



QCAT

Queensland **Civil and Administrative Tribunal**

Annual Report 2012-13

About our annual report

The Queensland Civil and Administrative Tribunal's annual report summarises its financial and corporate performance for 2012-13 and meets accountability requirements under the *Queensland Civil and Administrative Tribunal Act 2009*.

This annual report can be accessed online at <http://www.qcat.qld.gov.au/about-qcat/publications/qcat-annual-report-2012-13>.

ISSN1838-2746.

© The State of Queensland (Queensland Civil and Administrative Tribunal) 2013.

This annual report is licensed by the State of Queensland (Queensland Civil and Administrative Tribunal) under a Creative Commons Attribution (CC BY) 3.0 Australia licence, available at <http://creativecommons.org/licenses/by/3.0/au/deed.en>.

Content from this report may be copied for use, and attributed to the State of Queensland (Queensland Civil and Administrative Tribunal Annual Report 2012-13).

Contact us

Web: www.qcat.qld.gov.au
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au
In person: Level 9, 259 Queen Street, Brisbane
Post: GPO Box 1639, Brisbane, 4001

Interpreter services



The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact us on 1300 753 228 and we will arrange an interpreter to effectively communicate the report to you.

30 September, 2013

The Honourable Jarrod Bleijie MP
Attorney-General and Minister for Justice
State Law Building
Brisbane Qld 4000

Dear Attorney

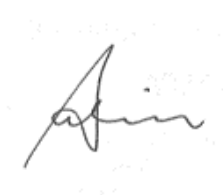
I am pleased to present the Annual Report 2012-13 for the Queensland Civil and Administrative Tribunal (QCAT).

I certify that this annual report complies with:

- the Queensland Civil and Administrative Tribunal's requirements under the *Queensland Civil and Administrative Tribunal Act 2009*,
- the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*, and
- the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements can be found in Appendix 5 of this document.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Wilson', is centered on the page. The signature is written in a cursive style with a large initial 'A'.

Justice Alan Wilson
President

Table of contents

Message from the President	5
Message from the Executive Director	8
Our achievements and priorities	10
Cutting red tape	11
Our year	12
About us	14
Our tribunal members and adjudicators	16
How we resolve disputes	19
The QCAT registry	20
Alternative Dispute Resolution division	22
Civil, Administrative and Disciplinary division	23
Human Rights division	27
Minor civil disputes	31
QCAT Justice of the Peace trial	34
Operations support	36
Client services	37
Making connections	38
Our governance	41
Our financial performance	43
Glossary and abbreviations	44
Appendix 1 – Member appointments	46
Appendix 2 – Tree assessor appointments	49
Appendix 3 – Justice of the Peace trial appointments	49
Appendix 4 – QCAT practice directions	51
Appendix 5 – Compliance checklist	52

List of figures

Figure 1: QCAT organisational structure 2012-13	15
Figure 2: QCAT process from application to resolution	19

List of tables

Our workload and outcomes	12
Outcomes by jurisdiction	12
Alternative dispute resolution settlements	13
Two-year financial summary	13
CAD facts and figures	25
HuRD facts and figures	28
MCD facts and figures	31

Message from the President

This is my last report after four years as QCAT President. I assumed the role following the untimely death of the tribunal's first appointed President, Justice Peter Dutney, shortly before QCAT was to begin operations on 1 December 2009.

The past four years have been exciting, and rewarding. QCAT has, I venture, established itself as a valuable element in the pantheon of dispute resolution bodies in Queensland and met its statutory remit – to be just and fair across a vast array of diverse jurisdictions, and to be speedy and inexpensive.

Judges often take office with, in truth, little experience in practical administration and the proper functioning of organisations. Certainly, I am conscious of the many mistakes I have made. It is proper to acknowledge and thank those who have tried to divert me from error, and provided advice and support.

Close dealings and relations with the current Attorney-General, the Honourable Jarrod Bleijie MP, and his predecessors and departmental officers at all levels have been necessary. I am grateful for their assistance, courtesy and support in times which have often been extremely busy and, for me, novel. The Department of Justice and Attorney-General's former Deputy Director-General Terry Ryan (now State Coroner and a Magistrate) had departmental oversight of QCAT since its inception and is entitled to share the credit for its successes.

Chief Justice the Honourable Paul de Jersey AC, Senior Judge Administrator Justice John Byrne AO, Chief Judge Patsy Wolfe, Chief Magistrate Judge Brendan Butler AM and my fellow judges and magistrates have been supportive and kind. I have been, of necessity, an absentee judge *vis a vis* my court but the Chief Justice has been both tolerant and unflinching helpful when I needed advice or guidance and the benefit of his long experience at the head of Queensland's courts.

By design, a good proportion of the work in the tribunal's major jurisdiction, minor civil disputes, is still undertaken by magistrates throughout Queensland. I am grateful to them for their continued performance of this work, effectively and in good spirit. I have necessarily maintained close relations with the Chief Magistrate and acknowledge his generous and unflinching support and assistance.

The success of QCAT is its people. From the first we – its members and adjudicators and staff – shared a view about the way the tribunal should do its work which reflected what we perceived had been asked of us by Queenslanders, in the QCAT Act. It has been rewarding to embark upon the task of converting that understanding into concrete form with members and public servants who quickly grasped the principles behind it and who have striven to make it work.

The tribunal has had two outstanding Deputy Presidents - Judges Fleur Kingham and Sandy Horneman-Wren. In the first year, when QCAT's workload was some 40 per cent greater than anticipated, Judge Kingham epitomised grace under pressure. Judge Horneman-Wren, newly appointed to the Bench when he assumed the office, quickly attracted respect and affection within and outside the tribunal and has effectively taken up this demanding position.

QCAT's senior, permanent and sessional members, and adjudicators have shared the excitement of setting up and establishing a brand new thing. The volume of tribunal work has meant that they have had to learn how a new and large institution can function effectively in circumstances that were often very busy and demanding. Their enthusiasm, intelligence, hard work and good spirits have helped forge a pleasing bond of collegiality within the organisation and been invaluable to its effective operation.

Senior members Clare Endicott, Kerrie O'Callaghan, Richard Oliver and Peta Stilgoe have taken an active role in the leadership and management of the tribunal (in particular, the

supervision of QCAT's many lists and the scheduling, training and mentoring of members and adjudicators) and I am grateful for their support.

Permanent and sessional members, adjudicators and, more recently, JPs have brought a range of valuable professional and life experience, as well as personal interest and enthusiasm, to their work. Senior and permanent members and adjudicators have been generous in sharing that experience, helping with committees and training their fellows. Sessional members have helped QCAT establish itself throughout Queensland and, despite the tyranny of distance, have worked to develop and apply new skills which have been central to the tribunal – in particular, its widespread use of alternative dispute resolution and compulsory conferences (and, latterly, hybrid hearings) as early dispute resolution tools.

QCAT's Executive Director Mary Shortland has brought order, logic and efficiency to what were, at least in the tribunal's early days, very demanding circumstances. Her leadership and managerial skills have had a profound effect on the organisation and she (and her staff) must take much of the credit for its efficient operation. That efficiency has meant, for example, that despite the need for the tribunal to absorb new jurisdictions, and budgetary and resource constraints, the average cost to Queenslanders of each and every QCAT matter to be finalised has fallen from \$714 in 2010 to \$619 in 2013.

The tribunal's Principal Registrar Louise Logan has brought a high level of legal ability and intelligence to her role. Despite the many and diverse jurisdictions covered by QCAT, she has managed to ensure it operates within correct legal frameworks and in ways that reflect the exhortations towards speed and efficiency espoused in the QCAT Act.

Public servants are sometimes spoken of in disparaging terms involving accusations of, in effect, a languorous approach to their work. My dealings at every level within QCAT and the Department of Justice and Attorney-General belie that accusation. From the first, QCAT's staff showed enthusiasm to understand the new dispensation created by the Act, to ensure matters did not languish, and to help the 60,000 or so Queenslanders who seek assistance from them each year – usually without legal representation. The nature of the tribunal's business – dispute resolution – is often fraught with tension and unhappiness and heavy demands are placed upon staff to provide assistance and even comfort to clients. In the last four years I have had countless occasions to be impressed by the dedication, patience, intelligence and diligence of QCAT staff at every level.

The past year has seen the tribunal cement its neighbourhood disputes jurisdiction and identify and train over 100 justices of the peace (JPs) for the Justice of the Peace Pilot Program, under which JPs assist in the adjudication of certain minor civil disputes. The program's successful implementation exemplifies QCAT's ability – consonant with its general obligations under the QCAT Act to be quick and efficient – to meet new demands, effect rapid change and implement new practices.

The coming calendar year will be one of transition and further change for the tribunal. The terms of its president along with many senior, permanent and sessional members and adjudicators and its executive director will end. It is vital that the knowledge and experience gained in QCAT's first term be preserved, and that its work is not diverted or distracted by any uncertainty around reappointment. Under the QCAT Act reappointment need not await the expiration of a member's term and the risk of losing members, adjudicators and staff whose reappointment is desirable can be allayed by early and timely steps.

At the time of writing, the QCAT three-year review required under s 240 of the Act yet awaits completion. Two matters which I expect will be addressed in it warrant comment. The first is the QCAT internal appeal tribunal. While the appellate work it has attracted has added greatly to the burdens of members it remains, in my respectful view, a useful and successful arm of the tribunal. It allows parties an opportunity to have decisions in their cases quickly and inexpensively reviewed by an appellate tribunal within QCAT, saving costs for them, the courts and the State while enhancing what is invariably now called 'access to justice'. The term has, however, a real and important meaning when what is involved is the ability of Queenslanders to find and use dispute resolution bodies like QCAT and, in the context of

the appeal tribunal, to be provided with an easy (and easily found, and used) mechanism to have judgments reviewed if they feel they have been denied a just outcome.

The second concerns pressure to increase opportunities for parties to be legally represented. The tribunal operates in a largely costs-free environment and under a statutory obligation to ensure that self-represented parties understand its practices and procedures and the issues in the proceedings in which they are involved. I have had the advantage over the past four years of seeing every complaint against a QCAT member or adjudicator as well as a large number of appeals. It is compelling – from the low proportion of complaints, or appeals – that the tribunal's decision makers have developed considerable skill in ensuring that unrepresented parties do understand the issues in their cases and are aided to ensure that they present their own effectively, and that outcomes are just. I do not doubt the assistance lawyers can and have provided in many of the more than 100,000 cases QCAT has now determined; my residual concern is that it remains accessible to unrepresented parties.

This report has many pleasing aspects. In 2012-13 the tribunal achieved a clearance rate of its matters of 109 per cent, which is 13 per cent better than the previous year and 14 per cent above its annual target. The results in some jurisdictions like anti-discrimination (135 per cent) and building (126 per cent) may, without exaggeration, be described as stellar. In minor civil disputes, the tribunal's busiest and most demanding jurisdiction, the result was a highly creditable 113 per cent. These pleasing results arise, too, in the face of new demands like neighbourhood disputes where the number of applications leapt up by 78 per cent.

As part of its ground-breaking work with the International Courts/Tribunals Excellence Program (through which legal dispute resolution bodies like QCAT measure performance against a wide range of criteria and engage in detailed and critical self-analysis) we also know that satisfaction levels amongst our major stakeholders have increased from 67 to 75 per cent and, amongst parties themselves, from 71 to 74 per cent.

The last figure is particularly pleasing. In a body like a tribunal or a court it is customary to expect that about half of all parties – the 50 per cent who failed to get a decision in their favour – may be disgruntled with the outcome. The fact that almost three-quarters of parties coming to the tribunal are content that they received a fair hearing and accept the result reflects well upon the members and adjudicators who presided over their matters and the staff with whom they dealt.

It has been an honour to be part of QCAT in its first, formative years. I leave with abiding respect and affection for its people and gratitude for their devotion to its success.

Justice Alan Wilson
President
September 2013

Message from the Executive Director

The 2012-13 year has been one of ongoing achievement for QCAT with success reflected by improvements in service delivery across a number of jurisdictions and areas.

Statistics collated throughout the tribunal reflect how busy the year has been on a day-to-day basis, while also demonstrating how accessible and integral we are in providing dispute resolution services to Queenslanders.

