

**QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL
MEMBERS' AND ADJUDICATORS' STATEMENT OF INTENT AND POLICY ON
WORKPLACE CONDUCT
5 May 2026**

Statement of Intent

- A. Members and Adjudicators recognise their conduct must reflect the community's trust and confidence in the integrity, impartiality and independence of the Tribunal.
- B. Members and Adjudicators will promote a culture of respect and courtesy in their workplaces.
- C. Members and Adjudicators will conduct themselves in ways that promote:
 - a workplace where associates, officers, departmental employees, contractors and service providers of the Tribunal are treated with respect and courtesy;
 - the elimination of discrimination, sexual harassment, harassment and bullying.

Purpose of the Policy on Workplace Conduct

1. The President, Deputy President, Senior Members, Members and Adjudicators (collectively referred to as Members and Adjudicators) are committed to ensuring that QCAT is a safe, respectful and inclusive workplace for all persons who are associates, officers, departmental employees, contractors and service providers of QCAT. All Members and Adjudicators, individually and collectively, are responsible for and committed to adherence to this Policy.
2. The purpose of this Policy is to:
 - (a) define clear standards of appropriate conduct by the Members and Adjudicators towards all persons who are associates, officers, departmental employees, contractors or service providers of the Tribunal;
 - (b) provide a safe and secure method for an associate, officer, departmental employee, contractor or service provider to raise a concern or make a complaint about inappropriate conduct by a Member or Adjudicator; and

(c) set out a broad framework within which such concerns or complaints will be addressed.

3. This Policy is supplementary to all applicable laws and other applicable policies. It is complementary to obligations under the *Work Health and Safety Act 2011* (Qld), including the Code of Practice on Managing the Risk of Psychosocial Hazards at Work 2022, to take reasonable steps to protect associates, officers, departmental employees, contractors and service providers against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work.

Application

4. This Policy has application to all conduct by Members and Adjudicators in relation to all persons who are associates, officers, departmental employees, contractors and service providers of the Tribunal in all work circumstances.
5. This Policy applies in all work-related dealings, and includes (but is not limited to):
 - a. where the Members and Adjudicators, officers, departmental employees, contractors or service providers are required to travel or work away from their usual chambers/office/work desk area;
 - b. online, through text messaging, email or online collaboration platforms such as Microsoft Teams or social media; and
 - c. in all social circumstances, such as conferences and work-related functions.

Conduct of Members and Adjudicators

6. No Member or Adjudicator will engage in inappropriate conduct, including conduct of any of the following types:
 - (a) *Bullying*, in the form of repeated and unreasonable behaviour, including behaviour that is humiliating, threatening, belittling, insulting, victimising, aggressive or intimidating conduct. Examples of bullying may include abusive or offensive language or comments, shouting, yelling or speaking in an inappropriately raised voice, unjustified criticism or complaints, setting unreasonable or constantly changing timelines, or deliberate exclusion from work-related activities. Bullying does not include reasonable allocation of

work, justified and reasonable discussion on work performance, differences of opinion and disagreement, and reasonable management action.

- (b) *Harassment*, including sexual harassment within the meaning of the *Anti-Discrimination Act 1991* (Qld). Harassment is any unwelcome or unsolicited conduct that could reasonably be expected to be offensive, humiliating or intimidating to the person to whom it is directed.
- (c) *Sexual harassment* is any unwelcome or unsolicited conduct of a sexual nature that could reasonably be expected to be unwelcome, offensive, humiliating or intimidating to the person to whom it is directed. It includes uninvited physical intimacy such as touching in a sexual way, uninvited sexual propositions, and remarks with sexual connotations.
- (d) *Discrimination*, within the meaning of the *Anti-Discrimination Act 1991* (Qld).
- (e) *Retaliation*, in the form of subjecting a person to a detriment or treating that person unfairly or unequally on the ground that the person has or is suspected of having raised a concern or made a complaint about inappropriate conduct by a Member or Adjudicator.

Work related activities, travel on circuit and social events

7. The commitment to ensuring a safe and respectful workplace extends beyond the workplace, to work-related activities, travel on circuit and social events.
8. Associates, Officers, departmental employees, contractors and service providers of the Tribunal may be required to attend work related activities or be invited to social events outside of the workplace. However, such persons are under no obligation to participate in any occasion that does not relate directly to the work of the Tribunal or go to any social or informal event or function.
9. If attending social events or work-related activities outside of the workplace or when travelling on circuit, there is no obligation to share private transport arrangements with the Member or Adjudicator.

