peter Lyons QC	
Pamela Goodman	Mary (Lynne) Matsen	

## Adjudicators

John Bertelsen

Linda-Anne Griffiths

Marcus Katter

William LeMass

Gabrielle Mewing

Wayne Stanton

Alan Walsh

Anna Walsh

## Justices of the Peace

James Anderson	Sean Goodsir	Catherine O'Donnell
Mark Anthony	Samuel Hardin	Stephen Osachuk
Paul Arthur	Arron Hartnett	Adam Ozdowski
Lawrence Ballinger	Jane Hawkins	Noel Payne OAM
David Barkley	Marilyn Heath	David Phipps
Leigh Bernhardt	John Howie	Bryan Pickard
Gloria Beyers	Angela-Marie James	Graeme Rogers
Robert Brummell	Trudi Jobberns	Carol Ann Rolls
Lisa Butson	Raymond Kelly	Hedley Rye
Bryan Carpenter	Jason Lawler	Darryl Schmidt
Chiu-Hing Chan	Bruce Little	Dayle Smith
Michael Corlett	Lynette Maguire	Stuart Smith
John Crighton	Rob Martin	Alan Snow
Christine Cuthbert-Steele	Suzanne McCormack	James Stackpoole OAM
Peter Dollman	Karl McKenzie	Helen Staines
Malcolm Edmiston	Carmel McMahon	Bruce Starkey
Kevin Erwin OAM	Barry McPhee	Derek Struik
Vincent Everett	Jessica Mills	Susan Maree Stubbings
Katherine Jane Fenwick	Deanna Minchio	Darren Swindells
Michael Francis	Stacey Morton	Barry Vickers
Anthony Friel	Shirley Murray	Carole Watson
Arthur Fry	Mejrem Mustafa	Angela Yin
Jodie George	Joanne Myers-Cave	Christopher John Mills
Marian Goddard	Roslyn Newlands	Bill Thomas

## Registry officers

### **Executive Director**

Mary Shortland — seconded from the tribunal on 19 March 2017

Michael Webb — Acting Executive Director December 2017

Natalie Parker — Acting Executive Director from 19 March 2017

### **Principal Registrar**

Tonya Marshall — Acting Principal Registrar until 9 October 2017

Melissa Meldrum — permanently appointed 9 October 2017

### **Management team**

Registrar CAD — David Bancroft

Registrar HuRD — Mathew James

ADR Manager— Peter Johnstone

Senior Legal Officer — Ellen Corrigan

Client Services Manager — Brett Newsome

Business Services Manager — Justine Steele

Operations Support Manager

— Paul Hellen (to February 2018)

— Brendan Carlson (from February 2018)

Communication and Engagement Manager

— Natalie Graeff (to May 2018)

— Melissa Eggins (from May 2018)

Human Resources Manager — Terry Mcdonald

## Appendix 2 — *Guardianship and Administration Act (2000)* reporting requirements

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Section 83 of the *Guardianship and Administration Act 2000* requires QCAT to report on:

1. the number and type of limitation orders made by the tribunal, and
2. the number of applications, approvals and orders made under chapter 5B of the Act during the year.

**Tables 4, 5 and 6** provide the information for those reports.

	Applications for guardianship for restrictive practice matters		Reviews of guardianship for restrictive practice matters	
	2016–17	2017–18	2016–17	2017–18
Order made	61	71	273	90
Dismissed / revoked	8	19	78	28
Deceased	0	1	1	0
Administrative closure	6	7	8	5
Withdrawn at hearing	3	6	3	0
<b>Total</b>	<b>78</b>	<b>104</b>	<b>363</b>	<b>123</b>

Table 4: Applications and review of guardianship for restrictive practice matters

The drop in the review of guardianship for restrictive practice relates to legislative changes in 2015 to allow two-year appointments, when previously only one-year appointments were permitted. As a result of that change, there are more reviews every second year, followed by fewer in the following year. It is anticipated there will be a substantial increase in 2018–19.