Achievements

Registry staff, tribunal members and adjudicators have put in a wonderful effort to help achieve an overall clearance rate of 109 percent against a 95 per cent target. The delivery of these results comes from combined efforts in all areas that have seen more than 28,000 matters lodged and 31,000 finalised, management of more than 98,000 calls to the QCAT 1300 number and the processing of 10,654 requests for searches of tribunal records.

Improvements in performance over the preceding year were seen across nearly all jurisdictions, with most delivering clearance rates above 100 per cent.

It has been great to see that our continued and unremitting efforts to meet the expectations of our clients (regardless whether coming before the tribunal delivered the outcome they hoped for) continues to show rewards. Our client satisfaction results are evidence of this, with a 3 per cent increase over last year to 74 per cent – an extremely positive result, in light of resource and staffing constraints.

Feedback from our major stakeholders has also been positive, with a satisfaction rating of 75 per cent.

As the Queensland Government's Public Sector Renewal Program continues to be implemented, the tribunal will continue to play a vital role within the judicial system by delivering fair, quick, cost effective, and informal – but high quality – services to clients. Efforts to improve service delivery and reduce 'red tape' include work to streamline and simplify frequently used forms; initial efforts have focussed on minor civil disputes, the tribunal's largest jurisdiction, but will soon extend into other areas. This year we have also managed to reduce the average cost of hearings by 7.5 per cent, down to \$619 per matter.

Major initiatives this year include commencement of QCAT's JP pilot program, where appropriately qualified and trained JPs are appointed to hear some minor civil dispute matters at QCAT. The trial commenced on 3 June 2013 in Brisbane, Southport, Maroochydore and Ipswich. To date, 100 JPs have been appointed through Governor-in-Council to hear these matters. While the pilot is an exciting opportunity to expand the role of JPs in Queensland it also aims to reduce the cost and times of hearings, reinforcing success already shown by the tribunal to integrate delivery of fair, quick and informal dispute resolution services.

Another initiative worthy of mention this year has been QCAT's efforts to increase protection for vulnerable adults through work with the banking industry to develop guidelines for people with impaired capacity. The guidelines, which were developed following a partnership with the Australian Bankers Association, detail steps banking institutions take when they are provided with an administration order or enduring power of attorney, or suspect that an adult may be subject to financial abuse. This work is important and will deliver tangible benefits to improve the lives of vulnerable Queenslanders.

The future

With the Queensland Government focused on a program of renewal across the public sector to provide more efficient and effective services for Queenslanders, the tribunal will offer its support through continued work to ensure value for money in front line services, and aim for the highest standards of excellence.

A recommendation by the Independent Commission of Audit that greater use of ICT be made to drive efficiencies will no doubt have positive implications for QCAT. The

Government's goal to move court and registry services to electronic delivery within 10 years is aligned within QCAT's own strategic priorities and planning.

Other priorities for QCAT in the next year will include progressing and evaluating the JP trial to determine the success of JPs hearing minor civil dispute matters at QCAT, planning for the transition of a new President following Justice Wilson's return to the Supreme Court in October 2013, and responding to the outcome of QCAT's three-year review as required under the QCAT Act.

Particular focus will also be given to continuing improvements for alternative dispute resolution techniques and settlement rates through mediation, and compulsory conferencing, and review of existing services.

With the economic and fiscal challenges created by demographic and social factors such as an ageing population, pressures upon government services will continue and QCAT's Human Rights division's efforts will necessarily be focussed, more than ever, on matters related to guardianship and administration for adults.

Acknowledgements

As always, it is the work of our tribunal members and staff which help deliver tangible benefits to the many Queenslanders to whom QCAT provides services.

With Justice Wilson's departure later this year, I would like to acknowledge the leadership and positive impact he has provided over the past four years to tribunal members and staff, all the while bringing warmth, intellect and compassion to everyday dealings with our clients. I know I speak for many tribunal staff in wishing him well on his return to the Bench but in also acknowledging he will be missed.

I would also like to thank all our members, adjudicators, registry management team and staff for your dedication and professionalism.

I look forward to continuing our work and the services we provide to you and tribunal clients in the year ahead.

Mary Shortland
Executive Director
September 2013

Our achievements and priorities

Key achievements in 2012-13 included:

- planning, developing and starting a Justices of the Peace trial for suitably qualified and experienced JPs to hear minor civil disputes under \$5,000 in QCAT
- developing banking guidelines, in conjunction with the large banks, for people with impaired capacity
- achieving an overall clearance rate of 109 per cent against a 95 per cent target
- reducing costs per matter by 7.5 per cent down to \$619 per matter
- processing more than 28,000 matters lodged with more than 31,000 matters finalised
- increasing clearance rates above 100 per cent for minor civil disputes, building disputes, appeals, and human rights matters related to anti-discrimination, children and young people, guardianship and administration for adults
- reducing 'red tape' by streamlining and simplifying minor civil dispute forms for residential tenancy matters
- delivering an overall client satisfaction rating of 74 per cent (against a 60 per cent target), stakeholder satisfaction rating of 75 per cent and employee satisfaction rating of 72 per cent
- forward management of nearly 99,000 calls to the QCAT 1300 number, processing more than 10,650 searches and providing advice or assistance to more than 9200 clients visiting QCAT reception
- more than 1.7 million visits to the QCAT website recorded.

Priorities for 2013-14 include:

- progressing and evaluating the Justices of the Peace trial to determine the success of JPs hearing minor civil dispute matters at QCAT
- responding to the outcome of QCAT's three-year review as required by the Act
- planning for the transition of a new tribunal President in October 2013
- ongoing improvement of alternative dispute resolution techniques to increase settlement rates through mediation and compulsory conference proceedings, including the reviewing of mediation services provided by the Dispute Resolution Branch
- implementing recommendations into significant reviews associated with the human resources jurisdiction including the Carmody Inquiry into Child Protection, the Queensland Law Reform Commission's review into guardianship regime and a review of the Disability Services Act related to management of people with impaired capacity who are subject to restrictive practices.
- implementing Commission of Audit recommendations as part of DJAG's renewal program relevant to the tribunal
- exploring possibilities for further improving the efficiency and cost effectiveness of QCAT operations
- continuing to engage with key stakeholders
- addressing challenges relating to resourcing, people and processes.

**NOTE: clearance rate = number of matters finalised ÷ number of lodgements x 100*

Cutting red tape

QCAT is committed to supporting Queensland Government reforms for the benefit of business and the community by reducing red tape and regulation.

The tribunal is helping streamline services and the provision of information to clients by implementing a progressive review of QCAT forms to make them simpler to use, more user friendly and accessible.

During 2012-13 this work included development or review of three minor civil dispute forms:

- Form 2 – Residential tenancy – which has been reduced to 3 pages from 14
- Application for minor civil dispute – minor debt, and
- Application to set aside or amend default decision.

Work on forms anticipated to be completed early in 2013-14 includes:

- Application for minor civil dispute dividing fences, and
- Application for consent for special health care.

Ongoing work in the next 12 months will target additional forms that have been identified as priorities for review.

Our year

Our workload and outcomes*

	2010-11	2011-12	2012-13
Cases lodged	30,032	29,832	28,321
Cases finalised	28,177	28,559	31,001
Cases pending	6874	8147	5467
Overall clearance rate	94%	96%	109%

Table 1: Lodgements, finalisations, pending cases and clearance rates 2010-11, 2011-12 and 2012-13

**NOTE: 2011-12 figures adjusted to reflect amendments to finalisations.*

Outcomes by jurisdiction

	Lodgements		Clearance rates	
	2011-12	2012-13	2011-12	2012-13
Human rights				
Anti-discrimination	147	108	110%	135%
Children	236	237	111%	100%
Guardianship	9701	9746	101%	104%
Civil				
Building	409	329	93%	126%
Retail shop leases	151	130	73%	115%
Minor civil disputes	17,414	16,070	95%	113%
Other civil disputes	138	118	100%	141%
Neighbourhood disputes	152	270	22%	80%
Administrative and disciplinary				
General administrative review	452	400	89%	107%
Occupational regulation	408	376	80%	93%
Appeals, reopenings and renewals				
Appeals	454	522	91%	103%
Reopenings	15	14	120%	114%
Renewals	1	1	300%	100%

Table 2: Lodgements and clearance rates 2011-12 and 2012-13

Alternative dispute resolution settlements

	2010-11	2011-12	2012-13
Mediation settlement rate in minor civil disputes*	46%	45%	44%
Mediation settlement rate in non-minor civil disputes	60%	62%	52%
Other compulsory conferences	N/A	50%	53%

Table 3: Alternative dispute resolution settlement rates 2010-11 to 2012-13

**Matters mediated by the Department of Justice and Attorney-General's Dispute Resolution Branch on behalf of QCAT.*

Two-year financial summary

12 months (\$m)	2011-12	2012-13
Income		
Appropriations	16.2	17.0
User charges	2.8	2.6
Total income	19.0	19.6
Expenditure		
Salaries to staff	9.2	8.8
Member costs	5.8	6.1
Property costs	2.8	2.9
Overheads	1.2	1.4
Justice of the Peace project#	0.0	0.4
Total expenditure	19.0	19.6

Table 4: Two-year financial summary

#Justice of the Peace project commenced in June 2013.

About us



The Queensland Civil and Administrative Tribunal (QCAT) is established under the *Queensland Civil and Administrative Tribunal Act 2009*.

The tribunal began operations on 1 December 2009, amalgamating 18 tribunals and 23 jurisdictions into one.

QCAT operates as a tribunal, not a court, and in keeping with statutory requirements acts with as little formality and technicality as possible.

Our vision

To actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive.

What we do

QCAT makes decisions on a range of jurisdictions including:

- anti-discrimination matters
- building disputes
- children and young people matters
- guardianship and administration for adults
- minor civil disputes including consumer, debt and residential tenancy disputes
- other civil disputes
- occupational regulation matters including police and health professionals
- retail shop lease disputes
- tree disputes
- reviews of decisions made by government agencies and statutory authorities (review decisions).

In certain circumstances, the Appeal Tribunal of QCAT hears appeals against decisions of the tribunal.

Our clients

Our clients include the Queensland community, Queensland Government departments and agencies and representatives of tribunal users. Due to QCAT's wide-ranging jurisdictions, the tribunal can affect a broad cross-section of the community.

Our regional services

QCAT services are delivered throughout the State in conjunction with the Magistrates Court. Approximately half of matters are heard outside of Brisbane either by magistrates hearing QCAT minor civil disputes or regular hearings by QCAT members.

