



Our
governance

Practice directions

Practice directions are guidelines for QCAT proceedings. The directions provide information on specific issues and complement existing QCAT legislation and rules. Practice directions are available from <http://www.qcat.qld.gov.au/using-qcat/practice-directions> (see Appendix 4).

Tribunal Excellence Framework

In 2011, QCAT adopted a performance assessment program; the Tribunal Excellence Framework. The framework uses self-assessment and research to assess performance across independence, professionalism and integrity, leadership and effective management, fair treatment, accessibility, accountability, efficiency and client needs and satisfaction.



The Framework measures performance across eight key areas



In 2013-14 QCAT achieved a score of 6, indicating “an exceptionally well-defined, innovative and strategic approach, that is fully integrated with organisational needs and implemented consistently in all areas”.

In 2014-15 QCAT is developing a new methodology for assessment of its functions against the Tribunal Excellence Framework. It is expected that the methodology will highlight external feedback and assessment.

Risk management

QCAT complies with the Department of Justice and Attorney-General’s Risk Management Policy which was endorsed by the Audit and Risk Management Committee in 2010.

Open Data

In support of the Queensland Government’s Open Data initiative, QCAT has published data for applications lodged by postcode. The QCAT dataset is available at <https://data.qld.gov.au/dataset/qcat-matters-2013-14>

Public Sector Ethics Act 1994

The Department of Justice and Attorney-General’s code of conduct is based upon the ethics identified in the *Public Sector Ethics Act 1994* which are: respect for persons, integrity, respect

for the law and system of government, diligence, economy and efficiency. QCAT staff undertakes annual training and education in the code of conduct and ethical decision-making.

The principles of the Act and the Department of Justice and Attorney General's Code of Conduct, with which QCAT staff are required to comply, are embedded in human resource management policies, practices and procedures.

Information systems and record keeping

QCAT has procedures and guidelines in place to inform staff of record keeping practices and responsibilities. Staff are trained in the creation, maintenance and management of records for system compliance with monitoring, management and auditing requirements in line with DJAG record keeping systems. A review of document retention and record keeping standards is in development to ensure compliance with the *Public Records Act 2002* and guidelines issued by Queensland State Archives.

Boards and committees

Rules Committee

The Rules Committee is established under the Act and consists of the President, the Deputy President, a full-time senior or ordinary member, a member who is not an Australian lawyer, and other members or adjudicators the President has nominated. The Committee develops and reviews the rules under the Act and approves forms for use under the Act.

In 2013-14, the Committee has approved amendments including consequential amendments arising from the changes made to the Act by the *Justice and Other Legislation Amendment Act 2013*. Those changes included allowing an application or referral to be withdrawn without needing to obtain the leave of the Tribunal. The Committee has also approved new forms and changes to a number of existing forms.

Alternative Dispute Resolution Committee



The Alternative Dispute Resolution (ADR) committee consists of the President, the Deputy President, one senior member, four members, the Principal Registrar and the Alternative Dispute Resolution Manager.

The committee works to ensure the tribunal encourages early and economical resolution of disputes including through ADR processes through coordinating ADR training for staff and members and promoting the effective use of ADR to increase the early resolution of matters.

Education, Training and Resources Committee

The Education, Training and Resources committee consists of the President, Deputy President, Executive Director, a senior member, two ordinary members and other members as required. It was established to ensure that all members and adjudicators are up to date with legislation, decisions and processes.

Regulatory changes

Changes to QCAT legislation

The following Acts amended the *Queensland Civil and Administrative Tribunal Act 2009* in 2013-14:

- [*Treasury and Trade and Other Legislation Amendment Act 2013*](#)
- [*Justice and Other Legislation Amendment Act 2013*](#)
- [*Construction and Tourism \(Red Tape Reduction\) and Other Legislation Amendment Act 2014*](#)

Amendments included:

- requirement for leave of the tribunal to withdraw an application or referral removed for most applications
- new section 50A which allows for decisions by default for unliquidated damages
- tribunal no longer required to provide reasons for some procedural and interim decisions
- change to appeal time limit for some matters - where reasons are not required to be given, or where no reasons were requested, the party has 28 days from receiving notice of the decision
- other minor amendments.

QCAT Rules and Regulation amendments

The *Queensland Civil and Administrative Tribunal Amendment Rule (No. 2) 2013* (commenced 1 January 2014) amended the QCAT Rules to support changes made by the *Justice and Other Legislation Amendment Act 2013*

Significant changes to enabling legislation

There are over 200 legislative Acts and Regulations which confer jurisdiction on the tribunal. During 2013 -14 enabling legislation was amended, affecting the jurisdiction of the tribunal. Significant amendments include:

- *Water Supply (Safety and Reliability) Act 2008*
- *Heavy Vehicle National Law Act 2012*
- *Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013*
- *Work Health and Safety Act 2011*
- *Residential Tenancies and Rooming Accommodation Act 2008*
- *Directors' Liability Reform Amendment Act 2013* (amended various enabling Acts)
- *Liquor (Red Tape Reduction) and Other Legislation Amendment Act 2013* (amended various enabling Acts).