Training of Members and Adjudicators

10. Professional development training will include at least one session annually on appropriate workplace practices.

Raising concerns and making complaints

11. Any person can and is encouraged to raise a concern or make a complaint about any inappropriate conduct or any suspected inappropriate conduct by any Member or Adjudicator. That is the case whether the inappropriate conduct is directed to that person or to any other person. It is not only desirable but important that any such inappropriate conduct be reported.

12. No obligation of confidentiality binding on the person is to be understood as in any way inhibiting the raising of the concern or the making of the complaint.

13. A concern can be raised, or a complaint can be made, by a person (the complainant) to:

- (a) the President, the Deputy President or a Senior Member;
- (b) the complainant's manager or human resources officer, Director, or the Assistant Director-General (Principal Registrar); or
- (c) the Department of Justice, People, Capability and Culture team or the Ethical Standards Unit or relevant departmental representative.

14. The concern can be raised, or the complaint can be made:

- (a) formally (in writing) or informally; and
- (b) openly or confidentially.

15. A person who raises the concern or makes the complaint will always:

- (a) be taken seriously and treated with respect and courtesy;
- (b) be given an opportunity to participate in a process by which their concern or complaint is addressed;
- (c) be informed and kept informed about the progress and outcome of the process by which their concern or complaint is addressed;

(d) be offered support, including external counselling.

16. A person who raises the concern or makes the complaint may be offered an opportunity to remove themselves from ongoing contact with the Member or Adjudicator about whose conduct the concern has been raised or complaint has been made, including where appropriate by movement to a position of equivalent status.

Addressing concerns and complaints

17. A concern raised or complaint made about inappropriate conduct by a Member or Adjudicator will be referred to the President if the person raising the concern or making the complaint wishes that to happen or if the person with whom the concern or complaint is raised considers it a serious issue which cannot be resolved without reference to the President.

18. The procedure adopted by the President to address a concern or complaint will depend upon the circumstances. Those circumstances will include:

- the nature of the concern or complaint;
- how the person raising the concern or complaint may wish for it to be handled;
- if the concern or complaint relates to inappropriate conduct directed towards another person, the wishes of that other person; and
- the risk to the psychological and physical safety of others.

19. An informal procedure focused on resolution of the issue rather than substantiation of the underlying concern or complaint may be appropriate where the person raising a concern wishes to resolve the issue informally. Such a procedure may involve the President speaking directly to the person raising the concern or complaint and then to the Member or Adjudicator about whose conduct the concern has been raised or complaint has been made.

20. A formal investigation focused on establishing whether a complaint is substantiated may be appropriate where the complaint involves a serious allegation of inappropriate workplace conduct which is denied, where the person making the complaint wishes to proceed with a formal investigation and/or where the person dealing with the concern or complaint assesses that a formal investigation is necessary to ensure the health and

safety of officers, departmental employees, contractors and service providers of the Tribunal.

21. Any formal investigation will be conducted by an independent external adviser appointed through the Department of Justice, People, Capability and Culture team.
22. Concerns and complaints, and documentation generated in addressing concerns and complaints, will be kept confidential to the extent possible. The extent to which the identity and personal circumstances of the person raising the concern or making the complaint may be kept confidential (and, if the concern or complaint relates to inappropriate conduct directed to another person, the extent to which the identity and personal circumstances of that other person may be kept confidential) will depend upon:
 - (a) the need to investigate;
 - (b) the need to afford procedural fairness;
 - (c) the wishes of that person;
 - (d) the need to prevent, or deal with, risks to the health and safety of the person, or other persons; and/or
 - (e) any statutory obligation to report particular conduct or disclose information.

Publication of Policy

23. This Policy will be published on the QCAT website and will be drawn to the attention of all new employees of the Court at the time of induction.

Review

24. This policy will be reviewed annually by the President, in consultation with the Deputy President, the Assistant-Director-General, and Members and Adjudicators to seek to ensure it reflects current best practice. The review may be informed by an annual anonymous survey of officers, employees, contractors and service providers.

Recommitment to Policy

25. At the first Members meeting and Adjudicators meeting after the promulgation of this policy, the Members and Adjudicators will signify their individual and collective commitment to adherence to this Policy.
26. At each February Members meeting and Adjudicators meeting, the Members and Adjudicators will signify their individual and collective recommitment to the adherence to this Policy.
27. By accepting any work from QCAT, a sessional member is taken to signify their commitment to adherence to this Policy.
28. This Code is binding on all Members and Adjudicators irrespective of whether or not they were in attendance at any meeting referred to in paragraph 25 and 26 above.

Justice Mellifont

President QCAT

5 May 2026