Our organisational structure

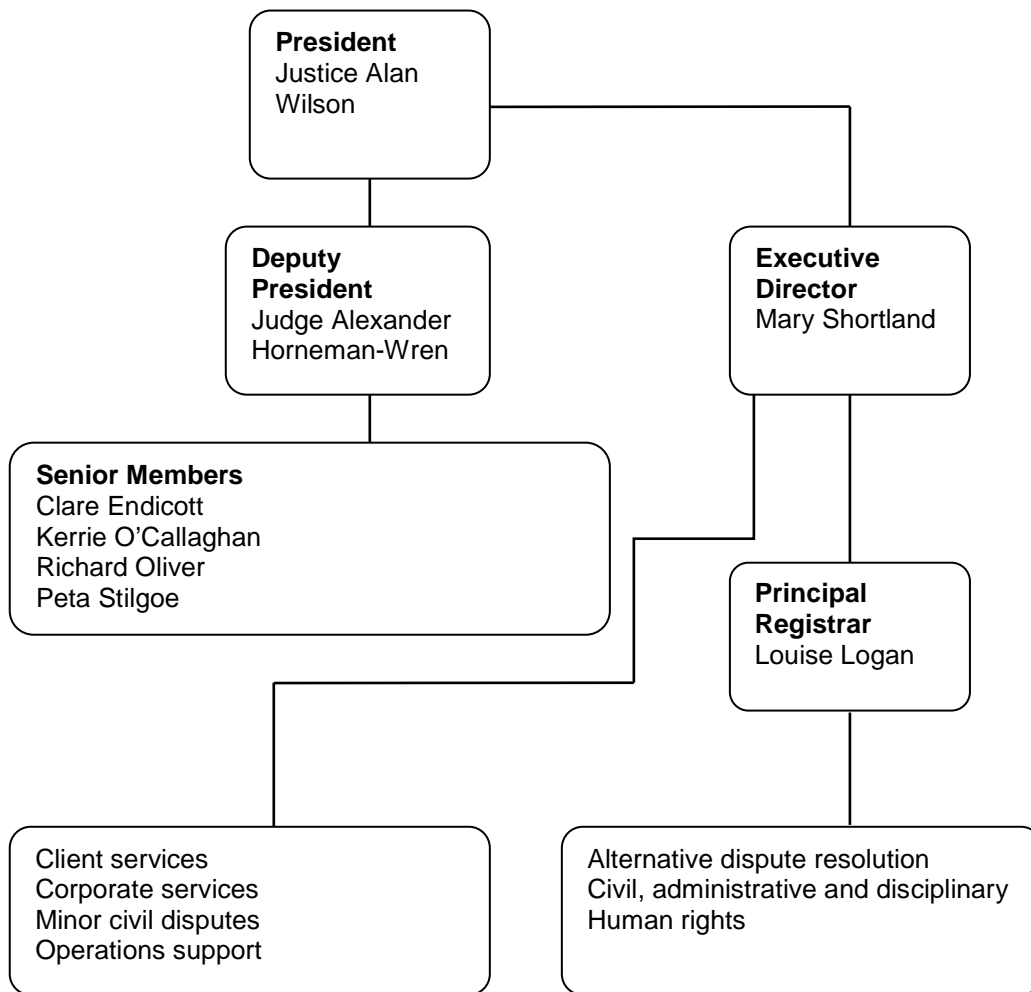


Figure 1: QCAT organisational structure 2012-13

Our tribunal members and adjudicators

Justice Alan Wilson, President

The appointed President must be a Supreme Court judge who is recommended for appointment by the Attorney-General after consultation with the Chief Justice. The President holds office for the period of at least three years but not more than five years.

Justice Alan Wilson was admitted as a barrister in 1982 and practiced at the Bar until 2001. In the latter part of his career he undertook a great deal of mediation work and is an active proponent of its benefits.

Justice Wilson was appointed Senior Counsel in 1999 and to the District Court of Queensland in 2001. He was also appointed a Planning and Environment Court Judge in 2001 and a Children's Court Judge in 2003. He transferred to Brisbane in January 2004 and managed the lists of the Planning and Environment Court from 2004 to 2008.

Justice Wilson was simultaneously appointed to the Supreme Court and as the inaugural President of QCAT in October 2009.

Judge Alexander Horneman-Wren

The Deputy President must be a District Court judge recommended for appointment by the Minister after consultation with the Chief Judge. The Deputy President holds office for the period of at least three years but no more than five years.

Judge Horneman-Wren has extensive experience in administrative, industrial and employment law in both federal and state jurisdictions. He was appointed Senior Counsel in 2009, appearing before both the Court of Appeal and High Court of Australia.

Judge Horneman-Wren was sworn in concurrently as a District Court Judge and appointed as Deputy President of QCAT in December 2012.

Senior members

Members must be recommended for appointment by the Minister after advertisement of the vacancy and consultation with the President.

A person is eligible for appointment as a senior member only if the person:

- *is an Australian lawyer of at least eight years standing, or*
- *has in the Minister's opinion, extensive knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the tribunal.*

As at 30 June 2013 QCAT has four appointed senior members:

- Clare Endicott
- Kerrie O'Callaghan
- Richard Oliver
- Peta Stilgoe.

Senior member appointments are included in Appendix 1.

Members

A person is eligible for appointment as an ordinary member only if the person:

- *is an Australian lawyer of at least six years standing, or*
- *has in the Minister's opinion, special knowledge, expertise or experience relating to a class of matter for which functions may be exercised by the tribunal.*

A senior member or ordinary member holds office for the period of at least three years but not more than five years.

As at 30 June 2013, QCAT has 10 ordinary members, three of who work part-time.

Member appointments are included in Appendix 1.

Sessional members

Sessional members are ordinary members and meet the eligibility criteria outlined above. Most appointments are for three years.

As at the 30 June 2013, QCAT has 97 sessional members including five who are concurrently part-time adjudicators.

Sessional member appointments are included in Appendix 1.

Adjudicators

A person is eligible for appointment as an adjudicator only if the person is an Australian lawyer of at least five years standing. An adjudicator holds office for the period of at least three years but not more than five years.

As at 30 June 2013, QCAT has nine appointed adjudicators including seven appointed on a part-time basis.

Adjudicator appointments are included in Appendix 1.

Tree assessors

QCAT tree assessors are appointed under the Queensland Civil and Administrative Tribunal Act 2009 to assist in resolving disputes under the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. Trained arborists may conduct on-site assessment for tree issues, provide written reports to the tribunal and give expert evidence in a proceeding.

As at 30 June 2013, 16 trained arborists provide services on a casual basis throughout Queensland including Cairns, Hervey Bay, Gold Coast, Rockhampton, South East Queensland and Townsville.

Arborist appointments are included in Appendix 2.

Justices of the Peace

QCAT justices of the peace have undergone specialised training and assessment before being recommended to Governor-in-Council for appointment.

A person is eligible for appointment as a QCAT justice of the peace if the person is:

- (a) a justice of the peace (qualified) or*
- (b) a justice of the peace (magistrates court) or*
- (c) a justice of the peace under the Justices of the Peace Commissioners for Declarations Act 1991, section 19(1A) or*
- (d) a lawyer who is a justice of the peace under the JPCD Act, section 41(a).*

A person appointed as a QCAT justice of the peace holds office for the period, of at least three years but not more than five years, stated in the person's instrument of appointment.

As at 30 June 2013, QCAT has 100 appointed justices of the peace including 25 who are legally qualified justices of the peace and 75 who are non-legally qualified justices of the peace.

Justice of the peace appointments are included in Appendix 3.

How we resolve disputes

The QCAT dispute resolution process is based on active case management to achieve our vision to *actively resolve disputes in a way that is fair, just, accessible, quick and inexpensive*.

Figure 2 outlines the process for an application in the tribunal depending on the type of matter.

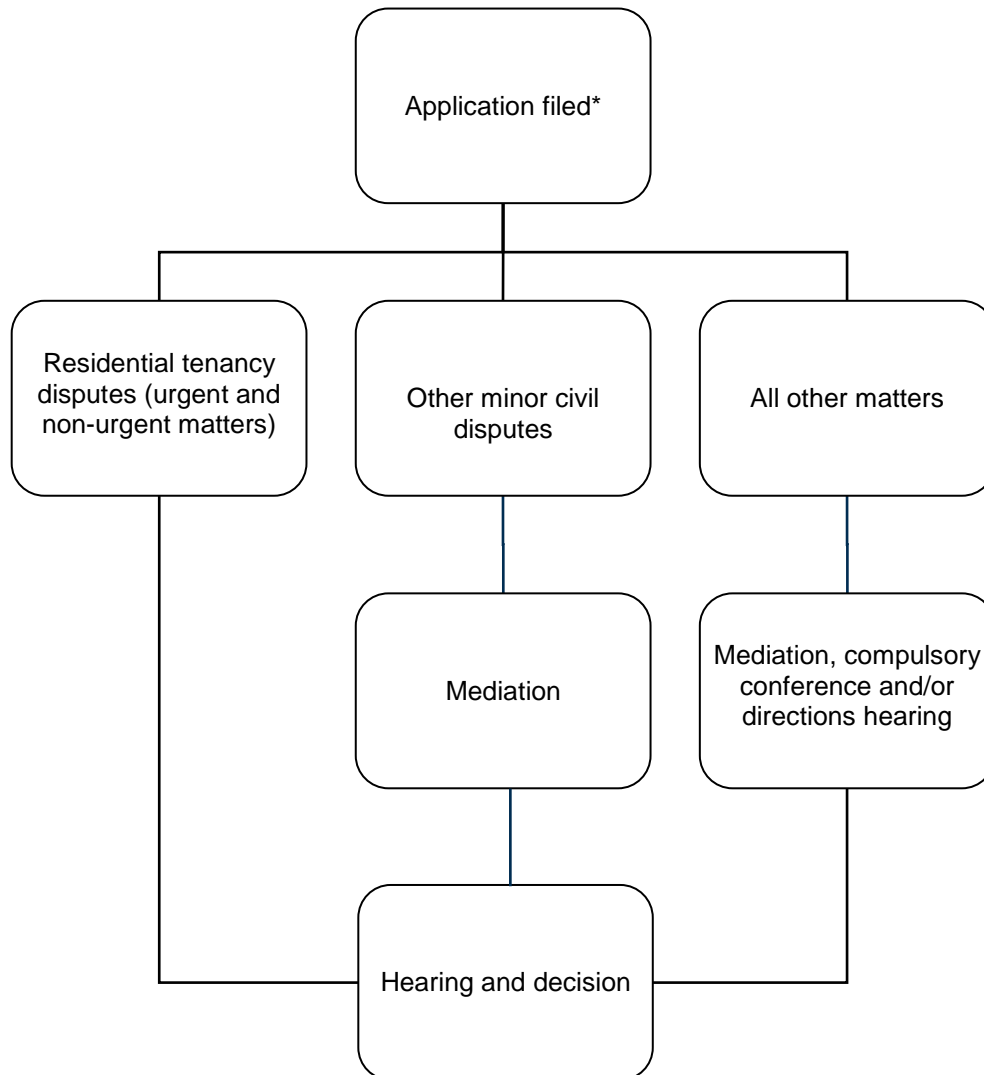


Figure 2: QCAT process from application to resolution

*NOTE: * For urgent residential tenancy matters (as defined under the Residential Tenancies and Rooming Accommodation Act 2008), clients may apply directly to the tribunal. For all other residential tenancy matters, clients must contact the Residential Tenancies Authority and participate in their dispute resolution process before an application to the tribunal will be accepted.*

The QCAT registry

Our staff and structure

QCAT registry staff work with members, adjudicators and Magistrates Courts staff to deliver tribunal services across Queensland. The QCAT registry comprises the following divisions:

- Alternative Dispute Resolution
- Civil, Administrative and Disciplinary
- Human Rights
- Client Services (incorporating minor civil disputes)
- Operations Support
- Corporate Services.

Our workforce

As at 30 June 2013, QCAT has an establishment of 111 permanent positions, 10 trainees and four temporary Hearing Support Officers employed for the Justices of the Peace Trial. An additional nine trainees successfully completed a Certificate III in Business Administration during 2012-13.

Of the 111 permanent staff working in the registry, 18 are employed on part-time arrangements. They include 77 women (69 per cent) and 34 men. (In addition, of the tribunal's 25 senior and ordinary members and adjudicators appointed on a full-time or part-time basis, 44 per cent are women – refer Appendix 1).

During this reporting period, there has been a 4.4 per cent separation rate.

There were no early retirement, redundancy or retrenchment packages awarded in 2012-13.

Workforce planning, attraction and retention

QCAT is committed to attracting and retaining high-quality staff. This is achieved by promoting strategies to support a work-life balance and management to support and motivate staff through appropriate training and skills development in communication, negotiation and consultation. Coaching and mentoring are essential to workforce development and the retention of quality staff.

The tribunal is dedicated to the development and implementation of work-life balance strategies accessible to all employees.

QCAT's commitment to ensuring employees achieve work-life balance is demonstrated by a number of staff participating in part-time arrangements. The provision of access to leave arrangements and flexible working hours. QCAT also has an allocated carer's room which is equipped with a computer, bedding and numerous children's activities.

Whistleblower protection

QCAT supports the DJAG's policy to assist staff wishing to make a public interest disclosure under the *Public Interest Disclosure Act 2010*. No disclosures were made by QCAT staff in 2012-13.

Governance operations

List of consultants	Nil
Cost of overseas travel	Nil

Alternative Dispute Resolution division

The Alternative Dispute Resolution (ADR) division coordinates the delivery of mediation services for minor civil disputes via internal mediators and the Dispute Resolution Branch (DRB) of the Department of Justice and Attorney-General (DJAG).

Mediation is a key element of the QCAT dispute resolution process. Mediators can provide parties with a quick, informal, fair and cost effective resolution of disputes.