## Containment, seclusion and other restrictive practices approvals

	Approved		Dismissed / revoked		Withdrawn / Administrative Closure		Total	
	2016-17	2017-18	2016-17	2017-18	2016-17	2017-18	2016-17	2017-18
Containment	18	3	1	0	0	2	19	5
Review of containment	31	44	1	4	1	5	33	53
Seclusion	20	8	1	3	1	3	22	14
Review of seclusion	33	36	1	6	2	3	36	45
Application for another restrictive practice	18	5	1	3	2	5	21	13
Review of application for another restrictive practice	48	52	2	7	2	1	52	60

Table 5: Containment, seclusion and other restrictive practices approvals

## Limitation orders

Limitation order type	Number made	
	2016–17	2017–18
Adult evidence order (s.106)	3	6
Closure order (s.107)	4	6
Non-publication order (s.108)	1	6
Pre Hearing Non-Publication Order (s.110)	0	4
At Hearing Confidentiality order (s.109)	5	27
Pre-Hearing Confidentiality order (s.110)	6	43
No orders made	40	49
Total applications received	59	141

Table 6: Limitation orders

The tribunal may make a limitation order, but only to the extent necessary, if the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person. Pre-hearing Non-Publication or Confidentiality orders are vacated at the subsequent hearing. The tribunal may make a further order, after hearing from the parties and any person with standing.

A copy of all limitation orders made at a hearing is provided to the Public Advocate. This includes all information before the tribunal in its consideration of the making the limitation order — including the document or other information that is the subject of the limitation order and the tribunal’s written reasons for making the order.

The substantial increase in applications received, and orders made, may reflect the increasing complexity of relationships between members of the adult’s family and other support networks.



## Appendix 3 — Legislative reviews

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### Regulation amendments

In the reporting year, the QCAT Regulation was amended:

1. To include the [Education \(Accreditation of Non-State Schools\) Act 2017](#) in Schedule 1, Part 1 of the Regulation. The amendment to the regulation was to account for the commencement of that [Act](#) in January 2018. The effect of the amendment is to make the fee nil for applications/referrals started under the Education Act, as well as make any copying fees nil for parties to proceedings started under the Education Act (ie. obtaining copies of QCAT's record of proceeding).
2. By the [Justice Legislation \(Fees\) Amendment Regulation 2017](#) (commenced 1 July 2017).

### Legislative review

The QCAT Act has not been amended during the 2017–18 reporting year.

Acts affecting QCAT that were assented to in this period are:

- *Criminal Law (Historical Homosexual Convictions Expungement) Act 2017* \ *Education (Accreditation of Non-State Schools) Act 2017*
- *Education (Overseas Students) Act 2018*
- *Explosives Regulation 2017*
- *Farm Business Debt Mediation Act 2017*
- *Labour Hire Licensing Act 2017*
- *Marine Parks Regulation 2017*
- *Nature Conservation (Administration) Regulation 2017*
- *Rail Safety National law (Queensland) Act 2017*
- *Tow Truck and Other Legislation Amendment Bill 2018* (amending the *Tow Truck Act 1973*)
- *Vegetation Management and Other Legislation Amendment Act 2018* (amending the *Vegetation Management Act 1999*)

### 2017/18 practice directions

The only practice direction in the 2017/2018 business year was the Christmas closure practice direction: Practice direction 2 of 2017, [QCAT Registry Christmas Closure - 2017](#), effective 27 October 2017.

### Open data

The [Queensland Government's Open Data website](#) details the volume of 2017-18 QCAT application lodgements listed by postcode.

## Appendix 4 — Acronyms

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<b>Acronym</b>	<b>Meaning</b>
ADR	Alternative dispute resolution
BDL	Building matters
CAD	Civil, administrative and disciplinary division
CST	Client services team
DFV	Domestic and Family Violence
DJAG	Department of Justice and Attorney-General
HuRD	Human rights division
JP	Justice of the Peace
MCD	Minor civil dispute
NDIS	National Disability Insurance Scheme
PLT	Professional Legal Training
QCAT	Queensland Civil and Administrative Tribunal