Our year

In 2012-13 the ADR division:

- delivered a 44 per cent settlement rate through DRB for mediation of minor civil disputes
- supported delivery of a 52 per cent settlement rate for mediation of non-minor civil dispute matters*
- improved accessibility and efficiency in services through the trial of a telephone mediation pilot
- increased the number of QCAT mediators who have National Mediation Accreditation
- undertook mediation of fencing disputes, as required, throughout Queensland under the *Neighbourhood Disputes Act 2011*
- coordinated the decentralisation of mediations to local courts in Beenleigh, Coolangatta and Holland Park to reduce travel requirements for parties and decrease waiting times
- delivered mediation training to expand the skills and knowledge of staff and mediators.

**Note: Comparative alternative dispute resolution settlement statistics are provided in Table 3.*

Making connections

ADR division clients and stakeholders include members of the public involved in minor civil disputes. DRB provides mediation services to QCAT for the mediation of minor civil disputes on behalf of QCAT.

Looking forward

The focus of activities for the ADR division in 2013-14 includes:

- training of mediators to ensure consistent and high level mediation services for minor civil disputes throughout Queensland
- implementing education and engagement strategies (e.g. developing information materials) to improve outcomes and increase awareness that ADR is the principal process within QCAT to resolve disputes
- reviewing demands and exploring further opportunities, including assessing different mediation models, to maximise efficiency and ensure quick and informal processes for dispute resolution
- further develop relationships with stakeholders e.g. DRB, Magistrate Courts/staff
- enhance and maintain the skills of mediators through ongoing professional development opportunities.

Civil, Administrative and Disciplinary division

The Civil, Administrative and Disciplinary division (CAD) manages matters across:

- appeals
- body corporate and community management
- child care
- commercial and domestic building disputes
- community services
- disability services
- fisheries
- independent assessment - *Prostitution Act 1999*
- liquor reviews
- local government levee bank
- manufactured homes
- occupational regulation and disciplinary matters including teachers, health professionals and legal practitioners
- retail shop leases
- retirement villages
- right to information
- taxation
- transport
- tree disputes
- victims of crime
- weapons

Our year

In 2012-13, key achievements and performance improvements of the CAD registry included:

- management of 2161 applications (excluding minor civil disputes)
- delivery of an overall clearance rate of 106 per cent, reflecting a 20 per cent increase on 2011-12
- delivery of a 126 per cent clearance rate for the building jurisdiction and 80 per cent clearance rate for the neighbourhood dispute jurisdiction
- reducing the time taken to finalise building matters from 38 weeks to 37 weeks (> 5 per cent efficiency on 2011-12)
- restructuring to expand experience and knowledge of the various jurisdictions and improving case management processing to increase flexibility and efficiencies in progressing matters to hearing
- improving the performance of the building jurisdiction by identifying single issue and small monetary value matters that can be quickly progressed to a hearing
- refinement of hybrid hearings enabling parties to attend a hearing and a mediation on the same day and assisting them to reach agreements on their own, rather than have one imposed by the tribunal.

The division also delivered a 14 per cent reduction in the total number of building matters pending through the establishment of a Building Cases Working Group to expedite determination of building cases and improve timelines for building hearings. Reforms included implementation of:

- “On the papers” directions to standardise directions and reduce the need for parties to physically attend the tribunal
- requirements for parties to exchange submissions, evidence and lists of defects as soon as possible after the commencement of the matter
- listing disputes for compulsory conferencing, mediation or hybrid hearing at the earliest possible dates.

The most significant increase within the division has been in the number of neighbourhood dispute applications received with a 78 per cent increase in lodgements recorded.

Making connections

The division has a wide and varied client background, engaging with homeowners in relation to building or tree disputes, victims of crime, manufactured home park and retirement village residents and professionals across a number of occupational groups including motor dealers, property agents, teachers, health and legal practitioners.

Active engagement has been undertaken and strong working relationships maintained with key stakeholders including the Building Services Authority, Legal Services Commissioner, Australian Health Practitioners Regulatory Authority and Queensland Police Service.

Looking forward

In 2012-13 the division will focus on:

- further diversification of jurisdictions across the registry
- ongoing review and refinement of registry processes to deliver further efficiencies
- monitoring tree dispute applications and improving services to meet increasing demands
- review and provision of education materials to help parties understand their obligations in a dispute
- legislative review across a number of jurisdictions
- professional development of registry case managers to improve case management and service delivery
- working with the Queensland Building Services Authority to implement recommendations following a review of the Authority’s functions by the Queensland Parliamentary Committee’s Transport, Housing and Local Government committee.

CAD facts and figures

List	Benchmark #	Average weeks to finalise (2012)	Average weeks to finalise (2013)
Building/Building Services Authority (BSA)	33	38	37
Occupational regulation – excluding BSA/health/legal	25	42	31
General administrative review – excluding BSA / health	20	28	21
Health	45	61	54
Legal	40	64	51
Neighbourhood *	20	16	28

* New jurisdiction introduced in November 2011.

QCAT introduced new benchmarks for all lists within 2012-13.

Table 5: Civil and disciplinary division matters times to finalisation

QCAT in action: Laws protect deposits for intended property purchases

A man wanting to purchase a property made two financial deposits – one into a trust account for the real estate agent selling the property and a second later receipted by the principal licensee of the agency. About two weeks later, the man's solicitor notified the property owner's solicitor that the contract was being terminated because of issues identified during due diligence investigations.

A cheque issued by the real estate agent to the intended purchaser was dishonoured after being deposited. Under the *Property Agents and Motor Dealers Act 2000* (PADMA) a refund for financial loss was required to be paid by the licensee to the proposed buyer within 14 days of a written request.

A claim made by the purchaser against the PAMDA Claim Fund for financial loss was supported.

The tribunal found the purchaser had suffered financial loss, was entitled to be paid from the fund and the licensee and agency were jointly liable for that financial loss.

QCAT in action: Horse trainer's licence reinstated

Pre-race sampling revealed evidence that a prohibited substance had been given to a competition racehorse.

Following an enquiry by racing stewards, the horse's trainer was found guilty of breaching Australian Harness Racing rules and disqualified from holding a training licence for six months. The trainer came to QCAT seeking a review of the disciplinary action.

Subsequent expert investigations found the presence of the prohibited substance was probably due to the horse being given a supplement prior to the race and that supplement packaging failed to indicate the likelihood of any adverse effects on the horse. Independent expert evidence supported the tribunal's finding that there was an explanation for the prohibited substance being present.

The tribunal determined the trainer could not be personally blamed and as a result, that the steward's decision be set aside and no penalty be imposed on the trainer.

QCAT in action: Arborist's review helps settle tree dispute

A Bridgeman Downs resident whose property was affected by overhanging branches from a large tree on a neighbour's property came to the tribunal seeking orders for the tree to be removed. The neighbours had been unable to reach an agreement informally or through alternative dispute resolution, as allowed under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

A qualified arborist appointed by the tribunal to assess the tree found it to be lopsided, branches were at risk of breaking or the tree falling over during strong wind or storms, it was too large for its location, nor could it be safely pruned.

Expert evidence and opinion provided by the arborist helped the tribunal in determining that the owner of the property on which the tree was located had to remove it and resulting debris within 30 days of being ordered to do so.

Human Rights division

The Human Rights Division (HuRD) manages:

- guardianship and administration for adults
- anti-discrimination
- children and young people matters and
- education matters.

Our year

Key achievements for 2012-2013 include:

- work with the Australian Banking Association to develop banking industry guidelines for people with impaired capacity. The guidelines detail steps banking institutions take when provided with an administration order, enduring power of attorney or suspect the adult may be subject to financial abuse
- continuing with the provision of hearings in South-East Queensland hospitals to deliver more efficient hearings and better outcomes for vulnerable Queenslanders and their families
- introduction of quarterly training for staff in the HuRD registry with focus on the protective jurisdiction
- launching client service standards for human rights matters to compliment the tribunal's customer service charter
- introducing new procedures and policies to provide and examine administration accounts of private administrators to significantly reduce timelines for administration account checks.

Making connections

The division provides services to vulnerable and disadvantaged people throughout society including children, adults with impaired capacity and people alleging discrimination, harassment, vilification and victimisation.

As part of its case management, the division actively works with families, carers and support people involved in matters.

Meetings have been regularly undertaken with key government and non-government stakeholders to share and discuss information and issues relevant to the sector and improve QCAT liaison processes. Stakeholders include the Department of Communities, Child Safety and Disability Services, the Commission for Children and Young People and Child Guardian, Anti-Discrimination Commission Queensland, the Office of the Adult Guardian, the Public Trustee of Queensland, independent advocacy groups and non-government organisations.

Looking forward

In 2013-14, the division will focus on implementing recommendations in relation to several significant reviews including:

- the Queensland Law Reform Commission's review into guardianship regime
- a review of the *Disability Services Act 2006* relating to people with impaired capacity who are subject to restrictive practices and
- the Carmody Inquiry into Child Protection

In addition, the division will continue to monitor and address issues related to a potential increase in guardianship applications as elder abuse reporting becomes more prevalent.

HuRD facts and figures

	Lodgements		Clearance rates	
	2011-12	2012-13	2011-12	2012-13
Anti-discrimination	147	108	110%	135%
Children	236	237	111%	100%
Guardianship	9701	9728	101%	104%

Table 6: Human rights lodgements and clearance rates 2011-12 and 2012-13

Limitation order type	Number made
Adult evidence order	4
Closure order	0
Non-publication order	0
Confidentiality order	15
No orders made	31
Total applications received	50

Table 7: Type and number of limitation orders made 2012 – 2013

	Guardianship for restrictive practice	Review of guardianship for restrictive practice
Order made	69	379
Order renewed and varied	0	6
Dismissed / revoked	8	82
Deceased	1	2
Administrative closure	2	7
Withdrawn at hearing	6	1
Total	86	477

Table 8: Guardians for restrictive practices finalised applications 2012 – 2013

	Approved	Dismissed /revoked	Deceased	Withdrawn/ administrative closure	Total
Containment	5	4	0	2	11
Review of containment	38	5	0	2	45
Seclusion	7	2	0	1	10
Review of seclusion	40	6	0	1	47
Application for another restrictive practice	6	0	0	2	8
Review of application for another restrictive practice	46	4	0	4	54

Table 9: Containment, seclusion and other restrictive practices approvals made 2012 – 2013

List	Benchmark #	Average weeks to finalise (2012)	Average weeks to finalise (2013)
Guardianship matters	12	13	11
Children's matters	24	29	23
Anti-discrimination matters	39	45	45

QCAT introduced new benchmarks for all lists within 2012-13.

Table 10: Human rights division matters time to finalisation

QCAT in action: Partnerships assisting the vulnerable

Andrew is a 40-year-old homeless man living in a regional city in Queensland. He's had long-standing drug and alcohol problems and others in the community had often taken advantage of him. No one was actively involved in ensuring his care and well-being, aside from care providers in nongovernment organisations (NGOs).

The Office of the Adult Guardian works with groups and NGOs to provide help and services to homeless in the region, including lodgement and coordination of applications to QCAT.

The NGO lodged an application with QCAT proposing the Adult Guardian and Public Trustee of Queensland (PTQ) be appointed Andrew's guardian and administrator. Information provided to the tribunal stated Andrew had been recently hospitalised with a head injury and, shortly after his release for treatment, he'd fallen in front of a vehicle striking the same part of his head where surgery had been performed.

The tribunal found Andrew to be at immediate and imminent risk of harm and made an interim order, appointing the Adult Guardian as his guardian and the PTQ as administrator while a final hearing was waiting to be scheduled. Andrew was informed of these arrangements and the tribunal has since appointed the PTQ as his administrator and the Adult Guardian as his guardian.

This outcome demonstrates how partnerships between public and private sector organisations can achieve positive outcomes and protect the interests of society's most vulnerable.

QCAT in action: Taking a pro-active approach to anti-discrimination

QCAT received several referrals from the Anti-Discrimination Commission Queensland by several different applicants against the same parties. The applicant's allegations related to race discrimination against them in their profession as taxi drivers and that an article in a local paper suggested they had received preferable treatment in employment due to their race.

Contact with the parties was difficult as many shared the same surname and current contact details had not been provided. Following a series of enquiries the tribunal established the whereabouts of each party, confirming they understood the nature of the proceedings and that there were no language barriers. A directions hearing was scheduled shortly after. Despite the directions hearing being co-ordinated to provide the parties an opportunity to hear submissions in each other's presence, none of the applicants attended.

The tribunal's view was that, on face value, it appeared the applicants did not want to proceed with the complaints. Each applicant was advised to inform the tribunal whether they wanted to proceed with their complaints as they would otherwise be dismissed. As none of the applicants responded, each of the referrals was subsequently dismissed.

The proactive approach taken by the tribunal demonstrates the balance between accessible justice and appropriate use of tribunal resources.

QCAT in action: Going the extra mile

Michael is under the care and protection of the Department of Communities (DOCs) and resides with foster carers. His grandparents, Joe and Mary, enjoy spending time with their grandson and applied to DOCs to become his kinship carers. If approved, this would allow Michael to spend extra time with his grandparents during holidays.

Complications arising with completion of the application to DOCs resulted in Joe and Mary being informed by DOCs that their application had been refused. They applied to QCAT to have that decision reviewed.

QCAT's jurisdiction to review child protection matters are set out in the *Child Protection Act 1999*. QCAT did not have authority to review this particular decision.

Rather than just informing Joe and Mary that it couldn't review the decision, QCAT enquired further and provided advice about the options available to them. This included submitting a fresh application to DOCs regarding holiday access to their grandson. Joe and Mary withdrew their application and have since discussed their options with DOCs.

This case is an example of how the tribunal and its staff will "go the extra mile" to assist clients.

Minor civil disputes

Minor civil disputes (MCDs) include claims for:

- debts
- consumer and trade disputes
- property damage caused by the use of a motor vehicle
- repairs to a defect in a motor vehicle
- dividing fence disputes under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- residential tenancy matters.

In South-East Queensland, MCD hearings are conducted by QCAT adjudicators. Outside the region, hearings are conducted by magistrates (QCAT members for the purpose of conducting MCD hearings).

From 3 June 2013, Justices of the Peace (JPs) in Brisbane, Ipswich, Southport and Maroochydore participating in QCAT's JP trial have also considered MCDs under \$5000, excluding urgent residential tenancy matters.

Our year

Key achievements for the MCD jurisdiction in 2012-13, include:

- clearance rate of 113 per cent (18 per cent increase on previous year)
- responding to client and stakeholder feedback by reducing red tape through reviewing two application forms relating to residential tenancy disputes and minor debt disputes which provided a more concise, simpler and easier to use document including information and a checklist.
- continuing to deliver an accessible and just process by providing: reasons for all decisions; inexpensive application fees and the ability for parties to self represent to minimise costs; inexpensive and accessible avenues of appeal and having access to mediation to resolve disputes without progressing to a hearing.
- implementation of the Justices of the Peace trial for suitably qualified and experienced JPs to hear MCDs under \$5000 in QCAT.

MCD facts and figures

	Lodgements	
	2011-12	2012-13
Residential tenancy	8637	9441
Non tenancy	8777	6629
Total	17,414	16,070
Clearance rates	95%	113%

Table 11: Minor civil dispute lodgements and clearance rates 2011-12 and 2012-13*

*Figures for Brisbane and South-East Queensland only, where QCAT adjudicators sit. Matters in other regions are heard by magistrates sitting as QCAT members.

List	Benchmark	Average weeks to hearing (2012)	Average weeks to hearing (2013)
Minor civil disputes – urgent residential tenancy	3	2	2
Minor civil disputes – non urgent residential tenancy	4-5	4-5	3
Minor civil disputes – other	4-5	4-5	4

Table 12: Minor civil dispute matters average time to hearings

Residential tenancy applications processed 2012-13	
Applications	
Total received – 9.3 % increase on 2011-12	* 9441
Application types	
Termination for rent arrears	4155
Termination for objectionable behaviour	126
Termination for repeated breaches	413
Termination for lessor's excessive hardship	251
Termination for tenant's excessive hardship	269
Termination for domestic violence	3
Termination for damage/injury	11
Emergency repairs	46
Rental increase/decrease	57
Tribunal order on abandoned premises	67
Application for unjust listing	395
Application for proposed listing	19
General disputes	1967
Bond disputes	787
Miscellaneous/other	875
Hearings and matters finalised	
Adjournments	1989
Hearings	12,848
Matters finalised	9514
Warrants of possession issued	2370
Reopenings and appeals	
Reopenings lodged	103
QCAT Appeal Tribunal	337

Table 13: Residential tenancy applications managed by QCAT in 2012-13

* Includes 389 applications lodged by Public Housing. Figures are for Brisbane and South-East Queensland only, where QCAT adjudicators sit. Matters in other regions are heard by magistrates sitting as QCAT members.

Making connections

The Client Services division continues to maintain strong links with the Magistrates Courts where tribunal services are delivered outside the dedicated QCAT registry in Brisbane. Support includes the provision of a dedicated MCD officer to assist Magistrates Court staff, facilitate communication and training on QCAT procedures including distribution of a monthly newsletter.

QCAT continues to work closely with the Residential Tenancies Authority (RTA). This partnership facilitates the distribution of rental bonds via a data-link facility with the RTA to ensure the efficient and accurate disbursements of bonds.

The division undertakes speaking engagements to promote awareness of QCAT processes by a cross-section of MCD stakeholder organisations including the RTA and the Real Estate Institute of Queensland. Staff also work closely with tenancy advocacy groups including the Tenants Union of Queensland who were located on the registry premises for a period in 2012-13.

MCD clients include:

- tenants, landlords, housing providers and real estate agents
- small business owners
- consumers and traders
- neighbours
- motorists and motor traders
- private and business creditors
- debtors and commercial agents.

Looking forward

The key focus for the jurisdiction in 2013-14 includes:

- continuing the review of the minor civil dispute jurisdiction to improve processes, forms, client education and information
- exploring expansion of electronic lodgement opportunities
- providing ongoing support and education for Magistrates Court staff delivering QCAT services through Queensland
- progress and evaluate the Justices of the Peace trial to determine success of JPs hearing minor civil disputes at QCAT.

QCAT Justice of the Peace trial

A trial is seeing Justices of the Peace (JPs) hear and decide some minor civil dispute matters before QCAT.

The Queensland Government has committed \$3.5 million to support and expand the Justices of the Peace program in Queensland and as part of this commitment, a six-month trial, which commenced on 3 June 2013, allows specially selected and trained JPs to hear some minor civil disputes (MCDs) up to \$5000 (excluding urgent residential tenancy disputes).

The trial recognises the significant, voluntary contributions of JPs in Queensland and provides opportunities for them to improve, develop and expand their role and aims to reduce the time and costs associated with finalising MCD dispute applications. It also aims to free up QCAT adjudicators and magistrates (who act as QCAT members in regional areas), to enable them to hear more complex matters.

Under the trial, a two person panel comprising of one legally qualified JP (the presiding member) and one JP without legal qualifications will hear some minor civil disputes, make findings of fact, apply the relevant law, make enforceable decisions permitted by the relevant legislation and provide oral reasons for that decision at the conclusion of time-limited hearings.

MCDs are a significant part of QCAT's jurisdiction and include disputes related to residential tenancy, dividing fences, minor debts, consumer and trade issues, claims about damage arising from motor vehicle accidents and repairs for defects in a motor vehicle.

Ahead of the trial commencing, 173 candidates undertook comprehensive training facilitated by QCAT with 100 JPs appointed (as at 30 June 2013) by the Governor-in-Council to participate.

The trial is being independently evaluated to identify whether it conforms with the structure and objectives outlined in the Queensland Government's commitment and inform future decision making relevant to the trial. The final evaluation report will be produced in February – March 2014.

The pilot is being undertaken in Brisbane, Ipswich, Maroochydore and Southport and is a major reform building on QCAT's success to date in providing an integrated tribunal for the resolution of a wide range of disputes.

JP appointments as part of the trial are listed in Appendix 3

QCAT in action: Proving your case

In May 2012, the driver of a motor vehicle drove his car into a rope fence on a private property. The man lodged a minor civil claim against the occupier of the property to recover \$1,086.15 for the cost of repairing damage to the vehicle. There were no witnesses to the incident.

At the QCAT hearing, the driver was unable to produce sufficient evidence to identify who the correct occupier was or how the fence had been dangerous. Both the driver and occupier produced their own photographs taken after the incident. The claim must be proven by the person making the claim. The tribunal considered that the driver had not done this because photographs did not show how the occupier could reasonably be considered responsible for the incident.

The tribunal's decision noted the duty of care owed by road users and on the evidence found that the applicant had failed to find take reasonable care and skill when driving the vehicle.

The driver's application for the land owner to pay the repair costs to his vehicle was dismissed.

QCAT in action: Applicants urged to have reasonable expectations

Fred went on a driving holiday in his four-wheel-drive, traversing Australia by travelling from the Gold Coast to Western Australia and back. Twice on the trip, the vehicle's long-range fuel tanks developed leaks. The additional fuel consumption made the trip more expensive than expected but also meant Fred couldn't take some of the longer routes he'd planned to use.

Hoping to recoup some of the costs the problem had caused, Fred sued the supplier of the fuel tanks for loss and damage. The case came before QCAT as a minor civil dispute. During the hearing, evidence was heard that leaking fuel tanks were rare and that when contacted by Fred during his trip the supplier had gone to extraordinary lengths to provide a replacement tank so Fred wasn't further inconvenienced. The tribunal was also told Fred had driven his vehicle through particularly rough terrain and that the flexibility of the vehicle chassis may have contributed to the leaks.

The tribunal found that the supplier had fulfilled its obligations. Fred's application was dismissed.

QCAT in action: Upholding tenant's rights

Sally rented a house in rural Queensland. The house was old and in need of maintenance. After complaining to the agent she rented through, council officers examined the house and issued a report. It described the building as being in a dilapidated condition and citing missing panes of glass, leaking roof sheeting, broken and missing external wall cladding, unsafe back steps, damaged timber floor joists and bearers. They also discovered exposed asbestos in some parts of the house.

Sally asked for a reduction in rent and advised she was going to terminate her tenancy. She could not however, move out straight away, as she had nowhere else to live. The owner did not agree with Sally's proposal and so she applied to QCAT.

An urgent hearing was scheduled. As a result of the hearing, Sally's rental agreement was terminated four weeks from the date of the hearing, the owner was ordered to reduce rent by \$50 a week for the rest of the time she was to live in the house and pay Sally \$1000 compensation.

Operations support

The operations support team includes scheduling, hearing support and transcription teams which assist the tribunal in delivering key services throughout Queensland.

Our year

In 2012-13 the operations support team:

- scheduled 18,268 proceedings (excluding minor civil disputes) throughout Queensland (16 per cent increase from 2011-2012)
- processed 1944 requests (24 per cent increase from 2011-12) comprising 302 transcripts, 771 reasons for decisions and 871 audio recordings*
- assisted with implementation of QCAT's JP pilot program by recruiting and training staff, and liaison with JPs ahead of the trial commencing on 3 June, 2013
- streamlined a staged implementation of recording systems throughout Queensland regional courts ahead of the transfer of recording and transcription services for QCAT to Auscript Australasia Pty Ltd** on 1 July 2013
- established benchmarks for timeframes to progress tribunal matters to compulsory conference or hearing
- improved systems and processes for planning and allocating resources, scheduling and internal administration.

Making connections

The team worked closely with clients, Magistrates Court staff and other stakeholders, including interpreters and external transcribers, throughout regional and south-east Queensland to undertake a variety of services including:

- the planning, scheduling and efficient management and recording of hearings and compulsory conferences
- provide external interpreter services, audio and transcript requests, orders and reasons for a decision on completion of a hearings
- ensure the provision of security services within the tribunal's Brisbane rooms.
- liaison with Magistrates Courts staff in Townsville, Southport, Ipswich and Maroochydore to support commencement of the JP trial.

*NOTES: *Requests for reasons for decisions are provided by audio in accordance with section 123 of the Queensland Civil and Administrative Tribunal Act 2009.*

***In 2012-13, audios and requests for CD copies of oral reasons were prepared by QCAT transcription staff while transcripts were provided by an external provider Auscript Australasia Pty Ltd, to which recording and transcription services for QCAT and all courts transferred to on 1 July 2013. Most QCAT transcription requests relate to appeals.*

Looking forward

The focus for operations support in 2013-14 includes:

- exploring the potential and options for additional regional tribunal facilities to improve accessibility for North Queensland clients and stakeholders
- consultation with stakeholders regarding alternative hearing venues in regional and south-east Queensland to improve client and stakeholder access to the tribunal
- keeping abreast of new technology and the use of remote conferencing to improve service delivery
- reviewing processes, procedures, resourcing and team structure in response to technological and procedural improvements and ensure the delivery of effective and efficient services.

Client Services

The client services team provides services through the Brisbane QCAT registry office including support for client enquiries and minor civil dispute case management.

During 2012-13, the team processed nearly 99,000 phone calls coming into QCAT 1300 753 228, processed 10,654 searches of the tribunal records, most of which (95.5 per cent) related to neighbourhood disputes such as fences or trees. Support was also provided to 9207 clients coming to QCAT reception for assistance with lodging applications, the largest proportion (23.4 per cent) of which related to residential tenancy disputes.

The focus for 2013-14 remains on consistent and timely delivery of services and the ongoing development of client information materials to assist with community understanding of the role of the tribunal and its processes.

Making connections

Our stakeholders

QCAT engaged with government departments, statutory bodies, the legal community, community support and advocacy groups to ensure understanding of QCAT processes. Strategic planning has also included consideration of stakeholder feedback.

In 2012-13 QCAT registry staff, members and adjudicators undertook a wide variety of activities with stakeholders including the delivery of over 110 speaking engagements and presentations.

Stakeholder satisfaction research undertaken for the third time this year demonstrated an overall satisfaction level of 75 per cent – an 8 per cent improvement from 2011-12. The research reflected significant improvements in stakeholder perception of member and adjudicator professionalism and QCAT's accessibility and independence.

In 2012-13 QCAT continued to engage with key stakeholders for the benefit of the Queensland community.

Our clients

With such a diverse range of jurisdictions and legislation to administer, every Queenslanders is potentially a QCAT client.

Research into QCAT client satisfaction was undertaken for the third time in 2013. The overall satisfaction rating of 74 per cent (up from 71 per cent in 2011-12) reflected a high level of satisfaction with QCAT client service regardless of satisfaction with case outcomes. Client surveying highlighted an increase in satisfaction levels across a number of key areas including courtesy and respect, promptness in responses, knowledge and advice provided by tribunal staff and ease of access to QCAT services

A client engagement strategy finalised in 2011-12 was implemented in 2012-13 with a focus on client awareness of QCAT and assistance with self representation before the tribunal.

Interpreter and translation services

During 2012-13 QCAT provided 193 interpreter and document translation services for clients via the Queensland Interpreting and Translating Service and the Translating and Interpreting Service. These services are provided to clients free of charge.

The majority of services required were within guardianship and administration of adults (18 per cent), minor civil dispute (47 per cent) and anti discrimination (8 per cent) jurisdictions. The main interpreter and translation services provided were for Mandarin (25 per cent), Korean (11 per cent) and Vietnamese (9 per cent).

In addition to accessing these services, QCAT works with its stakeholder groups (e.g. Queensland Public Interest Law Clearing House and Court Network Volunteers, the Aboriginal and Torres Strait Island Legal Service and Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service) to provide support and assistance to people from culturally diverse backgrounds as needed, on a case-by-case basis.

This includes accessing relevant cultural support services and networks, staff training, education and information sessions to provide skills in understanding and managing cultural diversity.

Engaging with other tribunals

QCAT continues to maintain links with interstate tribunal counterparts through the sharing of knowledge and experience.

In 2012-13 QCAT contributed to the agenda for the establishment of the New South Wales Civil Administrative Tribunal, hosting a delegation from the NSW Consumer, Trader and Tenancy Tribunal, which will begin operations in January 2014. The President, Deputy President, Senior Member and Executive Director met with the steering committee/project team providing advice and support to assist with planning for the tribunal which, like QCAT, aims to provide informal and accessible services for resolving disputes fairly and in an efficient and cost-effective way.

Publishing of tribunal decisions

In 2012-13, the Supreme Court of Queensland Library published approximately 705 decisions handed down by the tribunal in addition to approximately 314 decisions of the appeal tribunal.

Availability of this information is a valuable record of decisions made by the tribunal in its role within Queensland's judicial system and a reference source for QCAT members and adjudicators, lawyers and clients. These decisions show the kinds of evidence and submissions QCAT considers and how the tribunal interprets and applies legislation relating to different matters. The decisions also show the potential outcomes and costs of being a party to a matter before QCAT.

Publishing of practice directions

Practice directions are guidelines for QCAT proceedings. The directions provide information on specific issues and complement existing QCAT legislation and rules. All practice directions are approved by the QCAT President and published on the tribunal's website.

Practice directions made in 2012-13 are included in Appendix 4.

Support and advocacy

Community legal centres

Community legal centres throughout Queensland play a key role in supporting QCAT clients with advice, advocacy and representation.

Court Network

Court Network is an Australian not-for-profit court support service providing non-legal information, support and referral services to all persons attending court/tribunals. In 2012-13 Court Network Volunteers provided assistance to more than 12,790 QCAT Brisbane clients.

Queensland Public Interest Law Clearing House (QPILCH) – Self Representation Service

The QPILCH Self Representation Service provides free legal advice and assistance to existing and prospective parties in eligible QCAT jurisdictions including anti-discrimination, child protection, guardianship and administration, administrative review and QCAT appeals.

Support is provided by volunteer lawyers from private firms to self-represented clients. It includes assessment of applications, written advice, scheduling of appointments, including via telephone for clients outside Brisbane, and other advice and support as required throughout a proceeding.

The tribunal is QPILCH's largest source of referrals with 39 clients supported by the service in 2012-13.

Our complaints and feedback policy

We aim to process complaints through a fair, timely, easy to use and confidential process.

Of the 28,327 matters before the tribunal in 2012-13, QCAT received 230 complaints or 0.8 per cent of total matters. This is a positive result given that many clients are involved in adversarial proceedings and may not agree with the outcome if it is not in their favour.

Our governance

Tribunal excellence

QCAT's governance supports mechanisms to monitor and report on recommendations for external agencies and stakeholders concerning its operations. The tribunal reviews findings raised from client complaints.

In 2011, QCAT adopted a framework for excellence to determine its performance, based on the "International Framework for Court Excellence" standards, known as the Tribunal Excellence Framework. Assessment was again undertaken in June 2013 to assess performance against eight areas of tribunal performance: independence, professionalism and integrity, leadership and effective management, fair treatment, accessibility, accountability, efficiency and client needs and satisfaction.

Ratings are based on stakeholder, staff and client surveys as well as self assessment. The tribunal reviews findings of the Tribunal Excellence Framework and takes action to improve its operations.

The results of this year's assessment will be released early in 2013-14 however indications are that the tribunal achieved a score of 6. This performance level is awarded when a tribunal has demonstrated "an exceptionally well-defined, innovative and strategic approach, that is fully integrated with organisational needs and implemented consistently in all areas". This score indicates excellence or improvements have been achieved in most of the eight areas of tribunal performance including comparisons, benchmarks or results reported for these indicators.

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.

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 has been identified as part of business planning and delivery in 2012-13 to ensure compliance with the Public Records Act 2002 and guidelines issued by Queensland State Archives.

Boards and committees

Board of Management

The Board of Management consists of the President (chairperson), Deputy President, Executive Director, four senior members, the Principal Registrar and the Manager –

Business Services. The Board addresses strategic direction, performance, resources, compliance, risk and accountability issues.

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 approve forms for use under the Act.

In 2012-13, the Committee has approved amendments to the rules, including an amendment relating to the *Trans-Tasman Proceedings Act 2010* (Cth). The Committee has also approved changes to a number of existing forms, such as those relating to applications for leave to be represented, minor civil disputes and forms relating to tree disputes.

The Committee has also considered the tribunal's existing procedures and recommended changes when necessary. In some cases these changes are implemented through QCAT Practice Directions, which are made by the President.

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, a senior member, two ordinary members and other members as required. It was established as a professional development initiative to ensure that full-time, part-time and sessional members are kept up to date with legislative changes, significant precedent tribunal decisions, procedures and practices.

Monthly training is undertaken, including for members in regional areas via teleconferencing, videoconferencing and on-line audio-recordings. Training for decision-writing and alternative dispute resolution is also undertaken.

Performance Improvement Committee

The Performance Improvement Committee consists of the two members from the QCAT Management Team (Chair and Deputy Chair) and representatives from each area within the QCAT registry. The committee meets quarterly to identify and evaluate opportunities for improvements to service delivery within the registry and the Tribunal.

Our financial performance

	Budget (\$m)	Actual (\$m)	Variance (\$m)
Income			
Appropriation	16.6	16.6	0.0
User charges	2.6	2.6	0.0
Justice of the Peace project	0.7	0.4	0.3
	19.9	19.6	0.3
Expenses			
Staff employment costs	9.0	8.8	0.2
Member costs	5.8	6.1	(0.3)
Property costs	2.9	2.9	0.0
Overhead	1.5	1.4	0.1
Justice of the Peace project	0.7	0.4	0.3
Total operating expenses	19.9	19.6	0.3

Table 14: 2012-13 QCAT financial statement

Funding

QCAT's total income for 2012-13 was \$19.6m.

Expenditure

In 2012-13, QCAT's recurrent expenditure was \$19.6m.

2012-13 financial statements for QCAT

The 2012-13 audited financial statements for QCAT are published within the *Department of Justice and Attorney-General's Annual Report 2012-13*.

Glossary and abbreviations

Abbreviations and acronyms

the Act	<i>Queensland Civil and Administrative Tribunal Act 2009</i>
ADR	alternative dispute resolution
CAD	Civil, administrative and disciplinary division
DJAG	Department of Justice and Attorney-General
DRB	Dispute Resolution Branch (Department of Justice and Attorney-General)
JPCD Act	<i>Justices of the Peace and commissioners for Declarations Act 1991</i>
HuRD	Human rights division
MCD	minor civil dispute
QCAT	Queensland Civil and Administrative Tribunal

Glossary

active case management	when QCAT members take a proactive role in the management of cases for example, listing the case for a compulsory conference, to ensure the case progresses steadily.
adversarial	a legal system or proceeding that involves conflicting parties or interests.
adjudicators	legally qualified QCAT decision makers for minor civil disputes and other matters before the tribunal.
alternative dispute resolution	resolution of a matter through mediation or conferencing rather than the adversarial process.
compulsory conference	a dispute resolution method used by the tribunal to mediate settlement, identify issues in dispute and make orders and directions.
directions	the tribunal has to the power to order parties to do certain things to streamline the progress of a matter before the tribunal, for example to file and exchange material.
directions hearing	directions hearings may be conducted by a member, adjudicator or the Principal Registrar and aim to streamline matter progress.
enduring power of attorney	legal document a person can prepare to give someone else the power to make personal or financial decisions on their behalf.
expert conclave	An expert conclave is a private meeting between experts in the same field of expertise, chaired by a member of the tribunal. Lawyers, advisers and clients are not permitted to attend the conclave.

impaired capacity	<p>the inability of a person to go through the process of reaching a decision and putting it into effect based on three elements:</p> <ul style="list-style-type: none"> - understanding the nature and effect of the decision - freely and voluntarily making a decision - communicating the decision in some way.
jurisdiction	the legislative power of the tribunal to hear and determine certain matters.
mediation	a dispute resolution method used for bringing about agreement or reconciliation between parties. This involves exploring possible agreement without an adversarial hearing. Mediations are conducted by an impartial dispute resolution professional.
member	professionally qualified QCAT decision makers for disputes before the tribunal.
minor civil disputes	a claim for certain debts or disputes limited to \$25,000 or less.
sessional member	professionally qualified QCAT decision makers for disputes before the tribunal employed on a sessional basis.
submissions	an outline of argument parties may submit to the tribunal based on the evidence that has been put before the tribunal.

Appendix 1 – Member appointments

Name	Position	Appointment start date	Appointment end date	
Clare Endicott	Senior member	1/12/2009	30/11/2014	
Kerrie O'Callaghan	Senior member	1/01/2010	30/11/2014	
Richard Oliver	Senior member	1/12/2009	30/11/2014	
Peta Stilgoe	Senior member	3/01/2012	2/01/2017	
James Allen	Member	1/12/2009	30/11/2014	
Adrian Ashman	Member	1/12/2009	30/11/2014	
Elizabeth Benson-Stott	Member	1/12/2009	30/11/2014	
Bridget Cullen	Member	1/12/2009	30/11/2014	
Julie Ford	Member	1/12/2009	30/11/2014	
Susan Gardiner	Member	1/12/2009	30/11/2014	
Patricia Hanly	Member	1/12/2009	30/11/2014	
Michelle Howard	Member	1/12/2009	30/11/2014	
Ronald Joachim	Member	1/12/2009	30/11/2014	
David Paratz	Member	26/10/2012	25/10/2017	
John Bertelsen	Adjudicator	1/12/2009	30/11/2014	
Kate Buxton	Adjudicator *	1/12/2009	30/11/2014	Resigned 7/6/2013
Alexander Crawford	Adjudicator *	17/6/2011	30/11/2014	
Trevor Davern	Adjudicator	1/01/2010	31/12/2014	
Michael Howe	Adjudicator *	17/6/2011	30/11/2014	
Bevan Hughes	Adjudicator *	1/12/2011	30/11/2014	
William LeMass	Adjudicator *	1/12/2009	30/11/2014	
Kevin O'Hanlon	Adjudicator	1/12/2011	30/11/2014	
Christine Trueman	Adjudicator	1/12/2009	30/11/2014	
Tammy Williams	Adjudicator *	11/6/2010	30/11/2014	Resigned 10/10/2012
Jeremy Gordon	Adjudicator *	1/12/2011	30/11/2014	
Peter Apel	Sessional member	12/11/2010	30/11/2014	
Kenneth Barlow	Sessional member	1/12/2009	30/11/2014	
Barbara Bayne	Sessional member	1/12/2009	30/11/2014	
Philippa Beckinsale	Sessional member	1/12/2009	30/11/2014	
Catherine Benson	Sessional member	12/11/2010	30/11/2014	
Jeffrey Bowles	Sessional member	12/11/2010	30/11/2014	
The Hon Charles Brabazon	Sessional member	1/11/2011	30/10/2014	
Joanne Browne	Sessional member	1/12/2009	30/11/2014	
Susan Burke	Sessional member	1/12/2011	30/11/2014	
Kate Buxton	Sessional member *	17/06/2011	30/11/2014	Resigned 7/6/2013
Gerald Byrne	Sessional member	12/11/2010	30/11/2014	
John Carey	Sessional member	12/11/2010	30/11/2014	
Julia Casey	Sessional member	1/12/2009	30/11/2014	
Leslie Clarkson	Sessional member	1/12/2009	30/11/2014	
Roxanne Clifford	Sessional member	1/12/2009	30/11/2014	
Simon Coolican	Sessional member	12/11/2010	30/11/2014	

Barry Cotterell	Sessional member	1/12/2009	30/11/2014
Thomas Cowan	Sessional member	12/11/2010	30/11/2014
Alexander Crawford	Sessional member *	01/12/2009	30/11/2014
The Hon Keiran Cullinane	Sessional member	1/11/2011	31/10/2014
Sandra Deane	Sessional member	12/11/2010	30/11/2014
Keith Dodds	Sessional member	17/02/2012	16/02/2015
Michelle Dooley	Sessional member	1/12/2009	30/11/2014
Deanne Drummond	Sessional member	1/12/2011	30/11/2014
Russell Duigan	Sessional member	1/12/2009	30/11/2014
Paul Favell	Sessional member	1/12/2009	30/11/2014
Penelope Feil	Sessional member	1/12/2009	30/11/2014
Jennifer Felton	Sessional member	1/12/2009	30/11/2014
Ann Fitzpatrick	Sessional member	1/12/2009	30/11/2014
Fiona Fitzpatrick	Sessional member	1/12/2011	30/11/2014
John Forbes	Sessional member	1/12/2011	30/11/2014
Pamela Goodman	Sessional member	1/12/2009	30/11/2014
Jeremy Gordon	Sessional member *	1/12/2011	30/11/2014
Murray Green	Sessional member	1/12/2011	30/11/2014
Wendy Grigg	Sessional member	12/11/2010	30/11/2014
Susann Holzberger	Sessional member	1/12/2009	30/11/2014
Michael Howe	Sessional member *	12/11/2010	30/11/2014
Bevan Hughes	Sessional member *	1/12/2011	30/11/2014
Elizabeth Hulin	Sessional member	1/12/2009	30/11/2014
Nathan Jarro	Sessional member	1/12/2009	30/11/2014
Joanna Jenkins	Sessional member	12/11/2010	30/11/2014
The Hon John Jerrard	Sessional member	1/11/2011	30/10/2014
Mark Johnston	Sessional member	1/12/2009	30/11/2014
Christine Jones	Sessional member	12/11/2010	30/11/2014
Neil Judge	Sessional member	1/12/2009	30/11/2014
Sandra Kairl	Sessional member	1/12/2009	30/11/2014
Paul Kanowski	Sessional member	1/12/2011	30/11/2014
David King	Sessional member	12/11/2010	30/11/2014
Robert King-Scott	Sessional member	12/11/2010	30/11/2014
Peter Krebs	Sessional member	12/11/2010	30/11/2014
Desmond Lang	Sessional member	1/12/2011	30/11/2014
William LeMass	Sessional member *	17/06/2011	30/11/2014
David Lewis	Sessional member	1/12/2011	30/11/2014
Joanna Lindgren	Sessional member	12/11/2010	30/11/2014
Katherine Lindsay	Sessional member	1/12/2011	30/11/2014
Stuart MacDonald	Sessional member	1/12/2009	30/11/2014
Malcolm Macrae	Sessional member	1/12/2009	30/11/2014
Donald McBryde	Sessional member	1/12/2009	30/11/2014
Michael McCarthy	Sessional member	1/12/2009	30/11/2014
Peter McDermott	Sessional member	11/06/2010	30/11/2014
Louise McDonald	Sessional member	1/12/2009	30/11/2014
Margaret McLennan	Sessional member	1/12/2009	30/11/2014

John Milburn	Sessional member	1/12/2011	30/11/2014	
Sharon Mills	Sessional member	1/12/2009	30/11/2014	
Elissa Morriss	Sessional member	1/12/2009	30/11/2014	
Gwenn Murray	Sessional member	1/12/2009	30/11/2014	
Robyn Oliver	Sessional member	12/11/2010	30/11/2014	
David Paxton	Sessional member	12/11/2010	30/11/2014	
Louise Pearce	Sessional member	12/11/2010	30/11/2014	
Dianne Pendergast	Sessional member	1/12/2011	30/11/2014	
Wayne Pennell	Sessional member	12/11/2010	30/11/2014	
Katina Perren	Sessional member	1/12/2011	30/11/2014	
Mark Plunkett	Sessional member	12/11/2010	30/11/2014	
Graham Quinlivan	Sessional member	1/12/2009	30/11/2014	
Peter Richards	Sessional member	1/12/2009	30/11/2014	
Bernadette Rogers	Sessional member	1/12/2011	30/11/2014	
Christine Roney	Sessional member	1/12/2011	30/11/2014	
Peter Roney	Sessional member	1/12/2009	30/11/2014	
Keta Roseby	Sessional member	12/11/2010	30/11/2014	
Richard Roylance	Sessional member	1/12/2009	30/11/2014	
Virginia Ryan	Sessional member	1/12/2011	30/11/2014	
Katherine Schmider	Sessional member	1/12/2009	30/11/2014	
Anthony Sidwell	Sessional member	1/12/2011	30/11/2014	
Rosemary Stafford	Sessional member	1/12/2009	30/11/2014	
Susan Sullivan	Sessional member	1/12/2011	30/11/2014	
Aaron Suthers	Sessional member	1/12/2009	30/11/2014	
John Tanzer	Sessional member	12/11/2010	30/11/2014	
The Hon James Thomas	Sessional member	1/12/2011	30/11/2014	
Gil Trafford-Walker	Sessional member	19/10/2012	18/10/2015	
Diane Turner	Sessional member	12/11/2010	30/11/2014	Resigned 25/6/2013
Peter Walker	Sessional member	12/11/2010	30/11/2014	
Shirley Watters	Sessional member	1/12/2009	30/11/2014	
Ian Wells	Sessional member	1/12/2009	30/11/2014	
James White	Sessional member	1/12/2011	30/11/2014	
Andrew Williams	Sessional member	12/11/2010	30/11/2014	
Tammy Williams	Sessional member	1/12/2009	30/11/2014	
Carolyn Windsor	Sessional member	1/12/2011	30/11/2014	
Paul Wonnocott	Sessional member	1/12/2011	30/11/2014	
Michael Wood	Sessional member	1/12/2009	30/11/2014	

* Appointed currently as a sessional member and part-time adjudicator.

Appendix 2 - Tree assessor appointments

Name	Position	Appointment start date
Jan Allen	Tree assessor	1/11/2011
Anthony Cockram	Tree assessor	1/11/2011
Noel Fitzpatrick	Tree assessor	1/11/2011
Sean Freeman	Tree assessor	1/11/2011
Goetz Graf	Tree assessor	1/11/2011
David Gunter	Tree assessor	1/11/2011
Jonathon Hobbs	Tree assessor	1/11/2011
Benjamin Inman	Tree assessor	1/11/2011
Cameron James	Tree assessor	1/11/2011
David Roberts	Tree assessor	1/11/2011
Michael Sowden	Tree assessor	1/11/2011
Andrew Stovell	Tree assessor	1/11/2011
Roxanne Taylor	Tree assessor	1/11/2011
Willem Taylor	Tree assessor	1/11/2011
Adam Tom	Tree assessor	1/11/2011
Jeremy Young	Tree assessor	1/11/2011

Appendix 3 - Justice of the Peace trial appointments

Name	Legally qualified or non-legally qualified JP	Appointment start date	Appointment end date	Trial site
Adam Ozdowski	Legal	3/06/2013	2/06/2016	Brisbane
Angela Yin	Non legal	3/06/2013	2/06/2016	Brisbane
Angela-Marie James	Non legal	3/06/2013	2/06/2016	Maroochydore
Anthony Friel	Non legal	3/06/2013	2/06/2016	Maroochydore
Arron Hartnett	Legal	3/06/2013	2/06/2016	Brisbane
Arthur Fry	Non legal	3/06/2013	2/06/2016	Maroochydore
Barry McPhee	Non legal	3/06/2013	2/06/2016	Maroochydore
Barry Vickers	Non legal	3/06/2013	2/06/2016	Brisbane
Bruce Cook	Non legal	3/06/2013	2/06/2016	Southport
Bruce Little	Non legal	3/06/2013	2/06/2016	Maroochydore
Bruce Starkey	Legal	3/06/2013	2/06/2016	Brisbane
Bryan Pickard	Legal	3/06/2013	2/06/2016	Maroochydore
Carmel McMahon	Legal	3/06/2013	2/06/2016	Brisbane
Catherine O'Donnell	Non legal	3/06/2013	2/06/2016	Brisbane
Charles Richard Hammersla	Non legal	3/06/2013	2/06/2016	Brisbane
Chiu-Hing Chan	Legal	3/06/2013	2/06/2016	Southport
Christine Cuthbert-Steele	Non legal	3/06/2013	2/06/2016	Ipswich
Darren Swindells	Non legal	3/06/2013	2/06/2016	Ipswich
Darryl Schmidt	Non legal	3/06/2013	2/06/2016	Brisbane
David Barkley	Legal	3/06/2013	2/06/2016	Brisbane

David Phipps	Legal	3/06/2013	2/06/2016	Maroochydore
Erin Horell	Non legal	3/06/2013	2/06/2016	Townsville
Fay Twidale	Non legal	3/06/2013	2/06/2016	Ipswich
Gabrielle Mewing	Legal	3/06/2013	2/06/2016	Southport
Gary Gibson	Non legal	3/06/2013	2/06/2016	Brisbane
Gary Kirby	Non legal	3/06/2013	2/06/2016	Brisbane
Gloria Beyers	Legal	3/06/2013	2/06/2016	Southport
Helen Staines	Non legal	3/06/2013	2/06/2016	Southport
James Stackpoole	Non legal	3/06/2013	2/06/2016	Brisbane
Jane Hawkins	Non legal	3/06/2013	2/06/2016	Brisbane
Jason Lawler	Non legal	3/06/2013	2/06/2016	Brisbane
Joanne Myers-Cave	Non legal	3/06/2013	2/06/2016	Maroochydore
John Crighton	Non legal	3/06/2013	2/06/2016	Southport
John Howie	Non legal	3/06/2013	2/06/2016	Brisbane
Karl McKenzie	Non legal	3/06/2013	2/06/2016	Townsville
Katherine Jane Fenwick	Non legal	3/06/2013	2/06/2016	Brisbane
Keith Stanton	Legal	3/06/2013	2/06/2016	Southport
Kevin Erwin	Non legal	3/06/2013	2/06/2016	Brisbane
Lawrence Ballinger	Non legal	3/06/2013	2/06/2016	Townsville
Leigh Bernhardt	Non legal	3/06/2013	2/06/2016	Southport
Lexene Andrews	Non legal	3/06/2013	2/06/2016	Maroochydore
Linda Renouf	Non legal	3/06/2013	2/06/2016	Brisbane
Linda-Anne Griffiths	Legal	3/06/2013	2/06/2016	Ipswich
Lynette Maguire	Non legal	3/06/2013	2/06/2016	Maroochydore
Lynne Matsen	Non legal	3/06/2013	2/06/2016	Brisbane
Malcolm Edminston	Non legal	3/06/2013	2/06/2016	Townsville
Marian Goddard	Non legal	3/06/2013	2/06/2016	Townsville
Marilyn Heath	Non legal	3/06/2013	2/06/2016	Maroochydore
Mejrem Mustafa	Non legal	3/06/2013	2/06/2016	Southport
Michael Corlett	Non legal	3/06/2013	2/06/2016	Maroochydore
Michael Lai	Non legal	3/06/2013	2/06/2016	Brisbane
Miles Heffernan	Non legal	3/06/2013	2/06/2016	Southport
Noel Payne	Non legal	3/06/2013	2/06/2016	Southport
Paul Arthur	Legal	3/06/2013	2/06/2016	Brisbane
Raelene Kell	Non legal	3/06/2013	2/06/2016	Brisbane
Robert Brummell	Non legal	3/06/2013	2/06/2016	Brisbane
Roberta Scrivner	Non legal	3/06/2013	2/06/2016	Brisbane
Rodney Hilditch	Non legal	3/06/2013	2/06/2016	Brisbane
Roslyn Newlands	Non legal	3/06/2013	2/06/2016	Brisbane
Ross Lee	Legal	3/06/2013	2/06/2016	Southport
Samantha Angus	Non legal	3/06/2013	2/06/2016	Ipswich
Samuel Hardin	Legal	3/06/2013	2/06/2016	Southport
Sarah Bregonje	Non legal	3/06/2013	2/06/2016	Ipswich
Sean Goodsir	Non legal	3/06/2013	2/06/2016	Ipswich
Shirley Murray	Non legal	3/06/2013	2/06/2016	Southport
Stacey Morton	Non legal	3/06/2013	2/06/2016	Brisbane
Stephanie Wehrend	Non legal	3/06/2013	2/06/2016	Brisbane
Stephen Osachuk	Non legal	3/06/2013	2/06/2016	Southport
Stephen Royce	Non legal	3/06/2013	2/06/2016	Southport
Susan Maree Stubbings	Non legal	3/06/2013	2/06/2016	Brisbane
Suzanne McCormack	Legal	3/06/2013	2/06/2016	Brisbane
Toby Latcham	Non legal	3/06/2013	2/06/2016	Brisbane

Troy Davison	Non legal	3/06/2013	2/06/2016	Townsville
Vincent Everett	Non legal	3/06/2013	2/06/2016	Maroochydore
Wayne Stanton	Legal	3/06/2013	2/06/2016	Maroochydore
Wendy Clark	Non legal	3/06/2013	2/06/2016	Southport
Alan Guyder	Non legal	28/06/2013	27/06/2016	Brisbane
Alan Snow	Non legal	28/06/2013	27/06/2016	Brisbane
Andrew Harris	Legal	28/06/2013	27/06/2016	Brisbane
Andrew Mckenzie	Non legal	28/06/2013	27/06/2016	Brisbane
Bryan Carpenter	Non legal	28/06/2013	27/06/2016	Brisbane
Carol Ann Rolls	Legal	28/06/2013	27/06/2016	Ipswich
Carole Watson	Non legal	28/06/2013	27/06/2016	Maroochydore
Deanna Minchio	Non legal	28/06/2013	27/06/2016	Townsville
Graeme Rogers	Non legal	28/06/2013	27/06/2016	Ipswich
James Anderson	Non legal	28/06/2013	27/06/2016	Southport
Jessica Mills	Non legal	28/06/2013	27/06/2016	Ipswich
Jim Gordon	Legal	28/06/2013	27/06/2016	Brisbane
Jodie George	Non legal	28/06/2013	27/06/2016	Southport
Lisa Rennie	Legal	28/06/2013	27/06/2016	Brisbane
Marcus Katter	Legal	28/06/2013	27/06/2016	Brisbane
Mark Anthony	Non legal	28/06/2013	27/06/2016	Ipswich
Michael Francis	Legal	28/06/2013	27/06/2016	Brisbane
Peter Dollman	Non legal	28/06/2013	27/06/2016	Brisbane
Raymond Kelly	Non legal	28/06/2013	27/06/2016	Maroochydore
Rob Martin	Legal	28/06/2013	27/06/2016	Southport
Simon Cox	Non legal	28/06/2013	27/06/2016	Brisbane
Stuart Smith	Non legal	28/06/2013	27/06/2016	Southport
Victoria Laing-Short	Legal	28/06/2013	27/06/2016	Ipswich
William Thomas	Non legal	28/06/2013	27/06/2016	Southport

Appendix 4 - QCAT practice directions

Practice direction	Date effective	Replaces
QCAT Practice Direction No 1 of 2012: Hybrid hearings	3/09/12	n/a
QCAT Practice Direction No 1 of 2013: Notices to produce	4/03/13	n/a
QCAT Practice Direction No 2 of 2013: Allocating legal members to lists in QCAT	15/03/13	Practice Direction No 13 of 2010
QCAT Practice Direction No 3 of 2013: Hearings in Administrative review proceedings	6/05/13	n/a
QCAT Practice Direction No 4 of 2013: Reserved decisions and decisions on the papers	10/05/13	n/a
QCAT Practice Direction No 5 of 2013: Interest on decisions by default for certain minor civil disputes	3/06/13	Practice Direction No 5 of 2009
QCAT Practice Direction No 6 of 2013: Identifying proceedings, those appearing and witnesses to QCAT matters	19/06/13	n/a

Appendix 5 – Compliance checklist

Summary of requirement	Basis for requirement	Annual report reference	
Letter of compliance	<ul style="list-style-type: none"> A letter of compliance from the accountable officer or statutory body to the relevant Minister 	ARRs – section 8	Letter to AG and Minister for Justice, page 3
Accessibility	<ul style="list-style-type: none"> Table of contents Glossary 	ARRs – section 10.1	Contents page 4 Glossary, page 44
	<ul style="list-style-type: none"> Public availability 	ARRs – section 10.2	About our annual report, page 2
	<ul style="list-style-type: none"> Interpreter service statement 	<i>Queensland Government Language Services Policy</i> ARRs – section 10.3	Interpreter services, page 2
	<ul style="list-style-type: none"> Copyright notice 	<i>Copyright Act 1968</i> ARRs – section 10.4	Copyright notice page 2
	<ul style="list-style-type: none"> Information licensing 	<i>Queensland Government Enterprise Architecture – Information licensing</i> ARRs – section 10.5	GILF licence, page 2
General information	<ul style="list-style-type: none"> Introductory Information 	ARRs – section 11.1	Message from the President page 5; Message from the Executive Director page 8; About us page 14
	<ul style="list-style-type: none"> Agency role and main functions 	ARRs – section 11.2	About us, page 14
	<ul style="list-style-type: none"> Operating environment 	ARRs – section 11.3	About us, page 14
	<ul style="list-style-type: none"> Machinery of Government changes 	ARRs – section 11.4	Message from the Executive Director page 8, Our workforce page 20
Non-financial performance	<ul style="list-style-type: none"> Government objectives for the community 	ARRs – section 12.1	Message from the Executive Director report page 8; Cutting red tape p 11,
	<ul style="list-style-type: none"> Other whole-of-government plans / specific initiatives 	ARRs – section 12.2	Message from the Executive Director page 8; Priorities page 10

Summary of requirement		Basis for requirement	Annual report reference
	<ul style="list-style-type: none"> Agency objectives and performance indicators 	ARRs – section 12.3	Our achievements and priorities page 12; Our year page 12,
	<ul style="list-style-type: none"> Agency service areas, service standards and other measures 	ARRs – section 12.4	The QCAT registry, page 20
Financial performance	<ul style="list-style-type: none"> Summary of financial performance 	ARRs – section 13.1	Two –year financial summary page 13; Financial statement, page 43
	<ul style="list-style-type: none"> Chief Finance Officer (CFO) statement 	ARRs – section 13.2	n/a
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 14.1	Our organisational structure, page 15
	<ul style="list-style-type: none"> Executive management 	ARRs – section 14.2	Our members and adjudicators page 16; Our governance page 41
	<ul style="list-style-type: none"> Related entities 	ARRs – section 14.3	Our governance, page 41; Making connections page 38
	<ul style="list-style-type: none"> Boards and committees 	ARRs – section 14.4	Our governance page 41
	<ul style="list-style-type: none"> <i>Public Sector Ethics Act 1994</i> 	<i>Public Sector Ethics Act 1994</i> (section 23 and Schedule) ARRs – section 14.5	Our governance page 41
Governance – risk management and accountability	<ul style="list-style-type: none"> Risk management 	ARRs – section 15.1	Our governance page 41
	<ul style="list-style-type: none"> External Scrutiny 	ARRs – section 15.2	Message from the President, page 5; Message from the Executive Director page 8; Making connections page 38
	<ul style="list-style-type: none"> Audit committee 	ARRs – section 15.3	n/a
	<ul style="list-style-type: none"> Internal audit 	ARRs – section 15.4	n/a
	<ul style="list-style-type: none"> Public Sector Renewal Program 	ARRs – section 15.5	Message from the Executive Director page 8

Summary of requirement	Basis for requirement	Annual report reference	
	<ul style="list-style-type: none"> • Information systems and recordkeeping 	ARRs – section 15.7	Our governance page 41
Governance – human resources	<ul style="list-style-type: none"> • Workforce planning, attraction and retention and performance 	ARRs – section 16.1	Our tribunal members and adjudicators page 16 ; Our workforce, page 20
	<ul style="list-style-type: none"> • Early retirement, redundancy and retrenchment 	Directive No.11/12 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 16.2	Our workforce page 20
	<ul style="list-style-type: none"> • Voluntary separation program 	ARRs – section 16.3	Our workforce page 20
Open Data	<ul style="list-style-type: none"> • Open data 	ARRs – section 17	About our annual report page 2
Financial statements	<ul style="list-style-type: none"> • Certification of financial statements 	FAA – section 62 FPMS – sections 42, 43 and 50 ARRs – section 18.1	QCAT 2012-13 audited financial statements are published within DJAG's annual report.
	<ul style="list-style-type: none"> • Independent auditor's report 	FAA – section 62 FPMS – section 50 ARRs – section 18.2	QCAT 2012-13 audited financial statements are published within DJAG's annual report
	<ul style="list-style-type: none"> • Remuneration disclosures 	<i>Financial Reporting Requirements for Queensland Government Agencies</i> ARRs – section 18.3	QCAT 2012-13 audited financial statements are published within DJAG's annual report

FAA *Financial Accountability Act 2009* FPMS *Financial and Performance Management Standard 2009*

ARRs *Annual report requirements for Queensland Government agencies*